

Saco

Maine

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Ordinance

## Zoning Ordinance Amendments Through 2/24/14

Section Amended	Council Approval	Summary of Amendment
410-1	8/6/01	Adds accessory apts in single family, R-1b
Sec. 302	4/7/03	"Shed" defined
Table 412-1	4/7/03	Footnote #14 added
Sec. 302	4/7/03	"Repair service" amended
302	4/7/03	"Small engine repair" defined
410-5 B-1	4/7/03	Various uses added or amended
410-6A B-2a	4/7/03	Various uses added or amended
410-6B B-2b	4/7/03	Various uses added or amended
410-6 B-2c and B-2d	4/7/03	Various uses added or amended
410-7 B-3	4/7/03	Various uses added or amended
410-9 B-5	4/7/03	Various uses added or amended
410-9-A B-6	4/7/03	Various uses added or amended
410-10 BP	4/7/03	Various uses added or amended
410-13 I-3	4/7/03	Various uses added or amended
1203-1	4/7/03	CEO notice to abutters required
724. Private Roads	4/7/03	Housekeeping changes
708. Off-street Parking	8/4/03	Multi-family spaces, maneuvering area
Article 1	2/17/04	Updated Purpose and statute references
Article 3	2/17/04	Added definition of 'Condominium'
"	2/17/04	Amended def. Of 'Family'
"	2/17/04	Amended def. of 'River, stream and brook'
"	2/17/04	Added def. of 'Unusual natural area' deleted 'Unique natural areas'
404-2	2/17/04	Added cross reference to 901-1.2
1104-1.2(i)	2/17/04	Added 'Unique natural area'
902-1	3/15/04	Added width and length variance for private roads
707-1.7(b)	11/01/04	Prohibits gas station canopy signs
707-1.7(g)	11/01/04	Prohibits greater than 25% of sign for corp. product advertising
302	3/07/05	Amends 'Lot Area'
302	3/07/05	Amends 'Net Residential Acreage'
Table 412-1	3/07/05	Amends Net Acreage in Subdivisions
412-8	3/07/05	Creates 412-8.3 re: lot standards
729	4/11/05	Creates design review standards
412-1	6/20/05	Minimum lot area, sewerred lots, C-1

1104-1.2	11/7/05	Professional plan preparation
1112	11/7/05	Prof'l as-built plan preparation
Table 412-1	11/7/05	Amends shoreland zone setback language
301	11/7/05	Defines Rec Vehicle Park Model and Accessory Enclosure
703	11/7/05	Amends campground standards
1102.10	3/20/06	Updates Ch. 500, 502 Stormwater standards
707	9/5/06	Updates sign standards in B-2b, B-6
707.3.6	1/2/07	Temporary signs for non-profits
729.B	1/2/07	Design Review in Hist Preservation Dist.
708-3(4)	4/30/07	Reduces visual obstructions setback from 25 to 15 ft.
709-2	4/30/07	Sight distance consistent with MDOT, AASHTO
709-5	4/30/07	Creates corner clearance required from driveways
709-6	4/30/07	Clarifies off-site traffic improvement requirements
901-4.15	4/30/07	Specifies study area intersections
1104-1.15	4/30/07	Defines traffic study area
1106.17	4/30/07	Outlines restrictions that may be imposed when failing intersection impacted
707-2	11/19/07	Church sign revisions
413	11/19/07	Historic Preservation amendments
902	11/19/07	Variances, Certificates of Appropriateness
410-2	4/28/08	Allows >8 units in multi-family if conversion of existing structure
302	6/2/08	Defines 'Small Wind Energy System' and 'Tower'
730	6/2/08	Creates regulation of Small Wind Energy Systems
731	6/2/08	Creates regulation of marinas
302	6/2/08	Defines 'dock,' 'existing marina,' 'mooring,' and 'private slips or ramps,' amends 'marina'
1102	6/2/08	Adds 'marinas' to applicability section, site plan review
410-8	6/2/08	Adds 'marinas' to B-4
Table 708-2	6/2/08	Adds marinas parking requirement
1103.3	7/7/08	Clarifies waiver requests
302	10/20/08	Amends 'Accessory Apartment...'

727	10/20/08	Amends standards
410-1, 2, 3, 4, 5, 6, 7, 9, 9A, 9B, 14	10/20/08	Adds '1 accessory apartment...' to permitted uses
Art. 3	12/1/08	Defines 'Solar Energy System'
Sec. 410-9	12/1/08	Adds 'Accessory uses' as cond'l use
Sec. 410-1,-2 and -3	12/1/08	Changes 'community living uses' from conditional to permitted use
302	12/15/08	Amends 'Essential Services' definition
302	12/15/08	Defines 'High Voltage Transmission Lines'
Sec. 410, all districts	12/15/08	Creates Sec. 732. Standards for High Voltage Trans Lines
Sec. 1104	3/16/09	Amends e-submission requ'ts
Sec. 1112	3/16/09	Amends as-built submission requ'ts
Sec. 1110	3/16/09	Amends financial guarantee requ'ts
Sec. 805	6/1/09	Updates stormwater requirements
Art. 3	6/29/09	New definitions, shoreland zoning
Sec. 504	6/29/09	Revises nonconforming structures
Sec. 7-1	6/29/09	Update shoreland zoning per DEP
Sec. 902-4	6/29/09	Revise variance language, shoreland
Sec. 701-4	7/20/09	Allows domestic chickens
Art. 3	7/20/09	Defines 'chicken pen' and 'henhouse'
Sec. 410-7	3/1/10	Amends B-3 uses
Sec. 733	3/1/10	New B-3 provisions outside HistDist
Art. 3, Sec. 410-5, -6B, -6, -7, -9-A, - 11, -12, -13	7/19/10	Medical marijuana, defines dispensaries and lists CU zoning
Sec. 707-5(9)	12/6/10	Amends sandwich board signs
Art. 3; Sec. 410- 11, 410-12	12/6/10	Regulates addiction treatment facilities
Sec. 733-2	1/18/11	Removes repeal provision from B-3 building demolition
Art. 7-1	9/19/11	Corrects Shoreland Zoning map, creates Coastal Development Overlay District
Art. 4	10/3/11	Creates MU-1 zone
Art. 9	10/3/11	MU notice requirements
Art. 11	10/3/11	MU notice requirements
Art. 14	10/3/11	MU notice requirements
Art. 7	11/16/11	Deletes 5 acre minimum lot size for planned development
Art. 4	11/16/11	Revised for infill devel.
Art. 7	11/16/11	New 729-I re: Infill

Art. 11	11/16/11	Requires design analysis
Art. 3	11/16/11	Defines 'Multi-unit residential project'
Art. 11	11/16/11	Adds M-URP to site plan review
Art. 11	11/16/11	Neighborhood meetings
Art. 3	5/21/12	Defines elder care and elder housing
Art. 4	5/21/12	Add 'commercial school' to I-2
Art. 4	5/21/12	Add elder care uses to multiple zones
Art. 5	5/21/12	504-1(1) to allow expansions of nonconforming bldgs
Art. 5	5/21/12	504-1(2) and 504-2A re: reconstruction in floodplain
Sec. 708	5/21/12	Revises parking standards for MU-1, multi-families
Table 708-2	5/21/12	Revises standard for multi-family resid'l
Art. 3	7/16/12	'Places of Worship' defined
Art. 4	7/16/12	Places of Worship replaces 'Churches,' multiple zones
Art. 11	7/16/12	Time limits, site plan approvals revised
Art. 8	7/16/12	Corrections to 805. Stormwater
Art. 4	7/16/12	Sec. 414 amended to allow 2 dwellings on a lot w/ conditions
Art. 4	8/6/12	R-2, R-4 and B-2c amended to allow existing campgrounds as conditional use
Sec. 410-6c	9/4/12	Revises B-2c and B-2d use list
Table 412-1	9/4/12	Adds footnote 22
Sec. 729	9/4/12	Revises 729.B, and adds 729.J re: B-2d
Sec. 403	9/4/12	Adds B-8 to zoning list
Sec. 406-10	9/4/12	New B-8 purpose statement
Sec. 410-10B	9/4/12	Adds B-8 use list
Table 412-1	9/4/12	Adds B-8 to table
Sec. 729B and K	9/4/12	Revises 729.B, and adds 729.K re: B-8
Sec. 302	9/4/12	Adds 'convenience retail use' and 'place of public assembly or entertainment'
Sec. 707-1.9	10/15/12	Expands OBDS to businesses in abutting communities
Sec. 410-12	11/5/12	Adds 'Car wash' as cond'l use, I-2 zone
Art. 3	3/4/13	Defines 'Barn'
Table 412-1, footnote 23	3/4/13	Sets 50 feet as max height of Barn in C-1, B-2a, B-2b and BP zones
Sec. 403	7/1/13	MU-3, MU-4 added to list of zones
Sec. 405A-3	7/1/13	MU-3 purpose

Sec. 405A-4	7/1/13	MU-4 purpose
Sec. 410-4C	7/1/13	List of MU-3 uses
Sec. 410-4D	7/1/13	List of MU-4 uses
Table 412-1	7/1/13	MU-3, MU-4 added
Sec. 416	7/1/13	New section, master planned devel.
Sec. 729.B	7/1/13	Design review for MU-3, MU-4
Sec. 1106	7/1/13	New approval standard for MU-3, MU-4
Table 707	9/3/13	Signs I-1, I-2, B-8 abutting Turnpike
Sec. 502-1, 504-1	2/24/14	Nonconforming lots

### Zoning Map Amendments

Zoning Map	12/16/02	M6 L7	Rezoned from RP to R-1a	
"	12/02/02	M11 L20	Rezoned from RP to R-1c	
"	9/16/02	M102 Merrill Brook	Rezoned from C-1 to RP	
"	2/03/03	M43 L16	Rezoned from R-1a to B-2b	
"	7/07/03	M38 L160	Rezoned from R-3 to B-1	
"	3/07/05	Portion of M88 L14-1	Rezoned from C-1 To R-1d	
"	6/29/09	M61, 62, 80, 81, 122, 123	Expand RP zone affecting Deep Brook, Cascade Brook, Stackpole Creek areas	
"	09/19/11	M2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, 19	Correct Shoreland Overlay zone, create Coastal Development Overlay zone	
"	10/3/11	M38	MU-1 created	
"	9/4/12		Create B-8 zone	
"	9/4/12		Rezone North St. B-1 zone to B-2c and I-2	
"	7/1/13		MU-3, MU-4 zones approved	
"	10/7/13		Rezone R1-d off Bradley St. to R-2	

## **Article 1**

### **Purpose**

This Ordinance, first enacted in 1985 pursuant to authority set forth in 30 MRSA Section 4953, as subsequently amended from time to time pursuant to that authority set forth in the following statutes, 30-A MRSA Section 3001 (Home Rule), 30-A MRSA Section 3003 (Adoption of Codes by Reference), 30-A MRSA Section 4352 (Zoning Ordinances) and 30-A MRSA Section 4403 (Subdivision Regulations), is intended to encourage the most appropriate use of land throughout the City; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to conserve natural resources; to provide for adequate public services; and to encourage the formation of community units. (Amended 2/17/04)

Article 2 – Title

**Article 2**  
**Title**

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



## **Article 3 Definitions**

### **Section 301. Interpretation**

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes a future tense, the singular number includes the plural, and the plural number includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

### **Section 302. Meaning of Words**

**Accessory apartment in a single family dwelling:** A small apartment with more than four hundred (400) but less than eight hundred (800) square feet of gross floor area that meets the standards of Section 727 and is located within and is accessory to an owner occupied single family dwelling. An accessory apartment shall not be considered to be a dwelling unit even if it allows fully independent living. (Amended 6/18/2001; 10/20/08)

**Accessory use or structure:** A use or structure which is customarily both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.

**Addiction Treatment Facility:** a facility for the outpatient treatment of chemically- or narcotic- dependent persons which administers or dispenses narcotic drugs under the direction of a physician in a rehabilitative context in order to alleviate, suppress, or eliminate adverse psychological or physiological effects associated with the continuous or sustained use of chemical substances and/or a narcotic drug. (Amended 12/6/10)

**Adult business:** Any business otherwise permitted as a retail business or service

establishment, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities. If more than 30% of the active display area of a facility is devoted to materials or devices which depict or describe specified sexual activities, or video tapes rated X, NC-17, or classified as suitable only for adults or persons 18 years of age or older, or are displayed in a portion of a facility only open to persons older than 18 years of age, it will be deemed to be a significant or substantial portion of the business. (Amended 1/19/93)

**Adult day care center:** A program of care and activities licensed by the Maine Bureau of Elderly and Adult Services, carried out on a regular basis in a private dwelling or other facility, for a fee, for any part of the day, for three or more adults, nineteen years of age or older, who are not blood relatives, as described in the licensing requirements of Section 61 of the State Bureau of Elder Services Policy Manual. Type 1 accommodates five or fewer clients. Type 2 accommodates more than five clients. (Amended 7/1/91)

**Agriculturally related business use:** A business that provides goods and/or services, a substantial portion of the market for which is agricultural or other natural resources businesses including uses such as farm equipment dealers, feed and grain stores, and similar uses. This does not include convenience stores, gas stations, grocery stores, or other retail or service businesses that cater primarily to the general public. (Amended 11/5/2001)

**Agriculture:** The production, keeping or maintenance for sale or lease, of plants, including, but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental products, and unless expressly prohibited, the keeping of livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses. Agriculture does not include forest management and timber harvesting activities. (Amended 4/21/92)

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

**Alternative Tower Structures:** A non-tower mounting structure such as a clock tower, bell steeple, light pole, water tower or other structure upon which an antenna may be mounted, and which camouflages or conceals the presence of the antenna. (Amended 10/21/02)

**Amusement center:** Any private commercial premises which are maintained or operated for the amusement, patronage, or recreation of the public, containing four (4) or more pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or through remote control by the management.

**Amusement park:** An outdoor facility which may include structures and buildings, where there are various devices for entertainment, including rides, booths for conduct of games or sale of items and buildings for shows and entertainment. (Amended 1/19/93)

**Antenna:** Any exterior apparatus designed for the transmission or reception of radio or

electromagnetic frequency signals. (Amended 10/21/02)

**Aquaculture:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. (Amended 4/21/92)

**Articulation:** the placing of emphasis on architectural elements such as windows, entrances, recessed corners or dormers so as to create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable pieces. (Amended 4/11/05)

**Artist or craftsperson studio:** The place of work of an artist, craftsperson, photographer, or person similarly skilled in the production of small craft or artistic products. A studio may include the retail sale of items produced on the premises, but incidental items produced off premises shall not be sold unless retail uses are permitted in the district. This definition does not include building or industrial trades, automobile related uses, adult businesses, or the production of items larger than household furniture. (Amended 1/17/95)

**Automobile dealer:** An establishment engaged primarily in the retail sale of automobiles and/or trucks, which may include repair, service and parts facilities. (Amended 3/2/92)

**Automobile graveyard:** A yard, field or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, of discarded, worn out or junked motor vehicles.

**Automobile repair garage:** A building solely for the maintenance, care, repair, or refinishing of motor vehicles including paint, body, mechanical, and auto upholstery work. (Amended 3/2/92)

**Barn:** a large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles. (Amended 3/4/13)

**Basement:** The enclosed area underneath a structure, typically having a masonry floor, and the walls of which are typically part of the structure's foundation. The clear height up to the joists supporting the floor directly above is three feet or greater.

**Bed and breakfast establishment:** An owner-occupied residential structure in which no more than six rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal. Such establishments are further distinguished from a motel or hotel in that they do not provide guests with the independent living quarters and eating facilities normally associated with a motel or hotel. (Amended 9/5/85; 3/18/91)

**Boarding kennels:** A boarding kennel means any place, building, tract of land, abode, or vehicle wherein or whereon privately owned dogs or other pets, or both, are kept for their owners in return for a fee. This definition shall also include the temporary keeping of animals for grooming purposes in return for a fee.

**Boardinghouse:** A residential structure where lodging alone, or lodging in conjunction with meals are provided for compensation for a period of at least one week. There shall be no provisions for cooking in any individual guest room. Such terms as tourist homes, lodging houses, and terms suggesting a similar context shall be included under

the term. However, this definition shall not apply to private homes used as lodging houses only, where no meals are served to guests, where no more than three rooms are let to the public. (Amended 2/19/02)

**Boat launching facility:** A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers. (Amended 4/21/92)

**Bottle club:** An establishment where no alcoholic beverages are sold, but where members or guests provide their own alcoholic beverages, paying a fee or other consideration for admission to the bottle club and/or for set-ups.

**Business services:** A commercial activity which renders an actual service (such as cleaning, repairing or consulting) where a business is the end user, and which involves no retail sales upon the premises.

**Campground:** A parcel of land containing at least 10 acres where sites are rented for short-term use for recreational vehicles or tents.

**Caretaker unit:** An accessory dwelling unit that is incorporated into, and is part of, a non residential use and is occupied by an owner or an employee of the business occupying the principal use, and having a gross floor area of less than two thousand (2,000) square feet. (Amended 2/19/02)

**Car wash:** A building or area that provides facilities for washing, cleaning and polishing motor vehicles, which may use hand washing or production line methods with mechanical devices. (Amended 3/2/92)

**Chicken Pen:** a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment. (Amended 7/20/09)

**Club (private):** Any voluntary association of persons organized for social, religious, benevolent, recreational, literary, scientific, or political purposes; where facilities, especially a clubhouse, are open to members and not the general public; and not generally engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, teen centers, and social clubs generally. (Amended 3/16/92)

**Cluster development:** A development by a single developer for essentially residential purposes, undertaken in a manner that treats the developed area as an entirety to promote use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. Cluster developments shall be laid out in accordance with the relevant provisions of the Ordinance and the City Subdivision Ordinance.

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

and cobble beaches, mud flats, etc., in addition to salt marches and salt meadows.  
(Amended 4/21/92; 6/29/09)

**Co-Location:** The use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider. (Amended 10/21/02)

**Commercial complex:** Any concentration of retail stores or service establishments occupying premises which are owned or managed as a single or corporate entity, which encompasses more than 12,000 square feet of gross floor space. This definition shall also include large department stores or grocery stores which meet the above floor space requirements.

**Commercial recreation:** Any commercial enterprise, which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, gyms, amusement parks, and golf courses, which are defined elsewhere. Freestanding golf related facilities not associated with golf courses, pitch and putt courses, miniature golf courses, and driving ranges are categorized as commercial recreation.  
(Amended 3/2/92; 12/7/98)

**Commercial use:** The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. (Amended 4/21/92)

**Community dock:** A dock owned, maintained, and used by a common group of people, such as a subdivision or condominium association. (Amended 4/21/92)

**Community living use:** A state-approved, authorized, certified or licensed group home or intermediate care facility for eight (8) or fewer mentally handicapped or developmentally disabled persons.

**Community septic system:** A subsurface septic system which is not administered by the City of Saco and which serves more than two dwelling units. (Amended 6/19/89)

**Conditional use:** A use which would not be appropriate without restriction but which would be allowed if controlled as to number, area, location, relation to the neighborhood and similar criteria. The term Conditional Use is used interchangeably with the term Special Exception.

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

**Condominium:** means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to the Maine Condominium Act. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration. (Amended 2/17/04/3/18/04)

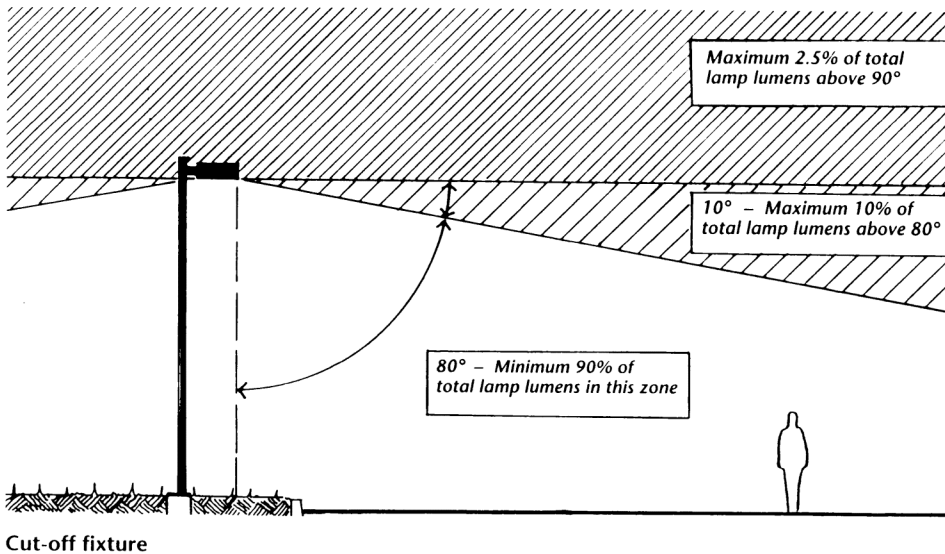
**Conforming use:** A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

**Contractor:** A business that provides building construction or similar services on a contract basis at a client's site and in which all material or equipment storage at the place of business is contained within a building or other screened area. Amended 2/19/02)

**Convenience retail use:** A business that sells pre-packaged food and beverages and/or food and beverages prepared on the premises for consumption on the premises or for take-out together with sundries, household goods, and other convenience goods primarily to residents or occupants of a specific area such as an employment center or residential neighborhood. All activity shall occur within a fully enclosed building with no provisions for drive-thru service and/or the sale of motor fuels. (Amended 9/4/12)

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

**Cut-off fixture:** A lighting fixture or luminaire that controls glare by directing light well below the horizontal. A cut-off fixture shall limit the direction of light so that a maximum of 2.5% of the total lamp lumens shine above 90 degrees or a line parallel to the surface of the ground and a maximum of 10% of the lamp lumens shine above 80 degrees as shown in the following sketch. (Amended 10/15/2001)



**Day care center:** A place providing day care services to more than 12 children and fully meeting licensing requirements of the Maine Department of Human Services. (Amended 8/1/88)

**Day care home:** A dwelling or other place providing day care or babysitting services to 7

to 12 children and fully meeting the licensing requirements of the Maine Department of Human Services. (State registration does not meet the requirements of this definition. State licensing is required.) (Amended 8/1/88)

**Distribution:** The shipping and receiving of goods and articles, which may include associated assembly, finishing, and packaging.

**Disturbed area:** All land areas that are stripped, graded or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance. (Amended 6/18/2001).

**Dock:** a fixed or floating decked structure where a vessel or vessels may be secured either temporarily or indefinitely. (Amended 4/21/92; 6/2/08)

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

(a) **Single-Family Dwelling:** A structure containing only one (1) dwelling unit for occupancy by not more than one (1) family. The term shall include multi-sectional manufactured housing units, but shall not be deemed to include single-wide manufactured housing units or pre-1976 mobile homes. (Amended 5/9/90)

(b) **Single-Family Dwelling (attached):** A building containing single family dwelling units each with two or more fire separation walls, or one fire separation wall in case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. Single-family attached dwellings are permitted as part of clustered residential developments or in any district which allows multifamily dwellings and on the same premises as such dwellings.

(c) **Two-Family Dwelling:** A building containing only two (2) dwelling units, for occupation by not more than (2) families.

(d) **Multi-Family Dwelling:** A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal first-floor use.

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

(f) **Seasonal Rental Dwelling:** Single family dwellings (detached), two-family dwellings, and multi-family dwellings within the area east of Seaside Avenue and Camp Ellis Avenue and areas within 400 feet to the west of the centerline of these streets may also be rented to one family for periods of not less than six days and are subject to all other standards of this ordinance.

g) **Residential dwelling unit in the Shoreland Zone:** a room or group of rooms

designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented.

Recreational vehicles are not dwelling units. (Amended 12/7/92; 4/5/99; 2/7/2000; 6/29/09)

**Elder/Disability Housing Facility:** A housing project or development that provides housing in dwelling units for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project does not provide a regular program of supportive services or meals to its residents but may include facilities for outside agencies or programs to provide services to residents. Disabled means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, and having a record of such a disability or are regarded as having such a disability. Elder/Disability Housing Facilities shall not average more than 1.5 bedrooms per unit. (Amended 5/21/12)

**Elder/Disability Housing Facility – Limited Service:** A housing project that provides housing in dwelling units or other accommodations such as suites or individual rooms for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project provides a regular program of supportive services and/or meals to some or all residents but does not provide twenty-four hour a day care or medical oversight. In addition to the residential facilities, the project may include common facilities to provide services to residents. This use may include facilities that are commonly referred to as retirement housing, congregate housing, or independent living centers that provide limited support services. Elder/Disability Housing Facilities – Limited Service shall not average more than 1.5 bedrooms per unit. (Amended 5/21/12)

**Elder/Disability Care Facility – Full Service:** A care facility that provides housing together with a program of supportive services and meals to some or all of its residents including twenty-four hour a day care and/or medical oversight. In addition to the residential facilities, the project includes common facilities, including common kitchen and dining facilities, to provide services to residents. This use may include facilities that are commonly referred to as nursing homes, hospices, rehabilitation centers, Alzheimer's facilities, or assisted living facilities that provide a complete package of care and support services. (Amended 5/21/12)

**Emergency operations:** Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury. (Amended 4/21/92)

**Enclosed sports arena:** A facility used for indoor sports such as hockey, figure skating, basketball and soccer, as well as social and business functions such as conventions, dances, home shows and similar events. The facility can include as accessory uses



eating and drinking places, a retail sales area for sports related merchandise, and other accessory uses if permitted in the district. (Amended 3/1/99)

**Essential services:** The erection, construction, alteration or maintenance by public and private utilities or municipal or other governmental agencies of gas, electrical and communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Electrical power transmission lines which carry or have the capacity to carry more than 70,000 volts are not included within this definition, but shall fall within the definition of "High Voltage Transmission Lines" herein. Essential services do not include radio or TV transmission towers or cellular communications towers. Such systems are exempt from the Minimum Lot and Yard Requirements of Table 412-1 and shall include buildings under 400 square feet, except as noted below, which are necessary for the furnishing of such services. Any buildings which are over 400 square feet in size, except as noted below, must meet all setbacks for the zone in which they are located. City sewer pump stations may be up to 800 square feet and retain their exemption from the requirements of Table 412-1 if they are in a business or industrial zone and at least 75 feet from a dwelling unit. (Amended 2/2/88; 5/2/94; 2/19/02; 12/15/08)

**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. (Amended 4/21/92)

**Extractive industry:** Any operation engaged in the removal of more than twenty (20) cubic yards, in a twelve (12) month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve (12) month period, except as may be exempted within the extractive industry performance standards in this Ordinance.

**Family:** A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit, sharing common use and access to all living, eating, and bathroom areas. (Amended 2/17/04-3/18/04)

**Farm stand:** An existing agricultural building or portion thereof or a freestanding structure with a gross floor area of not more than two thousand (2,000) square feet and including the outside area immediately adjacent to the indoor sales space for the retail sale of agricultural products, foodstuffs, and handicrafts as part of a commercial agricultural business. (Amended 11/5/2001)

**Fast food restaurant:** An establishment whose primary business is the sale of "fast food" for consumption on or off the premises. The term "fast food" shall be interpreted as food which is:

- (a) primarily intended for immediate consumption;
- (b) available upon a short waiting time; and
- (c) pre-packaged or presented in such a manner that it can be readily eaten off the premises where it is sold.

**Flea market:** An outdoor market customarily involving tables or space rented to vendors selling antiques, used household goods, curios, and the like, at a frequency of more

than four (4) days in any six (6) month period.

**Floor area:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks. (Amended 4/21/92)

**Food and drink:**

(a) Eating Establishment: A business which sells prepared food, and which does not serve alcoholic beverages. No provisions shall be made for drive through service. (Amended 2/19/02)

(b) Drinking Establishment: A business or club where alcoholic beverages are consumed on the premises, such as a tavern.

(c) Eating and Drinking Establishment: A business where food and alcoholic beverages are sold for consumption on the premises, such as but not limited to a class A restaurant. Eating and drinking places shall offer a variety of meals at all hours they are open and shall be equipped with a full commercial kitchen for the preparation of meals. A full commercial kitchen includes a stove, a stovetop, refrigeration equipment, a dishwasher, and numerous cooking utensils. No provisions shall be made for drive through service. (Amended 3/7/94, 2/19/02)

(d) Drive Through Eating Establishment: A business that serves prepared food and includes provisions for drive through service. (Amended 2/19/02)

**Forest management activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads. (Amended 4/21/92)

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material. (Amended 4/21/92; 6/29/09)

**Fraternal Organization:** A group of people formally organized for a non-profit common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements. Examples of such groups include, but are not limited to, the Masons, the Elks, and the Knights of Columbus. (Added 11/3/03)

**Freshwater wetland:** Freshwater swamps, marshes, bogs and similar areas other than forested wetlands, which are:

1. of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. (Amended 4/21/92)

**Front lot line or frontage:** The linear distance of the continuous line separating the lot from a public road or private road meeting the standards of Section 724, but not including private driveways. Existing interior lots of record without any road frontage as of January 2, 1985 shall not be required to have street frontage. (Amended 12/7/92; 10/15/2001)

**Functionally water-dependent uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters. (Amended 4/21/92)

**Funeral home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles, and (e) funeral chapels, but shall not include facilities for cremation. (Amended 3/2/92)

**Gas station:** Buildings and premises where gasoline and other motor fuels may be dispensed, and where oil, grease, batteries, tires and automobile accessories may be sold at retail, and where repairs may be made. (Amended 3/2/92)

**Gasoline sales accessory to a retail use:** The retail sales of gasoline, other petroleum products, and related automotive products by a retail business whose principal business activity is not the retail sales of petroleum products such as a convenience store, supermarket, or automobile or equipment dealer. (Amended 2/19/02)

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

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

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

Glare, Discomfort – Glare producing discomfort. It does not necessarily interfere with visual performance or visibility. (Amended 10/15/2001)

**Golf course:** A golf course is an area of at least 75 acres laid out for the playing of golf, with a series of 9 or 18 holes, including tees, fairways and putting greens and often one or more natural or artificial hazards. A golf course may include a building where food and beverages are served to golf course patrons, members, guests of members, a maintenance facility, an associated golf practice range, shelter for players, and other

accessory structures, except where otherwise limited by this Ordinance. Additional limitations on buildings at golf courses in residential and conservation districts are included in Section 722. (Amended 12/7/98)

**Health care clinic for humans:** Any establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, or other members of the healing arts practicing together, but not hospitalized over night. (Amended 2/19/02)

**Health club:** An indoor facility including uses such as game courts, gymnasiums, exercise equipment, locker rooms, sauna baths, and swimming pools for use for a fee by the public. Eating and drinking establishments are permitted as an accessory use within such facilities. (Amended 3/2/92)

**Heavy industry:** (*See also* Section 411) Includes:

1. Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials;
2. Uses or manufacturing processes making extensive use of flammable or explosive materials (other than gas welding), or involve commonly recognized offensive conditions;
3. Uses involved in the storage of flammable or explosive or hazardous materials. (Amended 3/2/92)

**Height of structure:** The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. (Amended 3/2/92)

**Henhouse:** a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it is a conforming structure. (Amended 7/20/09)

**High Voltage Transmission Lines:** Electrical power transmission lines which carry or handle more than 70,000 volts of electricity. (Amended 12/15/08)

**Home babysitting service:** A dwelling providing day care or babysitting services for between three and six children, registered or licensed by the State Department of Human Services. (Amended 4/21/92)

**Home based retail use:** A business in combination with an occupied residence involving the sale of retail goods that have a low impact on neighboring properties and low volume of vehicular traffic relative to other retail uses of the same size. A Home Based Retail Use shall meet the following requirements:

1. All sales, storage and display of merchandise shall occur within a building.
2. The total floor area used for the business does not exceed 1000 square feet and does not exceed 50% of the total existing building floor space.
3. The business sells only products of a specialized nature (large in size or high value per unit, for example) that are purchased by limited segments of the public, such that less traffic is generated per square foot area than other retail uses.
4. No food or beverages are sold by the business.

**Home occupation:** An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit by a member of the family

residing in the dwelling unit which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof; and which conforms with the conditions set forth in Section 711 of this Ordinance.

**Hospital:** An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

**Hotel:** A building containing guestrooms kept, used, maintained, or held out to the public as a place where lodging alone or lodging and meals are provided, with or without previous agreement, to the general public for compensation for a period of from one (1) day to an indefinite term. A hotel may include general kitchen and dining room facilities open to the public. The hotel may also contain accessory services and facilities such as news-stands, and personal grooming facilities for the benefit of its guests, and only incidentally for the general public. (Amended 2/19/02)

**Human Scaled:** an architectural principle that refers to proportions of both building components and overall form. A building may be human-scaled if the units of which it is composed bear a relationship to the human body. Elements of a building that contribute to being human-scaled include windows, doors, recessed entryways, bands of storefront windows, divided-light windows, signs and light fixtures. (Amended 4/11/05)

**Impervious area:** The area that is or will be covered by:

- (1) buildings and associated constructed facilities,
- (2) a low-permeability material such as asphalt or concrete, and/or
- (3) gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability.

Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted gravel, packed earthen materials, macadam, and other surfaces that impede the natural infiltration of stormwater. (Amended 6/18/2001)

**Indoor recreation:** Non-profit, governmental, or for profit facilities designed and equipped for the conduct of indoor sports, leisure time and recreational activities, and similar activities in which all activity occurs within a building or fully enclosed structure. Indoor recreation includes, by way of example only, skating rinks, bowling alleys, gymnasia, racquetball clubs and indoor tennis facilities. (Amended 2/19/02)

**Junkyard:** A yard, field, or other parcel of land used as a place for disposal or long term storage.

- (a) discarded, worn-out or junked plumbing and heating supplies or household appliances and furniture;
- (b) discarded scrap and junked lumber;
- (c) old or scrap copper, brass, rope, rags, batteries, paper, rubber, and all scrap iron, steel and other ferrous or non-ferrous material, including motor vehicles.

(Amended 2/19/02)

**Kennels:** Except as provided for in the definition of "boarding kennels", the term

"kennel" shall apply to four or more dogs or four or more cats owned singly or jointly and living on a single premise, for any purpose, including but not limited to breeding, hunting, show, training, hobby, trails or exhibition purposes. This definition shall not apply to dogs or cats under the age of six months. (Amended 6/21/93)

**Light industry:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, incidental storage, sales, and distribution of such products. The use includes, by way of example only, the following: bakeries, bottling, printing and publishing, pharmaceutical, machine shops, precision instruments, watchmakers, wood products, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations. (Amended 3/2/92)

**Lot:** A continuous parcel of land in single or joint ownership, described on a deed, plot plan, or similar legal document and having frontage.

**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 and areas within rights of way serving more than two lots. (Amended 4/21/92; 3/7/05-4/6/05)

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

**Lot coverage:** The percentage of the lot area covered or occupied by principal and accessory structures. In the Mandatory Shoreland Zone, lot coverage shall also include all non-vegetated areas, i.e.; driveways, patios, pools, etc. (Amended 4/21/92)

**Lot lines:** The lines bounding a lot as defined below:

Front Lot Line: *See* "Front Lot Line or Frontage"

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

Side Lot Line: Any lot line other than the front lot line or rear lot line.

**Lumberyard and material supply yard:** A commercial establishment storing or offering for sale building supplies, including but not limited to lumber, raw earthen materials, steel supplies, coal, heavy equipment, feed and grain, and similar goods. The term does not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles. (Amended 2/19/02)

**Manufactured housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this ordinance, two types of manufactured housing are included. Those types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards,

meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.  
(Amended 5/9/90)

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

**Marina:** A facility on or adjacent to the water which is available for mooring or berthing of five or more vessels, with provisions for one or more of the following: boat storage, boat launching, and mooring, or the sale of fuel, supplies and services for watercraft and their equipment and accessories. Amended (6/2/08)

**Marina, existing:** any marina as defined herein that exists as of April 1, 2008. (Amended 6/2/08)

**Marine structure:** Any non-habitable structure, whether permanent or temporary, built on or over a water body, including but not limited to piers, docks, wharves, breakwaters, culverts, jetties, groins, bridges, soil erosion retaining walls, or bait sheds. (Amended 4/21/92)

**Mechanical repair services:** A commercial activity which renders an actual mechanical repair service for vehicles or equipment used as part of land uses which are otherwise permitted, as of right or conditionally, within the same zoning district, and which involves no retail sales upon the premises. (Amended 8/1/85)

**Minimum lot width:** The closest distance between the side lot lines of a lot. (Amended 4/21/92)

**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.  
(Amended 4/21/92)

**Mobile home park:** A parcel of land under unified ownership designed and/or used for

the placement of three or more manufactured housing units. Unified ownership does not include condominium associations, homeowner associations, or similar organizations. Mobile home parks are subdivisions. (Amended 5/9/90)

**Mobile home park lot:** The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. (Amended 5/9/90)

**Mooring:** a stationary underwater device such as a granite block or mushroom anchor, which with chains, lines and mooring buoy is intended to hold fast a vessel, aircraft, floating dock or buoy. (Amended 6/2/08)

**Motel:** A building or group of attached or detached buildings containing guest rooms, most of which have outside entrances and automobile storage or parking spaces nearby, and intended to be used primarily by automobile transients or travelers for short periods of time and for compensation. The term shall include motor or tourist courts, cabins, and motor lodges.

**Multi-unit residential project:** A residential development consisting of three or more dwelling units in which the buildings are designed and constructed as part of the overall development. The distinguishing characteristic of a multi-unit residential project is that it is designed and developed with a common, consistent architectural style. The dwelling units in a multi-unit residential project may be in single-family dwellings, two-family dwellings, or multi-family dwellings, or any combination thereof and may be located on a single lot or on multiple lots. (Amended 11/16/11)

**Municipal animal incinerators:** A facility run by the City to make expeditious disposal of dead animals. (Amended 9/19/88)

**Municipal officers:** The Mayor and City Council of Saco.

**Municipal uses:** Facilities which are owned or operated by the City of Saco for the conduct of the city's business, including, but not limited to, municipal office buildings, public schools, public works garages and facilities, public safety buildings, parks and playgrounds, solid waste disposal systems and sewerage facilities. (Amended 8/2/93)

**Net residential acreage:** The total available acreage less the area required for streets, access, and portions of the site which are not suitable for development because of topography, natural drainage, or subsoil conditions. The net residential acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

- a. Area of right of way for new access roads, and parking areas. Rights of way or easements for landscaped buffer strips, and walking/bicycle paths not part of a street right of way need not be deducted.
- b. Areas that are, because of existing land uses or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel.
- c. Areas within Zone V or VE, coastal flood with velocity hazard, a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.



d. Wetlands.

e. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.

f. Areas with a sustained slope of 33 percent or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code. (Amended 3/7/05-4/6/05)

**Net residential density:** The housing density allowed on a tract of land under the net residential acreage definition. (Amended 6/19/88)

**Nonconforming lots of record:** A single lot of record which, at the effective date of adoption or amendment of this Ordinance does not meet the lot area, lot area per dwelling unit, lot coverage, or frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Nonconforming structure:** A structure that does not meet one or more of the space and bulk standards of the district in which it is located, including those for setbacks and height. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nonconforming use:** A use of premises that is not permitted in the district in which it is located, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Normal high water mark of coastal or tidal waters:** Along coastal or tidal waters, the elevation at which vegetation changes from predominately aquatic to predominately terrestrial. By way of illustration, coastal or tidal vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster.

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

By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples. In places where the shore or bank is of such character that the high water line cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal

high water line shall be estimated from places where it can be determined by the above method. (Amended 6/29/09)

**Nursery school:** A house or other place licensed by the state as a nursery school in which a person or combination of persons maintains for consideration during the day a regular program which provides care for three or more children under eight years of age. Sessions shall be no longer than three and one-half hours and no more than two sessions shall be conducted each day. (Amended 7/6/93)

**Office-professional:** A place of business used exclusively to perform administrative, professional or clerical services, including limited sales incidental to medical diagnostic services, and including the offices listed below and similar offices: accountants and bookkeepers, architects and landscape architects, computer services such as desktop publishing or record keeping, engineers, insurance agents, land surveyors, lawyers, psychologists, social workers and substance abuse counselors, real estate brokers, speech pathologists and audiologists, and medical professionals including physicians, chiropractors, dentists, dietitians, nurses, occupational and physical therapists, and optometrists. (Amended 5/7/93, 2/19/02)

**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 and no retail consumers use the premises. Amended 2/19/02)

**Office of a contractor or tradesman:** The principal place of business for a contractor or tradesman where administrative, marketing, and financial operations occur. No outdoor storage of materials or equipment shall occur as part of this use. Amended 2/19/02)

**Ornamental tree:** A deciduous tree that provides seasonal interest through spring blossoms, summer fruit, or fall foliage that has a height at maturity of ten (10) to twenty-five (25) feet. (Amended 2/19/02)

**Outdoor commercial recreational facility:** A facility for outdoor recreational activity operated by an entity other than the City of Saco including cross country ski centers, ball fields, parks and playgrounds, and similar uses but not including motorized rides and uses allowed as part of an amusement park. (Amended 2/19/02)

**Outdoor sales:** The regular display by a retailer, of stock in trade outside of an enclosed structure. The term includes, but is not necessarily limited to, businesses which involve an outside parking or display area for the sale of cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes; businesses involved in the outdoor sale of used merchandise, other than at flea markets, which is separately defined; and similar outdoor sales activities. For purposes of this Ordinance, the serving of food by an eating and drinking place at outside tables shall not constitute outdoor sales.

**Parking lot (commercial):** Any premises used for the storage of four (4) or more motor vehicles at any one time for compensation and on or in which no gasoline or automobile accessories or other business is located. Such commercial lots shall be operated as private business ventures in and of themselves and not accessory to

another commercial enterprise, such as shopping centers and restaurants.

**Passenger train station:** A place or building adjacent to a railroad line which provides access to the train for passengers and/or goods. A station may include such uses as ticket counters, restaurant and coffee shops, travel agents, postal services, retail uses and other uses normally associated with train stations. (Amended 6/29/92)

**Permanent structure:** A structure which is placed on or in the water or shore for a period seven (7) months or longer in any twelve (12) month period. (Amended 4/21/92)

**Person:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity. (Amended 4/21/92)

**Personal services:** Establishments engaged in providing services involving the care of the person or personal apparel including but not limited to barber shops, beauty shops and manicurists, tailors, laundromats, shoe repair shops, tattoo parlors, massage therapists, and photographic portrait studios. (Amended 8/17/92)

**Place of public assembly or entertainment:** A commercial, non-profit, or governmental use that is fully enclosed within a building that provides a place for public gatherings and events such as theaters, concert halls, auditoriums, function halls, clubs, and similar venues. A place of public assembly or entertainment may include facilities for the provision or sale of food and beverages to people attending activities or events or the sale of related merchandise such as souvenirs, specialty apparel, or items related to the activities occurring at the site. (Amended 9/4/12)

**Places of Worship:** A building or structure, or groups of buildings or structures, that by design, construction or intent are primarily intended for conducting organized religious services and associated accessory uses. A Place of Worship may include but is not limited to a church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs. (Amended 7/16/12)

**Planned development:** A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of land uses, usable open spaces and the preservation of significant natural features.

**Principal structure:** The building in which the principal use of the lot is conducted.

**Principal use:** The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Private dock:** A dock owned, maintained, and exclusively used by a private entity such as an individual, trust, association, or corporation. (Amended 4/21/92)

**Private road:** A category of road not owned by the City or State which provides frontage to a lot or lots. Such private roads shall not provide frontage to more than four lots created after October 15, 2001. Any private road which provides frontage for a lot created after October 15, 2001, shall be constructed to the standards of Section 724. Existing private roads are private roads which already provide frontage to a lot on October 15, 2001. Private roads are not designed for and are not eligible for acceptance as a city street unless improved to city standards at the time of the proposed acceptance. (Amended 10/15/2001)

**Private slips or ramps:** facilities that are not part of a marina, serve a single residence, and are constructed exclusively for the personal use of the occupants of that residence. (Amended 6/2/08)

**Public facility:** Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by the governmental body or public entity. (Amended 4/21/92)

**Public riding stable:** An establishment where the public is permitted to ride horses for a fee. Horse riding lessons may also be provided. (Amended 4/20/93)

**Public utility buildings:** A building necessary for the furnishing of essential services (as defined herein). This building shall not be intended for personnel, but for such things as, but not limited to switching stations, relay stations and sewage pumping stations.

**Quasi-municipal or public use:** A facility for a recognized public purpose, such as an auditorium, library, or park, which is operated by a non-profit organization or by a public agency other than the municipality. (Amended 5/4/87, 2/19/02)

**Recent flood plain soils:** The following soils series as described and identified by the National Cooperative Soil Survey: Alluvial, Cornish, Charles, Podunk, Sunday, Fryeburg, Hadley, Limerick, Suncook, Saco, Lovewell, Medomak, Ondawa, Rumney, Winooski. (Amended 4/21/92)

**Recreational facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities. (Amended 4/21/92)

**Recreational vehicle:** A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

**Recreational Vehicle, Park Model (Camp Model):** A recreational vehicle containing no more than 400 square feet of floor area, not counting recreational vehicle accessory enclosures. (Amended 11/7/05)

**Recreational Vehicle Accessory Enclosure:** A factory-manufactured rigid metal or vinyl enclosure, with the dimensions not exceeding eight feet in width nor the length of the recreational vehicle, and designed for use with recreational vehicles. The term shall not include decks, patios, awnings, awning tents, screen panels or unenclosed roof projections. (Amended 11/7/05)

**Recycling center:** A facility for the collection and processing of recyclables, excluding sewage sludge, into marketable resources. Such facilities would include, but not be limited to, materials recovery facilities and recycling drop off centers. The term does not include incinerators, other disposal facilities, or facilities that process general municipal solid waste. (Amended 4/1/91)

**Registered dispensary:** "Registered dispensary" or "dispensary" means a not-for-profit entity registered under *Sec. 12. 22 MRSA §2422, sub-§6* that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. Accessory uses are limited to

commercial kitchen facilities for preparing food, drinks, tinctures, and balms containing medical marijuana; counseling services for medical marijuana patients; alternative therapies for medical marijuana patients such as massage and acupuncture; and the sale of medical marijuana delivery appliances. (Amended 7/19/10)

**Registered dispensary, non-growing:** "Registered dispensary, non-growing" means a not-for-profit entity registered under *Sec. 12. 22 MRSA §2422, sub-§6* that acquires, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. The cultivation, must take place off-site, and, if in Saco, at a "Registered dispensary" or "Registered dispensary, grow only." Accessory uses are limited to commercial kitchen facilities for preparing food, drinks, tinctures, and balms containing medical marijuana; counseling services for medical marijuana patients; alternative therapies for medical marijuana patients such as massage and acupuncture; and the sale of medical marijuana delivery appliances. (Amended 7/19/10)

**Registered dispensary, grow-only:** "Registered dispensary, Grow-Only" means a not-for-profit entity registered under *Sec. 12. 22 MRSA §2422, sub-§6* that possesses and cultivates marijuana for medical use in conjunction with a "Registered dispensary" or a "Registered dispensary, non-growing", at another site, but which does not dispense medical marijuana. Accessory uses are limited to commercial kitchen facilities for preparing food, drinks, tinctures, and balms containing medical marijuana. (Amended 7/19/10)

**Religious conference center:** A church affiliated building or complex, including sleeping facilities and common dining facilities, at which meetings of a religious or educational nature are held. (Amended 6/19/89)

**Remanufacturing:** The remaking of unfinished goods and articles by hand or machinery. It shall include reassembly, refabricating, refinishing and repackaging or reprocessing, but shall not include retailing.

**Repair service:** A business providing for the repair of personal and business property such as radios and televisions; electrical and electronic equipment; computers; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; musical instruments; 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. (Amended 4/7/03/5/7/03)

**Retail use:** The sale of goods and services to end users of the goods and services. For purposes of this Ordinance, eating and drinking places are defined separately.

**Research and testing laboratory:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. (Amended 3/2/92)

**River, stream or brook:** A channel between defined banks. A channel is created by the

action of surface water and has two or more of the following characteristics:

- a) it is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map or, if not available, a 15-minute series topographic map;
- b) it contains or is known to contain flowing water continuously for a period of at least three months of the year in most years;
- c) the channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water;
- d) the channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed;
- e) the channel contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining stormwater, or a grassy swale. (Amended 4/21/92; 2/17/04-3/18/04)

**Road:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. (Amended 4/21/92)

**Salt marsh:** Areas along coastal waters (most often along coastal bays) which support salt tolerant plant species, and where at average tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. (Amended 4/21/92)

**Salt meadow:** Areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. (Amended 4/21/92)

**Salvage yard:** A yard, field, or similar area used as a place of storing material salvaged or extracted from wreckage or damaged, or discarded property with the intent of reselling the salvaged material commercially. For the purpose of the Ordinance, salvage yard shall be distinguished from automobile graveyard. (Amended 9/5/85)

**Schools:**

(a) PUBLIC AND PRIVATE (Including Parochial Schools):

Institutions for education or instruction in any branch or branches of knowledge or a place where knowledge is imparted and which satisfies either of the following requirements:

- (1) the school is not operated for a profit or as a gainful business; or
- (2) the school teaches courses of study which are sufficient to qualify attendance there as compliance with state compulsory education requirements.

(b) COMMERCIAL SCHOOLS: Schools or institutions which are commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence,

aquatic schools, driving or business.

**Self-service storage facility:** A building or structure accommodating individual storage rooms or area leased or rented to the general public exclusively for the storage of personal or business-related property, such rooms or areas being accessible through individual private entrances. The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 material, is not permitted. Accessory uses are limited to those uses which are permitted or conditional in the zone and they are subject to Planning Board review as an amendment of the conditional use approval. This use does not fall within “Wholesale Trade and Warehousing” herein defined.

**Service station pump island canopy:** A roof structure to provide shelter to persons using fuel pumps. (Amended 5/17/93)

**Sewered:** Lots connected to the municipal sewer system. (Amended 4/3/89)

**Shade tree:** A species of tree, typically deciduous, that provides shade, has a branch structure that does not conflict with or obstruct vehicle sight distances or pedestrian circulation and that has a height at maturity in excess of thirty-five (35) feet. (Amended 2/19/02)

**Shed:** A subordinate detached building used for residential storage. In residential zoning districts, if the shed is under 120 square feet and is not served by electricity, the shed need meet only a 5 foot side or rear yard setback requirement, rather than the setback designated for other buildings in Table 412-1. No dimension (length, width, height) of the building shall exceed 12 feet. Only one shed per lot shall be permitted to meet this five foot setback standard. Sheds shall be erected no closer to the front lot line than the extension of the line created by the front wall of the principal structure on the lot. Any other sheds or out-buildings shall meet the standards of Table 412-1. No variance of the minimum five foot setback requirement shall be granted by the Zoning Board of Appeals. (Amended 4/7/03/5/7/03)

**Shore frontage:** The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. (Amended 4/21/92; 6/29/09)

**Significant wildlife habitat:** Habitats for animal species appearing on official State or Federal lists of endangered or threatened species. High or moderate value deer wintering and travel corridors, waterfowl and wading bird habitats (including nesting and feeding areas), shorebird habitats (including nesting, feeding and staging areas) as defined by the Department of Inland Fisheries and Wildlife. Critical spawning and nursery areas for Atlantic sea run salmon, as defined by the Atlantic Sea Run Salmon Commission. (Amended 4/21/92)

**Small engine repair:** A business that services and repairs small equipment such as snow blowers, lawnmowers, rototillers, chainsaws, trimmers, garden tractors, and similar equipment powered by a gasoline engine or motor of less than twenty (20) horsepower or its equivalent. Small engine repair includes the sales of parts, supplies, and accessories for small equipment. Small engine repair does not include the repair or servicing of motor vehicles, motorcycles, boats or marine engines, all terrain

vehicles (ATVs), or heavy equipment. (Amended 4/7/03)

**Small Wind Energy System:** a structure consisting of a wind turbine, a tower, and associated control or conversion electronics, and which is intended to primarily reduce the on-site consumption of utility-supplied power. A SWES may also be mounted on an existing structure such as a roof, chimney, or wall of a building. (Amended 6/2/08)

**Solar Energy System:** a system designed and used to obtain energy from the sun in order to supply energy to a principal use or structure located on the same lot as the system, or on an abutting lot in the case of a common system serving more than one principal use or structure, for the purpose of reducing the consumption of fuel for heating or electricity. A Solar Energy System may include but is not limited to solar hot water, or air heating, or photovoltaic systems. Solar Energy Systems are allowed only as accessory uses or structures. Solar Energy Systems shall comply with all applicable building, plumbing and electrical codes and with all applicable dimensional requirements of this Ordinance. (Amended 12/1/08)

**Specified sexual activities:** Shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast. (Amended 1/19/93)

**Stable:** A structure where two or more horses are sheltered and fed. This definition includes operations which chiefly board, train and show horses, but does not include riding stables open to the public.

**Stormwater best management practices (BMPs):** Methods, techniques, designs, practices, and other means to control the quality and quantity of stormwater that are approved by the Maine Department of Environmental Protection. Stormwater BMPs are identified in “Stormwater Management in Maine: Best Management Practices” which is published periodically by the Maine Department of Environmental Protection. (Amended 6/18/2001)

**Stream:** (see “River, stream or brook”) (Amended 4/21/92; 2/17/04)

**Street Wall:** a “wall” that generally abuts the sidewalk and helps to define and enclose the street corridor, creating a sense of activity, intensity and spatial containment. In Saco, Main Street from the railroad tracks to Beach Street, and several other downtown streets provide examples of desirable street walls. (Amended 4/11/05)

**Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but not including sidewalks, fences, driveways, parking lots and non-commercial swimming pools (whether above-ground or in-ground).

**Supply yard:** A commercial establishment storing or offering for sale building supplies, including but not limited to lumber, raw earthen materials, steel supplies, coal, heavy equipment, feed and grain, and similar goods. The term does not include the



wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Sustained slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. (Amended 4/21/92)

**Teen center:** A private club organized for teenagers. (Amended 3/16/92)

**Temporary structure:** A structure that is placed on or in the water or shore for a period no greater than seven (7) months, in any period of twelve (12) consecutive months. These structures include, but are not limited to docks, floats, or ramps. (Amended 4/21/92)

**Timber harvesting:** The cutting and removal of trees from their growing site, and the attendant operating of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Tower:** A vertical structure upon which can be located one or more antennas for the purpose of transmitting or receiving telecommunications as authorized by the Federal Communications Commission. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures. (Amended 10/21/02)

**Tower, Small Wind Energy System:** the vertical component of a Small Wind Energy System that elevates the wind turbine generator and attached blades above the ground. (Amended 6/2/08)

**Tributary stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits or exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. This term is used solely in the Shoreland Development section of this Article. The rest of the Saco Zoning Ordinance uses this definition to define stream. (Amended 4/21/92; 6/29/09)

**Truck terminal:** Land or buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include facilities for the repair of those trucks associated with the terminal. (Amended 3/2/92)

**Unsewered:** Lots not connected to the municipal sewer system. (Amended 4/3/89)

**Unusual Natural Area:** means any land or water area, usually only a few acres in size, which is undeveloped and which contains natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such are, as may include: rare or exemplary plant communities; individual plant species of unusual

interest because of size, species or other reasons; unusual or exemplary bogs; unusually important wildlife habitats, particularly those of rare or endangered species; unusual land forms; fossils and other deposits of importance to geologists; outstanding scenic areas; and others of similar character. (Amended 2/17/04-3/18/04)

**Upland edge:** The boundary between upland and wetland. (Amended 4/21/92)

**Variance:** A relaxation of the terms of the Zoning Ordinance where such variance would not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary or undue hardship. The words "undue hardship", as used in this Ordinance shall mean:

- (a) That the land in question cannot yield a reasonable return unless a variance is granted;
- (b) That the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;
- (c) That the granting of a variance will not alter the essential character of the locality; and
- (d) That the hardship is not the result of action taken by the applicant or a prior owner.

Hardship is not, therefore, a condition experienced by an individual. It is a characteristic of the property itself. Moreover, when a variance is granted, it attaches to that property and can be transferred to subsequent owners.

**Volume of a structure:** The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. (Amended 4/21/92)

**Waste composting facility:** A building or area for the biological decomposition and stabilization of organic matter under aerobic conditions of high temperature resulting in a humus-like product that can be used as a soil amendment. (Amended 3/2/92)

**Water body:** Any pond, lake, river, stream, brook or tidal area. (Amended 4/21/92)

**Water crossing:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. (Amended 4/21/92)

**Wetlands:** Areas which are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall be delineated according to the current version of the "Army Corps of Engineers Wetland Delineation Manual (1987)". Delineations done using the 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" are also acceptable. (For definitions related to shoreland zoning, *see* Freshwater Wetlands, Coastal Wetlands, and Wetlands Associated With Rivers.) (Amended 8/2/93)

**Wetlands associated with rivers:** Wetlands contiguous with or adjacent to a river, and which during normal high water, are connected by surface water to the river. Also

included are wetlands which are separated from the river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the river. Wetlands associated with rivers are considered to be part of that river. (Amended 4/21/92)

**Wholesale trade and warehousing:** The shipping, receiving and storing of finished goods and articles. Retailing activity shall constitute no more than ten (10) percent of the total floor area.

**Wireless Telecommunication Facility Or Facility:** Any structure, antenna, tower or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, personal communications service (PCS) or pager services. Wireless Telecommunications Facilities shall be considered a principal use. (Amended 10/21/02)

**Yard:** The horizontal area of land on a lot not occupied by a structure. The three types of yards are as below:

- (a) Yard, Front: the area of land between the front lot line and the nearest part of the principal building, and the two side lot lines.
- (b) Yard, Side: the area of land between the side lot line and the nearest part of the principal building.
- (c) Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building, and the two side lot lines.

**Yard (or garage) sale:** A sale, conducted indoors or out-of-doors, of used household goods, curios, and the like. Yard (or garage) sales, as distinguished from flea markets, shall be considered to be accessory uses under this Ordinance and shall not be conducted more frequently than four (4) days in any six (6) month period.

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**Section 401. Zoning Maps** (Amended 4/21/92, 4/4/02, 10/3/11)

**401-1. GENERAL ZONING MAP**

A map entitled "City of Saco Zoning Map" is hereby adopted as part of this Ordinance and hereafter shall be referred to as the Official Zoning Map. It shall be located in the Inspections Department and shall be the final authority as to the current status of the land and water areas, buildings and other structures in the City.

The boundaries of the Zoning Districts set forth in Section 403 shall be as shown on the "City of Saco Zoning Map" except as follows:

Resource Protection

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq. whether or not such areas are shown on the zoning map:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1989 and the area within one hundred (100) feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.
2. Land areas within the 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a freshwater or coastal wetland as defined, and that are not surficially connected to a water body during normal spring high water.
5. Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.
7. All land area within 250', horizontal distance, from the following natural features:

Cascade Brook Falls  
Nonesuch River Fault  
Saco Heath

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8. All land area known as Stratton Island, Bluff Island, Ram Island and Eagle Island.
9. All land area currently being used as general public access to tidal beaches or the Saco River.
10. All land area within one hundred (100) feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring.

#### Saco River Overlay District

The Saco River Overlay District includes all lands subject to the jurisdiction of the Saco River Corridor Commission whether or not such areas are shown on the zoning map. The Overlay District includes all lands adjacent to the Saco River to a distance of five hundred (500) feet as measured on a horizontal plane from the mean high water line of the river or to the edge of the 100-year flood plain if the flood plain extends beyond five hundred (500) feet, up to a maximum of one thousand (1,000) feet from the mean high water line.

#### Shoreland Overlay District

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

#### **401-2. APPLICABILITY.**

Notwithstanding enactment of these amendments to the Zoning Map, the property identified on the City Assessor's maps as Map 61, Lot 13 and described in a deed recorded in the York County Registry of Deeds at Book 9554 Page 147 shall continue to be governed by the zoning district regulations for the B-2a District in effect on February 19, 2002, provided such property is developed as a residential subdivision not exceeding 13 dwelling units in new structures plus any dwelling units and/or bed and breakfast units permissible in existing structures, and further provided that a sketch plan review application under section 4.2 of the City of Saco Subdivision Regulations has been filed on or before February 19, 2002, a complete application for preliminary subdivision approval and any required applications for site plan and/or conditional use approval are submitted within six months after the filing of the sketch plan application, the subdivision is approved within two years of the filing of the sketch plan application, and substantial construction of the subdivision is commenced within two years after approval. (Editor's note: Amendments to the zoning map made by the City Council on February 19, 2002, on the fragmentary map entitled "Proposed Route 1 Zoning, Council Alternate A" are subject to this provision.)

#### **401-3. HISTORIC PRESERVATION DISTRICT MAP**

The areas included in the Historic Preservation District are shown on the adopted Historic Preservation Map, and are described in Section 413-6. (Amended 4/21/92)

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### **Section 402. Copies of Zoning Map**

Representative maps which may be appended to this Ordinance are for reference only and shall not be construed to be Official Zoning Maps.

### **Section 403. Zoning Districts (Amended 7/1/13)**

The city is divided into the districts stated and described in this Ordinance and as shown by the district boundary lines on the Official Zoning Map. The district classifications are:

#### RESIDENTIAL DISTRICTS:

R-1 Low Density District

R-2 Medium Density District

R-3 High Density District

R-4 General Residential District

MHP Mobile Home Park Overlay District

#### MIXED USE DISTRICTS (Amended 7/1/13)

MU-1 Downtown Residential Mixed Use District

MU-3 Planned Mixed-Use District

MU-4 Planned Limited Mixed-Use District

#### BUSINESS DISTRICTS:

B-1 General Business District

B-2 Highway Business District

B-3 Downtown Business District

B-4 Planned Development District

B-5 Marine Business and Residential

B-6 Highway Business and Commercial District

B-7 Limited Business/Residential District

B-8 Office Park District (Amended 9/4/12)

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BP Business Park District

### INDUSTRIAL DISTRICTS:

I-1 Industrial Park District

I-2 Industrial Business District

I-3 Light Industrial-Business Park District

### CONSERVATION DISTRICT:

C-1 Conservation District

### NATURAL RESOURCE DISTRICTS: RP Resource Protection District

SR Saco River Overlay District

SO Shoreland Overlay District

CDOD Coastal Development Overlay District

(Amended 5/9/90, 3/2/92, 2/19/02, 4/4/02; 10/3/11)

## **Section 404. District Boundaries**

### **404-1. UNCERTAINTY OF BOUNDARIES**

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

- 1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 2) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- 4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 5) Boundaries indicated as following or measured from natural features such as the upland limit of wetlands or the limit of floodplains shall be construed to follow or be measured from the actual

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limit of the natural resource as located on the face of the earth even if such location is at variance with the location shown on the Official Zoning Map;

- 6) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map except as provided in (5) above, or in circumstances where the items covered by paragraphs (1) through (6) above are not clear, the Board of Appeals shall interpret the district boundaries.

The district boundaries located on the Zoning Map represent the City of Saco's Ordinance. In addition, areas along the Saco River are also governed by the Saco River Corridor Commission. Separate, and in some cases more restrictive, regulations exist for this area and must be consulted when development is contemplated.

#### **404-2. DIVISION OF LOTS BY DISTRICT BOUNDARIES**

Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion of the lot, subject to approval of the Planning Board pursuant to the criteria for conditional uses. (Amended 12/7/92)

#### **Section 405. Residential Districts: Purposes**

Districts designated R-1, R-2, R-3, and R-4 are intended for primarily residential uses. Other uses may be integrated where compatible. The specific purpose of each of the residential districts is as follows:

##### **405-1. R-1 LOW DENSITY DISTRICT (includes R-1a, R-1b, R -1c and R-1d designations)**

The R-1 classification is designated for areas which are predominately single-family residential in character. It includes both sewered and unsewered land, with appropriate lot size requirements for each situation. New land uses in this district are restricted to low-density residential and associated uses.

##### **405-2. R-2 MEDIUM DENSITY DISTRICT**

The R-2 classification is designated for land where central water and sewer facilities are available or where the installation of these facilities is feasible, and where new multi-family developments can be harmoniously located within existing neighborhoods.

##### **405-3. R-3 HIGH DENSITY DISTRICT**

The R-3 classification is designated for land that may be developed more intensively than in the R-2 district due to its proximity to the central business area of Saco, the availability of central water and sewer facilities, and the general character of existing land uses.



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### 405-4. R-4 GENERAL RESIDENTIAL DISTRICT

The R-4 classification is designated for land that, due to its availability of land, access to utilities, and existing character, can support a mix of residential use at medium densities.

### 405-5. MHP MOBILE HOME PARK OVERLAY DISTRICT

The Mobile Home Park Overlay District is designated for use by mobile home parks at densities represented in Table 412-2, as prescribed by the State. (Amended 5/9/90)

### **Section 405A. Mixed-Use Districts: Purposes** (amended 7/1/13)

Districts designated as mixed-use districts are intended to accommodate both residential uses and a range of non-residential uses depending on the specific purpose of each district. The intention of these districts is to allow for a mix of residential and non-residential activity in a manner that provides a quality environment for all uses. The specific purpose of each of the mixed-use districts is as follows:

#### 405A-1. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT

The MU-1 classification is intended to allow older residential neighborhoods in the downtown area to remain predominantly residential with a mix of housing types while allowing for the reuse of existing buildings as well as limited redevelopment that allows for an increase in the amount of non-residential use such as small scale specialty retail uses, services, restaurants, and business and professional offices especially on the first floor of mixed-use buildings. At the same time, the amount of residential use in the neighborhood is maintained or increased as a result of more intensive use of existing buildings and limited redevelopment. The overall scale and character of rehabilitated or new buildings should be compatible with the established character of the neighborhood. (Amended 10/3/11)

405A-2. Reserved.

#### 405A-3. MU-3 PLANNED MIXED-USE DISTRICT

The MU-3 classification is intended to allow for the development of high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is more urban than suburban and the neighborhoods are organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood is set aside as open space, recreation areas, and conservation land.

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### 405A-4. MU-4 PLANNED LIMITED MIXED-USE DISTRICT

The MU-4 classification is intended to allow for the development of the usable portions of the district with a mix of high density residential uses and lower-intensity non-residential uses such as community services and professional offices that are related to and supportive of a residential use while a large part of the district is retained as open space. The character of the neighborhood is urban, higher density/intensity of use in limited areas with the remainder preserved as open space and conservation land. (Amended 7/1/13)

#### **Section 406. Business Districts: Purposes**

A district designated for business uses is limited to business, public, and certain residential uses. By establishing a compact district for such uses, better fire and police protection and less costly utility networks may be provided. Most industrial uses are excluded in order to reduce the hazards caused by extensive rail and truck movements normally associated with such uses. However, in some business districts, industrial research and certain light industrial uses are permitted if they are of such a nature that they do not cause any hazards and if they meet the specific requirements set forth in the Ordinance. The specific purposes of each of the business districts are as follows: (Amended 1/3/95)

#### 406-1. B-1 GENERAL BUSINESS DISTRICT

The B-1 classification permits uses which would normally require more space than is available in an urban core area. The purpose of this district is to encourage desirable businesses in proximity to the urban core where they may be readily accessible and to provide a variety of lot sizes and building types not generally available in the central business district. (Amended 1/3/95)

#### 406-2. B-2 HIGHWAY BUSINESS DISTRICT

The B-2 classification permits business uses which require large areas or volumes of automobile traffic. The purpose of this district is to locate these high traffic generators away from the downtown core, along the major arterial traffic routes. The B-2 District includes the B-2a, B-2b, B-2c and B-2d designations. (Amended 3/2/92)

#### 406-3. B-3 DOWNTOWN BUSINESS DISTRICT

The B-3 classification permits high value business and services of the type needed within walking distance of high density residential dwelling, and which may also serve a regional financial, service, or retail role. The intent of this district is to concentrate urban businesses and residences in a core area so that each will complement the other.

#### 406-4. B-4 PLANNED DEVELOPMENT DISTRICT

The B-4 classification is intended to allow for large-scale innovative, comprehensively designed, mixed development and redevelopment of property in the area known as Factory Island. This classification recognizes the unique features of this area, including proximity to downtown, frontage on the Saco River, and its past intensive industrial use, and is meant to encourage flexible, but carefully thought-out reuse of the land and its building.

## Article 4 - District Regulations

### 406-5. B-5 MARINE BUSINESS AND RESIDENTIAL DISTRICT

The Marine Business and Residential District is intended to encourage a mix of marine oriented uses, as well as residential uses, and small scale tourist facilities in the Camp Ellis area. (Amended 5/15/89)

### 406-6. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT

The B-6 classification permits a mix of business and commercial uses which prefer high traffic locations, as well as limited industrial and residential uses. (Amended 3/2/92)

### 406-7. B-7 LIMITED BUSINESS/RESIDENTIAL DISTRICT

The purpose of this district is to provide an area for a mix of residential and low impact business uses appropriate to a traditionally residential area adjacent to the central business district. (Amended 1/17/95)

### 406-8. BP BUSINESS PARK DISTRICT

The purpose of the BP District is to provide an area for the development of high quality office, service, and fully enclosed light industrial uses in a “business park”-like environment while allowing for the continuation of traditional uses. (Amended 2/19/02)

406-9. Reserved.

### 406-10. B-8 OFFICE PARK DISTRICT

The B-8 classification is intended to provide attractive locations for high-quality economic growth in close proximity to the Maine Turnpike. These areas develop as attractive office parks that attract a range of business and professional offices, hotels and related services, and indoor recreation/entertainment uses. A limited amount of residential development is accommodated as part of mixed-use developments. The areas have attractive visual environments with well-designed buildings and attractive site design. The natural environment is protected and green space is provided as part of the development. (Amended 9/4/12)

## **Section 407. Industrial Districts: Purposes**

Districts designated I-1, I-2, or I-3 are intended for industries and their expansions as well as for future industrial, office, and other nonresidential development. Retail and residential uses are generally not permitted in these districts. Performance standards, parking specifications, and yard regulations are set forth in the Ordinance in order to ensure safe industrial development that is compatible with adjacent uses. (Amended 2/19/02)

The specific purpose of each industrial district is as follows:

### 407-1. I-1 INDUSTRIAL PARK DISTRICT

The I-1 classification is designed for areas in which the establishment of industrial installations and offices in a campus-like arrangement is promoted.

### 407-2. I-2 INDUSTRIAL BUSINESS DISTRICT

## Article 4 - District Regulations

The I-2 classification is intended to serve as a transitional zone between business and industry, allowing a mix of certain non-retail commercial uses and manufacturing uses. The I-2 family of districts includes the I-2 district and the I-2b district.

### 407-3. I-3 LIGHT INDUSTRIAL-BUSINESS PARK DISTRICT

The I-3 classification is designed to allow a range of light industrial and commercial uses to develop in a planned environment that limits most retail and residential uses. (Amended 2/19/02)

## **Section 408. Conservation District: Purpose**

### 408-1. C-1 CONSERVATION DISTRICT

The C-1 district is designed to promote and preserve agriculture and open space, while permitting low density residential uses that do not conflict with this overall purpose.

## **Section 409. Natural Resource Districts: Purposes**

### 409-1. RP RESOURCE PROTECTION DISTRICT

The RP district is designed to protect fragile shoreline and other ecological systems, which, if developed, would reduce water quality, disrupt wildlife and aquatic habitat and biotic systems, or infringe upon areas necessary for natural flood protection or storage of storm waters. This district is meant to encourage those uses that can be appropriately and safely located in wetland areas.

### 409-2. SR SACO RIVER OVERLAY DISTRICT

The SR District identifies those areas that are subject to the regulations of the Saco River Corridor Commission in addition to the provisions of this ordinance. This designation is intended to foster the coordination of the City's land use regulations with the regulations of the Commission.

### 409-3. SO SHORELAND OVERLAY DISTRICT

The SO District is intended to assure that activities that occur within close proximity of the waterbodies subject to state mandated shoreland zoning are carried out in a manner that protects water quality, promotes wildlife movement, and preserve the scenic quality of these shorelands.

## **Section 410. Permitted and Conditional Uses in Each District**

The permitted and conditional uses for each district are shown on the following table. Uses not specifically listed or defined to be included either according to definitions contained in this Ordinance or according to the common meaning of the term, shall not be permitted.

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**410-1. R-1 LOW DENSITY DISTRICT** (Editor's note: includes R-1a, R-1b, R-1c and R-1d except where otherwise noted.)

### PERMITTED USES

1. Single family dwellings
2. Agriculture, excluding livestock
3. Public parks and playgrounds
4. Public and private schools, excluding commercial schools
5. Places of Worship (Amended 7/16/12)
6. Essential services
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service (Amended 8/1/88)
10. Adult day care center, Type 1 (Amended 7/1/91)
11. Accessory apartments in Single Family Dwelling, R-1b only (Amended 8/6/01)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

### CONDITIONAL USES

1. Two-family dwellings (reviewed as minor conditional use) (Amended 12/17/02)
2. Cemeteries
3. Home occupations
4. Nonprofit recreational uses
5. Nursery schools
6. Day care centers
7. Reserved
8. Municipal uses not listed under permitted uses
9. Public utility buildings
10. Commercial greenhouses and nurseries
11. Kennels
12. Stables
13. Quasi-public uses
14. Water recreation including piers, docks, and boathouses related thereto
15. (Reserved)
16. Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
17. Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
18. Day care home (Amended 8/1/88)
19. Religious conference center in the R1-c District only (Amended 6/19/88)
20. Adult day care center, Type 2 (Amended 7/1/91)
21. Reserved
22. Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
23. Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
24. Golf Courses, in the R-1a District only, subject to Section 722
25. High Voltage Transmission Lines (Amended 12/15/08)

## Article 4 - District Regulations

26. Elder/Disability Housing Facility (5/21/12)
27. Elder/Disability Housing Facility – Limited Service (5/21/12)

### **410-2. R-2 MEDIUM DENSITY DISTRICT**

#### PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Places of Worship (Amended 7/16/12)
4. Essential services
5. Public parks and playgrounds
6. Public and private schools, excluding commercial schools
7. Agriculture, excluding livestock
8. Accessory uses
9. Any use permitted in the resource protection district
10. Home babysitting service (Amended 8/1/88)
11. Adult day care center, Type 1 (7/1/91)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

#### CONDITIONAL USES

1. Multi-family dwellings limited to no more than eight units in each building, unless a conversion of an existing building, within the existing structure, except for minor additions such as stair towers, entrances, dormers, and similar minor building features (Amended 4/28/08)
2. Elder/Disability Housing Facility  
Elder/Disability Housing Facility – Limited Service (5/21/12)
3. Hospitals and clinics
4. Boarding houses
5. Home occupations
6. Parking lots (Amended 1/3/95)
7. Funeral homes
8. Cemeteries
9. Elder/Disability Care Facility – Full Service (5/21/12)
10. Municipal uses not listed under permitted uses
11. Nursery schools
12. Day care centers
13. Nonprofit recreational uses
14. Public utility buildings
15. Commercial greenhouses and nurseries
16. Water recreation including piers, docks, and boathouses related thereto
17. Private clubs
18. Offices which comply with the standards of Section 713 of this Ordinance
19. Kennels
20. Quasi-public uses
21. (Reserved)
22. Day care home (Amended 8/1/88)

## Article 4 - District Regulations

23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)
25. Campgrounds existing as of April 15, 2012 (Amended 8/6/12)

### **410-3. R-3 HIGH DENSITY DISTRICT**

#### PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Places of Worship (Amended 7/16/12)
4. Essential services
5. Public and private schools, excluding commercial schools
6. Public parks and playgrounds
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service Amended 8/1/88)
10. Adult day care center, Type 1 Amended 7/1/91)
11. One accessory apartment in a single family dwelling (Amended 10/20/08)
12. Community living uses (Amended 12/1/08)

#### CONDITIONAL USES

1. Multi-family dwellings
2. Elder/Disability Housing Facility and Elder/Disability Housing Facility – Limited Service (5/21/12)
3. Boarding homes
4. Home occupations
5. Hotels and motels
6. Tourist homes
7. Commercial parking lots
8. Funeral homes
9. Offices which comply with the standards of Section 713 of this Ordinance
10. Hospitals and clinics for humans
11. Quasi-public uses
12. Elder/Disability Care Facility – Full Service (5/21/12)
13. Nursery schools
14. Day care centers
15. Private clubs
16. Nonprofit recreational uses
17. Municipal uses not listed under permitted uses
18. Public utility buildings
19. Water recreation including piers, docks, and boathouses related thereto
20. (Reserved)
21. Bed and breakfast establishments (Amended 9/5/85)

## Article 4 - District Regulations

22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91)(Amended 9/5/85; 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)



## Article 4 - District Regulations

### **410-4. R-4 GENERAL RESIDENTIAL DISTRICT (Amended 1/3/95)**

#### PERMITTED USES

1. Any use permitted as a matter of right in the R-2 District
2. Manufactured housing units
3. Multi-family dwellings in structures containing no more than eight units each
4. Reserved
5. Boarding homes
6. Any use permitted in the Resource Protection District
7. Home babysitting service (Amended 8/1/88)
8. Adult day care center, Type 1 (Amended 7/1/91)(Amended 8/1/88; 7/1/91; 1/3/95)
9. One accessory apartment in a single family dwelling (Amended 10/20/08)

#### CONDITIONAL USES

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right
2. High Voltage Transmission Lines (Amended 12/15/08)
3. Campgrounds existing as of April 15, 2012 (Amended 8/6/12)

## Article 4 - District Regulations

### **410-4A. MU-1 DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**

#### PERMITTED USES

1. Single family dwelling (existing as of April 1, 2011)
2. Two family dwellings
3. Multi-family dwellings
4. Elder/Disability Housing Facility and Elder/Disability Housing Facility – Limited Service (5/21/12)
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses<sup>1</sup> excluding outdoor sales and drive-thru service
9. Eating establishments<sup>1</sup> excluding fast food restaurants
10. Eating and drinking establishments<sup>1</sup>
11. Business offices
12. Professional offices
13. Financial institutions<sup>1</sup> excluding drive-thru service
14. Business services<sup>1</sup>
15. Personal services<sup>1</sup>
16. Repair services<sup>1</sup>
17. Artist or craftsperson studios<sup>1</sup>
18. Commercial schools<sup>1</sup>
19. Health care clinics for humans<sup>1</sup>
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of worship<sup>1</sup>
24. Municipal uses<sup>1</sup>
25. Quasi-municipal or public uses<sup>1</sup>
26. Public utility buildings<sup>1</sup>
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

#### CONDITIONAL USES

1. Offices of contractors and tradesmen<sup>1</sup>
2. Registered dispensary, non-growing<sup>1</sup>
3. Health clubs<sup>1</sup>
4. Private clubs<sup>1</sup>
5. Nursery school<sup>1</sup>
6. Day care center<sup>1</sup>
7. Adult day services<sup>1</sup>
8. Commercial parking lots
9. High voltage transmission lines

Note 1 – Each retail or service establishment or use is limited to a maximum of four thousand five hundred (4,500) square feet of floor area.

## Article 4 - District Regulations

### 410-4D. MU-3 PLANNED MIXED-USE DISTRICT

#### PERMITTED USES

1. Hotels and motels
2. Bed and breakfast establishments
3. Retail businesses with less than 100,000 SF of gross floor area and related outside sales
4. Accessory retail sales of goods manufactured on the premises
5. Artist and craftsperson studios
6. Eating establishments
7. Eating and drinking establishments
8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Offices of tradesmen or contractors
14. Personal services
15. Business services
16. Repair services
17. Funeral homes
18. Health care clinics for humans
19. Animal hospitals and veterinarian offices
20. Light assembly in which all activities occur within a fully enclosed building with no exterior storage
21. Outdoor commercial recreational facilities
22. Commercial recreation
23. Indoor recreation/amusement centers
24. Nonprofit recreational uses
25. Public parks and playgrounds
26. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
27. Places of worship
28. Municipal uses
29. Quasi-municipal or public uses
30. Day care center
31. Adult care services
32. Agriculture
33. Accessory uses
34. Essential services
35. Public utility buildings
36. Any use permitted in the Resource Protection District
37. Mobile home parks in designated Mobile Home Park Overlay Districts

#### CONDITIONAL USES

1. Self-service storage units

#### ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units as part of a mixed-use building
6. Community living uses
7. Home occupations
8. Home babysitting service
9. Day care home
10. One accessory apartment in a single-family dwelling
11. Research and testing laboratories fully enclosed within a building that are compatible with a mixed-use neighborhood

Article 4 - District Regulations

**410-4D. MU-4 PLANNED LIMITED MIXED-USE DISTRICT**

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Community living uses
4. Places of worship
5. Public parks and playgrounds
6. Home babysitting service
7. Day care home
8. One accessory apartment in a single-family dwelling
9. Accessory uses
10. Home occupations
11. Essential services
12. Public utility buildings
13. Any use permitted in the Resource Protection District
14. The reuse of a building existing as of April 1, 2011 for a use that is otherwise permitted only as part of a Master Planned Development

PERMITTED USES SUBJECT TO A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Multi-family housing
2. Elderly congregate housing
3. Nursing homes
4. Health care clinics for humans<sup>1</sup>
5. Professional offices<sup>1</sup>
6. Municipal uses
7. Quasi-municipal or public uses<sup>1</sup>
8. Day care center<sup>1</sup>
9. Adult care services<sup>1</sup>
10. Nonprofit recreational uses<sup>1</sup>

Note 1: This use is allowed only as part of a mixed-use building or development in which the non-residential use occurs in conjunction with a permitted residential use and is accessory and subordinate to the primary residential use.

Article 4 - District Regulations

**410-5. B-1 GENERAL BUSINESS DISTRICT**

1. Single family dwellings
2. Two family dwellings
3. Elder/Disability Housing Facility  
Elder/Disability Care Facility –  
Limited Service (5/21/12)
4. Multi-family dwellings
5. Home occupations
6. Retail businesses excluding outdoor sales
7. Eating establishments, excluding fast  
food restaurants
8. Eating and drinking establishments
9. Hotels and motels
10. Tourist homes
11. Financial institutions
12. Business offices
13. Professional offices
14. Personal services
15. Business services
16. Repair services
17. Artist or craftsperson studion
18. Health club
19. Office of a contractor or tradesman
20. Funeral homes
21. Health care clinics for humans
22. Veterinarian offices
23. Places of Worship (Amended 7/16/12)
24. Public and private schools
25. Commercial schools
26. Essential services
27. Accessory uses
28. Municipal uses
29. Any use permitted in the Resource  
Protection District
30. Bed and breakfast establishments  
(Amended 9/5/85)
31. Home babysitting service (Amended  
8/1/88)
32. Day care home (Amended 8/1/88)
33. Day care center (Amended 8/1/88)
34. Adult day care center, Type 1 and 2  
(Amended 7/1/91)
35. Nursery school (Amended 7/6/93)
36. Reserved
37. Quasi-public uses
38. One accessory apartment in a single  
family dwelling (Amended 10/20/08)

(Amended 9/5/85; 8/1/88; 7/1/91; 7/6/93; 1/3/95; 4/7/03)

CONDITIONAL USES

1. Boarding homes
2. Gas stations (Amended 4/7/03)
3. Gasoline sales accessory to a retail  
use (Amended 4/7/03)
4. Auto repair garages
5. Car washes
6. Private clubs
7. Public utility buildings
8. Commercial recreation
9. Quasi-public uses
10. Private clubs
11. Municipal uses not listed under permitted uses
12. Public utility buildings
13. Water recreation including piers, docks, and  
boathouses related thereto
14. Commercial recreation
15. Indoor recreation (Amended 4/7/03)
16. Marinas
17. Commercial fisheries and related sales  
of fresh products
18. High Voltage Transmission Lines (Amended  
12/15/08)
19. Registered dispensary (Amended 7/19/10)
20. Registered dispensary, non-growing  
(Amended 7/19/10)

Article 4 - District Regulations

**410-6A. B-2a HIGHWAY BUSINESS DISTRICT**

PERMITTED USES

1. One single family dwelling on a lot of record
2. One accessory apartment in a single family dwelling
3. Dwelling units above the first floor as part of a mixed use building
4. One caretaker's apartment within a non-residential use
5. Home occupations
6. Hotels and motels
7. Tourist homes
8. Bed and breakfast establishments
9. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
10. Accessory retail sales of goods manufactured on the premises
11. Lumber and material supply yards
12. Artist and craftsperson studios
13. Eating establishments (Amended 4/7/03)
14. Eating and drinking establishments (Amended 4/7/03)
15. Drive through eating establishments (Amended 4/7/03)
16. Accessory food service facilities
17. Health and fitness clubs
18. Private clubs
19. Financial institutions
20. Professional offices
21. Business offices
22. Offices of tradesmen or contractors
23. Personal services
24. Business services
25. Repair services
26. Small engine repair
27. Funeral homes
28. Health care clinics for humans
29. Hospitals
30. Animal hospitals and veterinarian offices
31. Kennels
32. Boarding kennels
33. Research and testing laboratories
34. Wholesale trade and warehouses
35. Any use permitted in the Resource Protection District
36. Essential services
37. Accessory uses
38. Municipal uses
39. Public utility buildings
40. Quasi-public uses
41. Places of Worship (Amended 7/16/12)
42. Public parks & playgrounds
43. Public schools
44. Private schools
45. Commercial schools
46. Nursery school
47. Day care center
48. Adult day care center, Types 1 and 2
49. Agriculture

(Amended 12-5-94, 2/12/02; 4/7/03)

CONDITIONAL USES

1. Automobile dealers
2. Auto repair garages
3. Gasoline sales accessory to a retail use
4. Car washes
5. Indoor recreation/amusement centers
6. Outdoor commercial recreational facilities
7. Commercial recreation
8. Campgrounds
9. Contractors
10. Public riding stables
11. Light industry in buildings less than 20,000 square feet with no exterior storage
12. Radio or TV transmission towers
13. High Voltage Transmission Lines (Amended 12/15/08)

## Article 4 - District Regulations

### 410-6B. B-2b HIGHWAY BUSINESS DISTRICT

#### PERMITTED USES

1. Single Family Dwelling
2. Two family dwelling
3. Manufactured housing unit
4. One caretaker's apartment within a non-residential use
5. One accessory apartment in a single family dwelling
6. Home occupations
7. Hotels and motels
8. Tourist homes
9. Bed and breakfast establishments
10. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
11. Accessory retail sales of goods manufactured on the premises
12. Lumber yards and material supply yards
13. Artist and craftsperson studios
14. Eating establishments (Amended 4/7/03)
15. Eating and drinking establishments (Amended 4/7/03)
16. Drive through eating establishments (Amended 4/7/03)
17. Accessory food service facilities
18. Health & fitness clubs
19. Private clubs
20. Financial institutions
21. Professional offices
22. Business offices
23. Offices of tradesman or contractors
24. Personal services (Amended 12/5/94)
25. Business services
26. Repair services
27. Small engine repair (Amended 4/7/03)
28. Funeral homes
29. Health care clinics for humans
30. Hospitals
31. Animal hospitals and veterinarian offices
32. Kennels
33. Boarding kennels
34. Any use permitted in the Resource Protection District
35. Research and testing laboratories
36. Wholesale trade and warehouses
37. Essential services
38. Accessory uses
39. Municipal uses
40. Public utility buildings
41. Quasi-public uses
42. Places of Worship (Amended 7/16/12)
43. Public parks and playgrounds
44. Public schools
45. Private schools
46. Commercial schools
47. Nursery school
48. Home babysitting service
49. Day care home
50. Day care center
51. Adult day care center, Types 1 and 2
52. Agriculture
53. Elder/Disability Housing Facility (5/21/12)
54. Elder/Disability Housing Facility – Limited Service (5/21/12)
55. Elder/Disability Care Facility – Full Service (5/21/12)

#### CONDITIONAL USES

1. Multi-family dwelling
2. Automobile dealers
3. Auto repair garages
4. Gas stations
5. Gasoline sales accessory to a retail use
6. Car washes
7. Indoor recreation/amusements centers
8. Outdoor commercial recreational facilities
9. Commercial recreation
10. Campgrounds
11. Public riding stables
12. Contractors
13. Light industry in buildings less than 20,000 square feet with no exterior storage
14. Radio or TV transmission towers
15. High Voltage Transmission Lines (Amended 12/15/08)
16. Registered dispensary (Amended 7/19/10)
17. Registered dispensary, grow-only (Amended 7/19/10)
18. Registered dispensary, non-growing (Amended 7/19/10)

**410-6. B-2c and B-2d HIGHWAY BUSINESS DISTRICT**

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Dwellings above the first floor in a mixed-use building
4. Home occupations
5. Retail businesses
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Hotels and motels
9. Places of worship
10. Financial institutions
11. Personal services
12. Business services
13. Offices
14. Research and testing laboratories
15. Wholesale trade and warehouses
16. Hospitals and clinics for humans
17. Animal hospitals and veterinarian offices
18. Quasi-municipal or public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. Elder/Disability Care Facility – Full Service (5/21/12)
25. Any use permitted in the Resource Protection Dist.
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. Repair services
29. Funeral homes (Amended 6/4/87)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Adult day services
34. Nursery School (Amended 7/6/93; 1/3/95)
35. One accessory apartment in a single family dwelling (Amended 10/20/08)
36. Elder/Disability Housing Facility (5/21/12)
37. Elder/Disability Housing Facility – Limited Service (5/21/12)
38. Offices of contractors or tradesmen

CONDITIONAL USES

1. Multifamily dwellings
2. Health club
3. Boarding houses
4. Amusement centers
5. Commercial recreation
6. Masonry supply yards
7. Indoor recreation
8. Gas stations in B-2c only
9. Auto repair garages in B-2c only
10. Car washes in B-2c only
11. Small engine repair (Amended 4/7/03)
12. High Voltage Transmission Lines (Amended 12/15/08)
13. Campgrounds in B-2c only, existing as of April 15, 2012 (Amended 8/6/12)



**410-7. B-3 DOWNTOWN BUSINESS DISTRICT**

(See also special size limitations in portion of B-3 district, Section 733-1)

PERMITTED USES

1. Multifamily dwellings
2. Elder/Disability Housing Facility and Elder/Disability Housing Facility – Limited Service (5/21/12)
3. Home occupation
4. Retail businesses excluding outdoor sales
5. Eating establishments except those listed as conditional uses and excluding drive-in service (Amended 4/7/03)
6. Eating and drinking establishments (Amended 4/7/03)
7. Business offices (Amended 4/7/03)
8. Professional offices (Amended 4/7/03)
9. Offices of contractors and tradesmen (Amended 4/7/03)
10. Financial institutions
11. Business services
12. Personal services (Amended 12/5/94)
13. Repair services (Amended 4/7/03)
14. Artist or craftsperson studios (Amended 4/7/03)
15. Reserved (Amended 3/1/10)
16. Tourist homes
17. Health care clinics for humans (Amended 4/7/03)
18. Places of Worship (Amended 7/16/12)
19. Commercial schools
20. Private clubs
21. Health and fitness clubs (Amended 4/7/03)
22. Essential services
23. Public utility buildings
24. Municipal uses
25. Quasi-public uses
26. Accessory uses
27. Funeral homes
28. Any use permitted in the Resource Protection District
29. Bed and breakfast establishments (Amended 9/5/85)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Single family dwellings (Amended 4/3/89)
34. Two family dwellings (Amended 4/3/89)
35. Adult day care center, Type 1 and 2 (Amended 7/1/91)
36. Nursery School (Amended 7/6/93)
37. One accessory apartment in a single family dwelling (Amended 10/20/08)
38. Drive-in windows are permitted only in association with financial institutions (Amended 3/1/10)

CONDITIONAL USES

1. Commercial recreation
2. Indoor recreation (Amended 4/7/03)
3. Fast food restaurants, excluding drive through service (Amended 4/7/03)
4. Elder/Disability Care Facility – Full Service (5/21/12)
5. Drinking establishments (Amended 3/7/94; 4/7/03)
6. Commercial parking lots
7. Marinas (Amended 10/16/85)
8. Water recreation including piers, docks and boathouses related thereto (Amended 10/16/85)
9. High Voltage Transmission Lines (Amended 12/15/08)
10. Hotels and motels (Amended 3/1/10)
10. Registered dispensary (Amended 7/19/10)
11. Registered dispensary, grow-only (Amended 7/19/10)
12. Registered dispensary, non-growing (Amended 7/19/10)

**410-8. B-4 PLANNED DEVELOPMENT DISTRICT**

PERMITTED USES

1. Planned developments, pursuant to the procedures and standards contained in Section 706 of this Ordinance
2. Any use permitted in the Resource Protection District
3. Home babysitting service (Amended 8/1/88)
4. Day care home (Amended 8/1/88)
5. Day care center (Amended 8/1/88)
6. Adult day care center, Type 1 and 2 (Amended 7/1/91)
7. Accessory Uses (Amended 6/29/92)
8. Passenger Train Station (Amended 6/29/92)
9. Marinas (Amended 6/2/08)

CONDITIONAL USES

1. High Voltage Transmission Lines (Amended 12/15/08)

**410-9. B-5 MARINE BUSINESS AND RESIDENTIAL**

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Home occupations
4. Retail uses
5. Eating establishments without drive through service (Amended 4/7/03)
6. Eating and drinking establishments (Amended 4/7/03)
7. Places of Worship (Amended 7/16/12)
8. Small non-residential facilities for educational, scientific or natural interpretation
9. Essential services
10. Public parks and playgrounds
11. Quasi-public uses
12. Municipal uses
13. Public utility buildings
14. Bed and breakfast establishments
15. Artist or craftsperson studios (Amended 4/7/03)
16. Wholesale fish and seafood sales
17. Excursion and charter boat terminals
18. Offices for the marine patrol, the harbormaster, and other enforcement and management personnel
19. Parking lots
20. Boat building and repair facilities (subject to site plan review, regardless of size)
21. Marinas, piers, docks, boathouses and port facilities (subject to site plan review, regardless of size)
22. Home babysitting service
23. Day care home
24. Adult day care center, Type 1 and 2 (Amended 7/1/91)
25. Nursery school (Amended 7/6/93)
26. One accessory apartment in a single family dwelling (Amended 10/20/08)
27. Accessory uses (Amended 12/1/08)

CONDITIONAL USES

1. High Voltage Transmission Lines (Amended 12/15/08)

**410-9-A.. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT** (Amended 2/12/02, 1/6/93, 12/5/94, 3/2/92, 2/19/02, 4/7/03)

**PERMITTED USES**

1. One Single family dwelling on a lot of record
2. Dwelling units above the first floor as part of a mixed use building
3. One caretaker's apartment within a non-residential use
4. Home occupations
5. Hotels and motels
6. Retail businesses with less than 40,000 S.F. of gross floor area and related outdoor sales
7. Accessory retail sales of goods manufactured on the premises
8. Lumber yards and material supply yards
9. Artist and crafts person studios
10. Eating establishments (Amended 4/7/03)
11. Eating and drinking establishments (Amended 4/7/03)
12. Drive through eating establishments (Amended 4/7/03)
13. Health and fitness clubs
14. Private clubs
15. Financial institutions
16. Professional offices
17. Offices of tradesman and contractors
18. Personal services (Amended 12/5/94)
19. Business services
20. Repair services
21. Small engine repair (Amended 4/7/03)
22. Offices
23. Funeral homes
24. Health care clinics for humans
25. Hospitals
26. Animal hospitals and veterinarian offices
27. Kennels
28. Boarding kennels
29. Research and testing laboratories
30. Wholesale trade and warehouses
31. Contractors
32. Any use permitted in the Resource Protection District
33. Essential services
- 34.
35. Accessory uses
36. Municipal uses
37. Public utility buildings
38. Quasi-public uses
39. Places of Worship (Amended 7/16/12)
40. Public parks and playgrounds
41. Public schools
42. Private schools
43. Commercial schools
44. Nursery School
45. Home babysitting service
46. Day care home
47. Day care center
48. Adult day care centers, Types 1 and 2.
49. Agriculture without animal husbandry
50. One accessory apartment in a single family dwelling (Amended 10/20/08)

**CONDITIONAL USES**

1. Automobile dealers
2. Automobile repair garages
3. Gas stations
4. Gasoline sales accessory to a retail use
5. Car washes
6. Indoor recreation/amusement centers
7. Enclosed sports areas
8. Outdoor commercial recreational facilities
9. Commercial recreation
10. Campgrounds
11. Light Industry
12. Radio and TV antennas
13. High Voltage Transmission Lines (Amended 12/15/08)
14. Registered dispensary, grow-only (Amended 7/19/10)

**410-9-B, B-7 LIMITED BUSINESS/ RESIDENTIAL DISTRICT**

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elder/Disability Housing Facility  
Elder/Disability Housing Facility – Limited Service (Amended 5/21/12)
5. Adult day care center, Types 1 and 2
6. Bed and breakfast establishments
7. Home babysitting service, day care center, day care home
8. Home occupations
9. Personal services, except laundromats and dry cleaners
10. Nursery schools
11. Public and private schools
12. Accessory uses
13. Municipal uses
14. Offices
15. Quasi-public uses
16. Artist and craftsperson Studios (Amended 1/17/85)
17. One accessory apartment in a single family dwelling (Amended 10/20/08)

CONDITIONAL USES

1. Funeral homes
2. Boarding houses
3. Community living uses
4. Elder/Disability Care Facility – Full Service (Amended 5/21/12)
5. Financial institutions
6. Retail businesses except alcohol sales (limited to 1,500 square feet.)
7. High Voltage Transmission Lines (Amended 12/15/08)

**410-10. BP BUSINESS PARK DISTRICT** (Amended 2/19/02; 4/7/03)

PERMITTED USES

1. One single family dwelling on a lot of record
2. One accessory apartment in a single family home
3. Home occupations
4. Hotels and motels
5. Accessory retail sales of goods manufactured on the premises
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Business services
14. Health care clinics for humans
15. Research and testing laboratories
16. Any use permitted in the Resource Protection District
17. Essential services
18. Accessory uses
19. Municipal uses
20. Public utility buildings
21. Quasi-public uses
22. Public parks and playgrounds
23. Commercial schools
24. Nursery schools
25. Day care centers
26. Adult day care, Types 1 and 2
27. Agriculture

CONDITIONAL USES

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities (Amended 10/21/02)
3. High Voltage Transmission Lines (Amended 12/15/08)

**410 - 10B. B-8 OFFICE PARK DISTRICT (Amended 9/4/12)**

**PERMITTED USES**

1. Dwelling units only as part of a mixed-use building or mixed-use development<sup>1</sup>
2. Multifamily housing only as part of a mixed-use building or mixed-use development<sup>1</sup>
3. Elderly congregate housing
4. Nursing homes
5. Home occupations
6. Eating establishments
7. Eating and drinking establishments
8. Hotels
9. Business offices
10. Professional offices
11. Financial institutions
12. Business services
13. Research and testing laboratories fully enclosed within a building
14. Personal services
15. Health clubs
16. Health care clinics for humans
17. Hospitals
18. Day care center
19. Adult care services
20. Places of worship
21. Municipal uses
22. Quasi-municipal or public uses
23. Private schools
24. Public utility buildings
25. Essential services
26. Accessory uses
27. Any use permitted in the Resource Protection District

Note 1: The total floor area devoted to all residential uses shall not exceed thirty (30) percent of the total floor area of the mixed-use building or mixed-use development in which the residential use is located.

**CONDITIONAL USES**

1. Commercial schools
2. Light industry in which all activities occur within a fully enclosed building
3. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
4. Indoor Recreation
5. High voltage transmission lines
6. Convenience retail uses only within a mixed-use building and limited to a maximum of 1,000 square feet of floor area

**410-11. I-1 INDUSTRIAL PARK DISTRICT** (Amended 8/1/88, 11/17/88, 3/2/92, 7/6/93, 11/7/94, 2/19/02)

**PERMITTED USES**

1. Hotels and motels
2. Supply Yards
3. Parking Lots as an accessory use to abutting lots in the B-6 zone
4. Off-site parking for uses located within the district (Amended 11-7-94)
5. Health Club
6. Financial Institutions
7. Business offices
8. Business services
9. Hospitals and Clinics for humans
10. Research and testing labs
11. Wholesale trade and warehousing
12. Distribution
13. Truck Terminal
14. Light Industry
15. Any use permitted in the Resource Protection District
16. Essential services
17. Accessory uses
18. Municipal Uses
19. Public Utility Buildings
20. Public and private schools
21. Commercial schools
22. Nursery School
23. High Voltage Transmission Lines (Amended 12/15/08)

**CONDITIONAL USES**

1. Heavy Industry
2. Recycling Center
3. Waste Composting Facility
4. Day Care Center
5. Wireless Telecommunication Facilities (Amended 10/21/02)
7. Registered dispensary, grow-only (Amended 7/19/10)
8. Addiction Treatment Facility (Amended 12/6/10)



**410-12. I-2 INDUSTRIAL BUSINESS DISTRICT** (ed. note: includes I-2b district at former Maine Turnpike Exit 5) (Amended 8/1/88, 9/19/88, 3/2/92, 3/16/92, 4/1/91, 6/4/91, 7/6/93, 7/6/93, 2/28/94, 2/19/02, 5/21/12)

#### PERMITTED USES

1. Hotels and motels
2. Retail uses (I-2b only)
3. Accessory uses, including eating establishments associated with hotels and motels
4. Teen Center
5. Financial institutions
6. Business offices
7. Business services
8. Hospitals and clinics for humans
9. Research and testing labs
10. Light Industry
11. Any use permitted in the Resource Protection District
12. Essential services
13. Municipal Uses
14. Recycling center
15. Nursery School
16. Adult day care center, Type 1 and 2
17. Municipal animal incinerator
18. Enclosed Sports Arena
19. High Voltage Transmission Lines (Amended 12/15/08)
20. Commercial School
21. Elder/Disability Housing Facility-Limited Service (5/21/12)
22. Elder/Disability Care Facility – Full Service (5/21/12)
23. Elder/Disability Housing Facility (in conjunction with uses 21 or 22) (5/21/12)
24. Places of Worship (Amended 7/16/12)

#### CONDITIONAL USES

1. Self-service storage units (Amended 10/2/86)
2. Distribution (including not more than 10% of gross floor space for retail purposes)
3. Public and private schools
4. Day Care Centers
5. Registered dispensary, grow-only (Amended 7/19/10)
6. Addiction Treatment Facility (Amended 12/6/10)
7. Car washes in I-2 only (not to include I-2b) (Amended 11/5/12)

**410-13 I-3 LIGHT INDUSTRIAL BUSINESS PARK DISTRICT (Amended 2/19/02; 4/7/03)**

PERMITTED USES

1. Hotels and motels
2. Accessory retail sales of goods manufactured on the premises
3. Eating establishments (Amended 4/7/03)
4. Eating and drinking establishments (Amended 4/7/03)
5. Accessory food service facilities
6. Financial institutions
7. Business offices
8. Offices of tradesmen or contractors
9. Business services
10. Repair services
11. Research and testing laboratories/labs
12. Wholesale trade and warehouses
13. Contractors
14. Light industry
15. Any use permitted in the Resource Protection District
16. Essential services
17. Accessory uses
18. Municipal uses
19. Public utility buildings
20. Quasi-public uses
21. Public parks and playgrounds
22. Public schools
23. Private schools
24. Commercial schools
25. Nursery schools
26. Day care centers
27. Agriculture
28. High Voltage Transmission Lines (Amended 12/15/08)

CONDITIONAL USES

1. Automobile dealers
2. Indoor recreation/amusement centers
3. Health and fitness clubs
4. Distribution facilities
5. Radio & TV transmission towers
6. Wireless Telecommunication Facilities (Amended 10/21/02)
7. Registered dispensary, grow-only (Amended 7/19/10)

## **410-14. C-1 CONSERVATION DISTRICT**

### PERMITTED USES (Amended 11/5/01)

1. Agriculture
2. Public parks and playgrounds
3. Cemeteries
4. Single family dwellings
5. Two family dwellings
6. Clustered residential projects
7. Manufactured housing units
8. Essential services
9. Kennels, except within shoreland areas as defined in Article 7.1 of this Ordinance
10. Commercial greenhouses and nurseries
11. Places of Worship (Amended 7/16/12)
12. Accessory uses
13. Any use permitted in the Resource Protection District
14. Home babysitting service (Amended 8/1/88)
15. Day care home (Amended 8/1/88)
16. Adult day care center, Type 1 (Amended 7/1/91)
17. Agriculturally related business uses (Amended 11/5/01)
18. The processing and/or sale of agricultural products raised on the premises (Amended 11/5/01)
19. Timber harvesting (Amended 11/5/01)
20. One accessory apartment in a single family dwelling (Amended 10/20/08)

### CONDITIONAL USES (Amended 11/5/01)

1. Home occupations
2. Bed and Breakfast Establishments (Amended 12/7/92, 11/5/01)
3. The commercial processing of wood including cutting, sawing, splitting and chipping (Amended 11/5/01)
4. Outdoor commercial recreational facilities involving limited structural development (Amended 11/5/01)
5. Farm stands subject to the standards of Section 725 (Amended 11/5/01)
6. Golf Courses subject to Section 722
7. Campgrounds
8. Water recreation, including piers, docks, and boathouses related thereto
9. Hospitals and clinics for humans, except within shoreland areas as defined in Article 7.1 of this Ordinance
10. Boarding kennels, except within shoreland areas as defined by Article 7.1 of this Ordinance
11. Public riding stables (Amended 10/20/93)
12. Extractive industry, except within shoreland areas as defined by Article 7.1 of this Ordinance
13. Municipal uses
14. Nursery School (Amended 7/6/93)
15. Day care center (Amended 8/1/88)
16. Adult day care center, Type 2 (Amended 7/1/91)
17. The reuse of existing agricultural buildings subject to the standards of Section 725
18. High Voltage Transmission Lines (Amended 12/15/08)

## 410-15. RP RESOURCE PROTECTION DISTRICT

### PERMITTED USES (Amended 4/5/02)

1. The harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, but not including any extractive industry or activity
2. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
3. Wildlife management
4. Hiking trails, snowmobile trails, bridle paths and similar facilities
5. Parks and picnic areas of primarily undeveloped, natural character
6. Motorized vehicular traffic on existing roads
7. Forest management activities except for timber harvesting
8. Clearing of vegetation for approved construction and other allowed uses<sup>1</sup>
9. Fire prevention activities
10. Soil and water conservation practices
11. Surveying and resource analysis
12. Emergency operations
13. Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis.<sup>1</sup>
14. Structures accessory to allowed uses
15. Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland<sup>1</sup>
16. Private sewage disposal systems for allowed uses
17. Service drops for allowed uses
18. Filling and earthmoving of < 10 cubic yards<sup>1</sup>
19. Agriculture<sup>2</sup>

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

<sup>2</sup> Subject to obtaining a shoreland permit from the Code Enforcement Officer, to include submission of a management plan filed with either the Natural Resources Conservation Service or the York County Soil and Water Conservation District.

### CONDITIONAL USES (Amended 4/5/02)

1. Small non-residential facilities for educational, scientific or natural interpretation purpose
2. Recreation uses involving minimal structural development, such as golf courses, tennis courts, playing fields and similar uses where water quality would not be adversely affected and potential for flood damage could be minimal
3. Small non-residential structures accessory to permitted or conditional uses
4. Essential services
5. Water recreation facilities
6. Aquaculture
7. Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland
8. Parking facilities accessory to allowed uses
9. Filling and earthmoving of > 10 cubic yards
10. High Voltage Transmission Lines (Amended 12/15/08)

**410-16. SACO RIVER OVERLAY DISTRICT**

PERMITTED USES

Any use that is a permitted use in the underlying City zoning district that is also an allowed use at that specific location under the Saco River Corridor Commission’s regulations is a permitted use, but is subject to the requirements of Article 7.1 and the performance standards of the Saco River Corridor Commission.

CONDITIONAL USES

Any use that is a conditional use in the underlying City zoning district that is also an allowed use at that specific location under the Saco River Corridor Commission’s regulations is a conditional use, but is subject to the requirements of Article 7.1 and the performance standards of the Saco River Corridor Commission.

**410-17. SHORELAND OVERLAY DISTRICT**

PERMITTED USES

Any use that is a permitted use in the underlying City zoning district is a permitted use but is subject to the requirements of Article 7.1.

CONDITIONAL USES

Any use that is a conditional use in the underlying City zoning district is a conditional use but is subject to the requirements of Article 7.1.

**410-18. MHP MOBILE HOME PARK OVERLAY DISTRICT**

PERMITTED USES

Mobile home parks. Once a mobile home park is approved by the Planning Board, the uses in the parks are limited to the following permitted and conditional uses:

PERMITTED USES

1. Accessory uses
2. Home babysitting service
3. Parks and playgrounds (Amended 5/9/90)

CONDITIONAL USES

1. Home occupations
2. Day care home

### **Section 411. Prohibited Industrial Uses**

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

- Blast furnace, metal or ore reduction or smelting;
- Coke manufacture;
- Petroleum refining;
- Animal rendering plants;
- Nuclear power production facilities;
- Industries with high level radiation hazards;
- Nuclear waste disposal;
- Petroleum and petroleum product tank farms;
- Ammonia, chlorine manufacture, or the refining of hydrochloric, nitric, picric, sulfuric, sulphurous or similar acid manufacture. (Amended 3/2/92)

#### **Footnotes to Table 412-1.**

1. Zero if with party wall; otherwise 15 feet minimum (Amended 1/3/95)
2. Zero if with party wall; otherwise 10 feet minimum (Amended 1/3/95)
3. Applies to lots involving development of buildings or structures
4. Where a lot fronts on a cul-de-sac, these minimums shall be measured at the front yard setback line
5. Along the Saco River, the aggregate of river frontage plus setback shall equal 500 feet, with a minimum setback of 100 feet. Setback provisions do not apply to structures which require direct access to the water as an operational necessity, such as piers and docks.
6. (Reserved) (Amended 1/3/95)
7. For religious conference centers density shall be governed on the basis that three bedrooms equal one dwelling unit, or for common sleeping areas, four beds equals one dwelling
8. In the Historic Preservation District only, the setbacks for new buildings (and additions) described in F (2) and F (3) shall be the same as in Row E above. Existing buildings are not required to conform to setbacks. For new parking areas, existing parking areas to be enlarged by five or more spaces, and new access drives as described in F(1), the setbacks shall be 10 feet. Existing parking areas and access drives do not require setbacks. For both new and existing parking areas, the Planning Board may impose conditions of approval including plantings, fences, earth berms, and other screens and buffers, to assure that adequate protection of nearby uses is provided. Nothing in this section shall be interpreted to prohibit shared parking on adjoining lots when permitted. (Amended 7/1/91)
9. Except for single-family houses in sewerred areas, the minimum lot size for which is 10,000 sq. ft. in the B-2a and 7,500 sq ft. in the B-2b. (Amended 3/2/92)
10. Special street frontages for single-family houses:
  - (1) B-2a sewerred, 100 feet
  - (2) B-2b sewerred, 75 feet
  - (3) B-2b unsewerred, 100 feet
11. B-2a, B-2b, B-6, and BP Setbacks:
  - (1) 75 feet for lots with frontage on Route 1
  - (2) 40 feet for lots fronting elsewhere in the district. (Amended 3/2/92, 2/19/02)
12. Street frontage may be reduced to 50 feet for lots that have their frontage and primary vehicular access from a

- collector or local street, or in the case of arterial streets, no more than one such reduced frontage in each 500 feet of frontage. The lot shall be at least as wide at a potential building site as the frontage measurement required in the district. (Amended 4/2/2001)
13. Notwithstanding the minimum lot size and minimum lot area per dwelling unit requirements shown on Table 412-1, any residential lot that uses subsurface waste disposal system for on-site sewage disposal and any portion of which is located over a mapped sand and gravel aquifer as shown on the map Significant Sand and Gravel Aquifers - 1998 published by the Maine Geological Survey shall have a minimum lot area per dwelling unit of forty thousand (40,000) square feet. (Amended 4/19/02)
  14. See definition of shed for special setbacks for certain small sheds in certain districts. (4/7/03)
  15. All development in the MU-1 district including the alteration, reconstruction, or expansion of existing buildings is subject to the additional requirements of Section 729. (10/3/11)
  16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 s.f. of total floor area, the requirement is 1,400 s.f. of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 s.f. of total floor area regardless of the number of bedrooms, the requirement is 2,000 s.f. of lot area per unit.
  17. Notwithstanding the Minimum Lot Area Per Dwelling Unit Requirements set out in the table, the minimum lot area per dwelling unit requirement for Elder/Disability Housing Facilities and for Elder/Disability Care Facilities – Limited Service that is served by public sewer shall be:
    - 2,000 square feet in the R-1, R-2, R-4, B-7, B-2b, B-2c, B2-d, B-7 and I-2 Districts
    - 1,000 square feet in the R-3, B-1, B-3, B-9, MU-1 and MU-2 DistrictsIf not served by public sewer the density shall be the same as for multifamily housing, if permitted. (5/21/12)
  18. Reserved.
  19. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building and no parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. These requirements do not apply if the building is part of a multi-unit residential project approved by the Planning Board in accordance with Section 729. (Amended 11/16/11)
  20. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 1 bedroom and less than 600 s.f. of total floor area, the requirement is 3,000 s.f. of lot area per unit and for dwelling units with more than 1 bedroom or more than 600 s.f. of total floor area regardless of the number of bedrooms, the requirement is 4,000 s.f. of lot area per unit. (Amended 11/16/11)
  21. The side yard and rear yard shall be a minimum of 25 feet for multifamily buildings or for other principal buildings that are part of a multi-unit residential project if the building is adjacent to a lot line that is shared with a residential lot that is not part of the project unless a different setback is approved by the Planning Board in accordance with Section 729. (Amended 11/16/11)
  22. In the B-2c, the minimum front yard may be reduced to 25' for buildings that front on North Street west of the Industrial Park Road. (Amended 9/4/12)
  23. The maximum height of a non-commercial barn or similar structure in the C-1, B-2a, B-2b and BP zones shall be 50 feet. The barn or similar structure shall have a sideyard and rearyard setback equal to 105% of its height. Vegetative screening that provides a visual buffer sufficient to minimize impact on abutting properties may be required by either Planning Board or City staff. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen; plants that die shall be replaced within one growing season. (Amended 3/4/13)

\* To be determined as part of subdivision and site plan review procedures

**Mobile Home Park Overlay District  
Minimum Lot and Yard Requirements  
Table 412-2.**

A.	MINIMUM LOT AREA (Sq. Ft.)	
	(1) sewerer	6,500
	(2) unsewered	20,000
	(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board*	12,000
B.	MINIMUM LOT AREA/DWELLING UNIT (Sq. Ft.)	
	(1) sewerer	6,500
	(2) unsewered	20,000
	(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board	12,000
C.	MINIMUM STREET FRONTAGE (Feet)	
	(1) sewerer	65
	(2) unsewered	100
	(3) with central system approved by Maine Department of Human Services, Saco Plumbing Inspector & Planning Board	75
D.	MINIMUM DEPTH FRONT YARD ON PRIVATE STREETS (Feet)	
	(1) lots smaller than 10,000 square feet	10
	(2) lots larger than 10,000 square feet	15
E.	MINIMUM DEPTH FRONT YARD ON PUBLIC STREETS (Feet)	20
F.	MINIMUM WIDTH SIDE AND REAR YARDS (Feet)	
	(1) lots smaller than 10,000 square feet	10
	(2) lots larger than 10,000 square feet	15
G.	MAXIMUM LOT COVERAGE (%)	30
H.	MAXIMUM HEIGHT (Feet)	35

\* The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

(Amended 5/9/90)



## **Section 412. Lot and Yard Requirements**

### **412-1. MINIMUM LOT AND YARD REQUIREMENTS**

The minimum lot area, minimum lot area/dwelling unit, minimum street frontage, minimum depth of front yard, minimum width of side yard and rear yard, minimum setback from normal high water marks, maximum lot coverage, and maximum height for each district shall be as shown in Table 412-1. "Minimum Lot and Yard Requirements."

### **412-2. CORNER AND DOUBLE FRONTAGE LOTS**

Lots which abut public streets or other ways on more than a single side shall provide a required minimum depth for a front yard along at least two of the abutting streets. Minimum side yard and rear yard depth shall be provided along all other sides.

### **412-3. MAINTENANCE OF MINIMUM YARD REQUIREMENTS**

All structures, whether attached to principal structures or not, and whether open or enclosed, including porches, car ports, balconies or platforms above normal grade level, shall not project into or otherwise lessen the required minimum front, rear or side yards. Driveways and parking spaces may be considered as part of side or rear yard set back requirements, provided that no vehicle is parked closer than five feet from the lot line or as required in Table 412-1, whichever is greater.

### **412-4. WAIVER OF MINIMUM LOT AND YARD REQUIREMENTS**

The Building Inspector shall be authorized to waive minimum yard requirements, and to issue a building permit without a variance, under the following circumstances only:

- 1) Unenclosed, roofed structures (such as porches and carports,) which are lawfully existing upon the date of adoption of this Ordinance, shall be permitted to be enclosed provided that the new walls will not extend closer to the lot line than the existing roof, and that they shall be not less than five feet from any lot lines.
- 2) Along existing residential streets which were developed prior to enactment of the present front yard requirements, a single family detached dwelling, a two-family dwelling, or an addition to either, other than a garage or car port, may be permitted to be built with a front setback equal to the average front setbacks of the existing houses on the immediately adjacent lots. However, in no case shall new construction be allowed closer than 15 feet from the front lot line, without a variance. (Amended 1/3/95)

### **412-5. WAIVER OF MAXIMUM HEIGHT REQUIREMENTS**

The Building Inspector may authorize a height in excess of thirty-five (35) feet if the structure is any of the following and does not constitute a hazard to an established airport or neighboring properties: television and radio towers; church spires; belfries; monuments; tanks; water and fire towers; stage towers and scenery lofts; amusement park rides; silos; cooling towers; ornamental towers; spires; chimneys; elevator bulkheads; smokestacks; conveyors; flagpoles; and windmills. Such projections in height as may apply shall be properly identified for aircraft. All such structures shall be set back

from the property lines a distance at least equal to their height, except in the B-6, B-2a, B2-b, I-2 and I-2 districts. (Amended 6/19/95)

#### 412-6. CONVERSIONS OF DWELLINGS OR STRUCTURES TO MULTIFAMILY USE

Notwithstanding provisions of Article V of this Ordinance, dwellings or structures converted to multifamily use shall comply with the minimum lot area and minimum lot area per dwelling unit requirements in Table 412-1, Lines A and B. These two requirements may be waived only by a variance from the Zoning Board of Appeals pursuant to the standards of Section 902 of this Ordinance. If a building which is non-conforming with respect to any other standard of Table 412-1 is proposed for conversion to multifamily in any district where multifamily is permitted or conditional, the conversion shall be considered a conditional use, subject to the conditional use standards of Section 901-4, and subject to a finding by the Planning Board that this non-conformance does not cause the use to violate any of the conditional use standards or special standards of Article 7 for certain conditional uses. (Amended 10/4/93)

#### 412-7. BACK LOTS

One new back lot may be created from any lot of record which conforms to the lot requirements of Table 412-1 except for the lot frontage requirement, and which existed on July 17, 1989, provided that:

- a. The back lot and front lot each will be the site of no more than one principal structure containing one or two dwelling units. Uses are limited to single family and two family dwellings for both the back lot and front lot.
- b. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
- c. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.
- d. The back lot has a deeded access to a publicly accepted street. This access may be obtained by way of an at least twenty (20) foot wide right-of-way across the front lot that is deeded to the owner of the back lot or by the extension of the back lot to the public street so that the back lot has at least twenty-five (25) feet of frontage on the street. The creation of the back lot shall not make the front lot more non-conforming in street frontage or make the front lot non-conforming with respect to street frontage if it is conforming. The back lot and the front lot shall share the same driveway entrance if access to the back lot is obtained through a right-of-way or the street frontage of the front lot is located on a road functionally classified as an arterial or collector or defined as part of the Rural Road Network as shown on Figure 10.1 of the 1999 Update of the Comprehensive Plan, except in cases where it is not possible because of the location of the existing structure on the lot or because of difficult terrain.

- e. Each dwelling unit on the back lot is served by a residential sprinkler system meeting the requirements of NFPA and approved by the Saco Fire Department or each dwelling unit is less than five hundred (500) feet from a public road or less than a thousand (1,000) feet from a hydrant approved by the Fire Department. These measurements shall be made along the driveway and roadway, not cross-country.
- f. The back lot is accessed by a 12-foot wide driveway for one dwelling unit, or a 16-foot wide driveway for two dwelling units. The portion of the driveway which serves only the last dwelling unit may be reduced to 12 feet. (If the road is curved additional width may be required by the Fire Department to allow for the safe passage of emergency vehicles.) The driveway shall be built with at least 12 inches of sub base gravel and three inches of base gravel. Drainage shall be provided in accordance with Section 805 and ditches and culverts shall be located at appropriate points as approved by the Public Works Department or City Engineer. The grade of the driveway shall not exceed 10 percent.
- g. A turnaround area approved by the Fire Department shall be provided for public safety vehicles.
- h. Street numbering shall be approved by the city's emergency departments and the Assessor. A sign or mailbox clearly stating the street number shall be posted at the street before occupancy.
- i. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer when the house is built. (Amended 7/17/89; 11/1/93; 3/19/2001)

412-8. LOT STANDARDS (Amended 3/19/2001; 3/07/05)

Any new residential lot created after April 18, 2001 shall conform to the following requirements:

- 1. Lots in which a narrow strip(s) of land with a width of less than twenty-five percent (25%) of the required minimum street frontage for the zoning district in which the lot is located is used to join other portions of the lot in order to meet the minimum lot area, minimum lot area per dwelling unit, or minimum street frontage requirements are prohibited.
- 2. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
- 3. Prior to issuance of a building permit, the Code Enforcement Officer may request that a wetlands delineation be submitted in order to verify that a portion of a proposed building lot adequate for building construction and septic system installation consists of upland. If an area of wetlands equal to or greater than Maine DEP Natural Resource Protection Act thresholds is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.

## Section 413. Historic Preservation

### 413-1. PURPOSE AND INTENT

The purpose of this Section is to provide a legal framework within which the residents of the City of Saco can protect the historic, architectural and cultural heritage of historically significant areas, landmarks and sites in the community while accepting compatible new construction. The heritage and economic well-being of the city will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the City of Saco. The intent of this ordinance is to in every way possible assist property owners to maintain the architectural integrity of the district.

Once destroyed, architectural history cannot be replaced. To prevent such losses, the intent of this Section is to:

- 1) Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
- 2) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
- 3) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
- 4) Accept new buildings and structures in designated districts, which are designed and built in a manner which is compatible with the character of the district.
- 5) Promote the educational, cultural, economic and general welfare of the people of the City. (Amended 3/2/87; 3/7/94; 8/22/94; 1/17/95; extensively 11/19/07)

### 413-2. DEFINITIONS

As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

**Altered:** The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

**Appropriate:** Shall refer to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

**Building:** A combination of materials forming a shelter that may be used for persons, animals, or property.

**Certificate of Appropriateness:** The permit indicating compliance with Section 413, the historic preservation section of the Saco Zoning Ordinance.

**Commission:** The commission acting as the Historic Preservation Commission established in 413-3.

**Conflict of interest:** Shall be construed to mean direct or indirect pecuniary benefit to any person, including regular and associate members of the Commission or member of the person's immediate family (i.e., related by blood or marriage) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

**Contributing structure:** A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**District:** See "Historic District".

**Exterior architectural feature:** The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to:

- 1) the kind, type, and texture of the building materials;
- 2) the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim, etc.;
- 3) the location and treatment of any vehicle access or parking space;
- 4) the design of any sign; and
- 5) the arrangement of any fencing.

**Historic** (adj.): Important in or contributing to history.

**Historic district:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this Section as appropriate for historic preservation. Such historic districts may also comprise an individual Historic Landmark or Historic Site separated geographically, but linked by association or history.

**Historic landmark:** Any improvement, building or structures of particular historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Section.

**Historic site:** Any parcel of land of special significance in the history of the City of Saco, and its inhabitants, or upon which a historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this Section. The term "historic site" shall also include any improved parcel, or part thereof, used as and constituting part of the premises on which an historic landmark is situated as may be designated in accordance with this Section.

**Historic significance:** A building, structure or site possesses historic significance if it embodies one or more of the six qualities outlined in Section 413-4. Any building classified as non-contributing is not considered to possess historical significance.

**Historic district(s):** The district(s) established in 413-5 or amended in accordance with the procedures detailed in 413-6 and having one or more of the qualifications outlined in 413-6.

**Materials and texture:** The exterior surface material of a building or structure, including but not limited to, brick, stone, wood or slate.

**Site:** See Historic Site

**Rhythm:** Characterized by the regular recurrence of strong and weak elements.

#### 413-3. HISTORIC PRESERVATION COMMISSION

##### 1) APPOINTMENT

Members of the Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council.

##### 2) QUALIFICATIONS

The Commission shall consist of five (5) regular members, and five (5) associate members. All members shall be residents of the City of Saco. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Saco within the meaning of Section 1 of this Ordinance. To the extent available, the members shall have architectural design skills or other skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction, and should include a member of the Saco Historic Society. Regular and associate members shall serve without compensation.

##### 3) REGULAR MEMBERS

The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Commission Members shall be appointed for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

##### 4a) ASSOCIATE MEMBERS

Membership should include a resident of the historic district. Associate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Associate members shall be appointed for terms of three (3) years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in place of the regular member who is absent, has resigned, or has been disqualified because of conflict of interest. Associate members may be reappointed.

##### 4b) ADVISORY MEMBERS

In addition to the regular and associate members of the Commission, the City Council may appoint other persons, not necessarily residents of the City of Saco, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

5) REMOVAL

Any regular or associate member may be removed for cause by the City Council upon written charges after a public hearing.

6) OFFICERS AND QUORUM

Such commission shall elect annually a chairperson, and vice chairperson from the regular members. Four members shall constitute a quorum for the transaction of business before said Commission, but if less than quorum, the meeting shall be adjourned. The planning office shall maintain a permanent record of the activities of the Commission, including but not limited to, such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of Commission Members, attendance records, appointments to the Commission, correspondence and minutes of all meetings. This duty may be delegated to the City Planning Department, which shall be the authorized agent of the Historic Preservation Commission, to whom the Commission may delegate any duties.

7) PROCEDURE

The Commission may adopt and may amend rules of procedure.

8) MEETINGS

All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided prior to any special meetings of the Commission.

9) DUTIES

The duties of the Commission, at a minimum, shall be to:

- a) Advise, and inform City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- b) Advise and inform owners in complying with the requirements of this Section.
- c) Make recommendations for establishing historic districts, historic sites, or historic landmarks.
- d) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties designated under the jurisdiction of Section 413 of the Saco Zoning Ordinance.
- e) Review all proposed National Register nominations in Saco.
- f) Serve an advisory role to city officials regarding local historical and cultural resources, and act as a liaison between local government and those persons and organizations concerned with historic preservation.
- g) Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
- h) Work to provide continuing education on historic preservation issues to local citizens
- i) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this Section.

- j) Cooperate with federal, state and city officials in the pursuance of the objectives of historic preservation.
- k) Participate in land use planning efforts of the city, state and federal government.

10) GIFTS, GRANTS, FUNDING

The Historic Preservation Commission may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Director. Appropriations from the City Council shall be managed in accord with city policies and lapse each year if unexpended.

(Amended 3/2/97)

413-4. QUALIFICATIONS FOR HISTORIC DISTRICTS, SITES AND LANDMARKS

The historic districts, historic sites or historic landmarks established in accordance with this Section shall have one or more of the following characteristics and qualifications, without limitations as to cultural or chronological period:

1) HISTORY OF SACO

Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Saco and the nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

2) PERSONS

Structures, buildings or sites associated with important historic personages.

3) IDEAS

Structures, buildings or sites associated with important historic examples of a great idea or ideal.

4) ARCHITECTURE

Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping; of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.

5) VISUAL CONTINUITY

Structures or buildings contributing to the visual continuity of the historic district.

6) NATIONAL REGISTER



Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

#### 413-5. ESTABLISHMENT OF HISTORIC DISTRICT, HISTORIC SITES OR HISTORIC LANDMARKS

##### 1) PRELIMINARY PROCEDURES

The initial establishment of historic districts, historic sites or historic landmarks shall be done by amendment to 413-6 and shall overlay the districts created by Section 403. The City Council, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend 413-6. Subsequent action to add new districts, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Administrator shall place it on the agenda of the City Council to act on the request. Any application or designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

##### a) DESIGNATION OF BUILDING, STRUCTURES AND SITES FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
- ii) A concise statement of how the building, structure or site meets the review criteria of 413-4 above.
- iii) Exterior photographs of the building or structure, or a site map, illustrating significant details described in i), above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.

##### b) DESIGNATION OR EXPANSION OF DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise statement of the physical elements which justify making this area a historic district and a description of building types and architectural styles and periods represented.
- ii) A concise statement of how the district meets the review criteria of 413-4 above.
- iii) An explanation of the boundaries of the district.
- iv) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the number of non-contributing structures.

- v) A map showing the location of all district structures with an identification of contributing structures.

2) STUDIES, RECOMMENDATIONS

Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission will make a report to the City Administrator on every request received within 6 months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission in Augusta for review.

3) PUBLIC HEARING, FINAL REPORT

Before a final report is made to the City, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and abutting property within a 200 foot radius of the property under consideration. Not later than thirty (30) days after the public hearing, the Commission shall submit a final report to the City Council.

4) ACTION BY THE CITY COUNCIL

After receipt of the Commission’s recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.

5) APPLICABILITY OF THIS ORDINANCE

All land, buildings or structures within a historic district are subject to the requirements of this ordinance after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this ordinance after they have been so designated by the City Council.

413-6. HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS DESIGNATED

The following described lands, buildings, structures, or areas of the City are designated historic districts, historic sites or historic landmarks as follows:

1) Districts

Beginning at Thornton Academy on the north end of Main Street the district takes in the grounds surrounding the Academy and the football field on the opposite side of the street. It then takes in all properties on both sides of Main Street as far south as 146 Main. Beginning at the intersection of Main and North Streets it includes all properties on both sides of North Street as far as the Boston and Maine railroad tracks. All properties on both sides of Vernon Street and Cross Street are included, all properties on the north side of Cutts Avenue, and properties on both sides of Elm Street from the intersection of Elm Street and Main Street to the intersection

of Elm Street and Cutts Avenue are included. All buildings in Pepperell Square are included. The full width and depth of all lots, except for a portion of the Thornton Academy campus, as depicted on the official zoning map are included for all properties. (Amended 6-17-02)

Also, all lots on the north side of Beach Street beginning at Middle Street Extension to Winter Street, except for Memorial Field, where the boundary is an extension of the rear lot line of Map 32 Lot 113; on Winter Street, Map 32, Lot 117; on the south side of Beach Street from Map 32, Lot 98 on Beach Street east to James Street, including Pepperell Park, defined for this purpose as Map 32, Lot 65, but not including Fairfield School and three feet of land around it. The full depth and width of all the lots, except for the Fairfield School exception noted above, as depicted on the official zoning map, are included. In the case of any discrepancies between the boundaries of the district as described above and the map, the map shall have precedence. (Amended 1-17-95, 6-17-02, 11/19/07)

Also, the following lots on Middle and School streets, Map 31, Lots 6, 7, 7-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 55 (limited to the portion which is the location of the original Wardwell Home), 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and 96.

Also, Map 38, Lot 183.

2) Sites

3) Landmarks

#### 413-7. USES PERMITTED

Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in Section 410, for the zone in which such district, site or landmark is located.

Determinations of permitted and conditional uses shall continue to be within the authority of the code enforcement office, the Planning Board (for conditional uses), and the Zoning Board of Appeals, for appeals of the code enforcement officer's and Planning Board's decisions, to the extent that those appeals are authorized under the zoning ordinance.

#### 413-8. CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness issued by the Commission shall be required for any of the following:

- 1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district, or upon a historic site.
- 2) Demolition of a historic landmark or demolition of any building or portion of any building, including the removal of architecture features from an historic landmark or a contributing building in a historic district.
- 3) Moving an historic landmark or any building located in a historic district.
- 4) Additions, alterations, or reconstruction, including porches and steps to existing buildings within a historic district or a historic site where such addition would be clearly visible from a public way.

- 5) New signs placed in a historic district or a historic site or historic landmark.
- 6) New construction of walls, fences and parking lots in an historic district within 75 feet of and clearly visible from a public way.
- 7) Sandblasting of brick or stone buildings.

3) MAJORITY VOTE

After a quorum of the voting members has been established in accordance with 413-3(6), an affirmative vote of at least 3 of the quorum shall be required to issue a Certificate of Appropriateness.

4) BUILDING PERMITS

In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, alteration, or demolition until a corresponding Certificate of Appropriateness, where required by this section, has been issued by the Historic Preservation Commission.

413-9. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

1) APPLICATION FORMS, FEES

Application for a Certificate of Appropriateness shall be obtained from the City Planning Department. No fee is required for a certificate of appropriateness application.

2) APPLICATION PROCEDURE

A completed application for a Certificate of Appropriateness shall be submitted to the City Planning Department which shall verify that the requirements of (3), below, have been met, then date it and transmit such application to the Historic Preservation Commission for action. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

2a) ALTERNATIVE PROCEDURE FOR REVIEW OF INSTALLATION OR ALTERATION OF ANY EXTERIOR SIGN; MINOR ALTERATIONS; AND TEMPORARY ALTERATIONS.

In order to process Certificates of Appropriateness more efficiently, applications for minor alterations shall be reviewed by the City Planning Department rather than the Historic Preservation Commission. The City Planning Department shall review the application to the standards of Section 413 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete plan. No public hearings or abutter notices are required for applications reviewed under this section. If the department has not acted within 10 working days the applicant may seek approval from the Commission, rather than the

department. Inaction by the City Planning Department does not constitute approval or disapproval of the plan.

If the applicant is not satisfied with the determination of the department, the applicant shall be permitted to have the entire application reviewed by the Commission. The City Planning Department can, for any reason, forward any minor alteration to the Commission for review. The department shall provide the Commission with written notice of any action.

For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed thirty (30) days or as an annual occurrence that does not exceed one thirty (30) day period each year.

Minor alterations are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

### 3) APPLICATION CONTENTS

The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined in paragraphs a through h of this section. The Commission may waive any application requirement if it determines that it is not necessary to an application.

- a) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name and address, if different from the applicant's, and the owner's signature.
- c) The address and the tax map and lot number.
- d) The present use and zoning classification of the subject property.
- e) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Appropriateness.
- f) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show as far as they relate exterior appearances, the architectural design of the building(s), including materials and textures including samples of exterior materials. Drawings shall be clear, complete and specific.
- g) Photographs of the building involved and of adjacent buildings.
- h) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

#### 413-10. ADMINISTRATIVE PROCEDURES

##### 1) NOTICE TO APPLICANT AND ABUTTERS

Prior to consideration of a Certificate of Appropriateness, the city shall inform the applicant and mail a notice to all persons owning abutting property of the application. This section, however, shall not apply to applications heard under Section 413-9-2a. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for real estate are assessed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action by the Commission.

##### 2) HEARING

The Commission will hold a public hearing on each application before it. Applications under Section 413-9-2a do not require a public hearing. A notice of the hearing will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over \$1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

##### 3) APPROVAL

If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this ordinance and is therefore appropriate, it shall approve a Certificate of Appropriateness and the City Planning Office shall notify the applicant and code enforcement officer in writing of the determination and any conditions of approval. (Amended 8-22-94)

##### 4) DISAPPROVAL

If the Commission determines that a Certificate of Appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of the ordinance. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two weeks or allow itself up to an additional two weeks to prepare and adopt more detailed findings. The City Planner shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. (Amended 8-22-94)

##### 5) APPEALS

An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within 30 days from the date of the decision to the Zoning Board of Appeals.

##### 6) TIME LIMITS ON CERTIFICATES OF APPROPRIATENESS

If substantial construction is not commenced within six months of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Department upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration

of the approval. After the approval has expired or an extension denied, the applicant may reapply for site plan review at any time without prejudice. The extension shall be approved by either the Planning Department or the Commission, as outlined above, unless:

- a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
- b. failure to meet a condition of approval;
- c. an amendment in the zoning ordinance that prohibits or alters the proposed project.

#### 413-11. STANDARDS OF EVALUATION

The standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation", as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of subsections 413-11-2 and 413-12-3 below, shall be used in review of applications for Certificates of Appropriateness. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

The standards of Section 413-11-5-d shall apply to demolitions.

The following standards shall apply:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, subject to Section 413-12. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## 2) VISUAL COMPATIBILITY FACTORS

Within historic districts and on historic sites, new construction, additions to existing buildings or structures and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

### a) HEIGHT

In addition to complying with the height standard of Table 412-1 and the height waiver standards of Section 412-5, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.

### b) WIDTH

The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.

### c) WINDOWS AND DOORS

The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related particularly to adjacent historic buildings of the same period.

### d) RELATION OF SOLIDS TO VOIDS IN FRONT FACADES

The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.

### e) RHYTHM OF SPACING OF BUILDINGS ON STREETS

The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.

### f) RHYTHM OF ENTRANCE AND/OR PORCH PROJECTION

The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

### g) RELATIONSHIP OF MATERIALS AND TEXTURE

The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.



h) ROOF SHAPES

The roof shape of a building shall be compatible with that of buildings to which it is visually related.

i) SCALE OF BUILDINGS

The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

j) DIRECTIONAL EXPRESSION OF FRONT ELEVATION

A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

3) CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN HISTORIC DISTRICTS

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

4) SIGNS

General: Signs shall be governed by the standards of Section 707, Signs, and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a Certificate of Appropriateness.

Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a) Location

Wall signs generally shall be located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b) Design

The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the shape of a

key for a lock shop), can be an appropriate feature if consistent with the standards of the ordinance.

c) Illumination

Generally signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission, (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d) Additional Guidelines for Special Categories of Signs:

1. Awnings, Canopies and Marquees: The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed, and fully fill the width of the individual window or door opening. Besides the signs standards of this ordinance, these sign types and all advertising signs, must comply with all other historic ordinance design standards.
2. Painted Wall Signs: Painted wall signs such as business names may be appropriate if designed in conformance with this ordinance.
3. Outdoor Murals: Painted walls such as murals and trompe l'oeil (suggestive of architectural or other three dimensional objects) scenes shall be used only to enhance the streetscape, not for advertising purposes.

5) DEMOLITION OR REMOVAL

a) SCOPE

The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in a historic district. The purpose of this paragraph is to further the purposes of the Section by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the city, and to afford the City, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the city, and Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.

b) PROCEDURE

Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the approval standards of sub-section d below. This might include evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert.

c). **STAY** At the hearing on an application to relocate or demolish a Contributing Building in an Historic Preservation District, or an Historic Landmark , or an Historic Site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as:

- assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
- finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation; or
- proper recordation of buildings, structures and sites including photography and narrative report; or
- preservation of historic artifacts.

d) **STANDARDS OF APPROVAL** In order to approve an application for the relocation or demolition of a Contributing Building in an Historic Preservation District, or of an Historic Landmark or an Historic Site, the Commission must find that the proposal meets one of the following standards of approval:

1. Not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure is based on “Saco Historic Resources Inventory”, marked “(late 1999)”, and “The Middle Street-School Street Area – April 7, 1997”.
- 2.The Commission determines that the building or structure is not of historical significance;
3. The building or structure, or predominant portions thereof has been determined by the chief Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures.
- 4.No prudent and feasible alternative exists, or
5. The property is deteriorated beyond repair.

e) **CONDITIONS OF APPROVAL** In approving an application for the demolition of a contributing building in an Historic Preservation District, or an Historic Landmark or Historic Site, the Commission may impose the following conditions:

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

f) **HAZARD BUILDINGS** No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a building, when the chief Code Enforcement Officer certifies that such action is required for the public safety.

**413-12. ORDINARY MAINTENANCE; SAFETY**

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section.

Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

**413-13. APPEAL; HARDSHIP**

An appeal from the final decision of the Commission may be taken by any party or person aggrieved to the Zoning Board of Appeals within 30 days from the date of the decision.

**413-14. CONFLICT WITH OTHER ORDINANCES**

This Section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Section imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

**413-15. AMENDMENTS**

The City Council, the Planning Board, or the Commission itself may initiate action to amend this Section. The request to amend shall be referred to the Commission for a report within 90 days thereon. The Commission shall hold a public hearing before the report is made to the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least 7 days before the public hearing. The Planning Board shall also make a recommendation to the City Council.

(End Historic Preservation)

**SECTION 414. MULTIPLE DWELLINGS AND/OR USES ON ONE LOT**

A. Except as permitted under Section B below, no more than one single family or two family dwelling and its accessory buildings as regulated by this Ordinance may be located on any one lot except in the case of multi-family complexes that meet all other applicable sections of the ordinance. Commercial buildings may be permitted on the same lot as single family and two family dwellings in business districts only, provided that the combined uses and buildings are in the same ownership, remain in the same ownership, and meet the lot size requirements of Table 412-1, Line A.

B. A second single family dwelling or two family dwelling in the same ownership as the first may be located on a lot only if the street frontage requirement, without variance, is met for each principal building or structure located on the lot, and the placement of the buildings will allow division of the lot in conformance with the minimum lot and yard regulations of the District in which it is located, as expressed in Table 412-1. (Amended 9-6-94; 7/16/12)

**SECTION 415. COORDINATION OF PERMITTING AND REVIEWS WITHIN THE SACO RIVER OVERLAY DISTRICT**

Activities within the Saco River Overlay District are subject to the regulations of both the City of Saco and the Saco River Corridor Commission. Construction, development, and some other activities require a permit or approval from both the City and the Corridor Commission.

Activities within the Saco River Overlay District must conform to the applicable City regulations as well as to the Commission's regulations. Where there is conflict between the two sets of requirements, the more stringent or restrictive shall govern.

To coordinate the review and permitting process, applicants or potential applicants should first determine if the proposed activity is allowed under the City's regulations and the City standards that will apply. The applicant should then obtain a permit for the activity from the Saco River Corridor Commission. Once the Corridor Commission permit has been obtained, the applicant should apply for any City permits or approvals needed for the project. Obtaining a permit from the Corridor Commission does not absolve the applicant of the requirement to obtain all necessary City permits and approvals. (Amended 4/3/02)

**SECTION 416. ADDITIONAL REQUIREMENTS FOR A MASTER PLANNED DEVELOPMENT (Amended 7/1/13)**

**A. GENERAL**

Any proposal for a Master Planned Development must conform to the requirements of this section. The approval of a Master Planned Development involves a two phase process as follows:

- (1) The Site Inventory and Analysis and Master Plan Phase – The site inventory and analysis involves the preparation and review of a detailed analysis of the existing conditions on the site, the opportunities and constraints these conditions create for the use and development of

the site, and the factors that must be addressed in the development of the Master Plan for the master planned development. The Master Plan Phase involves the preparation and review of a conceptual master plan for the overall Master Planned Development and the development standards that will apply to individual buildings, subdivisions, or phases of the development based upon the results of the site inventory and analysis. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.

- (2) The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed development plans for individual buildings, subdivisions, or phases of the development in accordance with the City’s Site Plan Review provisions and/or Subdivision Ordinance requirements. In addition to conforming to the requirements of those chapters and the other zoning requirements, a Master Planned Development must demonstrate that it is consistent with the approved Master Plan and its development standards.

In addition, a developer or property owner considering a Master Planned Development may go through a Conceptual Review as set forth in subsection D. This review is optional. The Conceptual Review is intended to be informational and the results of this review are not binding on the applicant or on the Planning Board.

#### B. WHERE PERMITTED

Master Planned Developments are permitted only in those zones where they are expressly allowed by the standards of the zone.

#### C. AREA INCLUDED IN A MASTER PLANNED DEVELOPMENT

The intention of these requirements is that a Master Planned Development includes a substantial area that will allow for the master planning of a significant development activity. If a parcel is less than ten (10) acres, the entire area of the parcel must be included in the Master Planned Development unless the Planning Board determines otherwise based upon the unique characteristics of the parcel or existing development on the parcel. For lots with ten (10) acres or more, the Planning Board may permit a portion of the parcel to be treated as a Master Planned Development, or the parcel to be treated as more than one Master Planned Development, if it finds that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding. If the Planning Board allows a Master Planned Development that is less than the entire parcel, the Master Planned Development must include at least five (5) acres.

If the Planning Board allows a Master Planned Development to include less than the entire parcel or if it permits multiple master planned developments on a parcel, the Site Inventory and Analysis, the Conceptual Site Plan, and Preliminary Infrastructure Plan submitted for the initial master planned development must cover the entire area of the parcel unless the Planning Board determines that the

areas of the parcel not included are unlikely to be developed in the future due to site constraints or legal restrictions on development such as easements. The materials submitted for the entire site must allow the Planning Board to evaluate the overall utilization of the entire parcel and how the Master Planned Development under consideration fits into the overall development plan.

#### D. CONCEPTUAL REVIEW

The purpose of the Conceptual Review is to allow the property owner or developer to discuss the preliminary concepts for the Master Planned Development with the planning staff and Planning Board. As such the review is intended to be informal and educational in nature. The Planning Board's feedback on the preliminary concepts is non-binding.

If an applicant wants to go through the Conceptual Review process, the applicant shall provide twelve (12) copies of the following information to the planning staff:

1. A map showing the location of the property under discussion.
2. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
3. A preliminary site analysis based on available information identifying the possible opportunities and constraints that the natural and built environments create for the use and development of the site. This analysis should tentatively identify the portions of the site anticipated to be suitable for development as well as areas that are potentially unbuildable or suitable as open space or conservation areas.
4. A narrative and accompanying sketches describing the potential development concept and how the development concept is consistent with the appropriate approval criteria.
5. An indication of any submission requirements for which the applicant may be interested in requesting waivers.

The Planning Board shall review the materials at a meeting of the Planning Board. All property owners that are entitled to notice under F.3 will be notified of the meeting. The result of the Planning Board review will be to provide the applicant with guidance as to whether the potential development is consistent with the general intent of the Master Planned Development provisions, issues or questions that will need to be addressed in subsequent submissions, and on the suitability of possible waivers of the submission requirements of subsection E.

#### E. SITE INVENTORY AND ANALYSIS AND MASTER PLAN PHASE

This phase consists of the preparation of a site inventory and analysis together with a development of a master plan for the development based on the site analysis. This section lays out the requirements for the site inventory and analysis and the master plan.

- 1. Site Inventory and Analysis.** The Site Inventory and Analysis is intended to provide the applicant, Planning Board, staff, boards and utility districts, and public with a better

understanding of the overall site and the opportunities and constraints that the natural and built environments create for the use and development of the site. The expectation is that the preparation of the inventory and analysis will result in a Master Plan for the Master Planned Development that reflects and is sensitive to the conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes the areas of the site that are most suitable for development for intensive use and development, and that recognizes and addresses identified constraints or limitations of the site.

The Site Inventory and Analysis shall include the following four elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the site and its development potential:

- A Site Context or Locus Map
- A Site Inventory Plan
- A Site Analysis Plan
- A Site Analysis Narrative

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may not waive the submission of any of the four required elements, but may waive the submission of individual pieces of data or information required for any of the four required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand the conditions of the site and the opportunities and constraints resulting from these conditions.

a) ***The Site Context or Locus Map*** shall show the location of the development in the City and its relationship to adjacent property. The map shall be drawn at a size adequate to show the relationship of the proposed development to the adjacent properties within five hundred (500) feet of the site, and to allow the Board to locate the site within the municipality. The location map shall show:

1. Existing subdivisions or other developments.
2. Approved but undeveloped subdivisions or other developments.
3. Locations and names of existing streets.
4. Boundaries and designations of zoning districts.
5. An outline of the land included in the master planned development, and of the overall parcel, if different.

b) ***The Site Inventory Plan*** shall show the existing natural features and resources and the built environment on and within five hundred (500) feet of the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:

1. The proposed name of the development, north arrow (True Meridian), date, and scale.
2. The owner's and applicant's name and address and the names and addresses of



consultants who aided in the preparing the inventory and analysis.

3. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
4. The boundaries of the property and all contiguous property under the control of the owner or applicant based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may waive the requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
5. The zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
6. Existing restrictions or easements on the site (if none, so state).
7. The topography of the site at two foot intervals.
8. The location, extent, and, where appropriate, value or condition of the natural features and historic features of the site, and within five hundred (500) feet of the site, including but not limited to floodplains, wetlands, vernal pools, streams, ponds, open drainage courses, sand and gravel aquifers, scenic views or areas, significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, buildings more than 50 years old, other historically significant structures or features, archeologically significant features, or other important unusual natural site features or areas. Information on adjacent properties may be from published sources.
9. The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey if it determines that a high intensity survey is required to evaluate the appropriate use of the property.
10. Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.
11. Watershed and sub-watershed boundaries.
12. The groundwater hydrology beneath the site including any information from test pits, borings, or existing wells.
13. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).
14. The location and size of existing utilities or improvements servicing the site (if none, so state).

c) ***The Site Analysis Plan*** shall be at the same scale as the inventory plan (see b. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site: 1) are well suited for the proposed use; 2) are unsuitable or have significant limitations for development or use; 3) have potential conservation or open space value that should be addressed in the Master Plan; and 4) may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.).

d) ***The Site Analysis Narrative*** must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns, the development potential of the site, and the open space conservation potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other information that will help the Board understand the site and the proposed project.

2. **Master Plan** -- The Master Plan is intended to lay out, in general terms, how the Master Planned Development will be developed including the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas, and the development standards that will apply to development proposals. The intention of this plan is to provide the overall development framework for the district into which specific projects can then be fitted to produce a coordinated development.

The Master Plan shall include the following six elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis. These elements may be combined if appropriate:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan if the development abuts a residential zone
- An Environmental Assessment
- Development and Design Standards

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may waive the submission of any of the required items as well as the submission of individual pieces of data or information required for any of the six required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand how the proposed development relates to the conditions of the site or the proposed nature of development, or that the information is not appropriate given the scale of the development.

a) ***The Development Narrative*** must describe the overall nature of the proposed development, the general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the master planned development standards of the zone in which the development is located will be met. The narrative must include a projected timeline for the development of the project and/or a

description of the phasing of the development if applicable.

b) ***The Conceptual Site Plan*** must be an accurate, scaled plan at the same scale as the Site Analysis Plan submitted as part of the Site Inventory and Analysis and show the proposed layout of the site, the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual site plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the location of individual buildings. However, if buildings are not shown on the conceptual site plan, the development standards (see e. below) must address the site and architectural design issues related to the design of individual buildings and sites.

c) ***The Preliminary Infrastructure Plan*** must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site if the site will have any internal infrastructure/utility networks. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development as well as access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric, cable, and fiber optic systems, and any shared or common facilities such as parking or service areas.

d) ***The Neighborhood Impact Mitigation Plan*** must describe how the impacts of the proposed development on neighboring residential areas including traffic, noise, exterior lighting, and visual considerations will be minimized. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects such as increased setbacks, buffering or landscaping, and similar measures.

e) ***The Environmental Assessment*** must identify and evaluate the importance of the natural resources on the site based upon the Site Inventory and Analysis, detail how the Conceptual Site Plan has been designed to minimize encroachment on high value resources identified in the Site Inventory and Analysis, describe actions that will be taken to reduce adverse impacts on these resources from the proposed use of the site, and what mitigation activities will be undertaken to compensate for any undesirable negative impacts.

f) ***Development and Design Standards*** that will apply to individual buildings or projects if the Conceptual Site Plan does not address site and building design issues. The standards should assure that the development will conform to the Design Standards of Section 729, and result in a coordinated, visually-integrated development. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, noise, and architectural design and details

## F. REVIEW AND APPROVAL OF THE SITE INVENTORY AND ANALYSIS AND MASTER PLAN

1. Every applicant applying for approval of a master plan for a Master Planned Development shall submit to the Planning Department a completed application form and twelve (12) copies of a complete site inventory and analysis and master plan for the proposed development which shall be prepared in accordance with Subsection E, and accompanied by a fee as prescribed by the City's cost recovery ordinance.
2. After an application is submitted, the Planning Department within ten (10) working days shall determine whether all information required under Subsection E, or requests for waivers of submission for items that have not been addressed, have been submitted. **Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate.** If the application appears to be complete, it shall be scheduled for Planning Board consideration. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. **A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.**
3. Prior to taking action on a master plan application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 district, or any business or mixed-use district, shall be notified if their property is within two hundred (200) feet of the applicant's property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing.
4. The Planning Board shall act to approve, approve with conditions, or disapprove the master plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.
5. The Planning Board shall approve the Master Plan only if it finds that it complies with the following criteria. The Planning Board may impose conditions on its approval of the Master Plan if it finds that such conditions are necessary for the Master Plan to comply with the approval criteria:
  - a) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable utilization of the site given both environmental and built-environment considerations. Areas that are proposed to be intensively developed or used are located in the areas identified for development in the Site Inventory and Analysis. Areas that were

identified as being unsuitable for development in the Site Inventory and Analysis are protected and the adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the Site Inventory and Analysis have been addressed and the resource value maintained through the utilization of the site, mitigation activities, and/or on or off-site compensatory activities. Other issues and concerns identified in the Site Inventory and Analysis have been appropriately addressed in the Master Plan.

b) The Master Plan is consistent with the space and bulk standards, the development standards, and other requirements for master planned developments in the zoning district in which it is located.

c) The Master Plan demonstrates that the infrastructure needed to serve the development including water supply, sewage disposal, power, telecommunications, and other utilities is available or can be reasonably expected to be able to be provided and will not create an unreasonable burden on the infrastructure systems.

d) The Master Plan demonstrates that street system can accommodate the traffic that will be generated by the development or that improvements can be reasonably made to accommodate the traffic.

e) The Master Plan demonstrates that runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site and that any runoff from the site can be accommodated by the City’s stormwater system or that improvements can be reasonably made to accommodate the runoff.

f) The Master Plan is consistent with any zoning district specific approval criteria set out in subsections G or H.

#### G. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-3 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-3 District only if it finds that the master plan conforms to all of the following additional standards. When the Master Plan involves only a portion of the parcel, the Planning Board shall consider both the conceptual development of the entire parcel and the development of the proposed Master Planned Development in determining if these additional standards will be met. The Planning Board may condition its approval of the Master Plan on phasing of the development and/or the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan must demonstrate that the development will result in the creation of high-

quality, mixed-use neighborhood that is consistent with the Vision for the Planned Mixed Use Development Area set out in the City's 2011 Update of the Comprehensive Plan.

2. The overall development concept must provide for a mix of residential and nonresidential uses and must assure that both components of the neighborhood will be developed in a timely manner.

3. The Master Plan must result in the creation of a mixed-use neighborhood in which residential and nonresidential uses are integrated both with designated development areas and within individual buildings. A plan that proposes that part of the development area be exclusively residential while the balance of the development area is exclusively nonresidential is not consistent with this standard. While some development areas may be devoted exclusively to one type of use, the objective is that there be a mix of uses throughout the neighborhood.

4. The residential uses proposed as part of the Master Plan should include a mix of housing types.

5. The nonresidential uses proposed as part of the Master Plan must be compatible with and integrated into the overall neighborhood development. Provisions must be included in the Master Plan to minimize and mitigate any potential conflicts between residential and nonresidential uses. Large parking lots should be avoided and parking provided in smaller, well-landscaped lots.

6. If retail uses are proposed as part of the Master Plan, these uses should be intended to either primarily serve residents and workers in the neighborhood or adjacent neighborhoods or offer goods and services that complement goods and services offered by the Downtown business community or in other commercial districts. The Master Plan must demonstrate how this standard will be met.

7. The overall layout of the development including the street system must result in a neighborhood in which all or most buildings and other centers of activity are internally focused rather than focused on Route One. Vehicle access to individual buildings or lots should be primarily from the internal street network. The creation of curb cuts on Route One to serve individual lots or buildings should be avoided.

8. The proposed street system serving the development should create an interconnected network that allows vehicles to move about the neighborhood without having to use existing arterials or collectors. The street network within the development should also be interconnected and dead end streets should be avoided. The internal street network should be connected to the existing street network at appropriate locations and should provide access to all adjacent arterials and collectors if feasible.

9. The overall character of the development should be urban rather than suburban. Most buildings should be located close to the street and parking lots should be located to the side or

rear of most buildings although provision for limit parking between a building and the street may be appropriate for convenience retail and service uses. Major buildings should be more than one story and should include a mix of uses. The urban design standards of Section 729 should guide the character of the neighborhood.

10. The design of streets within the neighborhood should be urban in character with provisions for sidewalks or other pedestrian ways, street trees, and lighting. The Master Plan must demonstrate how this requirement will be met.

11. The neighborhood must be pedestrian-friendly and provide a high level of pedestrian and bicycle facilities. The Master Plan should provide for the creation of pedestrian and bicycle networks that allow people to move within the neighborhood. The neighborhood’s pedestrian and bicycle networks should connect to the City’s existing facilities and to the Easter Trail where feasible.

12. The neighborhood must include a network of parks, recreation areas, and conservation land/open space. At a minimum, at least fifteen (15) percent of the total area of the development and at least five (5) percent of the developable area of the Master Planned Development must be set aside for these purposes. The location and type of land should be based on the Site Inventory and Analysis and should create an interconnected “green” network where feasible and consistent with the Site Analysis.

13. The Master Plan should address opportunities for alternative transportation such as mass transit. Provisions for bus stops or other facilities should be incorporated into the Master Plan if appropriate. A plan that proposes reducing the amount of parking provided in exchange for support for transit service is appropriate and may be approved by the Planning Board as part of the Master Plan.

#### H. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-4 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-4 District only if it finds that the master plan conforms to all of the following additional standards. The Planning Board may condition its approval of the Master Plan on the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan assures that areas that are identified in the Site Inventory and Analysis as being unsuitable or having significant limitations for development or use are preserved as open space to the extent practical, that areas that are identified as having potential conservation or open space value have been considered for inclusion in any open space, and that development in these areas is minimized to the extent practical.

2. The Master Plan assures that the treatment of areas along the perimeter of the MU-4 District that are adjacent to existing residential uses are done in a manner that minimizes any negative impacts on the adjacent residential uses including visual intrusion, exterior lighting, noise, traffic, or other external factors.

3. The Master Plan assures that the treatment of areas adjacent to existing public streets creates an attractive urban streetscape that is compatible with the pattern of the adjacent neighborhood and results in the transition of the development into the adjacent neighborhood taking into consideration the scale and massing of any buildings or structures in this area, the orientation of buildings to the street if they are located within one hundred (100) feet of the street, the location of parking, vehicular drives, and service areas including limitations on parking between buildings and existing streets, and any proposed improvements within the street right-of-way.



**Article 5**  
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**Section 501. Purpose**

The purpose of this Article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming uses. When nonconforming uses fall into disuse, the intent of the Article is not to allow them to be re-established after a 12-month period of dormancy.

**Section 502. Nonconforming Lots**

**502-1. VACANT LOTS**

- 1) A nonconforming lot of record may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, except as provided in paragraphs 502-1 (2) and 502-1 (3) below. (Amended 2/24/14)
- 2) If two or more vacant, contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this Ordinance, if these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards, except where the contiguous lots front onto different streets or where the lots were legally created and recorded as part of an approved subdivision after March 22, 1972, the date of adoption of Saco's subdivision standards.
- 3) If two contiguous lots or parcels are in common ownership of record at the time of the adoption of this ordinance, Jan. 3, 1985, and either lot does not individually meet the dimensional requirements of this Ordinance, and provided that one lot is vacant or contains no principal structure and the other lot has a principal structure, the lots shall be combined into one lot of record. This shall apply to lots or parcels within all zoning districts in the City of Saco. This shall not apply to contiguous lots with frontage on different streets, or to lots legally created and recorded as part of an approved subdivision after March 22, 1972, the date of adoption of Saco's subdivision standards. (Amended 2/24/14)

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- (4) In the shoreland zone, two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on or before the effective date of the Shoreland provisions in this Ordinance shall be considered one lot. (Amended 2/24/14)

502-2. BUILT LOTS

- 1) A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot area or lot frontage, may be repaired, maintained or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance, except lot area or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be required from the Board of Appeals.
- 2) If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together, provided all state law and local ordinance requirements are complied with.

**Section 503. Nonconforming Uses**

503-1. CONTINUANCE

The use of land, building or structure, lawful at the time of adoption of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

503-2. RESUMPTION

Whenever a nonconforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the nonconforming use may not thereafter be resumed.

This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period. (Amended 4/21/92)

503-3. DISCONTINUANCE

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A nonconforming use which is discontinued for a period of 12 months may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

### 503-4. CHANGE OF NONCONFORMING USE

With the permission of the Planning Board an existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate within the zoning district. The Planning Board shall make this determination after making a finding that the proposed use will be an improvement over the prior use based on the conditional use standards, Section 901-4 and Section 901-5 in shoreland areas. The Planning Board review and decision shall be governed by this Section and by Section 901. (Amended 11/6/89)

### 503-5. EXPANSION OF USE

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function; provided, however that a nonconforming use may be extended throughout any part of a building or structure that was lawfully and manifestly designed or arranged for such use as of the effective date of this Ordinance.

### 503-6. EARTH REMOVAL

In the case of earth removal operations, the removal of earth may not be extended as a nonconforming use beyond the setback lines required in this Ordinance of the specific lot or parcel of land upon which such removal operations are in progress at the time at which such use has become nonconforming without securing a variance from the Board of Appeals. Adjacent parcels in the same or different ownerships shall not be eligible for exemption under the nonconforming use provisions unless earth removal operations have been in progress prior to the enactment of these provisions.

## **Section 504. Nonconforming Structures**

### 504-1. MAINTENANCE AND ENLARGEMENT (Amended 5/21/12)

- 1) A structure in existence as of the effective date of this Ordinance which does not meet the lot and yard requirements in Section 412 may be repaired, maintained and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that the enlargement or accessory structure itself meets the setback and height requirements of the district in which it is located and that the enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage.

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Vertical enlargements of single-family or two-family dwellings that are nonconforming with regard to setbacks may be permitted if each of the following is met:

- a) The proposed use of the enlarged space is habitable residential space. No enlargements are permitted to expand space for a use that is nonconforming in the district.
  - b) The closest point of the new construction shall be no nearer to the property line than the closest point on the existing building upon which the vertical enlargement is proposed.
  - c) Enlargements constructed under these provisions shall not increase the height of the vertical face of the building more than ten (10) feet vertically within the setback. The height of the new eaves within the setback shall not exceed twenty-two (22) feet, when measured from original grade to the new eaves. Mansard and gambrel roofs, or similar roofs, and full dormers, or roof pitches greater than 12/12 are not permitted above the new eaves. Two single window dormers above the new eaves are permitted, but each may not exceed four feet in width.
  - d) The nonconforming portion of the existing structure on which the addition is built is no closer than six (6) feet from the side or rear property line upon which it encroaches. If the building code requires the new construction to be fire rated, the existing first floor construction in the setback shall be reconstructed to the same fire rated standard.
  - e) The closest point of the nonconforming portion of the existing structure on which the addition is built is no closer than (fifteen) 15 feet to the front property line.
  - f) All other relevant standards of the zoning ordinance not related to setbacks are met.
  - g) The standards of the Floodplain Development Ordinance, Chapter 106, must be met.
- 2) The following activities shall not constitute an enlargement or creation of a nonconforming structure, and may encroach into front, side or rear yard setbacks, without the need for a variance from the Board of Appeals, if any of the following conditions are present:
- a) the addition of an open patio with no structure elevated above ground level, and the addition is outside of the Mandatory Shoreland Zone;
  - b) the addition of steps from the first floor to the ground level in any zone;

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c) the placing of a foundation below a nonconforming structure in any zone.

3) FURTHER LIMITATIONS IN SHORELAND ZONES (Amended 6/29/09; 2/24/14)

Except as otherwise provided in this Article, a non-conforming condition shall not be permitted to become more non-conforming. Further limitations and exceptions in the Shoreland Zones:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 504-2 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 504-4. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with this section, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

504-2. RECONSTRUCTION

Any non-conforming building or structure which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure

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before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 504-1(3) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 504-4.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

504-2A. RECONSTRUCTION IN FLOODPLAINS (Amended 5/21/12)

Any building in existence prior to January 1, 2012, which is located in an area of special flood hazard and which is thereafter substantially improved, as defined in Chapter 106 of the Saco City Code, may be elevated pursuant to the standards of Chapter 106, and may be allowed to exceed the height limits of this ordinance without need for a variance from the Board of Appeals, as long as all of the following standards are met.

- a. If the building, prior to reconstruction, had a height of 30 feet or greater, as defined by this ordinance, the overall height of the reconstructed building may exceed the required height in the zone in which it is located without the need for a variance, but by no more than the distance that the lowest floor (including basement) is raised above its original elevation during reconstruction.

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- b. If the building, prior to reconstruction, had a height of less than 30 feet, as defined by this ordinance, the building shall not be allowed to be reconstructed higher than the maximum height requirement, unless a variance is applied for and granted by the Board of Appeals.
- c. Any reconstructed building shall meet all of the requirements of the Department of Environmental Protection Sand Dune Act and Regulations, if it is located in a designated Dune Area.

504-3. OFF STREET PARKING AND LOADING SPACES

- 1) A building or structure which is nonconforming as to the requirements for off-street parking space shall not be enlarged or altered to create additional dwelling units, seats, or accommodations, unless off-street parking is provided for such enlargement or alteration itself sufficient to satisfy the requirement of this Ordinance.
- 2) A building which is nonconforming as to the requirements for off-street loading space shall not be enlarged or added to unless off-street space is provided sufficient to satisfy the requirements of this Ordinance for the addition or enlargement.

504-4. RELOCATION

A non-conforming structure may be relocated within the boundaries of the parcel 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 Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in

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order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof. (Amended 4/21/92)

**Section 505. Transfer of Ownership**

Ownership of lots and structures which remain lawful but became nonconforming by the adoption or amendment of this Ordinance 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 Ordinance.



**Article 6**  
**Clustered Residential Development**  
(Amended 6/19/89; 1/4/99; 6/6/02)

**Section 601. Purpose**

601-1. Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed residential subdivisions may modify provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with the standards of this Article. Such modifications of space and bulk provisions shall not be construed as granting variances to relieve hardship. The purpose of this Article shall be to encourage housing development that will result in:

- A. Preservation of open space to serve recreational and scenic purposes and to provide adequate recreation opportunities to residents.
- B. Improved living environments which offer variety and choice in housing and permit more economical housing to be constructed.
- C. A pattern of development in harmony with the natural features of land.
- D. Economical subdivision layout, efficient use of the land, with smaller networks of utilities and streets.

**Section 602. Performance Standards**

602-1. The provisions of this article apply to subdivisions for single family and two-family dwellings in the C-1, R-1a and R-1d zoning districts. The minimum area of land in a cluster residential development shall be 15 acres in the R-1a and R-1d districts, and 30 acres in the C-1 zoning district. Cluster residential development is not permitted in other districts. The minimum acreage limitation shall not be applicable to developments on land contiguous with an existing or approved cluster development provided that the Planning Board finds that the proposed cluster development is designed as an extension of the existing or previously approved cluster development. The Planning Board shall base the determination on the compatibility of the lot layouts, the compatibility of the housing types and densities, and the degree to which the road network is integrated. In the case of a previously approved contiguous cluster development which is not built, evidence that it will be built shall be submitted.

602-2. Applicants for developments of 10 or more dwelling units shall present a plan of development assuring that buyers at each phase are offered adequate levels of service, sufficient open space, and adequate levels of amenities.

All dwelling units in a cluster development shall be connected to the Biddeford Saco Water Company supply.

Article 6 - Clustered Residential Development

602-4. All dwelling units in a cluster development shall be connected to the municipal sanitary sewer system.

602-5. The approximate location of each building shall be indicated on the plan.

602-6. Overall net residential density of the development shall not exceed the density allowed under the net residential acreage definition of this ordinance, nor exceed that which would be obtained under normal subdivision provisions. A drawing and calculations clearly showing the net residential acreage and density, and a drawing showing the maximum number of lots feasible under regular subdivision provisions shall be submitted.

602-7. Lots, Frontage, Buffers, Setbacks: If the development includes individual lots for single family detached or two family dwellings:

- A. Lot size shall not be reduced to less than:
  - 20,000 square feet in the C-1 district
  - 10,000 square feet in the R-1a district
  - 7,500 square feet in the R-1d district
- B. Each lot shall have frontage on a public way or on a street proposed by the applicant, as follows:
  - C-1 district – 100 feet
  - R-1a district – 75 feet
  - R-1d district – 75 feet

Up to 10 percent of lots in a cluster subdivision may have frontages reduced below the frontage requirements stated in this paragraph, but not below 25 feet. Lots with frontage reduced under this provision shall not be adjacent to more than one other such reduced frontage lot, as determined at the front lot line.

- C. Front yard setbacks shall not be reduced by more than 50% of those specified in the district requirements.
- D. The Planning Board may reduce side and rear yards at its discretion, using the provision of adequate light, ventilation, fire safety, emergency access, and privacy as review criteria.
- E. Perimeter setbacks and adequate screening shall insure the protection of existing and proposed development adjacent to the cluster where adjacent developments are not fully compatible.

602-8. (Reserved)

602-9. Cluster developments shall have no more than one driveway per 500 feet of road frontage on arterial streets. The Planning Board may require a second access for public safety purposes.

602-10. The use of land shall not differ from the uses permitted and conditional in the zoning district in

which the development is located.

Section 603. (Reserved)

### **Section 604. Common Open Space**

604-1. The total area of reserved common land within the development shall not be less than 35% of the entire parcel. The open space shall be shown on the recorded subdivision plan with appropriate notation that it shall not be used for future building lots and shall not be further subdivided.

604-2. Common open space shall not include areas devoted to public or private vehicular streets, driveways or parking spaces.

604-3. The common open space shall be usable for low-intensity recreation, such as hiking, skiing and picnicking, agriculture or other outdoor living purposes, including structures accessory thereto, and for preserving the natural features of the site, and for active recreation use. The use of any open space may be further limited or controlled at the time of final subdivision approval where necessary to protect adjacent properties.

604-4. Where a cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common open space.

604-5. The common open space shall be accessible to the residents of the development.

604-6. With the agreement of the Planning Board, the developer may dedicate the open space to the city for the use of all its citizens, or to another government agency or recognized land stewardship organization willing and able to manage the land permanently.

604-7. If common open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements submitted with the final plan shall specify ownership of the cluster open space; method of maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.

604-8. The developer shall maintain control of common green spaces and facilities and be responsible for their maintenance until development sufficient to support the association has taken place. The association bylaws shall specify at what point maintenance is taken over by the association. All maintenance is the responsibility of the developer until that time.

604-9. If the common open space is in the form of farmland appropriate covenants restricting its use

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shall be approved by the Planning Board as part of the final subdivision approval. The covenants shall provide for the ownership and maintenance of the open space in the event that it is no longer farmed.

604-10. Cluster open space shall include irreplaceable natural features located on the tract, such as, but not limited to stream buffers, significant stands of trees, individual trees of significant size, rock outcroppings, excessive slopes, open fields and meadows, prime agricultural soils, scenic vistas, historic and archaeological sites, wetlands and wet areas.

604-11. The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings, or length of public or private streets from which it can be seen. When a cluster development is proposed for land with frontage on an existing arterial, a portion of common open space shall include the area between the building sites and the existing road right-of-way.

604-12. Space suitable for active recreation shall be included in the cluster subdivision open space. Active recreation shall include activities which require substantial construction and maintenance for recreation use, including playgrounds, tennis courts, ball fields, basketball courts, and similar facilities. The following table provides the minimum active open space reservations required in cluster subdivisions:

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Average Density per Dwelling Unit	Active Open Space Required, % of Subdivision
80,000 s.f. or more	1.5
40,000 s.f. to 79,999 s.f.	2.5
20,000 s.f. to 39,999 s.f.	4
10,000 s.f. to 19,999 s.f.	5

Land reserved for active open space shall be of a character, configuration, and location suitable for the particular use intended. A site intended to be used as a play field, should be level and dry, have a total frontage on one or more streets of at least 50 feet, and have no major dimensions of less than 200 feet. The Planning Board shall determine if other active recreation areas are suitable for the intended uses.

604-13. In determining the suitability of open space and active open space, the Board shall consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the needs identified in the comprehensive land use plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density of the development.

604-14. Where the land in the subdivision is not suitable for active recreation, or is insufficient in amount, or where the subdivider and the Planning Board agree that residents of the subdivision would be better served by a nearby public recreation facility, a fee in lieu of dedication of the active recreation land may be deposited to a City recreation facility improvement and acquisition reserve fund. The amount of such contribution shall be \$500 per lot and it shall be made before any construction begins. Any funds deposited to such a fund shall be returned to the developer if not used for the intended purpose within five years of the date of the deposit of funds with the City.

**Section 605. Landscaping and Bufferyards**

605-1. Where the proximity of proposed buildings in a cluster residential development, or the arrangement of lots, or the compatibility with neighboring uses are not adequate because of the nature of the cluster design and the nature of the neighboring uses, a detailed plan and specifications for landscaping and screening which will afford adequate buffering and screening is required. Existing vegetation shall be retained and maintained to the extent possible so as to permit such vegetation to fulfill or contribute to buffer and screening requirements.

605-2, 605-3, 605-4, 605-5. (Reserved)

**605-6. MAINTENANCE OF LANDSCAPING**

All required landscaping and screening shall be maintained or replanted as necessary so as to continue its effectiveness. Financial security shall be provided as required by the Saco Subdivision Regulations.

### **Section 606. Site Considerations, Approval Criteria**

606-1. A subdivision plan for a cluster development shall provide for a total environment better than that which could be achieved under standard regulations. If, in the opinion of the Planning Board, the proposed plan could be significantly improved with respect to the criteria listed below by the reasonable modification of the location of cluster open space or buildings or configurations of lots, streets, buffers and landscaping, and parking areas, the proposed plan shall be so modified or denied. In acting on the proposed plan, the Planning Board shall make specific findings of fact as to whether the proposal has addressed the following criteria:

- A. Diversity in lot and building layout achieves a superior relationship between development and the land than would be possible under regular subdivision regulations.
- B. Individual lots, buildings, streets, and parking areas are designed and situated to minimize alteration of the natural site features to be preserved, and with respect for scenic vistas, natural features, and potential solar access.
- C. Individual lots, buildings, and units are arranged and situated to relate to surrounding properties, and to lessen area devoted to motor vehicle access and to minimize the adverse effects of shadows, noise, and traffic on the residents of the site.
- D. Planting, landscaping, disposition and form of buildings, fencing and screening used to integrate the proposed development with the landscape and the character of any surrounding developments are adequate for that purpose.
- E. The cluster development conforms to the purposes and standards of the Saco Subdivision Regulations except where this article prescribes additional or different requirements.
- F. The provision for active recreation, whether on-site or off, is adequate to meet the needs of the residents.

### **Section 607. Submission Requirements and Additional Standards**

607-1. The submission requirements for a development proposed under this Article shall be the same as those required in the Saco Subdivision Regulations except when additional information is required in this Article.

#### **607-2. ADDITIONAL INFORMATION REQUIRED**

-Applicants for developments which require construction of the whole subdivision at once shall present a plan of development assuring that buyers at each phase are offered adequate levels of service, sufficient open space, and adequate levels of amenities.

-A drawing and calculations clearly showing the net residential acreage and density, and a drawing showing the maximum number of lots feasible under regular subdivision provisions shall be submitted.

-Covenants or other legal arrangements submitted with the final plan shall specify ownership of the cluster open space; method of maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster

open space will not be dissolved without the consent of the Planning Board, and any other specifications deemed necessary by the Planning Board.

-A site plan prepared by a registered landscape architect shall be submitted for any cluster development of 10 dwelling units or more.

607-3. The Planning Board may require additional information to be submitted in order to ascertain whether the purposes and approval criteria of this Article, this ordinance, and the subdivision regulations are met.

### **Section 608. Procedures**

Consideration and approval of cluster residential development follows a four-step procedure, including subdivision review with which it is coordinated. The first review is preliminary Clustered Residential Development Review. This is followed by preliminary subdivision review and final subdivision review. Final Clustered Residential Development Review is conducted contemporaneously with final subdivision review, with the determination for Final Clustered Residential Development Review necessary before a determination on final subdivision review. Procedures are as outlined in the Saco Subdivision Regulations, except where alternative procedures and requirements are set out in this Article.

### **Section 609. Preliminary Cluster Residential Development Review**

609-1. This initial review is conducted in order to help the applicant and Planning Board ascertain before engineering a plan whether a cluster subdivision design appears to be in keeping with the purposes and criteria of this Article. A public hearing shall be held for this review. The Planning Board may schedule an on-site inspection, if necessary.

609-2. Submissions for a Preliminary Cluster Residential Development Review plan shall include those items listed in Sections 4.2.1 and 4.2.2 of the subdivision regulations and the following:

- Topography plan;
- Wetlands plan;
- A plan and calculations clearly showing the net residential acreage and density;
- A plan showing the maximum number of lots feasible under regular subdivision provisions;
- A plan showing the proposed cluster subdivision design;
- A written narrative explaining how the cluster subdivision design would attempt to meet the purpose and approval criteria of this article, except 606-1-E.

609-3. The Preliminary Clustered Residential Development Review plan shall not be considered the commencement of the regular subdivision review process. The submittal and Preliminary Cluster Residential Development Review shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A. § 302.

609-4. Within 45 days of the close of the public hearing on the Preliminary Clustered Residential Development, the Planning Board shall make findings on the plan, then approve the plan, approve the plan with modifications or deny the plan. The basis of this determination is the approval criteria of this Article, except 606-1-E.

### **Section 610. Subdivision Review and Final Clustered Residential Development Review**

Only plans that have been approved may continue to be considered under this Article. Following approval of the Preliminary Clustered Residential Development the applicant shall follow the procedures for subdivision review. Where subdivision requirements are less extensive or superseded by this Article, the provisions of this Article shall apply. Final Clustered Residential Development Review is conducted contemporaneously with final subdivision review, with the determination for Final Clustered Residential Review preceding the determination on final subdivision review. The basis of the Final Clustered Residential Development determination is the approval criteria of this Article. These two final determinations may occur on the same agenda. The Public Hearing held for final subdivision review shall also include Final Clustered Residential Development Review.

### **Section 611. Appeals**

Appeals from determinations made under Article 6 may be appealed to the York County Superior Court within 30 days.



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**Section 701. Agriculture**

**701-1. ANIMAL BREEDING OR CARE, INCLUDING STABLES**

The keeping or raising of animals, including fowl, for any commercial purposes shall be subject to the following:

- 1) All pens, stables, barns, coops or other building shelters for animals shall be set back no less than 150 feet from any lot line.
- 2) Animal breeding or care, as defined in this Section, shall be permitted only on lots with five acres or more of land area (the area of waterbodies or wetlands may be included).
- 3) No manure shall be stored within 300 feet of the normal high water line of any waterbody, watercourse, or wetland, or wells used to supply water for human consumption.
- 4) The landowner shall fence in any area in which his animals are allowed to roam with a fence of a type and height adequate to contain his livestock.
- 5) Any kennels or "runs" shall be constructed of masonry or a similar material to provide for cleanliness, ease of maintenance, and noise control.  
(Amended 11/1/93)

**701-2. ROADSIDE AGRICULTURAL STANDS**

Temporary roadside stands for the sale of agricultural products shall be considered as accessory uses and permitted in districts where retail sales otherwise are not allowed if:

- 1) They are erected at least fifty (50) feet back from the nearest edge of roadway surface;
- 2) They are used principally for the sale of agricultural products grown on the premises;
- 3) Parking spaces are provided off the road right-of-way;
- 4) Signs shall conform to provisions set forth in Section 707.

**701-3. MECHANICAL REPAIR SERVICES**

Mechanical Repair Services, allowed as conditional uses elsewhere in this Ordinance, are subject to the following standards:

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- 1) No buildings or structure used in connection with such services may be located within 100 feet from any lot line;
- 2) No repairs may be conducted within 100 feet from any lot line;
- 3) No equipment or vehicles left for repair may be located or stored outside within 150 feet from any lot line; no outside storage shall be permitted except for temporary storage of equipment or vehicles which are to be repaired;
- 4) All roads providing access to the service shall be treated in a proper manner to eliminate dust or mud;
- 5) Hours of operation shall be restricted to between 7:00 a.m. and 8:00 p.m., unless otherwise permitted by the Planning Board;
- 6) Any sign shall comply with Section 707;
- 7) The standards in Article VIII and Section 901-4 shall be met.  
(Amended 8/1/85)

701-4. DOMESTIC CHICKENS (Amended 7/20/09)

The keeping or raising of a small number of domestic chickens shall be allowed on a non-commercial basis. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and loose animals leaving the owner's property. This section is intended to create standards and requirements that ensure that domestic chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

- 1) A permit is required from the Code Enforcement Office for the keeping of domesticated chickens. Additionally, a building permit is required for the construction of a henhouse and chicken pen, or the conversion of any existing structure or portion of structure. The permit is specific to the permittee and may not be assigned. In the event that the keeping of chickens is discontinued for longer than six (6) months, the permit shall become void. Any fees related to domestic chickens shall be set by City Council after a public hearing.
- 2) The maximum number of chickens allowed is six (6) per lot regardless of the number of dwelling units on the lot.
- 3) Only female chickens are allowed. There is no restriction on chicken species.
- 4) Chickens must be kept in a clean, dry and odor-free enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of the chicken pen in a securely fenced yard in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. Chickens shall be secured within the henhouse during non-daylight hours.
- 5) Henhouses and chicken pens shall only be located in rear yards, and are subject to a twenty-five (25) foot setback from all property lines. For a corner lot or other

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property where no rear yard exists, a side yard may be used as long as the 25 foot setback is met. A henhouse shall not be placed in a front yard.

- 6) Provision must be made for the storage and removal of chicken manure to the satisfaction of the Animal Control Officer. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored at one time. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.
- 7) Odors from chickens or chicken manure shall not be perceptible at the property boundaries.

Prohibited activities: no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

**Section 702. Earth Removal**

702-1. EXEMPTIONS

The following earth moving activities shall be exempt from these standards:

- 1) The removal or transfer of less than twenty cubic yards of material from or onto any lot in any twelve (12) month period.
- 2) The removal or transfer of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto;
- 3) The removal or transfer of material incidental to construction, alteration, or repair of a public or private way or essential services.
- 4) Any gravel pit with a valid, local approval prior to January 2, 1985.

702-2. STANDARDS

Top soil, rock, sand, gravel, and similar earth materials, unless listed as an exempt activity in paragraph (1) above, may be removed from locations where permitted under terms of this Ordinance only after a special permit for such operations has been issued by the Building Inspector upon approval of the Planning Board of a final site plan in accordance with Article 11, and granting of a conditional use permit in accordance with Article 9 of this Ordinance and provided further that the following standards are met:

- 1) Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than 1 foot vertical to 4 feet horizontal. Embankments around any pond or waterbody also shall be a slope not steeper than 1 foot vertical to 4 feet horizontal, and this gradient shall extend at least 6 feet

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from the edge of said waterbody toward its center. These dimensional standards shall also apply to the creation of the new farm ponds, and the recontouring of existing ponds when such recontouring is proposed by the applicant.

- 2) The operation shall be shielded from surrounding property with adequate screening, consisting of a vegetated buffer at least 15' wide, planted with shade trees (minimum 2.5" to 3" caliper, planted at least every 35' along the road frontage, and along common property lines) and dense medium height shrubs (greater than three feet in height on maturity). The Planning Board may allow the use of earth berms, stone walls and other permanent landscape features to substitute for some of the shrub requirement. No earth removal operation shall create any disturbances of water sources. Fill shall not restrict a floodway, channel, or natural drainage way.
- 3) The operation, when terminated, shall not detract from the appearance or value of nearby property.
- 4) The operation shall not abuse or destroy the ecological balance of any area.
- 5) The edge of all working shall be set back from the property lines a minimum of 150 feet.
- 6) No excavation shall be extended below the grade of adjacent streets unless 150 feet from the street line.
- 7) Soil shall not be left in a disturbed unreclaimed state any longer than necessary, and shall be treated in accordance with an approved soil erosion and sediment control plan.
- 8) Any top soil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion according to the erosion prevention performance standards of this Ordinance, and the erosion and sediment control standards approved as part of any approval from the Planning Board.
- 9) All access/egress roads leading to/from the excavation site to public ways shall be treated with approved materials such as bituminous pavement, crushed stone, or concrete to reduce dust and mud for a distance of at least 100' from such public ways. Public ways giving access to the site shall be kept free of any clay, gravel,

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mud or other materials from the earth removal operation.

- 10) The hours of operation of any extraction site shall be limited to 7 a.m. to 8 p.m., unless otherwise specified by the Planning Board.
- 11) Excavation of peat deposits shall, where permitted, be conducted in accordance with all recommendations from the Department of Inland Fisheries and Wildlife, and the U.S. Soil Conservation Service. Where ponds or standing water will be created or enlarged by the excavations, the resulting depth shall be controlled in order to avoid creating pools of stagnant water or other conditions unsuitable for fish and/or waterfowl after reclamation. After consulting with technical experts, the Planning Board may require the creation of islands or an irregular shaped shoreline in order to create favorable waterfowl nesting habitat conditions. Discharges into adjacent waterbodies or watercourses shall minimize increases in turbidity, sedimentation, pH levels, or fiber pollution which would be likely to affect fisheries.
- 12) No permit shall be issued without a surety bond or other equivalent security to ensure compliance with such conditions as the Planning Board may impose. The bond or surety shall be in an amount recommended by the Building Inspector, and approved by the Planning Board, as sufficient to guarantee conformity with the conditions of approval, taking inflation into account. No permit shall be issued for a period to exceed three years, although such permit may be renewed for additional periods in the same manner. At the point of renewal, the Planning Board may require conformance with any new provisions of the rules and regulations governing the permitted operations and may recalculate the surety guarantee accordingly.
- 13) No operation shall result in the discharge of contaminants to any surface or ground water resource.
- 14) No earth removal activity shall utilize a substandard public road for primary access, as defined in the Subdivision Regulations of the City of Saco.
- 15) All vehicles removing material from an earth removal operation shall be covered to prevent any materials from falling from the back of the vehicle. It shall be the responsibility of the owner/operator of the earth removal operation to ensure compliance.

702-3. SUBMISSION REQUIREMENTS

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In addition to the items required to be submitted as part of site plan and conditional use review, the following items shall be submitted:

- 1) Time period of operation;
- 2) Method of operation;
- 3) Weight and loading limit of trucks;
- 4) Estimate of, and provisions to clean up, sand and gravel spillage upon public streets;
- 5) A reclamation plan, in conformance with the standards in the "Maine Erosion Sediment Control Handbook for Construction: Best Management Practices" by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision;
- 6) The specific measures, such as diversions, silting basins, terraces, temporary ground cover and run-off filters, to be used to control soil erosion and prevent sedimentation of streams;
- 7) Where a stream bank is proposed to be excavated, the approval by the Department of Environmental Protection;
- 8) A hydrogeologic study to determine impacts to the local groundwater system and any neighboring wells.
- 9) A plan, signed and stamped by a Maine Licensed Engineer, to bring any access roads up to the required standards.
- 10) A stormwater management plan, prepared by a Maine Licensed Engineer, designed to maintain pre-development flows off the site. The plan shall also address sediment and nutrient transportation off site, and shall maintain pre-development rates.
- 11) Where the Planning Board finds that, due to special circumstances of a particular plan, the submission of required exhibits is not necessary or is inappropriate because of the nature of the proposed development, it may waive such requirements subject to appropriate conditions. The Planning Board may require submission of such additional information as it deems necessary for proper review. A written request for such a waiver shall accompany the application. Waivers will be considered for applications of less than 10,000 s.f. of soil disturbance within a five year period.

### 702-4. CONDITIONS

The Planning Board may impose other reasonable conditions to safeguard the health, safety, and welfare of the community, including those that relate to:

- 1) Type and location of temporary structures;
- 2) Routes for transporting material;

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- 3) Provision of temporary or permanent drainage;
- 4) Disposition of stumps, brush and boulders;
- 5) Cleaning, repair, and/or resurfacing of streets used in removal activity;
- 6) Proof of approval from the Department of Environmental Protection for all extraction activities;
- 7) Restrictions on times of hauling material to avoid conflicts with periods of heavy pedestrian or school traffic.

### 702-5. INSURANCE

Every property owner, before commencing removal of earth material shall file with the City Clerk a Certificate of Insurance in an amount not less than \$1,000,000 against liability arising from production of activities or operations incident thereto conducted or carried out under or by virtue of any law or ordinance imposed by the Planning Board and such insurance shall be kept in full force and effect during the period of operation and for 12 months thereafter. No existing rock, gravel or sandpit will be extended or expanded until the owner has complied with the provisions of the Ordinance and obtained a permit therefore. (Amended 4/16/96)

### **Section 703. Campgrounds**

#### 703-1. GENERAL (Amended 11/7/05)

- 1) All campgrounds shall comply with state and local law relative to water and sewer systems, sanitary stations, and convenience facilities.
- 2) A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 200 feet from any residence not owned or used by the campground owners.
- 3) Each area proposed for a tent site or parking space for a travel trailer, pickup camper, motorized camper, or tent trailer must contain at least 2,500 square feet. The sites shall be roughly rectangular with no dimension less than 30 feet.
- 4) The maintenance of all open space areas, roads, and utilities in a campground shall be the responsibility of the campground management.
- 5) In applying for a conditional use permit, an applicant proposing to construct a campground shall furnish specific information concerning the campground, including a site plan illustrating the location and design of the proposed sewerage disposal and water supply systems, the means of fire fighting, and the type and location of roads within the campground, , and all other submissions required for a conditional use permit.
- 6) Except for the storage of unoccupied recreational vehicles, parks shall be open only between April 15 and October 31. From November 1 of one year to April 14 of the following year, no person shall occupy any site, the water services to all sites shall be

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turned off or disconnected, and the electrical service to all sites shall be turned off or disconnected.

7) Two parking spaces for passenger vehicles shall be provided for each recreational vehicle site. One parking space for a passenger vehicle shall be provided for each tenting site. The parking spaces shall be on or within 500 feet of the site. No parking space may block walkways or interfere with traffic flow within the park.

8) No rigid enclosed addition shall be affixed to a recreational vehicle other than a recreational vehicle accessory enclosure as herein defined.

9) Retained plantings or a planted buffer strip is required in areas visible or likely to be visible from neighboring properties.

10) No electrical service line shall be installed without first obtaining all required Electrical Permits from the Municipal Building Department.

11) All new wastewater sewer connections shall be the subject of permits from the Public Works Department.

12) No new campsites shall be created within 100 feet of the exterior lot lines of a campground.

13) The addition of sites or the enlargement of a campground shall be reviewed in the same manner as the creation of a campground.

### 703-2. SHORELAND AREAS

Campgrounds in shoreland areas shall be further subject to the standards in Section 7.1-7 of this Ordinance.

### 703-3 PERMITTED, ACCESSORY AND PROHIBITED USES

1) Permitted uses in a campground are:

- a. Campsites
- b. One single family house

2) Accessory uses in a campground are permitted only when incidental and subordinate to the permitted uses and provided that they are reserved primarily for the use of registered occupants of the campground, as follows:

- a) Registration offices, administration and maintenance facilities;
- b) Active and passive outdoor recreational facilities including but not limited to ball fields, shuffleboard courts, swimming pools, playgrounds, and trails;
- c) Indoor assembly and recreational facilities;
- d) Restrooms, washrooms, and shower facilities;
- e) Self-service and coin operated laundry facilities;
- f) Convenience stores and retail located at least 100 feet from a public street and not open to members of the public who are not registered occupants or guests of registered occupants of the campground;



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- g) Freestanding decks, sheds, and Recreational Vehicle Accessory Enclosures by permit only, issued before work is in progress by the Code Enforcement Officer;
  - h) Dumping stations for the discharge of liquid septic and gray water wastes from a Recreational Vehicle or Trailer holding tank. All Dumping Stations shall be connected to a public sewer, or consist of sealed holding tanks and be approved in design and operation by the Code Enforcement Officer. Dumping stations are for the use of registered occupants of the campground only.
- 3) No trailer, recreational vehicle or mobile home which contains more than 400 feet shall be located anywhere within the campground.
- 4) Normal maintenance of facilities is permitted without permit, including the following activities: Installation of bark mulch, woodchips, compost and loam for landscaping and play surfaces purposes; Repair and maintenance of existing internal roadways and parking areas provided facility dimensions are not expanded beyond existing conditions and existing stormwater volumes and drainage patterns are not altered; Addition of no more than 4” of crushed stone and/ or gravel to existing driveways, parking areas, drainage facilities, and play areas.

**Section 704. Mobile Home Parks**

**704-1. SUBDIVISION REVIEW**

Proposed new mobile home parks and proposed expansions of existing mobile home parks shall be subject to review as, and shall meet all the requirements of, a residential subdivision, and shall conform to all applicable State laws and local ordinances and regulations. No development or subdivision approved as a mobile home park may be converted to another use without the approval of the Planning Board. The new use shall meet the appropriate space and bulk standards and other requirements of the zoning ordinance, subdivision regulations and other city ordinances. (Amended 5/9/90)

**704-2. MOBILE HOME PARK OVERLAY DISTRICT**

Mobile Home Parks shall be located only in the mobile home park overlay district. The map(s) for the district shall be adopted by the City Council and available for inspection in the Building Inspector's Office. (Amended 5/9/90)

**704-3. LOT AND YARD REQUIREMENTS**

Notwithstanding the dimensional requirements in Table 412-1 of this ordinance and the limitation on community septic systems in the Subdivision Regulations, lots in a

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mobile home park shall meet the requirements in Table 412-2, Mobile Home Park Overlay District, Minimum Lot and Yard Requirements. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet. Lots within any shoreland zoning district shall meet the space and bulk standards for that district. (Amended 5/9/90)

### 704-4. CONSTRUCTION STANDARDS

All mobile homes shall be placed on a permanent foundation which complies with the "CABO One and Two Family Dwelling Code", Chapter 3, "Foundations", 1986 or subsequent revisions. If a slab is used, tie downs shall be installed to manufacturer's specifications and skirting shall be installed around the bottom of the structure. (Amended 5/9/90)

### 704-5. PERMIT REQUIRED

It shall be unlawful for any person to construct, maintain, operate or alter any mobile home park within the limits of the City of Saco unless the owner holds a valid permit issued annually by the Building Inspector in the name of such person or persons or firm for the specific mobile home park. The annual costs of this permit shall be \$5.00 per mobile home lot. (Amended 8/20/90)

### 704-6. ISSUANCE OF PERMITS

The Building Inspector shall annually renew such permit contingent upon compliance with all regulations in this Ordinance. An inspection shall be performed by the Building Inspector to assure such compliance. (Amended 8/20/90)

### 704-7. INSPECTION OF MOBILE HOME PARKS

The Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks located within the municipality of Saco in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Building Inspector or his duly authorized representative shall have the power to enter at reasonable times upon any property as permitted by Title 30-A M.R.S.A. § 4452(1)(A). (Amended 8/20/90)

### 704-8. REGISTRATION OF OWNER

Each mobile home park operator shall maintain a register for the registration of all owners of mobile homes in the park, which register shall contain information as follows:

- (1) Name and address of each owner
- (2) Mobile home license number and manufacturer's make
- (3) Number of site to which assigned

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- (4) Date of arrival
- (5) Date of departure (Amended 8/20/90)

704-9. AVAILABILITY FOR INSPECTION

Said register shall be available for inspection by the Assessor, the Building Inspector, law-enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register and records shall not be destroyed for a period of five years following date of registration. (Amended 8/20/90)

704-10. MOBILE HOME LOT AVAILABILITY REQUIRED

It shall be illegal to allow any mobile home to remain in a mobile home park unless a mobile home lot is available.

704-11. ALTERATIONS AND ADDITIONS

Alterations and additions must comply with the effective City and State codes and ordinances. (Amended 8/20/90)

704-12. PARK ADMINISTRATION

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations. (Amended 8/20/90)

**Section 705. Siting of Manufactured Housing Units**

Manufactured housing units which are placed on lots outside of mobile home parks must:

- 1) Be constructed in accordance with applicable state and federal standards; as defined in Section 302 of this Ordinance.
- 2) Have pitched roof with a minimum pitch of 3 inches vertical for each 12 inches of horizontal run and covered by approved wood or asphalt composition shingles.
- 3) Have their exterior wall surfaces covered with materials similar to conventional construction, such as but not limited to cedar shakes, wood, vinyl or metal clapboards, board and batten siding, etc., but not including flat, ridged or corrugated metal or plastic panels;
- 4) Be placed on a permanent foundation, including a concrete pad over gravel base, with skirting around the bottom of the structure, or a concrete frost wall, or a full basement;

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- 5) Be sited such that a minimum horizontal dimension of 14 feet faces the street in the C-1 zoning district and a minimum horizontal dimension of 20 feet faces the street in other residential zoning districts where manufactured housing units are permitted.

**Section 706. Planned Developments (Amended 11/16/11)**

706-1. PROCEDURES

- 1) No planned development shall be permitted without approval by the Planning Board pursuant to the requirements of Site Plan Review set forth in Article XI of this Ordinance, and pursuant to the requirements of the City Subdivision Ordinance.
- 2) During the course of review, the Planning Board may allow those uses which are consistent with the City's Comprehensive Plan and with the intent of this Ordinance, including a mix of residential, office, retail, recreational, and light industrial uses. The following shall serve as guidance to the developer and the Planning Board in determining the appropriate uses:
  - a) multifamily dwellings
  - b) professional offices
  - c) business offices and services
  - d) eating places, eating-and-drinking places
  - e) personal services
  - f) pedestrian-oriented retail businesses
  - g) financial institutions
  - h) research and development facilities
  - i) light manufacturing and light assembly uses which do not create heavy truck traffic or large volumes of truck traffic and which are not offensive due to noise, vibration, smoke, dust, odors, heat or glare
  - j) hotels and motels
  - k) marinas and similar waterfront uses
  - l) accessory recreational uses
- 3) An application for a planned development may be filed only by the person who owns or has controlling legal interest in the land proposed for development.
- 4) The Planning Board shall conduct a public hearing on the proposed planned

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development as part of its review of the preliminary subdivision plan under the city Subdivision Ordinance.

706-2. PERFORMANCE STANDARDS

- 1) Each building, parking area, and other facility in the proposed development shall be an element of an overall master plan.
- 2) Facilities shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage conditions.
- 3) Where open space is proposed as part of the planned development, it shall be clearly noted on the final subdivision plan.
- 4) To the extent that they may apply, the planned development shall comply with the requirements of the Saco River Corridor Commission, the Maine Department of Environmental Protection, and the Maine Department of Inland Fisheries and Wildlife.

**Section 707. Signs** (Amended 6/19/95; 9/5/06)

707-1. GENERAL REQUIREMENTS

No sign, billboard, or exterior graphic display shall be permitted unless in compliance with the following requirements.

1. A. Permit Required: No new, additional or enlarged business advertising sign, including mobile signs and reader boards, shall be erected, altered, or placed within the City of Saco except as provided below. No person, firm, corporation or organization shall erect, enlarge or replace any sign or signboard without first obtaining a permit from the Code Enforcement Officer. All permit applications shall include a drawing showing all dimensions, types of materials, and illumination.
- B. Historic Districts: In historic preservation overlay districts a Certificate of Appropriateness shall be obtained before a permit is issued. Guidelines for signs in historic districts are in § 413-11-4.
- C. Appeals: If the Code Enforcement Officer denies a permit for a sign, the decision may be appealed as a variance to the Zoning Board of Appeals.
- D. Approval by the Planning Board is needed for an integrated sign plan approved under § 707-5-3. The Planning Board approval shall be obtained

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before the Code Enforcement Officer issues a sign permit under this section. Appeals of Planning Board decisions under § 707-5-3 are to Superior Court under Rule 80 K of the Maine Rules of Civil Procedure.

2. Measurement of Sign Area: The area of a sign shall be computed by means of the smallest rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the writing or other graphic display, together with any material or color forming an integral part of the background of the sign, or used to differentiate the sign from the structure against which it is placed but does not include supporting posts or any structural elements outside the limits of such perimeter and which do not form an integral part of the display. Colored bands, lines, bars or other graphics that appear on the side of a building that include no logos, lettering or other commonly recognized corporate symbols shall not be measured as part of the area of a sign in the B-2b and B-6 districts.

- A. Freestanding signs and projecting signs with more than one side shall be measured on all sides, except in the B-2b and B-6 districts where such signs shall be measured on one side only. A projecting sign is defined as a sign attached to a building, other than a wall sign.
- B. A wall sign is any sign painted on the surface of the wall, or attached parallel to and within fifteen (15) inches of the wall.
- C. Awning signs, if opaque, shall be measured in the same manner as described in the first sentence of this subsection, § 707-1-2. Opaque awnings with one small opaque monogram or opaque logo of less than six inches in height shall not be considered signs. For awnings that are translucent and internally illuminated and incorporate any commercial message or symbol, the entire translucent and illuminated portion of the awning shall be counted.

3. Generally Acceptable Signs: In any district a sign not exceeding four square feet (two square feet per side if detached from building) in surface size is permitted which announces name and/or activity of the occupant of the premises on which said sign is located. In any district on a building more than 50 years old, a sign or placard noting the history of the building may be placed on a building. Such signs shall not exceed two square feet and shall not be lit if in a residential or conservation district.

4. Roof Signs: No sign affixed to the exterior of a building shall be higher than the cornice (or the top of the parapet wall, if any).

5. Sight-Line Obstruction: For traffic safety, the entire signboard or display area of a free standing sign located on a double frontage corner lot or near a business exit lane

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shall be either below three (3) feet or above ten (10) feet in height from the average ground level when the sign is within fifteen (15) feet of a public right-of-way.

6. Non-Conforming Signs: Any existing nonconforming sign may continue to stand, but may not be changed, altered, enlarged or replaced unless to a conforming sign except as permitted upon a variance appeal to the Board of Appeals. Any nonconforming sign damaged by fire, wind, or other casualty may be reconstructed as before if such construction is performed within six (6) months of such casualty. In the B-2b and B-6 zones only, any existing nonconforming sign may continue to stand, and may be changed, altered, or replaced so as to be a conforming sign, and may be changed, altered or replaced such that the sign area is a 20% or greater reduction of the sign area of the existing nonconforming sign.

7. Prohibited Signs and Displays

- a) billboards, banners, streamers, pennants, ribbons, spinners or other similar devices shall not be displayed, except if provided for elsewhere in this section.
- b) flashing, moving or animated signs, roof signs, signs on gas station pump island canopies, inflatable signs, movable electric signs, except those described in § 707-5-6-b below, are not permitted. Signs indicating time and/or temperature are permitted provided they meet the other provisions of this section. (Amended 11/1/04)
- c) a string of lights shall not be used for the purpose of advertising or attracting attention.
- d) off premise directional signs or Official Business Directional Signs as defined in 23 M.R.S.A. § 1902-1925, as the same may from time to time be amended, are prohibited within the City of Saco, except as allowed under Subsection 9. (Amended 10/16/85)
- e) Signs on motor vehicles or trailers parked or stored in a location visible from a public way, if one or more of the following circumstances exist:
  - i. The vehicle or trailer is unregistered.
  - ii. The vehicle or trailer is parked or stored continuously in a Residential, Conservation or Resource Protection zoning district. Continuously is defined for the purpose of Section 707 as without interruption for a period of time exceeding 72 hours.
  - iii. The vehicle or trailer is parked or stored in an area not designed or of a type commonly used for parking or storage.
  - iv. The vehicle or trailer is regularly parked or stored in a frontyard or sideyard as defined in this ordinance, or in the public right of way

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adjacent to the frontyard when there is parking available elsewhere on the property.

- v. The trailer or unregistered motor vehicle is regularly parked or stored where a sign would not be permitted under this section. (Amended 11/21/1994;)
  - f) Mobile signs such as those on trailers or chassis, with or without wheels.
  - g) Any sign of which more than 25% of the area of the sign is comprised of the corporate advertising of a product or service which is not directly related to the primary corporate purpose of the business located on the property. (Amended 11/1/04)
8. Exemptions: For the purposes of this Section, the term "sign" shall not include:
- a) signs erected for public safety and welfare or pursuant to any governmental function, including directory signs erected by the City of Saco for its industrial parks.
  - b) directional signs solely indicating entrance and exit placed at driveway locations, containing no advertising material, including logos, and where display area does not exceed three square feet per side if freestanding or extend higher than seven feet above ground level.
  - c) signs relating to trespassing and hunting, not exceeding two square feet in area.
  - d) directional signs not exceeding three (3) square feet in area as measured on one side and not exceeding six (6) feet above ground level may be installed within a site with permission of the Code Enforcement Officer. The purpose of such signs shall be directional only, with no logo, advertising or corporate symbols allowed.
  - e) signs not visible from a public way.
9. Official Business Directional Signs: Official Business Directional Signs, as otherwise regulated by 23 M.R.S.A. § 1901-1925, as amended, are permitted for any businesses located in Saco and for businesses within abutting communities that have or are eligible to have guide signs on the Maine Turnpike that display business identification and directional information for services and eligible attractions. Official Business Directional Signs for businesses within abutting communities shall only be permitted when a guide sign for the applicant's business on the Maine Turnpike either exists, or has been approved and then installed. When permitted by this section, Official Business Directional Signs may be erected only within the following zones: B-1, B-2, B-5, B-6, BP, I-1 and I-2, subject to all restrictions and conditions of 23 M.R.S.A. § 1901-1925, as amended. (Amended 10/15/12)



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10. Discontinuance and Removal: Any sign which no longer advertises a bonafide business or product sold shall be removed together with its supporting structure by the owner of the property within 180 days of the closing of business. After that period the Code Enforcement Officer may provide written notice to the property owner that the sign and supporting structure must be removed. Where written notice has been given by the Code Enforcement Officer and the sign has not been removed within the 30 day period, the city may cause the removal of the sign and charge the cost of the removal to the owner of the property. Nothing in this subsection shall preclude the use of other enforcement measures authorized by this ordinance.
11. One sign marking the entrance to a subdivision, residential condominium or multi-family complex of at least five lots or units may be permitted if approved by the Planning Board. The sign shall not exceed twenty (20) square feet in total surface area, and may be lit only by a shielded external source. The sign shall be located where approved by the Planning Board in its review of the subdivision or site plan, and provision shall be made for its maintenance by the owner or by an owner's association.

707-2. CHURCH AND SCHOOL SIGNS (Amended 11/3/03; 11/19/07)

In any residential or conservation district, a sign not exceeding twenty-four (24) square feet in total surface size, whether one-sided or two-sided, is permitted in connection with any church, public or private school, or similar public or quasi-public structure.

When a church is located on an arterial or collector road in a residential or conservation district, one sign not exceeding forty-eight (48) square feet in total surface size, whether one sided or two-sided, is permitted. Such signs shall not be internally illuminated if they exceed 24 sq. ft.

In any residential or conservation district one additional wall sign is permitted for a church, not to exceed twelve (12) square feet in size.

In business and industrial districts, the allowable signage for any church, public or private school, or similar public or quasi-public structure is the same as specified in section 707-5: Signs in Business and Industrial Districts and Table 707.

In any district, a sign not exceeding twelve (12) square feet in total sign area if one-sided, and not exceeding twelve (12) square feet on either side if double-sided, is permitted in connection with any fraternal organization.

707-3. TEMPORARY SIGNS

No temporary signs are permitted except as provided in this section:

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1. Construction signs. One temporary construction sign, not exceeding thirty-two (32) square feet in surface area, including the area of both sides of such sign, is permitted in any zoning district on the property on which the construction is taking place. Construction signs shall not be installed earlier than seven (7) days before the commencement of construction. Construction signs shall be removed within fourteen (14) days after the completion of construction. The words completion of construction mean the time construction is actually complete and not when the building permit expires. Construction signs are not permitted for construction at the contractor's own residence.
2. Real Estate For Sale Signs. One real estate for sale sign, not exceeding thirty-two (32) square feet in surface area, including both sides of such sign, is permitted in any zoning district on the property being advertised for sale. Real estate for sale signs shall be removed within fourteen (14) days after the date of the real estate closing transferring ownership of the property.
3. Real Estate For Rent Signs. One real estate for sale sign, not exceeding thirty-two (32) square feet in surface area, including both sides of such sign, is permitted in business and industrial zoning districts on the property being advertised for rent. One real estate for rent sign, not exceeding twelve (12) square feet in surface area, including both sides of such sign, is permitted in other zoning districts on the property that is being advertised for rent. For rent signs shall be removed within fourteen (14) days after an agreement is made to rent the property. Notwithstanding the above, no temporary signs for lease or rent are permitted for seasonal dwelling units.
4. A temporary political campaign sign, not exceeding thirty-two (32) square feet in surface area, including the surface area of both sides shall be permitted in any district. Such signs, if on public property, shall be erected no earlier than 30 days before the election and shall be removed within five (5) days after the election. Political signs are prohibited in city parks, on traffic islands, or on trees in the right of way. Political signs shall be placed only in locations which do not create visual obstructions for traffic and pedestrians. A temporary sign on public property not meeting the standards of this section shall be removed by the owner if requested by the Code Enforcement Officer, the Parks and Recreation Director or the Public Works Director, or may be removed by the city.
5. Banners of Public, Cultural or Charitable Interest: The Code Enforcement Officer may permit a person or organization to install a banner across a public way to

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announce a bonafide public, quasi-public, cultural, or charitable function of city-wide importance. Such events include the Sidewalk Art Festival, Red Ribbon Week, and similar events. The applicant shall obtain in advance the permission of the owner of the pole, building, or other structure where the sign is to be mounted, and shall provide sufficient information for the Code Enforcement Officer to determine that the installation will be done safely. Proof of insurance shall also be provided. Such banners may be installed for not more than four weeks. (Amended 5/15/2000)

6. Non-Profit Events: churches, schools, charitable organizations and other non-profit entities that hold occasional events may place temporary signs up to two weeks prior to the event, with removal no later than the day after the event.

Temporary signs that may be placed include:

- a) up to two (2) A-frame sandwich board signs which shall not exceed 30 inches in width and 42 inches in height, or, a single one- or two-sided sign with an area not exceeding thirty-two (32) square feet;
- b) up to two (2) flags, each not exceeding six (6) square feet in area on one side, mounted to a fixed or permanent location such as a utility or light pole, sign, or building may be placed in addition.

Temporary signs may be placed only on the premises of the entity or organization sponsoring the event, and shall be placed in locations that do not create visual obstructions for traffic and pedestrians. No more than 25% of the area of a temporary sign may be comprised of a corporate logo or advertising. Banners are expressly prohibited. (Amended 1/2/07)

707-4. BUSINESS SIGNS IN RESIDENTIAL, CONSERVATION AND RESOURCE PROTECTION DISTRICTS

Exterior signs shall not exceed four square feet if attached parallel to the wall of a building, two square feet (each side) if projecting from the wall of a building, or two square feet (each side) if the sign is freestanding. Signs shall not be illuminated. Only one category of sign (wall sign, projecting, or free-standing) shall be allowed per building. No illuminated or mobile (chassis-mounted) signs shall be permitted in a Residential or Conservation District. No signs are permitted on trucks or trailers parked continuously in a Residential, Conservation, or Resource Protection districts. (Amended 11/21/94)

707-5. SIGNS IN BUSINESS OR INDUSTRIAL DISTRICTS

Any establishment in a Business or Industrial District shall have no more than two signs, one of which may be free standing.

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1. No sign shall announce, advertise, or name any service or product not available, sold or manufactured on the premises.
2. The size and number of signs permitted in business and industrial districts, except for the B-4 district, is regulated by Table 707 below. In the B-4 Planned Development District only, for developments which require a planned development under § 410-8, because of the unique nature of this zone, the size, number, nature and location of signs shall be determined by an Integrated Sign Plan, as outlined in § 707- 5-3.
3. Integrated Sign Plan: Because multiple occupancy properties such as office parks and shopping centers, as well as planned developments in the B-4 district, have special sign needs, this section sets out an alternative procedure for approval of signs on these properties. It permits additional flexibility as to the size and number of signs on a property in the B-1, B-2, B-4, B-6 and I-2b districts. As part of an integrated sign plan the Planning Board may permit up to 50 percent more signs or up to 50 percent more aggregate footage in the B-1, B-2, B-6 and I-2b districts.
  - A. An integrated sign plan is required in the following cases:
    1. For any planned development in the B-4 district;
    2. For any commercial development over five acres subject to site plan review in any business district.
  - B. In addition, in the following cases the owner may voluntarily seek approval of an integrated sign plan:
    1. Any property in the B-1, B-2, B-4, B-6 and I-2b districts;
    2. Any new car dealer in the B-2a, B2b and B-6 districts.
  - C. An application for an Integrated Sign Plan approval shall include:
    1. A site plan and, if necessary, elevations showing the location of all signs;
    2. Scale drawings showing the detailed design of all proposed signs, as well as the area of each sign, and details related to lighting and color.
  - D. The following criteria are to be used by the Planning Board in determining whether an integrated sign plan shall be approved. A positive finding on all of the standards is required for approval.
    1. The placement and design of signs meets the specific standards of the ordinance.
    2. The signage will not create glare or excessive brightness.
    3. The signage is designed and located in a manner that does not create distractions or visual confusion on the property or in combination with neighboring properties.
    4. The signage will not create traffic hazards.

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- E. After an Integrated Sign Plan is approved, minor changes consistent with the plan approved by the Planning Board may be approved by the Code Enforcement Officer, with the concurrence of the City Planner. Major changes shall be submitted to the Planning Board for approval as an amendment.
4. In addition to other signs permitted in business districts only, a single banner not larger than three (3) feet by five (5) feet may be displayed during business hours. However, such banners shall be subject to an annual permit to assure compliance. The annual permit shall expire on March 1 each year. Such banners shall be displayed on the building or on a permitted freestanding sign only. Banners shall be installed in a safe manner that does not interfere with pedestrian or other traffic, and shall be maintained in an attractive, untattered condition. One banner for the purpose of advertising a new business or owner may be erected for a period not to exceed (30) days. Said banner is limited to twenty (20) square feet in area as measured on one side. A permit for said banner is required.
  5. Business advertising signs shall not be placed closer than five (5) feet from any lot line. The maximum height for freestanding signs shall be 25 feet above the adjacent ground grade.
  6. In Business and Industrial Districts where illuminated signs are permitted, they shall conform to the following requirements:
    - a) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination. Signs shall not be illuminated from within unless they utilize light-colored letters and symbols on a dark-colored background in order to avoid undue glare radiating from the sign, except in the B-2 and B-6 districts, where the letters and backgrounds shall be designed to avoid excessive brightness. Sign illumination shall be of reasonable intensity and shall avoid excessive brightness or glare on nearby properties and to avoid creating unnecessary distractions on the street.
    - b) Gas-filled light tubes shall be allowed for indirect illumination when placed in such a manner that light tubes are not exposed to view. In the B-2b and B-6 districts, gas-filled or LED light tubes within view of the public way are allowed.

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

7. Freestanding signs shall be required to be attached to permanent posts and to be hung vertically above the ground. So-called "A-Frame" signs shall be prohibited, except as permitted in Paragraph 9. Any business which is permitted to have more than one freestanding sign and chooses to do so shall maintain 100 feet of separation between freestanding signs whether his own, or on neighboring property.

8. Projecting Signs: No sign shall project into or over a public street or way except in the B-3 district on Main street and in Pepperell Square, as permitted below:

- a) the sign has a combined surface area no greater than one and one-half (1.5) square feet for each foot of width of the principal structure, such surface area including both sides of the sign. In no case shall the combined surface area be greater than 50 square feet.
- b) the sign does not project more than ten (10) feet out from the building line.
- c) the sign is at least three (3) feet back from a line perpendicular to the curb line.
- d) the bottom edge of the sign is at least ten (10) feet above the sidewalk.

9. One small A-frame sandwich board sign may be placed on the sidewalks in front of any business in the B-3 and B-7 districts. Such signs shall be taken in each day before the close of business. Such signs shall not exceed 30 inches in width and 42 inches in height, and shall be placed only in locations where the sidewalk is wide enough to allow four feet for passage. Such signs shall be constructed of exterior grade plywood, such as MDO, or of other durable materials intended for exterior use, be of sturdy construction, and shall be weighted to prevent them from blowing over. All such signs shall be neatly painted, not illuminated, and subject to review under the Historic Preservation section of this ordinance. The city may remove from public property any A-frame sign which is not in compliance with this ordinance. Signs, merchandise and other objects used for marketing must be removed prior to and 24 hours after any snow event to allow for municipal snow

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removal efforts. The City is not responsible for any signs, merchandise or other objects damaged nor is the City of Saco responsible for any harm to people or property occurring as a consequence of a sign being placed on public property.  
(Amended 12/6/10)

10. A system of decorative banners may be placed on buildings, utility poles or light poles in the B-1, B-3 and B-7 districts by a business association or civic group if approved by the City Council.
11. Pennants may be displayed in the B-2b and B-6 districts. An individual pennant on a pennant string shall not exceed 12 inches by 12 inches. Pennants shall be installed in a safe manner that does not interfere with pedestrians or other traffic, and shall be maintained in an attractive, untattered condition.

**Table 707 - Signs in Business and Industrial Zones**

	<b>B-3/B-5, B-4 if no planned development under 410-8</b>	<b>B-1/B-2c/I-1/I-2 and B-2D</b>	<b>B-2b/B-6</b>	<b>B-2a</b>	<b>B-7</b>	<b>I-1, I-2, B-8 abutting Turnpike<sup>i</sup></b>
Overall Size Allowance per premise per foot of width of principal structure	2 sf to maximum of 100 sf	2 sf to maximum of 150 sf	2 sf to maximum of 200 sf	2 sf to maximum of 200 sf	2 sf to a maximum of 48 sf	2 sf to maximum of 350 sf
Number of signs per single occupancy premise	2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf	2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf	2 signs, plus 1 additional wall sign not exceeding 12 sf	2 signs, plus 1 additional wall sign not exceeding 12 sf	2 signs only one of which may be freestanding	3 signs, only one of which may be freestanding
<b>Multiple occupancy premises, number and type of signs:</b>						
For entire complex	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	2 signs only one of which may be freestanding	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
For each first floor occupancy	2 wall, projecting or awning signs per occupancy	2 wall, projecting or awning signs per occupancy	2 wall, projecting or awning signs per occupancy	2 wall, projecting or awning signs per occupancy	N/A	2 wall, projecting or awning signs per occupancy
Upper floor and basement occupancies:	1 wall or projecting sign not exceeding 12 square feet	1 wall or projecting sign not exceeding 12 square feet	1 wall or projecting sign not exceeding 12 square feet	1 wall or projecting sign not exceeding 12 square feet	N/A	
<b>Size limits, individual sign types for all zones:</b>						
Wall and awning signs maximum size	100 sf	100 sf	150 sf	150 sf	16 sf	If facing Turnpike, within 50 ft of Turnpike ROW, 150 sf. Greater than 50 ft from Turnpike ROW, 200 sf.
Freestanding and projecting signs maximum size per side	50 sf	75 sf	100 sf	100 sf	16 sf	100 sf
Minimum size allowance per premise			48 s.f.			

<sup>i</sup> Commercial and industrial structures with total floor area 40,000 s.f. and greater, on parcels with 200 feet or greater frontage along Turnpike ROW. Also subject to M.R.S.A. 23 §1913-A and 1914.

(Amended 9/3/13)



## **Section 708. Off Street Parking**

### **708-1. OFF STREET PARKING REQUIRED**

1. A minimum number of off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. However, existing uses are considered grandfathered for the number of parking spaces required on June 19, 1995 and need provide additionally only the difference between that required for the grandfathered use and the new or expanded use. (Amended 6/19/95)
2. Off-street public parking lots may be utilized to fulfill parking requirements in lieu of on-premise parking when such public parking lots have been provided for that purpose.
3. Notwithstanding other provisions of this section requiring on-site parking, existing buildings in the B-3 district, north and west of the Boston and Maine Railroad only, and in the MU-1 district may receive a parking waiver in whole or in part from the Planning Board, when a structure is expanded, when a change of use requires additional parking spaces be provided, or when an existing building or use undergoes internal expansion. Such expansion includes the reuse or rehabilitation of unused or underutilized space. The Planning Board shall hear the application for the parking waiver as a conditional use and before approving it shall make a finding that it meets the following standards, as well as the conditional use standards of § 901-4:
  - A. On-site parking is not available;
  - B. Off-site parking as described in § 708-3-2 is not available;
  - C. The lack of on-site parking will not create excessive congestion in the neighborhood. (Amended 6/19/95; 5/21/12).

### **708-2. SPECIFIED USES AND OFF-STREET PARKING SPACES REQUIRED**

The minimum number of off-street parking spaces required for different uses shall be as shown in Table 708-2. When the required number of spaces arrived at is not a whole number, fractions of parking spaces shall be rounded up to the next whole number. In the B-3 district, north and west of the Boston and Maine Railroad, and the MU-1 district, the parking requirements of Table 708-2 are reduced by 50 percent. (Amended 4/3/89; 6/19/95; 5/21/12)

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**Table 708-2  
Minimum Off-Street Parking Spaces Required By Use**

<b>Use</b>	<b>Minimum Off-Street Parking Spaces Required</b>
Single family residential	2 spaces per dwelling unit
Two family residential	2 spaces per dwelling unit
Multifamily residential	-1.5 spaces per unit for 1 bedroom units -2 spaces per unit for units with 2 bedrooms -In Residential zoning districts, 2.5 spaces for units with 3 or more bedrooms -in Residential zoning districts one additional visitor's space for every 6 units or fraction thereof (Amended 8/04/03; 5/21/12)
Multifamily residential restricted to elderly	1 space for every two units
Elderly congregate housing	1 space per three units
Churches	1 space per 4 seats in principal assembly room
Schools (not including high schools or colleges)	1 space per each 2 employees, including teachers and administrators, plus sufficient off-street space for safe loading and unloading of students
High schools and colleges	1 space for each 5 students based upon the maximum number of students attending the school at any one period in the day
Commercial schools	1 space for each 3 students based upon the maximum number of students attending the school at any one period in the day
Private clubs or lodges	1 space per 75 square feet of total floor space
Recreational assembly places, e.g. dance halls, night clubs, video game parlors	1 space per 75 square feet of total floor area
Theatres	1 space per 4 seats
Bowling alleys	5 spaces for each alley
Funeral homes	1 space per 100 square feet of total floor area
Adult day care center	1 space per employee and one per six clients
Hospitals and rest homes	1 space per 3 beds plus 1 space per 2 employees on the maximum working shift
Professional offices, business services, office of wholesale businesses	1 space for every 250 square feet of total floor area
Banks	1 space per 150 square feet of floor area exclusive of storage space
Medical offices	1 space per 100 square feet of floor area exclusive of storage space
Veterinarian clinic, kennel, animal hospital	5 spaces per veterinarian
Retail business, personal services businesses	1 space per 200 square feet of total floor area
Eating and drinking, Eating, and Drinking Establishments	1 space per 75 square feet of total floor area

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Barber, beauty shop	4 spaces per chair
Industrial businesses	1 space per employee on the maximum working shift
Warehouses	1 space per 500 square feet of total floor area
Child care facilities	1 space per 4 children
Flea markets	3 spaces per table
Hotels and motels, tourist homes, bed and breakfast establishments, boarding homes	1 space per guestroom plus 1, space per employee working on the largest shift
Home occupations	See mixed uses
Mixed uses	Total of individual use requirements
Golf Courses	50 spaces per 9 holes (Amended 12/7/98)
Marinas	1 space per 2 slips or moorings (Amended 6/2/08)

Where a proposed use cannot be reasonably fit into one of the above categories, the Planning Board shall prescribe the required number of off-street parking spaces. (Amended 7/1/91; 3/7/94; 9/6/94)

708-3. PARKING DESIGN CRITERIA

The following standards apply to off-street parking areas with five or more parking spaces. These standards apply both to parking areas and automobile, truck and other merchandise display lots. (Amended 3/2/92)

- 1) Size of Space and Aisles: Each parking space shall be clearly delineated and contain a minimum area of 162 square feet (9 feet by 18 feet), exclusive of drives, aisles, entrances, or truck loading and unloading spaces, and fully accessible for the storage or parking of motor vehicles. Aisles between rows of parking spaces shall be at least 24 feet wide, except that one-way aisles may be reduced to not less than 16 feet wide.
  - a. Handicap spaces shall meet the requirements set forth in ANSI 117.1.A.
  - b. A parking space in front of a garage door shall contain a minimum area of 198 square feet (9 feet by 22 feet). No parking space shall obstruct or intrude into a sidewalk or driveway.
  - c. Parking spaces at the edges of parking lots may be reduced to 16 feet in length if the front of the cars can overhang the front of the space by two feet. This is not acceptable in areas adjacent to sidewalks, buildings, or other facilities which might be interfered with by the fronts of cars. (Amended 8/04/03)
  
- 2) Off-site Parking: Required off-street parking for all land uses shall be located on the same lot as the principal building or facility or within 500 feet measured along lines of access. However, in the B-3 district, north and west of the Boston and Maine Railroad, and in the MU-1 district, this is increased to 1,200 feet. The Planning Board may approve off-site parking or the joint use of a parking facility

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by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements because there is sufficient space, or because of a difference in the probable time of maximum use by patrons or employees of such establishments. A long-term lease or other arrangement satisfactory to the Planning Board is required for any off-site parking. The Planning Board as part of a site plan review may permit contiguous properties to construct shared parking areas that extend over property lines without regards to five foot setback requirement for parking areas. The Board may require adequate plantings and other landscape treatments if necessary to buffer such shared parking. (Amended 6/19/95; 10/15/01; 2/19/02)

- 3) Access: All multifamily and nonresidential parking areas shall be located off the street. Adequate maneuvering areas shall be provided according to standard and acceptable engineering practices so that vehicles can be turned around within such areas without backing into the street. A maneuvering area designed appropriately for an SU-30, box van-sized vehicle shall be provided for all multi-structure multi-family, and non-residential parking areas. Access to parking stalls shall not be immediately accessible from any public way. Access point from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and also to avoid generating traffic on local access streets of a primarily residential character. (Amended 8/04/03)
- 4) Visual Obstructions and Internal Walkways: All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 15 feet measured along the intersecting driveway in order to provide the required visibility for entering and leaving vehicles. However, a sign may be located within fifteen (15) feet of a public right of way, but shall be either below three (3) feet or above ten (10) feet in height from the average ground level (see Section 707-1.5). (Amended 4/30/07)

Continuous internal walkways shall be provided from the public sidewalk to the principal customer entrance of all principal buildings on the site if the street has or will have a sidewalk. Walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, and building and store entry points. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable surface materials such as pavers, bricks, or scored concrete or painted treatments to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. (Amended 2/19/02)
- 5) Loading Facilities: Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be

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located for loading or storage upon any public way. Loading facilities shall be designed not to interfere with aisles, drive-in lanes and stacking areas, and in a manner that will not block access to parking or go against traffic. (Amended 8/04/03)

- 6) Lighting: All artificial lighting used to illuminate any parking space shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets, and shall conform with Section 804 of this Ordinance. (Amended 8/04/03)
- 7) Bumper Guards: Bumpers or wheel stops shall be provided where overhang of parked cars might restrict flow on adjacent streets, interfere with pedestrian movement on adjacent walkways, or damage landscape materials.
- 8) Buffers: All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line. Off-street parking and access drives for nonresidential uses that abut lots in any Residential or Conservation District shall meet the minimum yard requirements in Table 412-1, the landscaping requirements of this section and Section 807.
- 9) Landscaping:  
General: The existing landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
  - A. Parking Lots in Residential Districts  
Parking lots shall be landscaped with a continuous border of shrubbery along all lot lines abutting properties in residential and conservation districts, or, in other districts, if they abut lots developed with residential uses on which an equivalent buffer has not been provided. This border shall have a mature height of three to six feet and shall provide a year round screen.
  - B. Large Parking Areas  
Large parking areas of 35 or more spaces shall be provided with at least one tree (of 2 1/2" to 3" caliper) for every 35 car spaces (4 trees per acre), to be located at representative points throughout such lots. Planting islands for such trees shall not be less than five feet wide nor 75 square feet. Parking lots of 5000 to 10,000 square feet shall provide five percent of that space in internal landscaping. Parking lots over 10,000 square feet shall provide 10 percent internal landscaping.
  - C. Front Buffers

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All parking areas, merchandise display areas, or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2.5" to 3" caliper, planted at least every 35 feet along the road frontage), ornamental trees (one per 35 feet of road frontage), and dense medium height shrubs (three feet in height on maturity to screen parked vehicles). The Planning Board may permit the installation of earth berms, boulders, stone walls and other permanent landscape features to achieve the desired screening, and may permit that some of these elements substitute for low plantings, but not for shade trees.

D. Special Route 1 Standards

In lots fronting on Route 1, North of Interstate 195, a vegetated buffer of 40 feet is required. A driveway of reasonable width may cross the buffer strip. No parking or display of merchandise is permitted in the buffer strip.

E. Alternate buffers and screening

In lieu of strict compliance with the specific buffer and screening requirements of this section and Section 807, the Planning Board may approve a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the above requirements. The Planning Board may also make a determination that buffer screens required under this Ordinance are incompatible with neighboring properties and relieve the requirement that the landscaping be installed, in whole or in part. However, the forty (40) foot vegetated buffer provided for in D. Special Route One Standards, shall not be reduced in width. (Amended 2/19/02)

Special Main Street Standards (Amended 4/11/05)

In the Main Street corridor from Saco Island to the I-195 connector, no more than one row of parking spaces or twenty-five percent (25%) of the total required number of parking spaces, whichever is greater, shall be located between the front of the building and the street; the remainder shall be located to the side and rear of the building. In lieu of strict compliance with this standard, the Planning Board may approve an alternate plan that allows a greater number of parking spaces between the front of the building and the street if the alternate plan specifies enhanced landscaping and screening that minimizes the visual impact of the parking lot.

F. Installation, Maintenance, and Financial Guarantees

All required landscaping shall be installed before occupancy, or within six months if occupancy occurs during the winter. Financial security suitable to the city, in the form of an escrow account, a bond, or an irrevocable letter of credit, equivalent to 30 percent of the value of the plantings shall be maintained for a period of 18 months after planting. All plantings shall be

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watered regularly during their first year and maintained permanently in good growing condition as an effective visual screen. Shrubs or trees which die shall be replaced within one growing season with new shrubs or trees to ensure continued compliance with applicable landscaping requirements.

10) Parking Held In Reserve: If the applicant can clearly demonstrate to the Planning Board that because of the nature of the operation or use, the parking or loading requirements of this Ordinance are unnecessary or excessive, the Planning Board shall have the power to approve a site plan showing less parking or loading area than required, provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking and loading requirements in the event that a change of use of the premises shall make the use of such additional off-street facilities necessary. The applicant, at the time of the initial application, shall submit for Planning Board approval, a design of this possible future parking area. The reserved area shall be converted to parking in whole or in part whenever the owner desires, or when deemed necessary by the Planning Board. In addition, a reevaluation of the parking requirement shall be required upon a change of use, expansion, or renovation. Notations describing these arrangements shall be included on the face of the plan.

11) Drive-Through Facilities: Each drive through or queuing lane shall be separated from the circulation lanes by means of pavement markings, signs, and/or islands, and shall not block access to any parking spaces. Stacking spaces shall not be permitted in the required building setbacks. Five stacking spaces shall be provided for each bank teller station or automated teller machine. At least ten stacking spaces will be provided for a restaurant's drive-in window. (Amended 3/2/92)

12) Minor Conditional Uses: Upon an affirmative finding by the Planning Office, home occupations that are reviewed as minor conditional uses may be exempted from the parking standards of Section 708-9-3-3, specifically the requirement for turn around capacity and off street parking. Instead, minor conditional uses may be permitted to count street parking immediately in front of the home, and on the same side of the street, as parking spaces, where on street parking is permitted.

13) Parking Lot Interconnections: Where practical, the design of parking lots shall provide for lot to lot vehicle movement via interior connecting roads. (Amended 2/19/02).

**Section 709. Traffic And Highway Access (Amended 3/2/92)**

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709-1. CURB CUTS

- 1) On collectors and arterials (as identified in the 1990 "Infrastructure Inventory and Management Program"), no use or development on a single lot or on separate but contiguous lots shall have more than one curb cut serving the use or development. However, in the course of Site Plan Review under Article XI of this Ordinance, the Planning Board may allow a second curb cut provided no more than one curb cut shall be on the same public right-of-way, unless the curb cuts are designed to operate as a one-way pair.
- 2) Curb cuts serving lots on Route 1, 5 and 112 and providing access to one or more said routes shall, for each lot, be separated by at least 500 feet as measured along the street line, except if operated as a one-way pair or serving a gasoline station approved by the Planning Board, or two family dwelling. To the extent possible, new development along these routes shall share common points of access. The Planning Board may impose reasonable conditions to require joint access on both developed and undeveloped lots adjoining the site. Entrances to developed commercial lots shall be kept clear of parked cars to enable good access and to prevent cars from stacking on to public roads.
- 3) Minimum and maximum throat widths for curb cuts on public streets shall be as follows:

	One-Way Operation	Two-Way Operation
	Driveway Width (feet)	Driveway Width (feet)
Single and two family dwellings	10–15	10–20
3 to 20 dwelling units	10–20	15–25
More than 20 dwelling units	10–25	20–36
Commercial and industrial	10–30	16–40

For two-way operation driveways, the Planning Board may require the placement of separation islands, which shall not be included within the above widths.

709-2. SIGHT DISTANCE

Any exit driveway serving five or more parking spaces shall be so designed as to provide the following recommended exiting sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle, a distance of 10' behind the edge of traveled way from a height of eye 3 ½ feet to an object 3 ½ feet above the pavement. The Planning Board shall give preference to the recommended sight distance



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rather than the minimum. However, where the driveway is moved to the optimum position on the lot, and the Planning Board determines that an adequate level of traffic safety has been attained, the Planning Board may permit less than the recommended distance in the following table. (Amended 3/2/92, 4/30/07)

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

709-3. REVIEW BY PUBLIC WORKS DEPARTMENT

Any proposed new curb cut on a public way shall be reviewed and approved by the Saco Public Works Department in accordance with the above standards and such other standards relating to drainage and traffic safety, as the department shall require.

709-4. PEDESTRIAN ACCESS

New or substantially enlarged commercial and multi-family developments subject to site plan review shall provide for safe, convenient pedestrian access with sidewalks built to city specifications, except where the Planning Board determines that little pedestrian access is likely or pedestrian safety is already adequate.

709-5. CORNER CLEARANCE FOR DRIVEWAYS

CORNER CLEARANCE. Corner clearance is the minimum distance, measured parallel to a roadway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway entrance or exit, excluding its radii. The recommended corner clearance for entrances for unsignalized intersections is 100' with a minimum of 50'. The recommended corner clearance for signalized intersections is 125' with a minimum of 75'. (Amended 4/30/07)

709-6. IMPLEMENTATION OF OFF-SITE TRAFFIC IMPROVEMENTS.

When improvements to roads or intersections within the study area are required as part of

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a condition of approval of a site plan, conditional use, or other permit, these improvements must be implemented prior to occupancy of the development except where the following occurs:

**A. Maine Department of Transportation Impact Fee is applied.**

- (1) Impact fee payment. The applicant has paid or will pay an impact fee to MaineDOT for future improvements; and
- (2) Impact Fee Use. The impact fee will be used to make the required improvements by MaineDOT; and
- (3) Improvement Plan Approval. The improvement plan has been reviewed and approved for implementation by the City and MaineDOT; and
- (4) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; OR

**B. City of Saco Traffic Mitigation Fee is applied.**

- (1) The City may impose traffic mitigation fees on projects in addition to and/or in lieu of actual improvements;
- (2) The City may impose traffic mitigation fees on the project for their impact on substandard intersections or roadways; OR

**C. Where Improvements are to be implemented by MaineDOT or the City of Saco.**

The applicant demonstrates that the necessary traffic improvements have been identified by the MaineDOT or the City of Saco as improvements which will be implemented; OR

**D. Where Monitoring will be performed by the applicant.** The applicant will be responsible for monitoring safety and/or traffic conditions. The approval conditions may also make the applicant responsible for implementation of improvements if the specified monitoring conditions are met. (Amended 4/30/07)

**Section 710. Water Recreation and Storage Facilities**

Any facility for water recreation such as swimming pools, and commercial fishing ponds,

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or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, and farm ponds, shall comply with the following requirements.

710-1. PLAN REQUIRED

Before a Building Permit shall be issued to the operator or owner of the facility, a plan shall be submitted to the Building Inspector showing size of facility, proposed use, parking arrangement and use of buildings on the site, surrounding properties and their usage, and any other pertinent information.

710-2. STANDARDS

1) Setbacks

- a) no swimming pool shall be constructed closer than 10 feet from the side or rear lot line, nor closer to the front line of any lot than would be permitted for buildings or other structures by other provisions of this Ordinance. Mechanical equipment related to the maintenance of a swimming pool shall not be located closer to a property line than the minimum yard dimension of the zoning district in which the pool is located.
- b) all other water recreation and water storage facilities shall comply with the setback requirements of the zoning districts in which they are located.

2) Fencing

- a) the facility shall be entirely enclosed by a fence no less than four feet high to prevent uncontrolled access by small children. The fence shall have no openings larger than four inches in the least dimension. Any building or related structure may be included as part of the required enclosure. Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely locked at all times when the owner or occupant of the premises is not present at such pool;
- b) pools that are four (4) feet or more above ground may be exempt from the fence requirement if all access ramps, stairways or ladders are removed or equipped with locking gates for use when unattended.

3) Off-Street Parking

The facility, if operated to attract visitors, shall comply with the off-street parking requirements of this Ordinance.

710-3. SWIMMING POOLS AS ACCESSORY USES

Swimming pools may be permitted in any district as accessory uses to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests, subject to all other standards in this section plus the following conditions:

- 1) Such pool shall not occupy more than forty percent (40%) of the lot area,

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- excluding all garages or other accessory structures located in such area;
- 2) If the water for such pool is supplied from the private well, there shall be no cross-connection with the public water supply system;
  - 3) If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool;
  - 4) Such pool shall be chemically treated in a manner sufficient to maintain the bacteria standards established by the provisions of the State Sanitary Code relating to public swimming pools;
  - 5) No loudspeaker device which can be heard beyond the property lines of the premises, on which any swimming pool has been installed, may be operated in connection with such pool, nor may any lighting be installed in connection therewith which shall throw any rays beyond such property lines.

**Section 711. Home Occupations**

711-1. CONDITIONS

Home occupations shall conform with the following conditions:

- 1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
- 2) Not more than one employee outside the family shall be employed in the home occupation.
- 3) There shall be no exterior display, no exterior sign except as permitted by Section 707 of this Ordinance, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the building.
- 4) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- 5) No traffic shall be generated by such home occupation in such volumes that it will create hazardous conditions in the neighborhood.
- 6) In addition to the off-street parking provided to meet the normal requirement of the dwelling, off-street parking shall be provided in conformance with the standards of this Ordinance.
- 7) The home occupation shall not utilize more than the equivalent of 25% of the total floor area of the dwelling unit.
- 8) A home occupation shall include, but not be limited to the following:
  - a) art studio or other crafts studio
  - b) dressmaking or similar shop
  - c) hairdressing shop
  - d) teaching or tutoring facility
  - e) office of a physician; dentist, optometrist, lawyer, engineer, architect,

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- accountant, or similar professional
- f) office of a real estate broker or agent
- g) office of an insurance agent or broker

**711-2. PROHIBITED HOME OCCUPATIONS**

A home occupation shall not be interpreted to include the following:

- 1) Facility for the repair of motor vehicles
- 2) The retailing of any item not produced on the premises  
(Amended 8/1/88)

**Section 712. Used Merchandise Sales**

Where permitted by this Ordinance, outdoor sales of used merchandise shall comply with the following standards:

- 1) Adequate off-street parking shall be provided in such a manner that the visibility of drivers along the public roads is not reduced.
- 2) A maximum of two signs, each not exceeding three square feet per side in area, may be erected on the operator's property.
- 3) All display tables shall be cleared and removed to a location not visible from the road at the end of each business day.
- 4) All relevant provisions of this Ordinance must be complied with.

**Section 713. Offices In Residential Districts**

In those residential districts where they are permitted as conditional uses, offices shall comply with the following standards in addition to those listed under other relevant provisions of this Ordinance.

- 1) Offices shall be located only within converted residential structures in order to retain the essential residential character of these neighborhoods, except as allowed in paragraph 5 below.
- 2) Parking for offices shall be located to the side or rear of the building.
- 3) All outdoor lighting shall be shielded to avoid "overspill" onto abutting residential properties, or glare into the street.
- 4) Exterior alterations shall be minimized and shall be subject to design review by the Planning Board, which will use Section 413-11 as the basis of its review of additions and alterations. After acting on the Conditional Use and Site Plan, the Planning Board may delegate this design review to the Historic Preservation Commission, which shall make the final determination on compliance with Section 413-11 when the Planning Board has so-delegated. In historic districts and on historic sites this design review shall be the responsibility of the Saco Historic Preservation Commission rather than the Planning Board.
- 5) In special situations where a building is extremely dilapidated and structurally

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unsound and where re-use is therefore not practicable or economically feasible or where a building is not judged to be a significant component of the neighborhood's overall architectural and historic character, the Planning Board may approve plans to replace an existing residential building with a proposed new office building whose scale and design would be appropriate to the site and to the neighborhood. The Board shall obtain the recommendation of the Saco Historic Preservation Commission before granting permission to demolish. The Commission and the Planning Board shall utilize the standards of this paragraph and those in Section 413 relative to demolition in determining whether to permit the demolition. In the historic district and on historic sites the decision on demolition shall rest entirely with the Historic Preservation Commission.

- 6) Proposals to locate offices in residential districts shall be subject to Site Plan Review.
- 7) Outdoor storage is prohibited. (Amended 5/7/93)

### **Section 714. Airports**

Airports or airplane landing strips used by persons or firms other than the owner, or for which a landing or take-off fee is charged, shall meet the following requirements:

#### 714-1. INFORMATION REQUIRED

Where permitted under the terms of this Ordinance, proposals for new or expanded airports shall, as part of Conditional Use Appeal and/or Site Plan Review as required, provide the following information in addition to that required by such review:

- 1) The boundaries of the "clear zone" (where structures are prohibited under state or federal aviation regulations);
- 2) The boundaries of the "sound footprint" showing the noise contours expected to be produced on the ground, by approaching or departing aircraft;
- 3) A property value impact study evaluating the effect of the proposed use or expansion upon all residential, commercial or industrial premises existing within the "sound footprint".

### **Section 715. Soil Suitability for Land Uses and Roads**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by State-certified professionals, sufficient to demonstrate that the proposed use will meet the criteria noted above in this paragraph. Certified persons may include Maine Certified Soil

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Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

Any new roads shall prepare soil borings every 150' of the road length for review by the Public Works Director. A new road will only be allowed when soil borings indicate that the sub-soils are of an adequate type to sustain the new road. (Amended 4/21/92)

### **Section 716. Bed and Breakfast in Historic Districts**

In order to encourage the preservation and reuse of historic buildings, this ordinance permits bed and breakfast establishments in the R-1a and C-1 districts as a conditional use in houses in the historic overlay district(s) or in houses designated as historic sited under Sections 413-4, 413-5, and 413-6, subject to the conditional use standards of this ordinance and subject to the following special standards:

1. Existing buildings are not required to conform to setbacks.
2. New parking areas to be enlarged by five or more spaces and new access drives shall be 10 feet from the side and rear lot lines. Existing parking areas and access drives do not need to meet a setback.
3. For both new and existing parking areas, the Planning Board may impose conditions of approval including plantings, fences, earth berms, and other screens and buffers, to assure that adequate protection of nearby uses is provided.  
(Amended 12/7/92)

### **Section 717. Adult Businesses**

1. Location of adult businesses:  
No adult business shall be located:
  - A. in any zoning district other than B-1, B-2, B-3, B-4, B-5, or B-6, business districts.
  - B. in any location where the customer entrance to the "adult" business would be closer than 500 feet, measured in a straight line, to the nearest point on the boundary of any property which is:
    1. occupied by a church, playground, amusement park, public facility, excluding roads, dwelling, school, or park;
    2. located in a residential zone;

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- C. in any location where the customer entrance would be closer than 1,000 feet to the nearest point on the boundary of any property which is occupied by another "adult" business.
2. Displays:  
There shall be no outside displays, window displays, or interior displays visible from the outside of the building, of any materials, text or devices displaying, exhibiting or describing specified sexual activities, sexual materials or paraphernalia.
3. Time of operation:  
No adult business shall be open for business between the hours of 11:00 p.m. and 7:00 a.m. of the following morning.
4. Review Authority:  
All proposals for an adult business shall be subject to minor site plan review.
5. Operating Standards:  
No adult business shall be permitted to operate any viewing booths or viewing facilities.  
(Amended 1/19/93)

**Section 718. Service Station Pump Island Canopies for Existing Stations**

This section applies only to service stations without pump island canopies which exist on May 18, 1993. Canopies are exempt from the front setback requirements of Table 412-1 and instead are governed by the standards of this section. This exemption applies only to pump island canopies and not for other construction on the service station lot.

1. If all requirements of this section are met a pump island canopy may be erected, but it shall extend no farther than 12 feet in front of the fuel pumps nearest the front property line. In no case shall the front of the canopy extend closer than five feet to a front property line.
2. All pump island canopies are subject to site plan review.
3. The pump island canopy and its supports shall not obscure any sight lines for traffic on nearby streets.
4. Signs on the canopy shall be limited to the name of the business or brand name of the gasoline, and shall also conform to all standards of Section 707 and other sections of this ordinance. Signs on canopies shall be counted toward the amount of signage permitted in Section 707.
5. The pump island canopy shall not be enclosed in any manner. No buildings which do not conform to the normal setback requirements shall be erected under canopies. Pump island canopies shall be used only to provide shelter to persons using fuel pumps. If the property is to be converted to any other use, the canopies shall be removed before the new use is permitted. (Amended 5/7/93)



**Section 719. Special Standards for B-7 Limited Business/Residential District**

1. Parking shall be located chiefly to the side and rear of buildings. At least 50 percent of the area between the building and the street right of way will be maintained as vegetated.
2. All outdoor lighting shall be shielded to avoid overspill onto abutting residential properties, or glare into the street.
3. Outdoor storage is prohibited.
4. On-street parking spaces on the same side of the street as the proposed business, in front of the front lot line of the proposed business, may be counted toward the parking requirement for the business as required in Section 708-2.  
(Amended 1/17/95)

**Section 720. Special Standards for Self-Storage Facilities (Amended 3/16/98)**

1. A landscape plan shall be submitted as part of the conditional use application for all self-service storage facilities. Landscaping, including earth work, trees, shrubbery, other plantings, fences and other landscape elements sufficient to buffer the often harsh appearance of self-storage facilities from neighboring land uses and the public way, is required unless the Planning Board makes a determination that the building design and/or the remote or unusual nature of the site of a self-service storage facility is adequate without additional landscaping.
2. Outdoor storage is prohibited within 100 feet of any public way and is limited to registered boats and registered recreational vehicles, including registered camp trailers. Outdoor storage is also prohibited within the side, rear and front setbacks. The registrations must be readily available for inspection. No human habitation is permitted in the recreational vehicles, trailers and boats.
3. Repairs of vehicles or other equipment, or outdoor auctions or outdoor sales are not permitted.
4. All lighting shall be shielded to direct light away from adjacent properties and the public way.

**Section 721. Home-Based Retail Use in Residential Districts (Amended 11/16/98)**

In those districts where they are permitted as conditional uses, home based retail uses shall comply with the following standards in addition to those listed under other relevant provisions of this ordinance.

1. Home based retail uses shall be located only within existing residential structures or accessory structures in order to retain the essential residential character of these neighborhoods.

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2. Existing buildings are not required to conform to setbacks.
3. Parking for home based retail uses shall be located to the side or rear of on-site buildings.
4. New parking spaces and new access drives shall be 10 feet from side and rear lot lines. Existing parking areas and access drives do not need to meet a setback.
5. For both new and existing parking areas, the Planning Board may impose conditions of approval including plantings, fences, earth berms, and other screens as buffers, to assure adequate protection of nearby uses is provided.
6. All outside lighting shall be shielded to avoid “overspill” onto abutting residential properties, or glare into the street.
7. Exterior alterations shall be minimized. In historic districts, exterior alterations shall be reviewed by the Saco Historic Preservation Commission.
8. Outdoor storage is prohibited.

**Section 722. Golf Courses**

Development and operation of a commercial golf course facility shall be subject to the following standards:

1. A golf course including supporting facilities shall have a minimum land area of seventy-five (75) acres.
2. Vehicular access to a golf course facility in a residential or conservation zoning district shall be directly from a collector or arterial street.
3. Structures in residential and conservation districts:
  - A. Only buildings and accessory structures necessary for the operation of and use by golf course patrons shall be permitted. These are limited to a pro shop, one staff dwelling unit, snack bar or restaurant for golf course patrons, function hall, locker and restrooms, maintenance facility, and parking area.
  - B. No single building shall be larger than 5000 square feet and the total square footage of all buildings shall not exceed 12,000 square feet and no more than three buildings shall be permitted.
  - C. The use of golf course buildings in residential and conservation districts is limited to golf related functions for golf patrons, members and guests of members and the buildings shall not be used for general non-golf functions such as weddings, parties, and other private functions.
  - D. All buildings shall be residential in appearance and visually compatible with neighborhood buildings if visible from nearby residences or the public streets. This determination shall be made by the Planning Board, based on

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building elevations submitted by the applicant. All buildings shall be 100 feet from any property line.

4. All golf courses shall provide a construction schedule and plan which limit the amount area to be excavated at one time before stabilization, and a winter stabilization plan. A conditional use permit shall not be issued without such a plan.
5. Inspections. The applicant shall retain a registered engineer or other professional acceptable to the City to provide third party inspection of all important drainage elements, including, but not limited to, outlets, spillways, embankments, ditches, erosion control and soil stabilization measures, detention basins, wet ponds and other drainage and erosion control elements. Inspections shall occur weekly and after any significant rainfall. Alternative schedules can be approved in advance by the City. Inspection reports will be submitted to the City within a week for review.
6. A plan for the application of pesticides, fertilizers, herbicides and other chemicals shall be submitted and evaluated for impacts on water quality. The plan shall not be approved if a degradation of surface water quality or groundwater quality will result from these activities.
7. Parking areas will be buffered according to the standards of Section 708-3. In residential and conservation districts the Planning Board may require additional buffering or setbacks to protect nearby residences and the residential appearance of these areas.
8. Signage. Notwithstanding Section 707.4, a golf course in a residential, conservation or Resource Protection district may erect a single freestanding sign and a single wall sign. A freestanding sign printed on one side only shall not exceed thirty-two (32) square feet in area nor exceed eight (8) feet in height. A freestanding sign printed on both sides shall not exceed sixteen (16) square feet per side, nor exceed eight (8) feet in height. A wall sign shall be limited to eight (8) square feet in area. Signs at a golf course shall conform in every other way with Section 707 of this Ordinance. (Amended 10/21/02)

**Section 723. Seasonal Rental of Dwelling Units** (Amended 2/7/2000)

1. Seasonal rentals of single-family, two-family, and multi-family dwelling units, to the extent which they are permitted elsewhere in this ordinance, may be rented for periods of six days to four months. Rental of dwelling units longer than four months is not considered a seasonal rental and is not regulated by this section.

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Both the rental of dwelling units as part of a house swap, and the renting of a dwelling unit for care taking purposes at a rent which is substantially below the market rent, are not considered a seasonal rental and are not regulated by this section.

2. In addition to the standards of the Zoning Ordinance, seasonal rentals shall comply with the City's "Seasonal Property Rental" ordinance.
3. Only single family, two-family, and multi-family dwelling units within the area east of Seaside Avenue and Camp Ellis Avenue and areas within 400 feet to the west of the centerline of these streets may be rented or leased as a seasonal dwelling.
4. Any dwelling unit rented as a seasonal dwelling shall be occupied by only one family and shall not be sub-let or sub-rented in-whole or in-part to another party.
5. Properties approved by the City as seasonal dwellings shall not include facilities and accommodations that would serve to circumvent this ordinance by creating independent or semi-independent suites of rooms that might be rented separately. Such facilities and accommodations might include but are not limited to, kitchen facilities or partial kitchen facilities, microwave ovens, hot plates or other cooking devices, multiple laundry facilities, additional cable television connections or independently metered utilities, additional sinks and other plumbing, additional entrances beyond those customary in a dwelling unit, and entrances which are separate from common areas of the dwelling unit and allow a room or suite of rooms to be occupied separately from the unit as a whole.

### **Section 724. Private Roads** (Amended 10/5/01; 4/7/03)

General Requirements – No building permit shall be issued to erect any structure containing a dwelling unit on a lot without frontage on a public road, nor shall a new lot be created without frontage on a public road unless a road meeting the criteria for "private road" has been approved under Site Plan Review and constructed. If approved under Site Plan Review a private road may be established in accordance with the following provisions:

1. Each lot shall have the minimum frontage required in the district regulations.
2. No more than four new lots shall be established on any new or existing private road or private road network. A private road network shall have no more than two private roads designed to connect as nearly as possible at right angles. A

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variation of up to fifteen degrees (15°) may be permitted. A new private road is one created after October 15, 2001 and conforming with the requirements of section 724.

3. When a private road is created or extended or a new lot is created on a private road and if the private road is to provide access to two or more lots, a maintenance agreement specifying each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, and plowing shall be submitted for the city's approval. After approval by the city this agreement shall be recorded in the York County Registry of Deeds before a building permit is issued.
4. The plan of the new, extended, or improved road as approved and signed by the City Planner or Planning Board shall be recorded in the York County Registry of Deeds within 30 days of city approval. If the plan is not recorded within 30 days, the approval shall become null and void.
5. Nothing in this section shall override any requirement in the subdivision regulations that subdivisions be built on public roads.
6. The person proposing the private road shall submit a name for city review. The name of the street shall not be so similar to the name of other streets or locations in the city as to cause confusion. The City reserves the right to designate any name for the road and name and number it in accordance with E-911 standards.
7. The land within the right-of-way of an approved private road shall not be used to meet the frontage or lot area requirements of any lot obtaining its frontage from the private road. The creation of a private road shall not reduce the frontage, lot area, or other dimensional requirements of an existing conforming lot below that required by the zone in which it is located nor reduce the frontage, lot area, or other dimensional requirements of an existing nonconforming lot.
8. The maintenance agreement shall be adequate for its purpose. Any private road plan required under paragraph 4 above shall bear a note that "The City of Saco will not be responsible for the maintenance, repair, plowing or similar services for the private way. Future lot divisions may be prohibited."
9. Construction Standards - The design standards for new private roads and existing private roads are as follows:
  - A. ROW Width--50 feet, if new; 40 feet, for existing portions
  - B. Minimum Travel Width--18 feet

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- C. Minimum aggregate sub-base (Type D)--15 inches
  - D. Crushed gravel (Type A) or reclaim surface course--3 inch
  - E. Minimum centerline grade--1%
  - F. Minimum centerline radius--150 feet (new roads only)
  - G. Roadway crown--3/8 inch per foot
  - H. Maximum grade at intersection--2%
  - I. Maximum length dead end--1500 feet (including a dead end public road, an existing private road or private road network)
  - J. Maximum slope--10 %
  - K. A turnaround suitable for public safety vehicles is required and can be designed as a hammerhead or T or cul de sac
  - L. Swales and culverts are generally acceptable. However, at the intersection with a city street, the drainage practice used on the intersecting street may be required for the portion within the city right of way.
  - M. A private road shall have a paved apron 40 feet long commencing at the existing edge of pavement of the intersecting public street. The portion in the City right of way will be constructed to normal city street standards.
  - N. The applicant will provide a stop sign and street name sign meeting city specifications at the intersection with the public street prior to the issuance of an occupancy permit.
10. Trees and brush shall be cleared from within three feet of the travel way and this clear zone shall be maintained permanently. The Saco Fire Department may inspect the road periodically. If the road is not in good repair in the judgment of the fire department, the parties to the maintenance agreement may be notified that the road needs repair and that the City may discontinue emergency services.
11. Before an occupancy permit is issued, the road will be inspected by the City and the applicant's engineer shall certify that it has been constructed as designed.
12. Existing private roads - Any private road existing on October 15, 2001, which provides frontage for one or more lots shall be allowed to provide frontage to those existing lots and up to four additional lots if it meets the standards or is improved to the standards of this section. The design standards for existing private roads are included in Paragraph 9 above.
13. Additional Submissions - In addition to the submissions requirements of Section 1104-1, applicants for the review of a private road shall provide:
- A. A plan showing the new private road, or extensions, or improved private road shall be prepared by a registered professional engineer. The plan shall be labeled "Plan of a Private Road" and shall provide a signature block.

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The plan shall delineate the private road and each of the lots it will serve, including complete descriptive data by bearings and distances of existing (if any) and proposed rights of way.

- B. The plan for the road shall include grades, the road profile, a typical section, a grading plan, a drainage plan, a plan for erosion and sedimentation control, and a utilities plan for each private road serving two or more lots.
- C. A copy of the signed Standard Boundary Survey on which the street plan is based
- D. If the private road is to provide access to two or more lots, a maintenance agreement specifying the maintenance, repair and plowing responsibilities of each lot owner shall be submitted. Any private road plan required under paragraph 4 above shall bear a note that “The City of Saco will not be responsible for the maintenance, repair, plowing or similar services for the private way. Future lot divisions may be prohibited.”
- E. The location and size of existing and proposed utility connections, including sewer, or subsurface wastewater disposal systems, water, power, telephone, storm water drainage systems, power poles, light poles and nearest hydrant(s).
- F. If an extension to an existing private road is proposed, the plan shall include all submissions required in 724-13. If only minor improvements to the existing portion of the road are required the City Planner may waive the submission and recording of some or all of a detailed plan of the existing portion of the road.

**Section 725. Standards for Farm Stands (Amended 11/5/2001)**

A farm stand shall conform to the following standards:

- 1. The use as a farm stand shall be accessory to a principal use as a commercial agricultural business.
- 2. The structure used as the farm stand shall conform to the yard and setback requirements of the district in which it is located.
- 3. Products sold at the farm stand shall be limited to the following:
  - a. Agricultural products raised or produced as part of the commercial agricultural use,
  - b. Foodstuffs produced from products raised or produced as part of the commercial agricultural use,

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- c. Other locally or regionally produced foodstuffs including processed food products such as jams, jellies, pickles, sauces or baked goods, and
  - d. Locally or regionally produced handicrafts whether produced on or off the premises.
4. The sales area devoted to the sale of foodstuffs and/or handicrafts not produced by the commercial agricultural use shall not exceed fifty percent (50%) of the total sales area.

**Section 726. Standards for the Reuse of Existing Agricultural Buildings** (Amended 11/5/01)

Agricultural buildings existing as of April 1, 2000 may be reused for nonresidential purposes subject to the following limitations:

1. There is no retail sales of goods not otherwise allowed in the district,
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 are limited to minor changes and/or additions needed to provide access or comply with code requirements, and
5. Any reuse shall conform to the performance standards of Articles 7 and 8.

**Section 727. Standards for an Accessory Apartment in a Single Family Dwelling** (Amended 6/18/01; 10/20/08)

An accessory apartment is a small apartment that is accessory and subordinate to the principal use of a property as a single family dwelling. These standards are intended to allow the addition of an accessory apartment to a single family dwelling only if such addition will preserve the single family residential character of the property. The following standards shall be met to create and maintain an accessory apartment in a single family dwelling:

1. An accessory apartment in a single family dwelling must be an allowed use in the District in which the property is located.
2. The single family home and the accessory apartment must be located entirely outside of the Shoreland Zone.



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3. The single family dwelling must be located on a lot that conforms to the minimum lot area requirement for the district in which it is located but in no case shall the lot be less than seven thousand five hundred (7,500) square feet in area if served by public sewerage or forty thousand (40,000) square feet in area if served by on site sewage disposal. For the purposes of this section, the accessory apartment shall not be considered to be a second dwelling unit for determining the required minimum lot area.
4. If the lot is served by public sewerage, both the single family dwelling and the accessory apartment must be connected to the sewer system. If the lot is served by on-site sewage disposal, the owner must demonstrate that lot complies with the State of Maine Minimum Lot Size law and the sewage disposal system(s) for both the single family dwelling and the accessory apartment complies with the Maine Subsurface Wastewater Disposal rules.
5. Following the creation of the accessory apartment, the single family dwelling must have a gross floor area of at least nine hundred (900) square feet.
6. The accessory apartment shall be located within a single family dwelling with or without addition to the building.
7. Either the single family dwelling or the accessory apartment must be occupied by the owner of the property as his/her primary residence. Both units shall be occupied as primary residences and neither unit may be rented for less than a monthly basis.
8. Any exterior alteration of the single family dwelling or accessory buildings shall preserve the single family appearance, architectural style, and character of the original structure and shall be in harmony with the general appearance of the neighborhood. Any alteration shall preserve the front entrance of the original structure to preserve the single family character. A separate entrance for the accessory apartment may be created but shall not be located on any facade that faces a public street or private road or on the facade of the building where the main entrance is located, except for houses with double or triple frontage.
9. At least three off street parking spaces shall be provided in accordance with Section 708. At least one space shall be available for the occupant(s) of the accessory apartment. The parking shall be located and designed to minimize the impact on adjacent properties and shall be buffered by landscaping and/or fencing

from abutting residential uses if located in the side or rear yard.

**Section 728. Wireless Telecommunication Facilities/Towers and Antennas  
(Amended 10/21/02)**

A. The intent of the City is to minimize the visual, environmental, and operational impacts on the City and its residents of new Wireless Telecommunications Facilities, including the towers, antennas and accessory structures associated with such Facilities. This standard is also intended:

1. To minimize the adverse impacts of such Facilities, including but not limited to visual, environmental, health and safety, and property value impacts, and impacts to historically significant areas.
2. To encourage co-location of carriers, thereby minimizing the number of Facilities located within the City.
3. To encourage the utilization of Alternative Tower Structures, thereby minimizing the number of Facilities located within the City.
4. To permit the construction of new Facilities only where all other reasonable opportunities have been exhausted.
5. To provide for the removal of Facilities no longer in operation.
6. To ensure that provision is made for the reservation of space on a proposed Facility that will enable City of Saco public safety needs to be met.

B. Submission Requirements. Wireless Telecommunications Facilities shall be considered a Conditional Use, subject to Planning Board review as outlined in Article 9. Such Facilities shall also be subject to Article 11, Site Plan Review. In addition to the submission requirements of Articles 9 and 11, the following information shall be submitted as part of the application for a Wireless Telecommunication Facility:

1. An inventory of all existing Wireless Telecommunication Facilities within the City of Saco and all directly abutting communities, to include specific locations, heights, and types of tower. Said inventory shall include both a text based list and a map showing Saco, all directly abutting communities and all Wireless Telecommunication Facility locations in those communities.
2. A description of the proposed Facility's area of service, and how it relates to the applicant's existing or proposed area of service in northern York and southern Cumberland counties.
3. A written statement of the carrying capacity of the proposed Facility in terms of the number and types of antennas it is designed to

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accommodate.

4. A written statement prepared by a qualified professional addressing why a new Facility is necessary. This statement shall provide details such as, but not limited to: existing and proposed service area maps, future expansion needs in the area, the lack of existing Facilities to service the area intended for the proposed Facility, the lack of space on existing Facilities, and/or why existing Facilities may not be adequately engineered for collocation purposes.
5. Certification by a structural engineer that the proposed Facility will meet all federal, state and City of Saco building code requirements.
6. A visual impact analysis that quantifies the level of visual impact on properties located within 500 feet, within 2,000 feet and within two miles of the proposed structure. Said analysis shall include:
  - a. Photo simulations of the proposed structure taken from perspectives determined by the City Planner and/or the Planning Board. The photo simulations shall include the proposed visual impact on historic structures, public areas and residential neighborhoods. Each photo shall be labeled with the line of sight and elevation, and shall show the color of the proposed structure.
  - b. Elevation drawings of the proposed structure and accessory structures clearly showing height above ground level.
  - c. A landscaping plan indicating the placement of the structure on the proposed site; location of existing structures, trees and all other significant features of the site; type and location of vegetation proposed to screen the base of the structure and accessory buildings; placement and type of fencing, which shall enclose the entire telecommunications facility; color of structure; and proposed lighting.
7. Any additional information deemed necessary by the Planning Office or Planning Board.

C. Standards. In addition to criteria in Articles 9 and 11, the Planning Board shall consider the following factors in reaching a decision. The Board may establish reasonable conditions to ensure conformity with the purposes of the Zoning Ordinance and the City of Saco Comprehensive Plan:

1. The height of the proposed tower does not exceed that which is essential for its intended use, nor pose a threat to public safety.

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2. Proximity of tower to residential development or zoning districts.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Design of the tower, antenna or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
6. Proposed access to the site.
7. Availability of suitable existing towers and other Alternative Tower Structures.
8. Visual impacts on the community due to line of sight of the tower or facility from historic structures, public or natural areas, or residential neighborhoods.
9. When possible, existing structures shall be used as an alternative to the development of new towers, antennas or other facilities. Shared use and co-location shall be a priority for both the applicant and the Planning Board to consider.

D. Height. Telecommunications structures shall be limited to one hundred ninety (190) feet in height. Lesser heights shall be encouraged.

E. Landscaping, Buffers, Setbacks, Aesthetics

1. Illumination, signals and signs are prohibited on telecommunication towers and antennas, except as required by the Federal Communications Commission or the Federal Aviation Administration.
2. A new or expanded telecommunications structure shall comply with setback requirements for the zoning district in which it is proposed, or be set back 105% of its height from all property lines, whichever is greater. The latter requirement may be satisfied by including areas outside the property boundaries if secured by an easement. Said easement shall not exceed 30% of the overall height of the structure.
3. Towers, guys and accessory facilities shall meet the minimum zoning district setback requirements.
4. Wireless telecommunications facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road.
5. The design of buildings and related structures shall use materials, colors, textures, screenings and landscaping that will allow the telecommunications facility to blend with the natural setting and built environment to the extent possible.
6. A security fence or wall not less than eight (8) feet in height from the finished

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grade shall be installed around the telecommunications facility and all accessory buildings. Access to the tower shall be via a lockable gate.

Upon approval and prior to issuance of a building permit, a financial guarantee acceptable to the City Finance Director to ensure the timely removal of towers and antennas which are abandoned shall be submitted. A Wireless Telecommunications Facility that is not operated for a continuous twelve (12) month period shall be considered abandoned. The financial guarantee shall be for a period of not less than five (5) years. The financial guarantee shall include a mechanism satisfactory to the Finance Director for review of the cost of removal of the Facility every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate increase.

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

1. Emergency Wireless Telecommunications Facilities for emergency communications by public officials.
2. Facilities on property owned, leased or otherwise controlled by the City of Saco for the sole purpose of municipal use.
3. Amateur ham radio stations licensed by the Federal Communications Commission.
4. An antenna that is an accessory use to a residential dwelling unit.

### **Section 729. Design Standards (Amended 4/11/05)**

- A. Purpose. The following design standards are intended to enhance and improve the exterior appearance of commercial and multi-family buildings and sites in order to:
- protect and encourage Saco's cultural, architectural and visual resources in order to preserve and cultivate a desirable environment for its citizens and the region;
  - prevent the decline of business districts and neighborhoods and maintain or upgrade building quality;
  - preserve and reinforce the natural, historic and architectural qualities of business districts and neighborhoods;
  - attract development and redevelopment by establishing conditions that result in an attractive living and working environment;
  - prevent the loss of community identity by prohibiting the repetition of generic architectural forms found throughout the country, and encourage instead site-specific architectural building design or New England regional prototype building design.

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- B. **Applicability.** These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1, B-2c and B-8 District shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

In the MU-3 and MU-4 Districts, any project that is part of a Master Planned Development for which a Master Plan has been approved by the Planning Board must conform to the design and development standards included in the Master Plan rather than the standards of this section. However, any aspect of the design of a project that is not addressed in the Master Plan shall be subject to the standards of this section. (Amended 1/2/07; 10/3/11; 9/4/12; 7/1/13)

- C. **Intent.** The City of Saco features a broad array of architectural styles, many of which are based on traditional New England design. These standards are intended to encourage a sense of continuity and community identity, not to dictate specific building styles. These standards are not intended to limit creativity but to serve as a useful tool for design professionals to engage in contextual, site-specific design. Acceptable building styles shall continue the City's human scaled environment through visually compatible architectural forms, massing, details, relationship to nearby buildings and neighborhoods, and the use of materials consistent with these standards.

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The gables, bay windows and shingle siding contribute to the traditional New England appearance of this building.

- D. Submissions. In addition to requirements for site plan review or for a conditional use permit, the following information shall be submitted:
- a. The plans shall include line drawings of all sides of the building or buildings.
  - b. The proposed exterior construction materials shall be indicated, including but not limited to siding materials and roofing materials.
  - c. Line drawings that demonstrate the style and design of windows and doors proposed for the building or buildings shall be submitted.
  - d. The plans shall include line drawings of all proposed accessory structures, including but not limited to canopies, storage buildings, fenced enclosures, and maintenance buildings.
  - e. If the applicant is or represents a corporate entity that operates businesses of a similar nature in locations beyond Saco, representative color photographs of existing structures identical or similar to that proposed in Saco shall be submitted.
- E. Design Standards. All buildings and structures subject to these standards shall comply with the following requirements to the greatest extent practicable. The Planning Board shall recognize that, while compatibility and the continuation of characteristics found in existing buildings and site features is generally desirable, should an application be found to deviate from one or more of these standards but still meet the Purpose and Intent of these standards, the Board may find that the Purpose and Intent of these standards has been met:

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- a. **Scale.** The scale of a building is based on overall size, its mass in relation to the space around it, and its entrances, windows, walls, and roofline. The successful application of these features will result in a building that provides continuity with the existing community. When the scale of a building is visually incompatible with its site and the scale of surrounding buildings, it shall be mitigated by design strategies that lessen its visual impact so as to be visually compatible with its site and with characteristics of neighboring buildings and sites.



Buildings with multiple uses or tenants shall be designed with a complex massing that includes varying roof lines, projections/recesses, or smaller additions to a main building.

- b. **Height.** The height of a building shall be visually compatible with the heights of buildings on neighboring sites where practicable. A sudden dramatic change in building height can have a jarring effect on the streetscape, for example, by shading its neighbors or the street. In the B-3, B-6, BP and industrial zones, and contract zone projects where proposed building height exceeds thirty-five (35) feet, if a building's proposed height is 50% or higher than neighboring buildings, the applicant shall incorporate architectural features into the building's design that limit the visual impact of the proposed building.
- c. **Footprint and Orientation.** Desirable examples of building orientation exist in the Main Street corridor from Saco Island to the King Street/Fairfield Street intersection, and the North Street corridor from Main Street to the former Eastern rail line. These areas include a human-scaled street wall, and site



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elements such as clearly defined front entrances, landscaping, lighting and off-street parking located to the side or rear of buildings. Compatibility shall be determined based on the pattern of buildings and spaces along the street wall, placement of the building on the lot, and the building footprint in relation to lot size and to nearby buildings.

Residential buildings shall be oriented so that the front of the building and primary entrance face the street and continue any existing street wall, unless the applicant can demonstrate that the circumstances of a given application merit an alternative orientation. In the case of a corner lot, the Planning Board shall indicate to the applicant which street the front of the building and primary entrance shall face.

- d. **Materials.** The relationship of materials and textures of the exterior of a building shall be compatible with that of buildings with which it is visually related, or that are traditionally used in Saco. For façades of buildings visible from a public way, preference shall be given to clapboard, brick, shingle and other materials commonly used in local architecture; however, these materials are not required. Cinder block, metal siding, stucco, and T-111-type siding are expressly discouraged but not prohibited, while recognizing that superior design practices may incorporate any or all such materials in a building that successfully meets the intent of these standards.
- e. **Roof.** The shape and proportion of the roof shall be articulated so as to lend visual interest and reduce the apparent size of new buildings with a building footprint greater than 10,000 s.f. Preference shall be given to pitched roofs while recognizing that flat roofs may be appropriate for very large buildings or downtown areas, but should be offset by the use of detailed architectural elements in the upper portion of the building façade. Outside of industrial districts, the roof design shall screen or camouflage rooftop protrusions so as to minimize the visual clutter of typical rooftop installations such as air conditioning units, exhaust vents, transformer boxes, air handler units, dish antennas and the like.

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The shape and proportion of the roof shall be articulated so as to reduce the apparent size of new buildings and lend visual interest.

- f. Walls. A wall shall not extend a length greater than fifty (50) linear feet without an architectural feature such as a window, dormer, recessed corner, pilaster, cornice, porch or visually compatible door. Buildings shall be designed with a complex massing that includes varying roof lines, projections/recesses, or smaller additions to a main building.

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The primary entrance shall face the street and be identified through the use of architectural details that may include awnings or roofs for shelter, recessing, decorative lighting, trim or railings, in addition to pedestrian walkways connecting to parking areas and public sidewalks.

- g. **Windows and Doors.** Windows and doors should be visually compatible with the architectural style of the building and with local architectural styles. Multi-paned windows are a common element of the local architecture, and while not required shall be encouraged. The applicant may employ the services of a licensed architect to provide design options that meet the intent of these standards.

The primary entrance shall face the street unless the applicant can demonstrate that the circumstances of a given application merit an alternative orientation. The entrance shall be identified through the use of architectural details that may include awnings or roofs for shelter, recessing, decorative lighting, trim or railings, in addition to pedestrian walkways connecting to parking areas and public sidewalks.

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Awnings (temporary and movable) and canopies (permanent) are encouraged in order to visually integrate a series of buildings through compatible or coordinated placement and design.

- h. Awnings and Canopies. Awnings (temporary and movable) and canopies (permanent) are encouraged but not required in order to visually integrate a series of buildings through compatible or coordinated placement and design. Awnings and canopies shall be integrated with the building façade, be human-scaled, and result in a consistent pattern through placement, size and shape.

F. Findings. Prior to final action on a site plan or conditional use permit application, the Planning Board shall consider findings of fact that address the standards in Section E, and find that these standards have been adequately addressed by the applicant.

G. Additional Standards in the MU-1 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

- a. Scale. The scale of the building must conform to the standard of E.a. above.
- b. Location of the Building with Respect to the Front Lot Line. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block

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in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. If an existing building that is set back more than the desired setback is being reconstructed, the building shall be modified to move the front wall closer to the street if this is feasible.

- c. **Minimum Building Height.** The height of the building must conform to the standard of E.b. New or reconstructed buildings must have a minimum of two useable stories above grade at the front of the building. The total useable floor area of the upper floors must be a minimum of fifty percent (50%) of the useable floor area of the first or ground floor.
- d. **Parking and Vehicular Access.** Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building. No parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. No new vehicular access drives or service areas shall be located between the sidewalk and the front wall of the building unless the Planning Board determines that no reasonable alternative exists for safe traffic flow into and out of the site and within the site. If parking is provided under a building, the first or ground floor must have habitable space extending the full width of the front of the building except for reasonable provisions for access drives to service parking under the building. If there is a conflict between this provision and flood management requirements, the front of the building must be designed so that the parking area is screened from the street and the front wall is treated as part of the building façade.
- e. **Connection of the Building to the Sidewalk/Street.** The area between the front wall of a new, expanded, or reconstructed building and the public sidewalk or front property line of the lot if there is no sidewalk shall be designed and maintained as a non-vehicular area and shall be either landscaped or improved with pedestrian amenities. Where there is a public sidewalk, a walkway shall be established in accordance with Section 708-3.4. (Amended 10/3/11)

H. Reserved.

I. **Additional Standards in the R-2, R-3 and R-4 districts.** All multifamily dwellings and multi-unit residential projects located in the R-2, R-3 or R-4 districts shall conform to the following standards unless the Planning Board finds that a deviation from one or more of these design standards will still enable the project to meet the Intent and Purpose of these standards and be compatible with the neighborhood.

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- a. **Neighborhood Compatibility.** Multi-family dwellings and multi-unit residential projects are appropriate in the R-2, R-3 and R-4 districts only if they are developed in a manner that reflects an overall pattern of development that is compatible with the adjacent, established neighborhood. The overall layout and design of the site and buildings shall be compatible with the general character of the immediate neighborhood adjacent to the proposed development including the relationship of the buildings to the established streetscape, the design and placement of vehicle access, the scale and orientation of the buildings, the treatment of walls facing existing residential units or public streets, the layout of the building sites, provisions for pedestrian facilities, and provisions for a perimeter buffer.
- b. **Streetscape.** The location and design of the buildings shall reflect the established streetscape of the street(s) which provides the vehicular access to the lot. Where there is a reasonably uniform relationship of buildings to the street, the placement and orientation of the new buildings must reflect this relationship to the extent feasible. The development should avoid creating gaps or irregularities in the streetscape unless there is a clear benefit in the overall use of the property that is compatible with the neighborhood.
- c. **Access Drives.** The location and design of any streets, driveways or accessways shall minimize the impact on existing residential properties. If an accessway will serve more than two dwelling units, the edge of the travelway should be at least twenty-five (25) feet from any principal residential building on an adjacent lot. The accessway should be no less than eighteen (18) feet wide and no more than twenty (20) feet wide unless the Planning Board determines that a wider travelway is necessary for adequate safety or access to the project due to the unique characteristics of the site or the scale of the development. The design of the accessway including the grade, pavement width, and turning radii at the intersection with the street shall conform to the requirements of the Public Works Department.

A buffer consisting of berms, landscaping, and/or fencing shall be provided to minimize the impact of the accessway on adjacent property whenever the edge of the travelway of an accessway serving more than two dwelling units is located within thirty-five (35) feet of an existing principal residential building on an adjacent lot. The width and treatment of the buffer shall be determined by the Planning Board during the site plan review based on the physical characteristics of the site and anticipated volume of traffic with more intensive and/or wider buffer treatments required when separation distances are less or the volume of traffic is greater.

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- d. Scale. The scale of the building(s) shall conform to the standard of E.a above. The horizontal length of walls shall be visually compatible with the length of walls that exist in the surrounding neighborhood. Walls that are longer than typically found in the neighborhood are permissible if the building is designed with offsets or other design features that visually break up the scale of the wall.
  - e. Treatment of Walls. Walls that face a public street or that are adjacent to the wall of an existing principal residential building on an adjacent lot shall not be a blank wall and shall be designed with windows, doors, porches, or other building elements that provide scale and openness to the façade.
  - f. Site Layout. If buildings will get their vehicular access from an internal accessway, the layout and design of the site shall reflect the traditional urban pattern of 'streets' and 'lots' in which the areas devoted to vehicular circulation are physically separated from the areas devoted to the building sites and associated parking. A design that merges the accessway and parking areas into a single large paved surface is unacceptable. The internal accessways should be separated from the buildings and their associated parking by landscaping or other design features.
  - g. Pedestrian Facilities. If the street(s) serving the development has sidewalks or if sidewalks will be provided as part of the project, pedestrian facilities shall be provided to link the dwelling units to the sidewalk system. The type of pedestrian facility should be appropriate for the scale of the development. A narrow paved and striped shoulder added to the accessway may be appropriate for a limited number of units while a sidewalk or pedestrian path is appropriate for a larger project.
  - h. Perimeter Buffer. A buffer consisting of landscaping and/or fencing shall be provided to minimize the impact of the development on adjacent residential property whenever a building is located within thirty-five (35) feet of an existing principal residential building on an adjacent lot. The width and treatment of the buffer shall be determined by the Planning Board during the site plan review based on the physical characteristics of the site and the scale and massing of the proposed buildings, with more intense or wider buffer treatments required when the separation distances are less or the scale of the building is larger. (Amended 11/16/11)
- J. Additional Standards in the B-2c District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:
- a. Location of the Building with Respect to the Front Lot Line. The front facing wall shall be designed so that it features enough windows and other architectural features

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such as porches, variation in the facade, high quality materials, varied roof lines, and other architectural features so that the front of the building addresses the public way as an important façade of the building.

b. Location of Parking and Service Areas. Parking and service areas should be located to the side or rear of buildings where feasible. (Amended 9/4/12)

K. Additional Standards in the B-8 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Campus Environment. An objective of the B-8 District is to create a high quality visual environment in which the individual buildings are harmonious elements in a cohesive office park environment. Therefore it is desirable that buildings and sites have consistent design features such as signs, exterior lighting, and sidewalk furniture that create a common image throughout the district.

b. Open Space. An objective of the B-8 District is to create an attractive, green environment. At least 25% of the total area of the development shall be devoted to green space. This requirement can be met by green space provided as part of an overall development plan for the office park or by green space provided as part of the development of individual lots, or by a combination thereof. The subdivision plan for the overall development shall demonstrate how this requirement will be met. The application for subdivision approval must address the ownership and maintenance of the open space and include a plan addressing these issues together with appropriate legal documents. If some or all of the open space will be provided as part of a subdivision that includes a mix of business and residential lots, the requirements of this provision shall be coordinated with the requirements of Section 10.2 of the Subdivision Regulations pertaining to residential subdivisions and the open space shall be designed and used to meet both open space requirements. If the project involves the development of a lot that is not part of a subdivision that has provided for the set aside of open space, at least 25% of the lot shall be devoted to green space. The open space in a subdivision or on an individual lot shall protect areas that are identified as having significant natural resource value, provide for continuous networks of green space, create recreational opportunities for residents and users of the office park, and enhance the overall office park environment.

c. Storage and Service Areas. All storage and service areas (including dumpsters) that are not fully enclosed within a building shall be located to minimize their impact on



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the visual environment of the individual site and the overall park and shall be located within landscaped and fenced enclosures that are visually compatible with the overall park environment. (Amended 9/4/12)

**Section 730. Small Wind Energy Systems.** (Amended 6/2/08)

A. The intent of the City is to regulate the placement and construction of Small Wind Energy Systems (SWES) in order to promote the safe and efficient use of SWES installed to reduce the on-site consumption of utility-supplied electricity, and to minimize the visual, environmental, and operational impacts of SWES on the City and its residents.

B. Submission Requirements. The following information shall be submitted as part of the building permit application to the Code Enforcement Office for a SWES:

1. A detailed description of the proposed SWES, to include:
  - specifications and drawings, including power generation capacity, of the generator, hub and blade prepared by the manufacturer or a professional engineer.
  - proposed height,
  - a line drawing, photograph or equivalent graphic representation of the Wind Turbine,
  - structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Code Enforcement Office shall be submitted,
  - documentation from the manufacturer that the SWES will produce noise levels in compliance with Section 801 of this Ordinance,
  - photographs of the proposed site.
2. If connection to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying that the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
3. Any additional information deemed necessary by the Code Enforcement Office.

C. Height. SWES height shall be the distance measured from the ground level to center of turbine. Height shall be limited to one hundred (100) feet, excepting municipal parcels or

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installations which shall be exempt from height restrictions.

D. Siting Requirements for SWES. The Code Enforcement Officer shall determine that the following standards will be met prior to issuance of a building permit for an SWES:

1. Illumination, signals and signs and antennas are prohibited on SWES except as required by the Federal Communications Commission or the Federal Aviation Administration.
2. All elements of a SWES shall be set back 100% of the distance from the ground to the center of the turbine from all boundaries of the applicant's property, or shall adhere to the sideyard or rearyard setback, whichever is greater. If less than a 100% setback is proposed from all boundaries, then the Code Enforcement Officer shall require that the SWES and foundation design, taking into consideration soil conditions at the installation site, be certified by a State of Maine Licensed Professional Engineer.
3. If site layout is such that the collapse or structural failure of a SWES could reasonably be anticipated to be a threat to persons, buildings, vehicles, vegetation or other features of abutting property(ies) that would be harmed by such a failure, then proof of insurance against failure shall be submitted to the City. Said insurance shall be maintained as long as the SWES remains in place.
4. More than one (1) SWES shall be permitted per lot and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the grid.
5. The SWES shall be designed with a monopole without guy wires support structure. Lattice towers are prohibited.

E. Noise Requirements

1. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
2. After approval and installation of the SWES, the Code Enforcement Officer may require the applicant to perform sound measurements at the closest property line to determine and report ambient and operating decibel levels.

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3. Sound from any source controlled by this Ordinance shall not exceed the following limits at the lot line of the “receiving” property:

SOUND PRESSURE LEVEL LIMITS MEASURED IN dB(A)’s

	DAY	NIGHT
Industrial Districts	65	60
Commercial Districts	60	50
Residential and Conservation Districts	55	45

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

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

**Section 731. Marinas** (Amended 6/2/08)

731-1. Purpose. The purpose of this section is to establish minimum requirements for the siting, design, construction and operation of marinas to serve the needs of boaters, to protect the natural resources affected by marinas, and to protect the health, safety and welfare of the citizens of Saco. In order to meet these purposes, a marina proposal shall be subject to this section and to all applicable standards within this Zoning Ordinance.

731-2. Applicability. This section shall apply to:

- a. Any commercial, public, or private marina that is proposed as a new use, or a proposed expansion of an existing marina, that is on or adjacent to the water and contains five or more slips or moorings, and/or provides berthing for commercial vessels that can accommodate more than twenty people.
- b. Any vessel maintenance or repair yard that is on or adjacent to the water.
- c. All public or commercial boat ramps.

731-3. Exemptions. This section shall not apply to:

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- a. Private slips or ramps that serve a single residence and are constructed exclusively for the personal use of the occupants of that residence. See Sec. 7.1-6.

731-4. Submission Requirements. A Marina shall be subject to Site Plan Review, and as such is subject to submission requirements found in Article 11. In addition, written responses and any additional evidence or exhibits requested by City staff or the Planning Board shall be submitted in order to adequately respond to the items in Sections 731-5 and 731-6. To the extent that an application is subject to shoreland zoning review, all provisions and requirements set forth in Article 7.1 shall also be applicable.

731-5. Planning and Design Requirements.

- a. Marinas shall only be located in areas which offer safe and convenient access to waters of navigable depth. Safe and convenient access shall be determined by factors such as existing water depths, the size and draft of vessels for which the marina is proposed, and tidal and wave action.
- b. Marinas shall be designed to minimize adverse impacts on the existing use and enjoyment of immediate and nearby waters.
- c. Marinas shall be sited and designed to afford adequate protection against wakes caused by vessel traffic to the maximum extent practicable.
- d. Adequate restroom facilities for the use of marina patrons shall be provided so as to encourage the use of shoreside facilities, to discourage the overboard discharge of untreated or inadequately treated sewage from vessels, and to protect water quality.
- e. Vessel maintenance areas shall be sited as far from the water as is practicable, and shall be designed so that all maintenance activities that are potential sources of air or waterborne contaminants shall be accomplished over dry land or indoors. A management plan for the control and disposal of hazardous materials, by-products, debris, residues, spills and stormwater runoff from maintenance areas shall be submitted. All drains from maintenance areas shall lead to a sump, holding tank, or pump-out facility from which the wastes can be removed for treatment and/or disposal.
- f. Fuel storage and delivery facilities shall be in accordance with local and state fire codes and/or with NFPA 303, 'Fire Protection Standards for Marinas and Boatyards.' All vessel fueling operations shall be undertaken at the fueling station or other specifically designated remote location in accordance with NFPA 302, 'Fire Protection Standards for Pleasure and Commercial Motor Crafts.'
- g. Life safety equipment – flotation devices shall be provided at regular intervals throughout the marina to ensure the safety of marina users.

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- h. Lighting shall be in accordance with U.S. Coast Guard and/or U.S. Army Corps of Engineers requirements, and is subject to Section 804 of the Zoning Ordinance. In general, lighting shall be designed to ensure public safety while minimizing visual impacts.
- i. The owner or operator of a proposed marina shall maintain, at a minimum, insurance policies for comprehensive general liability, marina operators legal liability, pollution coverage/endorsement/riders, and any other policies as may be mandated by any State or Federal agency as part of any permitting, approvals, license conditions or otherwise. Verification of said policies shall be submitted to the City prior to the issuance of a Certificate of Occupancy by the Code Enforcement Office.
- j. Marina structures in, on or over submerged lands shall be designed to comply with applicable requirements of the State of Maine, and with the following:
  - 1. They shall be designed to minimize adverse impacts on navigation, public use of waters, and natural resources.
  - 2. They shall not significantly restrict water flows.
  - 3. The width and length of all structures shall be limited to what is reasonable for the intended use, and shall minimize the shading of marine vegetation.
  - 4. Barrier-free access for the handicapped that complies with the Americans with Disabilities Act and the Architectural Barriers Act Accessibility Guidelines shall be provided for all marina structures.
  - 5. They shall have sufficient strength to resist all anticipated loading required of buildings in the City of Saco, including but not limited to dead, live, wind, earthquake, snow, and impact loading.
  - 6. They shall not be constructed using creosote treated timber.
  - 7. No structure shall exceed thirty-five (35) feet in height as measured either from the mean original grade at the downhill side of the structure, or from the surface of the water.

731-6. Standards. In addition to criteria found in Article 11, the Planning Board shall consider the following factors in reaching a decision:

- a. Potential impacts to water quality and to visual and aesthetic enjoyment of the waters of the Saco River and of Saco Bay will be minimized to the maximum extent practicable.
- b. Unavoidable impacts to aquatic and terrestrial resources have been or can be compensated for to a practicable and appropriate extent.
- c. The potential effect on the public with respect to commerce, navigation, recreation, aesthetic enjoyment and natural resources has been minimized to the greatest practicable extent.

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- d. The extent to which structures that extend beyond the Normal High Water Mark of Coastal or Tidal Waters are dependent upon water access for their primary purpose. Restaurants, decks, dwellings, and other non-water dependent structures that extend beyond the Normal High Water Mark of Coastal or Tidal Waters shall not be authorized by this section.
- e. The proposed location does not unreasonably interfere with access to existing marine structures or points of public access, or with existing developed or natural beach areas.

**Section 732. Standards for High Voltage Transmission Lines** (Amended 12/15/08)

732-1. Findings. Scientific studies have raised concerns about adverse health effects of electro-magnetic fields on people living or working near high voltage lines. In addition, High Voltage Transmission Lines have the appearance of large scale industrial facilities and are frequently incompatible with nearby residential areas. The City intends to limit or mitigate, where possible, such adverse impacts.

732-2. Burial. All High Voltage Transmission Lines shall be buried where they pass within 200 feet of any residence, school building, school playground, publicly owned recreational facility, field or park, or any occupied place of employment, but otherwise they may be placed above ground. When installed underground they shall be installed in locations and in sections of sufficient length so that unsightly transition structures shall be minimized.

732-3. Contract Zoning. A party wishing to erect High Voltage Transmission Lines may apply for a contract zone, outside of RP districts, provided it follows the procedures and meets the conditions set forth in Article 14 of this ordinance.

**Section 733. Special Provisions for the B-3 District, Outside of the Historic Preservation District** (Adopted 3/1/10; Amended 1/18/11)

1. SIZE LIMITATION

- A. New commercial buildings are limited to footprints not exceeding 4500 square feet.
- B. Within new commercial or mixed use buildings each retail occupancy is limited to 4500 square feet.
- C. Within buildings which exist on the date of passage of this amendment, new retail uses are limited to 4500 square feet.

2. CERTIFICATE FOR DEMOLITION IN B-3 DISTRICT

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- A. SCOPE AND PURPOSE The following provisions apply to any proposal involving the demolition or removal of any building or structure built before 1895, or any appurtenance thereto, in the B-3 zoning district, except for those buildings already in the downtown Historic Preservation District. Such buildings may not be demolished without a Certificate For Demolition.
- B. The purpose of this section is to afford the city the opportunity to preserve neighborhood character and to preserve historic buildings and structures, or important portions and features thereof.

B. PROCEDURE AND SUBMISSIONS The Planning Board shall hold a public hearing on each application within 30 days of submission. Notice shall be given in the same manner as required for a site plan review. The Planning Board may waive any application requirement if it determines it is not necessary to an application. There is no fee for this application. Applicants shall file with the Planning Board an application for a Certificate For Demolition, which shall include at least the following:

- a) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name, address, and signature, if different from the applicant's.
- c) The address and the tax map and lot number.
- d) The present use and zoning classification of the subject property.
- e) Photographs of the building involved and of adjacent buildings.
- f) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Demolition.
- g) Evidence which supports one or more of the Standards of Approval below. This might include evidence from a structural engineer, a building inspector, an architectural historian, builder, an appraiser, or other qualified expert.

C. STANDARDS OF APPROVAL FOR A CERTIFICATE FOR DEMOLITION

The building may be demolished within 60 days unless the Planning Board makes the following three findings based on the record:

1. The building is of historical significance as defined in Sections 413-2 and 413-4 of the Saco Zoning Ordinance;
2. Prudent and feasible alternatives to demolition exist; or
3. The property is not deteriorated beyond reasonable repair.

If the Planning Board finds that any of the three standards are not met, it shall issue a Certificate For Demolition. If it does not make such findings within 60 days of the public hearing or if it issues a Certificate of Demolition, the code enforcement officer may issue a demolition permit.

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D. CONDITIONS OF APPROVAL In approving an application for the demolition, the Planning Board may impose reasonable conditions, including, but not limited to, the following conditions:

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

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



## **Section 7-1**

### **Natural Resource Districts/ Shoreland Performance Standards**

#### **7.1-1. Purposes (Amended 6/29/09)**

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

#### **7.1-2. a. Applicability**

The provisions of this Article apply to all land areas within 250 feet, horizontal distance, of the:

- Normal high water line of any great pond or river,
- Upland edge of a coastal wetland, including all areas affected by tidal action, or
- Upland edge of a freshwater wetland, and

All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

#### **b. Official Shoreland Zoning Map**

The areas to which this Article is applicable are divided into the following districts as shown on Zoning Map of the City of Saco, which is a part of this Ordinance:

- a. Resource Protection
- b. Saco River Overlay District
- c. Shoreland Overlay District
- d. Coastal Development Overlay District

## Resource Protection

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

1. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows that are rated “moderate” or “high” value by Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973; and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the MDIF&W, that are depicted on a GIS data layer maintained by either MDIF&W or the DEP as of December 31, 2008; and the area within one hundred (100) feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.
2. Land areas within the 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a freshwater or coastal wetland as defined, and that are not surficially connected to a water body during the period of normal high water.
5. Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.
7. All land area within 250', horizontal distance, from the following natural features:

Cascade Brook Falls  
Nonesuch River Fault  
Saco Heath

8. All land area known as Stratton Island, Bluff Island, Ram Island and Eagle Island.
9. All land area currently being used as general public access to tidal beaches or the Saco River.
10. All land area within one hundred (100) feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring.
11. Areas designated by federal, state or municipal government as natural areas of significance to be protected from development, including:

Ferry Beach State Park  
Rachel Carson Wildlife Preserve.

### **Saco River Overlay District**

The Saco River Overlay District includes all lands subject to the jurisdiction of the Saco River Corridor Commission. The Overlay District includes all lands adjacent to the Saco River to a distance of five hundred (500) feet as measured on a horizontal plane from the mean high water line of the river or to the edge of the 100-year flood plain if the flood plain extends beyond five hundred (500) feet, up to a maximum of one thousand (1,000) feet from the mean high water line.

### **Shoreland Overlay District**

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

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

### **Coastal Development Overlay District**

The Coastal Development Overlay District includes all lands subject to Shoreland Zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435

et. seq. that are not included in the Resource Protection District, the Shoreland Overlay Zone or the Saco River Overlay District.

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

### **c. Effective Date**

**1. Effective Date of Ordinance and Ordinance Amendments.** This Article, which was amended by the municipal legislative body on June 29, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Article as amended, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Article amendment within forty-five (45) days of his/her receipt of the amendment, it shall be automatically approved.

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

**B. Repeal of Municipal Timber Harvesting Regulation.** The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 7.1-12. Timber Harvesting;
- Section 410-15.13. RP Resource Protection District Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis; and
- Section 3. Definitions, the definition of "forest management activities".

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2<sup>nd</sup> year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-

wide standards or have adopted an ordinance identical to the state-wide standards.” 38 M.R.S.A. section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

### **7.1-3. Land Use Standards**

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

#### **7.1-3.1 Minimum Lot Requirements**

1. The minimum lot size and lot area per dwelling unit for uses in the Resource Protection District are set forth in Table 412-1.
2. The minimum lot size and minimum lot area per dwelling unit in the Saco River Overlay District shall be the requirements of the underlying district unless a larger lot is required by the Corridor Commission’s requirements.
3. The minimum lot size and minimum lot area per dwelling unit in the Shoreland Overlay District and the Coastal Development Overlay District shall be the requirements of the underlying district.
4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

#### **7.1-3.2 Minimum Shorefront Requirements**

1. Lots in the Resource Protection District shall have a minimum shore frontage of two hundred (200) feet.
2. Lots in the C-1 or R-1a Districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred fifty (150) feet.
3. Lots in all other districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred (100) feet.

4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

#### 7.1-3.3 Minimum Lot Width

Within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland, the minimum width of any portion of any lot shall be equal to or greater than the required shore frontage for the proposed use.

#### 7.1-4 **Principal and Accessory Structures**

1. All new principal and accessory structures shall be set back from the normal high-water line of freshwater bodies, the Maximum Spring High Tide Level (MHHW) of tidal waters, and the upland edge of a wetland, depending upon the district in which they are located as shown in Table 412-1.
2. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with City Code Chapter 106. Floodplain Management, and need not meet the elevation requirements of this paragraph.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces within a resource protection district, shoreland overlay district, conservation district, or residential district shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including areas previously developed. In a business or industrial district including the B-5 Marine Business and Residential District, the total area of all structures, parking lots and other non-vegetated surfaces shall not exceed seventy (70) percent.

The total footprint area of all buildings shall not exceed twenty (20) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, a building is a structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is considered to be a part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.

The total developed area shall not exceed forty (40) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, development is the alteration of property for human-related use including, but not limited to buildings, decks, driveways, parking areas, lawns, landscaped areas, and areas of non-native vegetation, and any other appurtenant facilities, but excluding temporary structures.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
6. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
7. On a non-conforming lot of record on which only a residential structure exists, and on which it is not possible to place an accessory structure meeting the required setbacks whether from water body, tributary stream or wetlands, the Code Enforcement Officer may issue a permit to place a single accessory structure not to exceed eighty (80) square feet in area nor eight (8) feet in height, with no utilities, for the storage of yard tools and similar equipment. The accessory structure shall be located as far from the shoreline or tributary stream or wetland as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing standards. The accessory structure shall not be located closer to the shoreline, tributary stream or wetland than the principal structure.
8. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided each of the following conditions are met:

- a) The site has been previously altered and an effective vegetated buffer does not exist;
- b) The wall is at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
- c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- d) The total height of the wall, in the aggregate, is not more than 24 inches;
- e) Location is outside the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps;
- f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
  - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, leaf or bark mulch or an equivalent alternative acceptable to the Code Enforcement Officer shall be utilized;
  - (ii) Plantings, native species only, shall be installed to retard erosion and provide for effective infiltration of stormwater runoff;
  - (iii) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicular to the normal high-water line or upland edge of a wetland
  - (iv) A footpath no greater than four feet in width may traverse the buffer at a right angle.
- (h) All permits required by the Maine DEP and/or other regional, state or federal agencies shall have been issued prior to the start of work.

**Piers, Docks, Wharves, And Other Marine Structures Extending Over Or Below The Normal High-Water Line Of A Water Body, Or Within A Wetland**

1. PERFORMANCE STANDARDS

All applications for temporary piers, docks, wharves and other marine structures shall be reviewed by the Code Enforcement Officer, and all applications for permanent piers, docks, wharves and other marine structures shall be reviewed by the Planning Board. All



such applications shall be reviewed for conformance with the following standards listed below.

If the reviewing authority is unable to reach a decision using the criteria below due to either inconclusive or conflicting information, the reviewing authority will require the applicant to submit an environmental impact analysis assessing the proposal's impact on natural areas, including impacts of the proposed structure in conjunction with other adjacent or abutting structures.

The reviewing authority may also require that the proposal be modified to ensure conformance with the standards set forth below. Mitigation measures may include, but are not limited to, changes in the design and construction of the marine structure, or changes in magnitude, duration, and location of activities carried out at the marine structure.

An application shall be approved by the reviewing authority if there is a finding that:

- a) Access from the shore shall be developed on soils appropriate for such use, as determined through consultation with the local Soil and Water Conservation District Office. Whenever possible, access from the shore to the marine structure shall be placed on bedrock. Measures shall be taken to minimize soil erosion both during and after construction.
- b) The proposed location of the marine structure shall not unreasonably interfere with access to existing marine structures or points of public access, nor shall it unreasonably interfere with existing developed or natural beach areas.
- c) The marine structure shall be designed, sited, and constructed to mitigate unreasonable adverse impacts on significant wildlife habitats or unique natural areas including, but not limited to: fin fish and shellfish fisheries, salt marshes, eel grass beds, shorebird feeding and nesting habitats, critical fish spawning and nursery areas, etc.
- d) Unreasonable interference with the natural flow of any surface or subsurface waters, or impedance of the flow of the current of any river or channel shall be minimized during the construction and subsequent use of the marine structure.
- e) The marine structure shall be designed, sited, and constructed so as not to encroach upon Federally designated navigation channels or mooring areas or otherwise obstruct by any means whatsoever the free use of piers, docks, and other common landing places.

- f) The marine structure shall be no larger than necessary to accomplish the purposes for which it is designed, notwithstanding the dimensional limits listed below. Its size and construction shall not change the intensity of the adjoining land use, and by no means shall exceed a total distance of more than 1/3 the width of the water body, when proposed for coastal or inland waterways. The applicant may request a variance from the dimensional requirements due to the additional requirement of handicap access or unusual wind or wave conditions.

	Max. Width	Max. Length
Private Piers	Six (6) ft.	100 ft.*
Commercial Piers	Twelve (12) ft.	100 ft.*
Ramps	Four (4) ft.	As appropriate
Docks, Floats	200 sq. ft	

\* landward of the mean low water line

- g) New subdivisions that propose docks as part of the subdivision, shall provide a community dock in lieu of the development of docks on individual lots. The applicant may request a variance for additional community docks provided a demonstrated need can be shown for the additional facilities.
- h) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- i) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- j) Except in business districts including the Marine Business and Residential District, structures built on, over or abutting a pier, wharf, dock or other structures extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- k) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is

not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

2. **APPLICATION SUBMISSION REQUIREMENTS**

In addition to the information listed in Article XI of this Ordinance, Site Plan Review, all applications shall contain the following information:

- a) A photocopy of relevant locational maps indicating the site of the project;
- b) Site plan, plan and section drawings (to scale) of the proposed structure, including an indication on separate scale drawings of any shoreline stabilization or other modification required by the project;
- c) A complete list of materials to be used, including a list of all intended coatings (paint, etc) for all proposed marine structures.

**7.1- 6. Campgrounds**

Campgrounds shall conform to the minimum requirements imposed under State Licensing procedures, Section 703 of this Ordinance, and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland.

**7.1- 7. Parking Areas**

1. In addition to the requirements of Section 708 of this Ordinance, parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Marine Business and Residential District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities in other districts may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. All parking spaces shall be nine (9) feet wide and eighteen (18) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

**7.1-9. Roads And Driveways**

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 7.1-13.
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed

to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
  - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

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

**7.1-10 Mineral Exploration and Extraction**

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds

the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within one hundred and fifty (150) feet, horizontal distance, of any property line.
3. Gravel pits within the shoreland zone shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing or planted landscaping vegetation.
4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - b. The final graded slope shall be two to one (2:1) slope or flatter.
  - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

### **7.1-11. Agriculture**

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within three hundred (300) feet horizontal distance, of a water body, tributary stream, or wetland. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained, provided that such tilling is conducted in accordance with a Soil and Water Conservation Plan.
5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies, nor within twenty-five (25) feet, horizontal distance of tributary streams, and wetlands. Livestock grazing associated with on-going farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

#### **7.1-12. Timber Harvesting**

1. Timber harvesting shall conform with the following provisions:
  - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
    - i. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

- ii. At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet, they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
  - i. Surface waters are frozen; and
  - ii. The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soils, shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increased slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25), horizontal distance, feet from the normal high-water line of a water body or upland edge of a wetland.

### **7.1-13. Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting**



1. Within a Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district and shall be demonstrated on a lot clearing plan to be presented to the CEO or Planning Board as appropriate.
2. In areas that are not in RP, except to allow for the development of permitted uses, within seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
  - a. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
  - b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to water bodies, tributary streams, and wetlands, is defined as maintaining a minimum rating score of 16 or more per 25-foot by 50-foot rectangular area (1250 square feet) as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in.	4
12 in. or greater	8

- c. For the purposes of Section 7.1-13.2.b “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
- f. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described above.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- 3. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply industrial or business districts including the Marine Business and Residential District.

- 4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Section.
- 5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

#### **7.1-14. Erosion and Sedimentation Control**

- 1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be

submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- a. Mulching and re-vegetation of disturbed soil.
  - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
  3. Erosion and sedimentation control measures shall apply to all aspects of a proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
  4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
    - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
    - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
    - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
  5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap. (Amended 4/3/02)

#### **7.1-15 Septic Waste Disposal**

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

- a) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extension, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland;
- b) A holding tank is not allowed for a first-time residential use in the shoreland zone.

### **7.1-16 Soils**

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

### **7.1-17 Water Quality**

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

### **7.1-18 Archaeological Site**

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

*(Note: The Maine DEP issued Department Order #80-09 conditionally approving the Saco Zoning Ordinance as adopted on June 29, 2009, with a single condition: that the italicized text in the paragraph below be deleted. This condition is reflected in the text of Section 7.1).*

**Resource Protection**

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq., except that areas which are currently developed or lots that appear on a recorded subdivision plan which has obtained municipal approval and Site Location of Development approval or an NRPA permit prior to the effective date of this amendment need not be included within the Resource Protection District:

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The standards contained in this Article shall apply to all uses in all zoning districts, unless otherwise stated. (Amended 5/4/87)

**Section 801. Noise**

**801-1. MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS:**

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, heat frequency, shrillness or volume (please refer to table below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound from any source controlled by this Ordinance shall not exceed the following limits at the lot line of the "receiving" property.

**SOUND PRESSURE LEVEL LIMITS MEASURED IN dB(A)'s**

	DAY	NIGHT
Industrial Districts	65	60
Commercial Districts	60	50
Residential and Conservation Districts	55	45

2. Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.
3. The levels specified may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one (1) day.
4. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1. 4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1. 2-1962 "American

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Standard Method for the Physical Measurements of Sounds."

5. No person shall engage in, cause, or permit any person to be engaged in loud construction activities on a site abutting any residential use between the hours of 9 p.m. of one day and 7 a.m. of the following day.

### 801-2. EXEMPT ACTIVITIES

The following uses and activities shall be exempt from the sound pressure level regulations:

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

### 801-3. NONCONFORMANCE OF EXISTING INDUSTRIAL SOURCES

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

### 801-4. ENFORCEMENT

It shall be the duty of the City Police Department to enforce this section.

**Section 802. Dust, Fumes, Vapors and Gases**

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

**Section 803. Odors**

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

**Section 804. Exterior Lighting** (Amended 10/15/2001)

All new or revised exterior lighting including the replacement or modification of existing lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort and to not cause glare beyond the limits of the property boundaries. In addition, new or revised lighting serving nonresidential uses and multifamily housing shall conform to the following standards:

804-1. Lighting Fixtures

All exterior lighting fixtures and installations for nonresidential uses, other than outdoor sports and recreational fields and courts, and for multifamily housing uses that are located outside the right-of-way of a public street shall meet the following standards:

1. Lighting fixtures mounted on masts or poles shall be cut-off fixtures. Flood lighting or other directional lighting may be used for supplemental illumination of vehicle sales or storage areas or other exterior sales display areas provided that the flood lights are installed no higher than twelve (12) feet above ground level, are aimed to avoid direct brightness being seen from adjacent streets or properties, and utilize lamps with an initial lumen rating not exceeding 39,000 lumens. The City shall have the right to inspect the completed lighting installation and, if flood lights are used, to require that the flood lights be re-aimed or fitted with face louvers if necessary to control direct brightness or glare.
2. Except for ornamental lighting fixtures that utilize lamps with initial lumen ratings not exceeding 8,500 lumens, wall mounted building lights shall include full face shielding consisting of either a solid panel or full face louvers. Exposed lamps, reflectors or refractors shall not be visible from any part of the fixture except the bottom, light emitting surface.



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3. Light fixtures located on or within canopies shall be recessed into the ceiling of the canopy so that the lamp, reflector, or lens is not visible from public streets and so as to limit the direction of light as required for a “cut-off fixture.” Refractors or diffusing panels that are dropped below the canopy ceiling surface are not permitted.
4. The maximum light fixture height for pole-mounted or mast-mounted light fixtures shall be twenty (20) feet for areas with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for areas with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for areas larger than eighty thousand (80,000) square feet. The maximum light fixture height for building-mounted light fixtures shall be the upper limit of vertical building face.
5. Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lights may be used only in Industrial Zones. This provision shall not prohibit the use of fluorescent lamps in internally lighted signs where such signs are otherwise permitted.
6. Period or historical fixtures that do not meet the requirements of this section may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures, the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps, and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors. The mounting height of period or historical fixtures shall not exceed fifteen (15) feet above the adjacent ground.

### 804-2. Illumination Standards for Non-Residential Uses and Multifamily Housing

1. The illumination of access drives shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance). The illumination of parking lots and vehicle sales areas shall provide for a uniformity ratio of not more than 20:1 (ratio of maximum to minimum illuminance).
2. The maximum illumination level within access drives, parking lots and sales areas shall be not more than 8.0 footcandles measured at the ground surface.
3. The maximum illumination level at the property line of a nonresidential or

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multifamily housing use with abutting properties in a residential district (including the B-7 District) shall be not more than 0.1 footcandles.

4. Areas directly under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be not greater than 3:1 with an average illumination level of not more than 20 footcandles. Areas of access drives, parking lots, sales display areas, etc. which are adjacent to canopies shall taper down in illumination level from the illumination level permitted under the canopy to the maximum illumination level permitted for the access drive, parking lot, or sales display area adjacent to the canopy within a horizontal distance equivalent to the height of the canopy.
5. The maximum illumination levels and uniformity ratios for areas other than parking lots, access drives, sales areas, and canopies shall be compatible with the overall lighting of the project and shall be specifically approved by Planning Department staff or the Planning Board.

**Section 805. Stormwater Run-Off** (Amended 3/2/92; 6/18/2001; 6/1/09; 7/16/12)

In general, surface water run-off shall be minimized, and it shall be the responsibility of the person developing the land to demonstrate that the work will not have an adverse impact on abutting properties or downstream properties.

The volume of stormwater discharged from any parcel must be minimized through the use of on-site infiltration, detention, or retention to the extent practical. When stormwater must be discharged from a parcel, the preferred method is discharge into the natural drainage system. Discharge of stormwater to the City's MS4 shall be allowed only when on-site retention and/or discharge to the natural system is not practical.

Infiltration, detention, or retention of stormwater shall assure that the Total Maximum Daily Loads (TMDLs) that have been established by the U.S. Environmental Protection Agency for various waterbodies in the City will be met to the extent practical. The disposal of stormwater shall not constitute a threat to public health, safety and welfare and shall not degrade the quality of surface water or groundwater below city, state or federal standards.

**805-1. STORMWATER QUANTITY** (Amended 7/16/12)

Adequate provisions shall be made for the disposal of all stormwater from a proposed development through a stormwater drainage system which will not have

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adverse impacts on abutting or downstream properties. All projects subject to Site Plan review shall be designed to meet the requirements of this Section, 805-1. All projects including one acre or more of disturbed area shall meet the requirements of this section, 805-1 and the requirements of the Maine Stormwater Management Law, 38 MRSA Section 420-D, and regulations promulgated thereunder, specifically Chapter 500 and 502, having been amended on December 21, 2006. In determining if the threshold is met, all disturbed area created after the effective date of this provision shall be included in that total.

1. To the extent possible, the design shall dispose of stormwater runoff on the land at the proposed development through the appropriate use of the natural features of the site. Stormwater runoff systems will infiltrate, detain, or retain stormwater falling on the site such that the rate of flow from the site does not exceed that which would occur in the undeveloped state for a storm of intensity equal to the 2, 10, 25 and 50-year storm events.
2. If the postdevelopment peak runoff rate exceeds the predevelopment peak runoff rate, on-site mitigation measures, such as detention basins or flow restrictors, shall be required.
3. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
4. The design of the storm drain system shall fully incorporate the existing upstream runoff which must pass over and/or through the site to be developed. The system shall be designed to pass upstream flows, based upon quantities calculated per this section 805-1, from the land, as fully developed, without surcharging the system.
5. Proposed alterations in stormwater drainage paths shall not enable the crossing of runoff over a city street in order to enter a drainage system.
6. A waiver may be granted by the Department of Public Works to discharge an insignificant increase in stormwater runoff to the municipal stormwater system when all of the following conditions are met:
  - a. A drainage plan is prepared by a professional engineer licensed in the State of Maine, which demonstrates that the increase has no adverse impact to the downstream conditions, including impacts on abutting or city properties. Improvements may be required of the developer to prevent adverse downstream impacts caused by the project.
  - b. The increase in the peak flow from the site or in the peak flow of the receiving waters cannot be avoided by reasonable changes in project design or density.

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- c. Written authorization to discharge the increased peak flow rates has been provided by the Director of Public Works.

805-2. STORMWATER QUALITY (Amended 7/16/12)

Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas including parking, drives, and service areas. All activities, including the enlargement or modification of existing uses, that involve the creation of a total of more than ten thousand (10,000) square feet of new impervious area or one (1) or more acres of new disturbed area shall manage the quality of the stormwater runoff to meet the following standards. In determining if the threshold is met, all impervious area or disturbed area created after the effective date of this provision shall be included in the total. In the case of enlargements or modifications of existing uses that drain in more than one direction, the treatment standard shall apply to any watershed or subwatershed in which the amount of impervious area or disturbed area is increased.

1. Post-Construction Stormwater Management Plan -- Subdivisions and activities subject to site plan review that involve more than one acre (1) of disturbed area must meet the requirements for a Post-Construction Stormwater Management Plan. This Post-Construction Stormwater Management Plan shall be designed to meet one of the following:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the DEP in January 2006 (“*DEP Stormwater Manual*”); or

B. If the project does not require a stormwater permit from the DEP under its Chapter 500 Rules, the plan may either meet the Chapter 500 standards as set forth in (a) above, or provide for the treatment of 0.5 inches of runoff from ninety percent (90%) of the impervious surfaces on the site, and 0.2 inches of runoff from all disturbed pervious areas of the site using LID design practices and techniques determined by the Planning Board or

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its agents to be appropriate for the site. The treatment techniques used may include those set forth in Chapter 10 of the *DEP Stormwater Manual*, or *Volume III-BMPs Technical Design Manual*. Provisions must be made in the Stormwater Management Plan for all stormwater treatment techniques to be maintained in perpetuity.

2. Additional Requirements.

a. The applicant may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the applicant must document a sufficient property interest where the off-site facilities are located – by perpetual easement or other appropriate legal instrument – to ensure that the facilities will be available to provide post-construction stormwater management for the project and that the property will not be altered in a way that interferes with the off-site facilities.

b. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Stormwater Management Plan, the applicant shall submit documentation that the applicant, his/her/its successors, heirs and assigns, shall have the legal obligation to operate, repair, maintain and replace the stormwater management facilities, and, shall enter into a Drainage Maintenance Agreement with the City in a form acceptable to the Department of Public Works.

c. Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, the Planning Board may require that perpetual easements be provided to the City allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities in accordance with the approved Drainage Maintenance Agreement. If an offer of dedication is proposed, the applicant shall be responsible for the maintenance of these stormwater management facilities until such time (if ever) they are accepted by the City.

d. In addition to any other applicable requirements of this ordinance, any activity which also requires a stormwater management permit from the DEP under 38 M.R.S.A. Sec. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. Sec. 420-D(1), and the applicant shall document such compliance to the Planning Board. Where the standards or other provisions of such stormwater rules conflict with City ordinances, the stricter (more protective) standard shall apply.

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e. At the time of application, the applicant shall notify the Department of Public Works if its Stormwater Management Plan includes any Stormwater BMP(s) that will discharge to the City's MS4 and shall include in this notification a listing of which Stormwater BMP(s) will so discharge.

3. Any person, business, corporation or other entity owning, leasing or having control over stormwater management facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with that Plan as follows:

i. That person shall, at least annually, inspect, clean and maintain the stormwater management facilities, including, but not limited to, any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all City and state inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.

ii. That person shall repair any deficiencies found during inspection of the stormwater management facilities.

iii. That person shall, on or by July 15th of each year, provide a completed and signed certification to the Department of Public Works in a form provided by that Department, certifying that the person has inspected, cleaned and maintained the Stormwater Management Facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection.

iv. The required inspection(s) must be conducted by a qualified third-party inspector employed by the responsible person if the property is subject to a DEP stormwater permit. The third-party inspector shall perform an initial inspection to determine the status of the Stormwater Management Facilities. If the initial inspection identifies any deficiencies with the facilities, the same third-party inspector shall re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended.

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- v. The qualified third party inspector must meet the following standards:
  - a. The inspector must not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and
  - b. The inspector must be on the list of approved third-party inspectors maintained by the Department of Environmental Protection.

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

4. Submission Requirements.

A Post-Construction Stormwater Management Plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules.

The applicant shall provide the City with an electronic version of the Post-Construction Stormwater Management Plan in a format that is compatible with the City's requirements. Following completion of construction, the applicant shall provide the City with an updated version of the plan showing the Stormwater Management Facilities as actually constructed.

The Planning Board may modify or waive any of the submission requirements for a Post-Construction Stormwater Management Plan if the Board finds that, due to the unique physical characteristics of the site or the scale of the proposed activity, the information is not required to allow the Board to determine if the applicable stormwater management standards are met.

805.3.2 Drainage Plan – Activities that are not subject to site plan review that result in the expansion or alteration of an existing building or structure that increases the amount of impervious surface area by more than ten thousand (10,000) square feet or the construction of a new principal building or structure must meet the requirements for a Drainage Plan. New principal buildings that are located in a subdivision with an approved Post-Construction Stormwater Management Plan are

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not required to comply with the requirement for a Drainage Plan if the approved Stormwater Management Plan contains provisions that adequately address surface drainage related to the construction of the building as determined by the Code Enforcement Officer.

The Drainage Plan shall meet the “urban impaired stream standard” when located within a watershed designated by the Maine Department of Environmental Protection as an Urban Impaired Watershed.

The plan must demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The use of LID practices appropriate for the type of development as set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*, and/or any City of Saco LID Manual adopted by the Planning Board is encouraged but not required. The Drainage Plan must also demonstrate that:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the DEP in January 2006 (“*DEP Stormwater Manual*”); or

- a. any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;
- b. any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;



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- c. any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property; and
- d. Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

A. Submission Requirements

A Drainage Plan must include a written statement demonstrating how the project has been designed to minimize the volume and rate of stormwater leaving the site including provisions for minimizing the area of impervious surface or the use of LID practices, and a plan and supporting documentation with at least the following information:

- a. The location and characteristics of any streams or drainage courses existing on the parcel and/or abutting parcels.
- b. The existing and proposed grading of the site using one-foot contours.
- c. The location and area of existing and proposed buildings and impervious surfaces on the site.
- d. The existing pattern of stormwater drainage on the site, including points of discharge to the City's storm sewer system or adjacent properties.
- e. The proposed pattern of stormwater drainage after development, including the location and design of any stormwater facilities.

The Code Enforcement Officer may modify or waive any of the submission requirements for a Drainage Plan if the Code Enforcement Officer determines that the information is not required to determine if the drainage standard is met.

**Section 806. Erosion Control** (Amended 3/2/92)

Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following the specifications of the "Environmental Quality

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Handbook" (published by the Soil Conservation Service) and in accordance with the latest practices endorsed by the York County Soil and Water Conservation District. Items addressed shall include, but not be limited to, the following:

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
2. The duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
4. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.
5. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.
6. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sandpits, etc.) shall not be permitted within one hundred and fifty (150) feet of any property line, except as provided for in this Ordinance.
7. During grading operations, methods of dust control shall be employed, wherever practicable.

### **Section 807. Screening**

#### **807-1. EXPOSED AREAS**

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen; plants that die shall be replaced within one growing season. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

#### **807-2. NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS (Amended 3/2/92)**

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1. The side and rear yard of a nonresidential use which abuts a residential, conservation, or resource protection district shall be maintained in their natural state to provide a visual screen between districts.
2. Where natural buffering does not exist, all side and rear yards shall be landscaped to provide a visual screen between districts. A buffer screen no less than six feet in width and four feet in height shall be established, consisting of tree plantings, hedges, fencing, earth berms, stone walls or combinations thereof.

### **Section 808. Explosive Materials** (Amended 5/15/89; 8/22/94)

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way, or interior roadway, or forty (40) feet from lot line for underground tanks. All relevant federal, state and local regulations shall be met.

Propane gas tanks are exempt from the above paragraph and are governed by the following guidelines. The Fire Department may require underground propane tanks when circumstances warrant.

The setbacks of above ground propane tanks shall be governed by the BOCA National Fire Prevention Code, except that:

1. Any propane tank on a lot adjacent to a residential zone or on any lot adjacent to a lot developed for residential use shall be required to maintain a 25 foot setback from the lot line of the residential district or lot.
2. (Reserved)
3. Freestanding propane tank installations shall be fully fenced or fully screened with vegetation.
4. When propane tanks are installed in parking lots or other areas where they may be endangered by vehicles, a fence, bollards or other structure sturdy and sufficient to protect the tanks from damage shall be installed. This determination shall be made by the Fire Department.

### **Section 809. Water Quality**

#### 809-1. SANITARY WASTE DISPOSAL

All plumbing shall be connected to public collection and treatment facilities where such facilities are available. When public facilities are not available, wastewater disposal facilities shall be installed in compliance with the regulations of the Maine Department of Human Services and/or the Maine Department of Environmental Protection.

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A subsurface waste disposal system or other underground system for on-site sewage disposal shall not be used for any individual residential use or combination of residential uses that has a design sewage flow according to the Maine State Plumbing Code of more than 2,000 gallons per day and is located over a mapped sand and gravel aquifer as shown on the map Significant Sand and Gravel Aquifers -1998 published by the Maine Geological Survey.

A subsurface waste disposal system or other underground system for on-site sewage disposal shall not be used for any individual commercial, service, industrial, or other nonresidential use or for any combination of these uses that has a design sewage flow according to the Maine State Plumbing Code of more than 2,000 gallons per day. (Amended 2/19/02)

Applicability. Notwithstanding anything to the contrary in section 4.1 of the City of Saco Subdivision Regulations, the following amendments shall not apply to any property for which a sketch plan review application for a residential subdivision not to exceed 13 dwelling units in new structures plus any dwelling units and/or bed and breakfast units permissible in existing structures was filed under section 4.2 of the Subdivision Regulations on or before February 19, 2002, provided a complete application for preliminary subdivision approval and any required applications for site plan and/or conditional use approval are submitted within six months after the filing of the sketch plan application, the subdivision is approved within two years of the filing of the sketch plan application, and substantial construction of the subdivision is commenced within two years after approval. (Editor's note: This applicability preamble was adopted by the City Council on February 19, 2002. It applies to the last paragraph of Section 809-1, Footnote 13 to Table 412-1, as well as other amendments to Section 809 as outlined in the Council minutes of February 19, 2002. It also applies to the B-6 use list in Section 410-9-A and amendments adopted by the Council on February 19, 2002, and outlined in Council minutes of that date as "Proposed Amendments to Article 4 District Regulations, January 7, 2002".)

### 809-2 STORAGE AND HANDLING OF CHEMICALS AND SIMILAR MATERIALS (Amended 2/19/02)

1. All outdoor storage facilities for liquid fuels, chemicals, ~~or~~ industrial wastes, and potentially harmful materials, shall be located on impervious pavement or other impervious surface approved by the Director of Public Works, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year, twenty-four hour storm, so that such liquid

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shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for “home heating oil” and vehicle fuel, not exceeding two 550-gallon vessels, may be exempted from this requirement, in situations where neither a high seasonal water table (within fifteen inches of the surface) nor rapidly permeable sandy soils are involved.

2. Any new or expanded commercial, service, industrial or other nonresidential use shall conform to the following additional standards:
  - A. Facilities shall be designed and operated so that all stored, spilled or leaked liquid fuels, chemicals, wastes, or other potentially harmful materials cannot infiltrate into the ground.
  - B. Areas for the loading, unloading, and transfer of fuel, chemicals, and similar materials shall be designed to prevent discharge to the groundwater or runoff to the surface of the land.
  - C. Uncovered storage areas shall have storm water drainage facilities that provide for the disposal of storm water runoff in a manner that will not adversely affect groundwater quality.
  - D. The discharge of fluids from any motor vehicle or equipment onto the ground shall not be permitted. Any vehicle or equipment service shall be done on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of the land. All damaged or junked vehicles shall be stored on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of the land unless the Planning Board finds that other municipal or state regulations are adequate to prevent the discharge of fluids onto the ground.
  - E. The discharge from any interior floor drain shall not be directed to a stream, storm drain, dry well, or subsurface wastewater disposal system.
3. Any established existing nonresidential use as of the date of adoption of this section that stores three or more damaged or junk vehicles for a period of more than seventy-two hours and which is not licensed by the City as a junkyard or recycling facility shall store all damaged or junk vehicles on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of

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the land. Damaged vehicles include, but are not limited to, unregistered vehicles, uninspected vehicles, unserviceable vehicles, junk vehicles, insurance wrecks, and other vehicles likely to leak fluids. Existing vehicle storage areas that do not meet this requirement shall conform with this provision no later than January 1, 2005.

809-3. WATER QUALITY (Amended 4/21/92)

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

**Article 9**  
**Conditional Uses and Variances**  
(Amended 6/18/87)

**Section 901. Conditional Uses**

**901-1. CONDITIONAL USE PERMIT REQUIRED (Amended 11/6/89; 10/4/93)**

A building, structure or parcel of land may be employed for a conditional use, as defined in Article 3, if the Planning Board finds that the use meets the standards of Section 901-4, any special standards of the zoning ordinance, and is of one of the following four types of conditional uses:

1. The conditional use is specifically listed in the regulations governing the zoning district in which the use is proposed; or
2. A parcel of land in single ownership as of the effective date of this Ordinance is transected by a zoning boundary line, in which case extensions penetrating no more than 100 feet into a more restrictive zone may be approved as a conditional use in accordance with Section 404-2; or
3. A change from one non-conforming use to another use equally or more appropriate to the zoning district and meeting the standards of Section 503-4 and this Section.
4. Certain conversions of buildings to multifamily use as described in Section 412-6.

**901-2. APPLICATION FOR CONDITIONAL USE PERMIT**

1. The applicant shall submit building and site plans in ten (10) copies, drawn to a scale of not less than one inch equals twenty feet (1" = 20'). The building plans shall show at a minimum the first floor plan and all elevations, with indication of the proposed construction material. The site plan shall include the following information.
  - a. A map of the site with reference to surrounding areas and existing street locations.
  - b. The name and address of the owner and conditional use permit applicant, together with evidence of sufficient right, title or interest in the premises to permit the applicant to undertake the use for which conditional use permit approval has been requested.
  - c. The names and addresses of the owners of all properties within two hundred (200) feet of the property in question when the property is located in the R-3, business (B) or MU zones and within six hundred (600) feet when the property in question is located in the conservation zone, any industrial district or the R-

Article 9 - Conditional Uses and Variances

- 1, R-2 and R-4 districts, as shown by the most recent tax records of all municipalities in which such properties lie. (Amended 10/3/11)
- d. A plan of the area showing lot line dimensions, applicable zone or zones, and the normal high water mark, if applicable.
  - e. Location of all existing and proposed buildings and structures, streets, easements, driveways, entrances and exits on the site and within one hundred (100) feet thereof.
  - f. All setbacks from bodies of water and lot lines.
  - g. All existing physical features on the site and within two hundred (200) feet of the site, including streams, watercourses and existing woodlands. Soil conditions as reflected by a medium intensity survey (such as wetlands, rock ledge, and areas of high water table) shall be shown, and the Planning Board may require a high intensity soils survey where necessary. The applicant shall provide, as part of the application, a narrative and sketch sufficient to describe trees and other vegetation located on the site. The Board may require mapping of trees proposed to be preserved as part of site and landscaping plans presented for approval.
  - h. Topography showing existing and proposed contours at five (5) foot intervals for slopes averaging five percent (5%) or greater and at two (2) foot intervals for land of lesser slope. A reference benchmark shall be clearly designated. Where variations in the topography may affect the layout of buildings and roads, the Planning Board may require that the topographic maps be based on an on-site survey.
  - i. Parking, loading and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
  - j. Improvements such as roads, curbs, bumpers and sidewalks shall be indicated with cross sections, design details and dimensions.
  - k. Location and design of existing and proposed stormwater systems, sanitary waste disposal systems and potable water supply, and methods of solid waste storage and disposal.
  - l. Landscaping and buffering plan showing what will remain and what will be planted, indicating botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans.
  - m. Lighting details indicating type of fixtures, location, radius and intensity of light.
  - n. Location, dimensions and details of signs.
  - o. Proposed use of all floor area.
2. The application for conditional use permit review for business, commercial and industrial uses shall also include:



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- a. A written description of the proposed operations in sufficient detail to indicate the degree to which the operations will create traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects, along with engineering and architectural plans for mitigating such effects.
  - b. The proposed number of shifts to be worked and the maximum number of employees of each shift.
  - c. A list of all hazardous materials to be hauled, stored, used, generated or disposed of on the site, and any pertinent state or federal permits required.
3. Where the Planning Board finds that, due to special circumstances of a particular plan, the submission of required exhibits is not necessary or is inappropriate because of the nature of the proposed development, it may waive such requirements subject to appropriate conditions. The Planning Board may require submission of such additional information as it deems necessary for proper review. A written request for such a waiver shall accompany the application.
  4. The purpose of these provisions is to ensure that all required information is presented to the Planning Board when it initially reviews an application. However, an application is not deemed to be complete until declared to be so by vote of the Planning Board, which may, in any case, request additional information and materials beyond those described in subsection 1.

901-3. HEARING REQUIRED (Amended 10/4/93)

1. For each application for a conditional use permit, the Planning Board shall conduct a public hearing.
2. The Planning Board shall cause public notice to be posted and published in both the city building and at least one newspaper of circulation in the area, of any public hearing which the Board shall conduct, indicating the property involved, the nature of the appeal, and the time and place of the public hearing.
3. The Board shall also cause to have notified all property owners of within six hundred (600) feet of the property when the applicant's property is located in the Conservation District, any Industrial District or R-1, R-2, and R-4 Districts and within two hundred (200) feet when the applicant's property is located in the R-3 District or any Business District. The Board shall cause a list of such property owners to be drawn off from the Assessor's records, and such notices to property owners shall be sent by mail at least seven (7) days prior to the date set for the public hearing.
4. The Planning Board shall not continue hearings to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and

the Building Inspector.

5. (Reserved)
6. If the development proposal under conditional use permit review is also subject to site plan review under Article XI of this ordinance, conditional use permit review and site plan review may occur simultaneously.

#### 901-4. STANDARDS FOR A CONDITIONAL USE PERMIT

It is the Applicant's burden to establish that the proposed use or activity meets each of the following standards:

1. The proposed use will meet the definition and specific requirements set forth in this Ordinance and will be in compliance with applicable state or federal laws.
2. The proposed use will provide adequate access to the site, and to the buildings on the site, for emergency vehicles and will not create fire safety hazards.
3. The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties.
4. The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the development.
5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazardous and unsafe conditions.
7. The proposed use will not have a significant detrimental effect on the value of adjacent properties that could be avoided by reasonable modification of the plan.
8. The design of the site will not result in significant flood hazards or flood damage and will be in conformance with applicable flood hazard protection requirements.
9. Adequate provision has been made for disposal of wastewater and solid waste and for the prevention of ground or surface water contamination.
10. Adequate provision has been made to control erosion or sedimentation.
11. Adequate provision has been made to handle storm water run-off and other drainage problems on the site.
12. The proposed water supply will meet the demands of the proposed use and for fire protection purposes.
13. Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law.
14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat that could be avoided by reasonable modification of the

plan.

15. The use will not cause unreasonable safety hazards for pedestrians, cyclists, and operators of motor vehicles and will not result in a decrease in level of service below LOS D at study area intersections or the project driveway during the design hour. (Levels of service are defined by the latest edition of the *Highway Capacity Manual*, published by the Transportation Research Board. The design hour is defined as the 30th highest hour of the year for the intersection.) However, (1) at signalized intersections where the level of service is already below LOS D; or (2) at signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D, or, (3) at unsignalized intersections, where physical improvements cannot be made to improve the level of service to LOS D and provided that warrants for a traffic signal are not met, or signal installation is not desirable; the Board may approve the application if it finds that an adequate level of safety can be attained through imposing conditions of approval such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, or through a program of Transportation Demand Management measures. (Amended 4/30/07)
16. Existing off-site ways and traffic facilities can safely and conveniently accommodate the increased traffic generated by the development as far away from the development as the effects of the development can be traced with reasonable accuracy.  
(Amended 10/4/93)

#### 901-5. ADDITIONAL STANDARDS IN SHORELAND AREAS

For conditional use permit applications within RP, SR, and SO Districts, the Planning Board, in addition to the standards for a conditional use permit, shall find that the proposed conditional use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a

Marine Business and Residential District;

8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing. (Amended 4/3/02)

#### 901-6. CONDITIONS OF APPROVAL

The Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, specified sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of this Ordinance.

#### 901-7. LIMITS ON CONDITIONAL USE PERMITS

Work or construction, or occupancy if no construction is involved shall commence within twelve (12) months of the Planning Board's issuance of a conditional use permit. If work or occupancy is not commenced within this period, the conditional use permit shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Board upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the conditional use permit. After the conditional use permit has expired or an extension denied by the Planning Board, the applicant may reapply for a conditional use permit at any time without prejudice.

The Planning Board shall approve the request for an extension unless the Board has become aware of one of the following:

- a. additional information that indicates that the plan does not meet the conditional use standards;
- b. failure to meet a condition of approval;
- c. an amendment in the Zoning Ordinance that prohibits or alters the proposed conditional use.

#### 901-8. REAPPLICATION

If the Planning Board shall deny a conditional use a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be

brought forward, or unless the Board finds, in its sole judgment, that an error of law or misunderstanding of facts has been made, or unless amendment has been made to the Zoning Ordinance which changes the status, circumstances, or conditions of the matter which was brought before the Board.

#### 901-9. DURATION OF CONDITIONAL USE PERMIT

Provided all conditions and standards of approval are met, including Section 901-7, a conditional use permit issued under this Article authorizes only the particular activity for which it was issued and based upon a plan for such activity which was approved by the Planning Board. The conditional use permit shall automatically expire and cease to be of any force or effect if such use is discontinued for a period of 12 consecutive months. (Amended 9/18/89; 10/4/93)

#### 901-10. APPEALS

A decision by the Planning Board on an application for a conditional use permit may be appealed in writing to the Zoning Board of Appeals within 30 days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision only upon a finding that there has been an error of law or that the facts leading to the decision of the Planning Board were erroneous. The review shall not be de novo.

Appeals of decisions on minor conditional uses shall be made to the Planning Board within 30 days of the date of the decision. This appeal may include new evidence and testimony.

#### 901-11. NON-CONFORMANCE

Conditional uses are permitted in buildings which are legally non-conforming in respect to the standards of Table 412-1 of this ordinance upon a finding by the Planning Board that this non-conformance does not cause the use to violate any of the conditional use standards or special standards of Article 7 for certain conditional uses. (Amended 10/4/93)

#### 901-12. MINOR CONDITIONAL USES

In order to process applications more efficiently, certain conditional uses, due to the limited nature of the proposed use, may be reviewed by the Planning Office, as authorized in M.R.S.A. Title 30-A § 4353. Only uses that meet all of the following applicability standards may be reviewed as minor conditional uses:

1. Applicability

This article shall apply to:

- a. Home occupations in which there is no point of purchase for retail merchandise

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at the home. Phone and mail order businesses, wholesale businesses and other similar businesses may be reviewed as minor conditional uses.

- b. Home occupations in which the required number of parking spaces for all uses on the lot does not exceed four (4) spaces.
- c. Home occupations in which there are not significant exterior alterations to the building or site.
- d. Two family dwellings (Amended 2/19/02)

2. Administration

a. Application Contents

An application for a minor conditional use shall include four (4) copies of the information required under Section 901-2.1, except the items required under paragraphs c, g, h and j, which may be required by the Planning Office if deemed warranted.

b. Notice and Public Comment

Upon receipt of an application for minor conditional use, the Planning Office shall send a notice of the application, including the name of applicant, address of the applicant, the nature and address of the proposed use, to all property owners within two hundred (200) feet. The notice shall also include a deadline for comment on the application, to be ten (10) calendar days from the date of the notice.

c. Time Frame for Decisions

The Planning Office shall act upon all applications for minor conditional uses, approval, or referral to the Planning Board, within five (5) days of the close of the public comment period.

3. Criteria for Approval

Minor Conditional Use applications shall be approved by the Planning Office unless the proposed use does not satisfy the approval criteria in Section 901-4, or other relevant sections of the Zoning Ordinance, or other local, State and federal laws. If in the opinion of the Planning Office, an application does not meet the approval criteria, then the application shall be referred to the Planning Board for a full conditional use review.

4. Planning Board Jurisdiction

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

Board, the applicant shall submit a full application for conditional use.

**Section 902. Variances** (Amended 11/6/89; 6/17/95; 11/19/07)

**902-1. APPLICABILITY**

1. A variance, as defined in Article III, is authorized for only the following space and bulk requirements, and for Certificates of Appropriateness, governed by Section 413, Historic Preservation:
  - a) minimum lot area;
  - b) lot area per dwelling unit;
  - c) minimum street frontage;
  - d) minimum yards and setbacks;
  - e) maximum lot coverage;
  - f) maximum height;
  - g) on lots divided by district boundaries, the extension of uses allowed in the less restricted zone more than fifty (50) feet into the more restricted zone;
  - h) the parking standards in Section 708 of this ordinance;
  - i) the curb cut standards in Section 709-1 of this ordinance;
  - j) the sign standards of Section 707, except for decisions by the Planning Board under Section 707-5-3. (Amended 6/17/95)
  - k) the private road dimensional standards found in Section 724-9 A and 724-9 I of this ordinance. However, this variance shall only be granted if the applicant can present a letter from the Saco Fire Department stating that the variance will result in a private road which is adequate for public safety purposes. (Amended 3/15/04)
  
2. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming structures in the particular zone or adjoining zones. (Amended 11/6/89)

**902-2. APPLICATION FOR A VARIANCE**

Application to the Zoning Board of Appeals for a variance shall be submitted to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as may be established by the City Council for such applications. The application shall clearly state the location of the property, the relief sought, and, the reason(s) for requesting the variance.

(Amended 11/6/89)

**902-3. STANDARDS**

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Prior to voting to grant a variance, the Zoning Board of Appeals shall review the application and find that the following standards have been met:

1. That a literal interpretation of the requirement of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:
  - a) the land in question cannot yield a reasonable return unless a variance is granted; and
  - b) the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood; and
  - c) the hardship is not the result of action taken by the applicant or a prior owner.
  - d) that the granting of the variance will not alter the essential character of the locality.
2. No variance shall be granted merely to relieve inconvenience to the property owner or for economic considerations alone.
3. Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance as will relieve the hardship pleaded.

902-4. VARIANCE IN SHORELAND AREAS (Amended 6/29/09)

A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

Prior to voting to grant a variance within the mandated shoreland area, the Zoning Board of Appeals shall, in addition, find that the proposed variance:

1. Will not result in unsafe or unhealthful conditions;
2. Will not result in erosion or sedimentation;
3. Will not result in water pollution;
4. Will not result in damage to spawning grounds, fish aquatic life, bird and other wildlife habitat;
5. Will conserve shoreland vegetation;
6. Will conserve visual points of access to waters as viewed from public facilities;



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7. Will conserve actual points of public access to waters;
8. Will conserve natural beauty; and
9. Will avoid problems associated with flood plain development and use.

The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision.

902-5. CONDITION OF APPROVAL

The Zoning Board of Appeals may impose such conditions on its approval of a variance as are necessary, in its judgment, to protect surrounding property owners or the city from adverse impacts resulting from the variance.

902-6. LIMITS ON VARIANCES

A variance granted by the Board of Appeals shall expire if the work or change involved is not commenced within six (6) months of the date on which the variance was granted or if the work or change is not substantially completed within a twelve (12) month period, unless extended by the Board.

902-7. REAPPLICATION

If the Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of a majority of the Board, substantial new evidence can be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error of law or misunderstanding of facts has been made, or unless amendment has been made to the Zoning Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

902-8. PRIOR WORK

Any construction activity commenced prior to the granting of a required variance shall be a violation of this Ordinance.

902-9. SPECIAL STANDARDS FOR CERTAIN VARIANCES FOR SINGLE FAMILY DWELLINGS (Amended 7/10/95)

1. Pursuant to 30A M.R.S.A. subsection 4353, 4-B, the Zoning Board of Appeals may also grant setback variances for single-family detached dwellings under the alternate definition of "undue hardship" below. Variances granted under this section are limited to the following:
  - A. Single-family detached dwellings that are the primary year-round

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- residence of the petitioner.
  - B. Variances in front yard or side yard and rear yard as outlined in Table 412-1, Lines D and E, not to exceed 20 percent of the setback requirement.
  - C. Variances granted under this subsection shall not cause the area of the dwelling to exceed the maximum lot coverage permitted in the district as outlined in Table 412-1, Line H.
  - D. Variances granted under this subsection shall be the minimum variance needed.
  - E. Variances granted under this subsection shall not cause the house which receives the variance to be within 15 feet of an occupied building on the adjacent lot.
2. Prior to voting to grant a variance, the Zoning Board of Appeals shall review the application and find that all of the following standards defining “undue hardship” for this subsection only have been met:
- A. The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;
  - B. The granting of a variance will not alter the essential character of the locality;
  - C. The hardship is not the result of action taken by the applicant or a prior owner;
  - D. The granting of the variance will not substantially reduce or impair the use of abutting property; and
  - E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

**Article 10**  
**Board of Appeals**

**Section 1001. Organization**

1001-1. CREATION OF BOARD.

The City Zoning Board of Appeals is hereby created, which Board shall consist of seven regular members and two alternates, who shall be appointed by the Mayor, subject to confirmation by the City Council, none of whom shall hold any elective office or any other appointive position in the city government. The Board shall elect a chairman and a secretary from its members. (Amended 10/3/88)

1001-2. QUORUM.

A quorum shall consist of four (4) members, at least two of whom shall be regular members. All decisions concerning Board action shall consist of a simple majority vote by the members present at a meeting, but under no circumstances shall fewer than three (3) members constitute a majority vote. Alternates shall vote only in the absence of regular members. In the event of absence of a regular member or member(s) the alternate who has served the longest time shall fill the first vacancy and the alternate who has served the second longest time shall fill the second vacancy. In the event that both alternates shall have served the same period of time, selection of an alternate to fill the vacancy shall be by lot. (Amended 10/3/88)

1001-3. QUALIFICATIONS

1. Only residents of Saco may serve as a member.
2. There shall be no more than two members on the Board who are residents of the same ward.
3. No council member, nor any spouse of a council member, may be a member of the Board.

**Section 1002. Terms of Office; Vacancies**

1002-1. TERMS.

The term of the appointive members shall be five years and terms shall be staggered with twelve (12) month intervals. Any vacancy during the unexpired term of an appointive member shall be filled in the same manner for the remainder of the term.

**1002-2. VACANCIES**

1. Vacancies on the Board shall be created under any of the following circumstances:
  - a) a member submits his resignation in writing to the Mayor
  - b) a member's official residence is no longer within the City of Saco, in which instance the secretary of the Board shall notify in writing the Mayor
  - c) upon expiration of the term of a member
  - d) a member fails to attend three or more consecutive hearings of the Board, without being excused by the Board
  
2. In the case of vacancies occurring in the manner described in paragraph (d) above, the Chairman of the Zoning Board of Appeals shall first contact the absent member to determine his ability to attend future hearings on a regular basis, and the Board shall then recommend appropriate action to the City Council.
  
3. Any vacancy during the unexpired term of an appointive member shall be filled by a person appointed by the Mayor for the unexpired term.
  
4. Any member of the Board may be removed for cause by the City Council provided that the member shall first be notified in writing and given the opportunity for a hearing.

**Section 1003. Powers and Duties.**

The Zoning Board of Appeals, after public hearing and by a majority vote of its members, shall have the following powers and duties:

**1003-1. ADMINISTRATIVE APPEALS.**

To affirm, modify, or set aside the action of the Building Inspector in issuing or denying building permits or certificates of occupancy when it is alleged that the action is based on an erroneous interpretation of this Ordinance.

**1003-2. PLANNING BOARD APPEALS.**

To hear appeals of decisions by the Planning Board on applications for conditional use permits, subject to the limitations of Section 901 of this Ordinance.

**1003-3. VARIANCES.**

To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of the provisions of this Ordinance as they relate to the space and bulk requirements of the district regulations, according to the standards set forth in Article IX of this Ordinance, and to approve, approve with conditions or disapprove appeals for variances under Section 413-13. (Amended 3/2/87)

**1003-4. (Reserved)**

1003-5. APPEALS FROM HISTORIC PRESERVATION COMMISSION.

To hear appeals of decisions made by the Historic Preservation Commission under Section 413-10-5. A decision by the Historic Preservation Commission on an application for a Certificate of Appropriateness may be appealed in writing to the Zoning Board of Appeals within 30 days of the Commission's decision. The Board of Appeals may reverse the Commission's decision only upon a finding that there has been an error of law or that the facts leading to the decision of the Commission were erroneous. The review made by the Board of Appeals shall not be de novo. (Amended 3/2/87; 3/18/91)

1003-6. SHORELAND VARIANCES

1. Appeal Procedure

a. Making an Appeal from a decision of the Code Enforcement Officer

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (i) A concise written statement indicating what relief is requested and why it should be granted.
  - (ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Making an Appeal from the Planning Board.

An appeal of a decision by the Planning Board shall be to Superior Court within thirty (30) days of the date of decision appealed from.

c. Standing and Time for an Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals or the Planning Board may take an appeal to Superior Court in accordance with

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State laws within thirty (30) days from the date of issuance of a written decision of the Board of Appeals or Planning Board as appropriate. (Amended 4-21-92)

**Section 1004. Procedures**

1004-1. DENIAL OF BUILDING PERMIT.

All applicants for building permits denied for any reason shall be advised in writing of the right of appeal.

1004-2. HEARING REQUIRED

1. For all appeals from decisions of the Building Inspector for consideration of application for permits authorized by the Zoning Ordinance, or from the decisions of the Planning Board on applications for conditional use permits, the Board of Appeals shall hold a public hearing.
2. The Board of Appeals shall cause public notice to be posted and published in both the city building and at least one newspaper of circulation in the area, of any public hearing which the Board shall conduct, indicating the property involved, the nature of the appeal, and the time and place of the public hearing.
3. The Board shall also cause to have notified all property owners of within six hundred (600) feet of the property when the applicant's property is located in the Conservation District, and Industrial District or R-1, R-2, and R-4 Districts and within 200 feet when the applicant's property is located in the R-3 District or any business district. The Board shall cause a list of such property owners to be drawn off from the Assessor's records, and such notices to property owners shall be sent by mail at least seven (7) days prior to the date set for the public hearing.
4. The Board of Appeals shall not continue hearings to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and the Building Inspector.

1004-3. TIME FOR APPEAL, FEE.

When a person is aggrieved by a decision of the Building Inspector or a decision of the Planning Board, if an appeal is authorized elsewhere under this Ordinance, that person must file the appeal within thirty (30) days of the day the decision was rendered. Appeals must be filed with the Clerk of the Zoning Board of Appeals on application forms provided for that purpose by the Clerk of the Zoning Board of Appeals. The Clerk of the Zoning Board of Appeals, after receiving the application and stamping the date of receipt shall transmit the application to the Board of Appeals.

Any appeal to the Board of Appeals shall be accompanied by a fee as established by the City Council. (Amended 4-3-86)

1004-04. RULES OF PROCEDURE.

The Board shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Ordinance and the statutes of Maine. Such rules shall be filed with the Board Secretary and the City Clerk. Any rule so adopted and not mandated by this Ordinance or the statutes of Maine may be waived by the Chairman of the Board for good cause shown.

1004-5. SUBMISSION OF EVIDENCE.

The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his own case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

1004-6. 1004-4PRESENCE OF BUILDING INSPECTOR.

The Building Inspector, unless prevented by illness or absence from the state, shall attend all hearings and shall present to the Board of Appeals all plans, photographs or other factual material that is appropriate to an understanding of the appeal.

1004-7. CONFLICT OF INTEREST.

No member of the Board shall vote on a matter in which he has a direct or indirect financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

1004-8. RECORDS AND DECISIONS

1. The secretary shall maintain a permanent record of all board meetings and all correspondence of the board. The secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board. All records to be maintained or prepared by the secretary are deemed public, shall be filed in the municipal clerk's office and may be inspected at reasonable times.
2. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.
3. Notification of decision. The City Clerk, Planning Board, and Building Inspector shall be notified in writing within seven (7) days of all decisions of the board. Written notice to the appellant shall be sent within seven (7) days after the date of the decision. The notice shall include, as every decision of the board shall include, findings of fact; shall refer to the evidence in the record and the

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exhibits, plans, or specifications upon which such decision is based; shall specify the reason or reasons for such decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denied.

**Section 1005. Appeals.**

Decisions of the Zoning Board of Appeals may be appealed to Superior Court in accordance with State Law.

**Section 1006. Reapplication.**

If the Board of Appeals shall deny an appeal, a second request of a similar nature shall not be brought before the board within two years from the date of the first request, unless in the opinion of a majority of the board, substantial new evidence can be brought forward, or unless the board finds, in its sole and exclusive judgment, that an error of law or misunderstanding of facts has been made, or unless amendment has been made to the Zoning Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.



## **Article 11 Site Plan Review**

### **Section 1101. Purpose**

The purpose of this Article is to provide for the review of commercial, industrial, institutional and multifamily residential developments that are of a scale that they may affect the environment, the provision of public services, and the value and rights of adjoining properties, and thereby to protect the health, safety, and welfare of the citizens of Saco.

### **Section 1102. Applicability**

This Article shall apply to:

1. Proposals for new construction, outside of an Industrial District, of nonresidential buildings or structures, including accessory buildings or structures, having a total floor area of more than 1,000 square feet.
2. Proposals for new construction in an Industrial District of nonresidential buildings or structures, including accessory buildings and structures, having a total floor area of more than 10,000 square feet.
3. Proposals to enlarge nonresidential buildings or structures, including accessory buildings or structures, by more than 1,000 square feet of ground floor area within a five year period if outside of an Industrial District, or by more than 10,000 square feet if within an Industrial District.
4. Proposals for new construction of multifamily dwellings, or the construction of a multi-unit residential project, or for conversion of single family or two family dwellings to multifamily use, or for enlargement of multifamily dwellings, either by the addition of units within an existing structure or expansion of the structure to accommodate new units. (Amended 11/16/11)
5. Proposals to convert structures in Residential Districts to professional offices.
6. Proposals to pave, strip, or grade, more than 10,000 square feet within a five-year period, or to remove earth materials of more than 10,000 square feet in area within a five-year period.
7. In the B-5 zone, boat building and repair facilities, and marinas, piers, docks, boat houses, and port facilities.

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8. The addition of any drive-in window.
9. Site developments needing approval under Title 38 M.R.S.A., § 481-488, to the degree permitted under § 489 A, shall be reviewed under the procedures of Article XI, Site Plan Review, of the Saco Zoning Ordinance, and shall meet the standards of Title 38, § 481 to 490, as amended, as well as those in the regulations of the D.E.P., including Chapters 371, 372, 373, 374, 375, 376, 377 and others which may be issued by the D.E.P., which are hereby adopted by reference for projects falling under this article. Projects subject to this section shall also meet the standards of the Saco Zoning Ordinance. The City will notify the Department of Environmental Protection upon the submission of any projects subject to this Article.
10. Site Developments requiring stormwater permits pursuant to Title 38 MRSA Section 420-D shall, to the extent permitted under 38 MRSA Section 489-A, be reviewed under the procedures of Article XI of this Ordinance; and, they shall meet and comply with those Rules promulgated by the Bureau of Environmental Protection pursuant to Section 420-D, specifically Rules 500 and 502, adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by by Legislative Resolve, Chapter 87, Public Laws of 2005 (LD 625/HP 458). (Amended 3/20/06)
11. Private Roads, See Section 724.
12. Marinas, See Section 731. (Amended 6/2/08)

**Section 1103. Administration**

1. No building permit, plumbing permit, or certificate of occupancy shall be issued by the Code Enforcement Officer or local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved and signed by the Planning Board, or in the case of minor site plans under Section 1103-7, approved and signed by the City Planner.
2. Every applicant applying for site plan approval shall submit to the planning department twelve (12) copies of a complete site plan of the proposed development which shall be prepared in accordance with Section 1104, accompanied by a fee as prescribed by the city's cost recovery ordinance. Applicants submitting minor site plans for review by the City Planner shall submit

four (4) copies.

3. After an application is submitted, the planning department within ten (10) working days shall determine whether all information required under Section 1104, or requests for waivers of submission for items that have not been addressed, have been submitted. Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate. If the application appears to be complete, it shall be scheduled for Planning Board consideration within four weeks. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board. (Amended 7/7/08)
4. Prior to taking final action on a site plan review application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 district, any business district or MU district shall be notified if their property is within two hundred (200) feet of the applicant's property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing. (Amended 10/3/11)

Minor site plans shall be subject to first class mail notification requirements as described above.

The applicant shall erect a sign on the lot in question, reading, "Public Notice – This property is the subject of a site plan review application now before the Saco Planning Board. For information please contact the Saco Planning Department, 282-3487." The sign shall be of a size no smaller than two feet by three feet, with two-inch letters in black on a white background, and shall be clearly visible to passersby. (Amended 10/17/01)

5. The Planning Board shall act to approve, approve with conditions, or disapprove the site plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.

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6. No application for site plan review shall be considered complete and acted upon by the Planning Board until all conditional uses and/or variances which may be required for the proposed development first have been obtained. The Planning Board may conduct its review of a conditional use, shoreland zoning permit, or subdivision application simultaneously with its site plan review.
7. MINOR SITE PLANS. (Amended 2/19/02) In order to process site plans more efficiently, site plans for the following items shall be reviewed by the City Planner rather than the Planning Board:
  - a. buildings, structures or additions of less than six thousand (6,000) square feet;
  - b. Private Roads;
  - c. nonresidential buildings or structures in an approved industrial park, including accessory buildings and structures, having a total floor area of not more than 30,000 square feet.

The City Planner shall approve, approve with modifications or deny the site plan within fifteen (15) working days of receiving a complete plan. The City Planner shall consider comments from all applicable City departments during the course of plan review. If the City Planner has not acted within fifteen (15) working days the applicant may seek approval from the Planning Board, rather than the City Planner. Inaction by the City Planner does not constitute approval or disapproval of the plan. If the applicant is not satisfied with the determination of the City Planner, the applicant shall be permitted to have the entire application reviewed by the Planning Board. The City Planner can, for any reason, forward any minor site plan to the Planning Board for site plan review. Any minor plan that also requires conditional use, subdivision, or any other review by the Planning Board, shall be reviewed by the Planning Board. The City Planner shall inform the Planning Board after making a determination on a minor site plan.

8. SITE LOCATION OF DEVELOPMENT AMENDMENT. Once approved and signed by the Planning Board, no changes may be made to approved plans, without an amended approval from the Planning Board in the case of a major amendment, or from the City Planner in the case of a minor amendment. For the purposes of the Site Location of Development reviews, minor amendments can include any of the following, or similar issues: changes in the record owner, altering phases of development, the addition of accessory structures of less than two thousand (2,000) s.f. each, the addition of impervious area of less than five thousand (5,000) s.f., the addition of minor site features, such as lighting, signs or other amenities, reductions in performance guarantees, and changes in construction details necessitated by changing circumstances found during construction. In the case of a major amendment, the Board shall conduct a public hearing. Any proposed minor change to a Site Location permit that would require

Board approval to amend a local approval, will be referred to the Board. The City Planner will have the authority to refer any changes to the Board if it is determined to be necessary. If the applicant is not satisfied with the determination of the City Planner, the applicant shall be permitted to have the entire application reviewed by the Planning Board, if such a request is made within thirty (30) days of the City Planner's determination. The City Planner shall inform the Planning Board after making a determination on a minor amendment. (Amended 11-7-94)

9. NEIGHBORHOOD MEETING REQUIRED

a. Applicability and Purpose. An applicant intending to file a site plan review application for certain projects shall hold a neighborhood meeting in accordance with the requirements of this section before submitting an application for Site Plan Review. The goal of the meeting is to inform the public about the project and to identify concerns so they might be addressed in the design and review of the project. The neighborhood meeting, as described in this section, shall be held for any potential application for site plan review that involves:

- 1) The construction or expansion of a commercial, industrial, or other nonresidential structure with more than one thousand (1,000) square feet of total floor area that is located in a mixed use or residential zoning district, or that abuts a residential zoning district.
- 2) The construction or expansion of a multi-unit residential project that will create six (6) or more new dwelling units in a mixed use or residential zoning district, or that abuts a residential zoning district.

b. Timing and Location of the Neighborhood Meeting. An applicant for a site plan review shall conduct at least one neighborhood meeting no more than ninety (90) days prior to submitting the site plan application. The meeting shall be held at a convenient city building. All costs associated with the neighborhood meeting shall be borne by the applicant.

c. Procedures for the Neighborhood Meeting.

- 1) Notice. The applicant shall mail notice of the neighborhood meeting to all property owners who will be entitled to receive notice when the site plan review application is filed and to the Planning Department at least ten (10) days before the meeting. The date of the meeting shall be coordinated with the Planning Department so that a member of the department can attend. The notice shall be mailed by first class mail with a Post Office certificate of mailing. The notice shall contain a brief description of the potential project, the location of the project, the permits for which the applicant will be seeking approval, and the date, time and place of the neighborhood

- meeting. The Post Office certificate(s) of mailing with the list of the people who were mailed the notice shall be provided to the Planning Department.
2. Digital Copy. The applicant shall provide the Planning Department with a digital copy of the neighborhood meeting notice, at least ten (10) days before the meeting, which the City may forward to other interested persons or groups.
  3. Presentation. At the meeting the applicant shall present a summary of the proposed project and a plan or drawing of the project, indicate what permits and licenses are required for the project, and provide adequate opportunity for public questions and comments.
  4. Attendance Sheet. At the neighborhood meeting the applicant shall circulate a sign-in sheet for those in attendance who choose to sign. The sign-up sheet shall be submitted to the Planning Department and shall become part of the application submitted to the Planning Board.
  5. Minutes. The applicant shall keep minutes of the meeting to be submitted to the Planning Department and, as part of the application, to the Planning Board. Any other person attending the meeting may submit comments on the neighborhood meeting to the Planning Department or Planning Board. (Amended 11/16/11)

## **Section 1104. Submission Requirements**

### 1104-1. BASIC INFORMATION

When the applicant or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information. The Planning Board or the City Planner may require the submission of additional information if the submissions below are insufficient to determine whether the application meets the criteria for approval. (For minor site plans submitted under Section 1103-7, four (4) copies of items 1, 2, 3, 4, 8, 9, 11, 12 and 15 from the list below shall be submitted. The City Planner may require additional submissions if these are inadequate to evaluate the plan.)

1. A fully executed and signed copy of the application for site plan review.
2. Twelve (12) copies of a site plan on paper not larger than 24 by 36 inches nor smaller than 11 by 17 inches, drawn at a scale sufficient to allow review of the items listed under the approval criteria herein, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development. Amended 2/19/02)

The site plan shall be prepared by an engineer, architect, landscape architect, or

land surveyor registered in Maine using the following standards:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. (Alternately, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System. (Amended 3/16/09)

The site plan shall show the following:

- a) owner's and applicant's name and address, names and addresses of consultants who aided in preparing the plan, if any, and the name and address of the person or company leasing the property, if applicable, and, in order to establish right, title and interest, a deed, an executed lease, option, or purchase and sale agreement;
- b) names and addresses of all abutting property owners;
- c) sketch map showing general location of the site within the city and north arrow;
- d) boundaries of the property and of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- e) zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
- f) the location and width of all building setbacks required by the Zoning Ordinance;
- g) the location and delineation of site elements, including: all existing and proposed buildings (including dimensions where appropriate), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, wetlands preservation measures and protection measures, stormwater control facilities, dumpsters and recycling facilities, etc. (Amended 2/19/02)
- h) the location and widths of nearby streets.
- i) The location and delineation of natural resource areas, historic features and archaeological features of the site including, but not limited to floodplains, wetlands, open drainage courses, sand and gravel aquifers, scenic areas,

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- significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, historically significant structures or features, archaeologically significant features, or other important Unusual Natural Areas and site features. (Amended 2/19/02; 2/17/04-3/18/04)
3. Copies of existing and proposed easements, covenants, or deed restrictions.
  4. Copies of applicable local and state approvals and permits, provided however, that the Planning Board or in the case of minor site plans the City Planner, may approve site plans subject to the issuance of specified state licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
  5. Names and addresses and tax map and lot numbers of all property owners within six hundred (600) feet of the applicant's property if it is located in the Conservation District, any industrial district, the Resource Protection District or the R-1, R-2, and R-4 districts, or within two hundred (200) feet when the applicant's property is located in the R-3 District or any business district.
  6. For site plans in which ten thousand (10,000) square feet of impervious surface will be created, a storm water drainage plan, prepared by a registered Maine Professional Engineer, showing:
    - a) the existing and proposed method of handling storm water run-off;
    - b) the direction of flow of the run-off through the use of arrows;
    - c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewer engineering calculations used to determine drainage requirements based upon the 2, 10, 25 and 50 year 24 hour storm event that show the predevelopment and postdevelopment runoff rates. If the postdevelopment runoff rate exceeds the predevelopment runoff rate on-site mitigation measures, such as detention basins or flow restrictors, shall be required unless a drainage plan prepared by a Maine registered engineer demonstrated that the increase has no adverse impact to the downstream conditions.
  7. Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Board may determine.
  8. A utility plan showing provisions for water supply and wastewater disposal



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including the size and location of all piping, holding tanks, leach fields, and showing the location and nature of all electrical, telephone and any other utility services to be installed on the site.

9. A landscape plan, with a planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs and other plants to be planted on the site.
10. A standard boundary survey by a registered land surveyor showing the location of all property lines. The Board may waive the requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
11. The location, size and character of all signs.
12. A waste disposal plan describing how all solid waste will be handled on site, how it will be removed from the site, the disposal facilities to which it will be transported, and, if the waste is of an unusual nature, information indicating that a suitable disposal facility will accept the waste. For businesses which use industrial chemicals and produce hazardous waste, the name, amount, and nature of all chemicals used, and the manner of disposal of all chemical, hazardous and industrial wastes.
13. A medium intensity soils map of the site. (This may be obtained at the Planning Office.) The Board may require a high intensity soils map if issues of water quality, wetlands, or other natural constraints are noted.
14. For projects which will create over ten thousand (10,000) square feet of impervious surface, a plan showing the methods of controlling erosion and sedimentation both during and after construction, including a written description of these methods and a schedule for implementing them in accordance with the requirements of the York County Soil and Water Conservation District.
15. An estimate of the amount and type of traffic generated daily and at peak hours. For sites that generate more than four hundred (400) one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering and transportation, shall be submitted. The study area should extend, at a minimum, to intersections where traffic attributable to the subdivision equals or exceeds 35 vehicles in a lane in a peak hour. The analysis shall show, at a minimum, (1) existing traffic volumes, (2) proposed traffic generation, (3) proposed access, (4) types of vehicles expected, (5) effect on level

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of service within the study area, (6) sight lines, and (7) accident history in the study area. The report will recommend improvements both on site and off site to meet the requirements of this ordinance. (Amended 4/30/07)

16. A hydrogeologic assessment may be required by the Board for projects in which groundwater quality is a concern. Such instances include, but are not limited to, sites:
  - A. Over a sand and gravel aquifer;
  - B. Not served by public water or sewer;
  - C. Where the depth to groundwater is less than 48 inches;
  - D. In soils rated by the SCS Soil Survey as poor or very poor for subsurface septic systems;
  - E. In coarse soils categorized as having "severe" limitations for septic systems;
  - F. Where a septic system of over 2000 gallons per day is proposed.

When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

- A. A map showing the basic soil types;
  - B. The depth to the water table at representative points throughout the lot;
  - C. Drainage conditions throughout the project;
  - D. Data on the existing ground water quality, from test wells in the project or from existing wells on neighboring properties;
  - E. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the project and within 200 feet of the project boundaries;
  - F. An analysis and evaluation of the effect of the project on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate - nitrogen concentrations at any wells within the project, at the project boundaries, and at a distance of one thousand (1000) feet from potential contamination sources, whichever is a shorter distance. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
17. If the project is subject to the stormwater quality standards of Section 805-2, a stormwater quality management plan that includes the following:
    - a. A narrative describing how the site is oriented within the watershed, identifying downstream waterbodies including wetlands, and addressing the

potential effects of site runoff. The narrative shall identify and discuss the stormwater treatment methods proposed to be used on the site.

- b. A plan showing relevant existing contours, proposed contours, existing and proposed subwatersheds, proposed topographic features, and existing and proposed site features including buildings and other facilities, natural and manmade drainageways, streams, channels, culverts, catch basins, and stormwater treatment facilities. The plan shall include detail drawings of the stormwater Best Management Practices proposed to be used and the location of both structural and non-structural BMPs.
  - c. Calculations demonstrating that the proposed stormwater treatment facilities will meet the standards of Section 805-2.
  - d. A stormwater facilities management plan which sets forth the types and frequencies of proposed maintenance activities needed to maintain the efficiency of the stormwater treatment facilities and which identifies the party that will be responsible for carrying out each maintenance activity and for submitting the Annual Maintenance Report and the proposed institutional arrangements that will assure that all maintenance occurs as proposed.  
(Amended 6/18/2001)
18. A lighting plan, prepared by a qualified lighting professional, showing at least the following at the same scale as the Site Plan:
- a. The location of all buildings, landscaping, parking areas, and proposed exterior lighting fixtures;
  - b. Specifications for all proposed lighting fixtures including photometric data, designation as “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures;
  - c. The proposed mounting height of all exterior lighting fixtures;
  - d. Analyses and illuminance level diagrams or photometric point by point diagrams on a twenty foot grid showing that the proposed installation conforms to the lighting level standards of this ordinance together with statistical summaries documenting the average illuminance, maximum illuminance, minimum illuminance, average to minimum uniformity ratio, and maximum to minimum uniformity ratio for each parking area, drive, canopy, and vehicle sales or storage area; and
  - e. Drawings of all relevant building elevations showing the fixtures, the portions

of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

19. **ARCHAEOLOGICAL OR HISTORICAL SITES** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or known by the City to be eligible to be listed on the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission and the Saco Historical Preservation Commission (as appropriate) for review and comment prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commissions prior to rendering a decision on the application. (Amended 2/19/02)

20. A design analysis demonstrating how the project conforms to the design standards of Section 729 including any district specific additional requirements. This analysis must address each of the applicable design standards and allow the Planning Board to determine if each standard has been met. The analysis must provide information about the proposed development and the characteristics of neighboring properties and the adjacent neighborhood and an analysis demonstrating how the proposed development meets the standards. This analysis should include plans, building elevations, visual simulations, and a narrative as appropriate to document conformance with the standards. (Amended 11/16/11)

#### **Section 1105. Waiver of Submission Requirements**

The Planning Board, or in the case of a minor site plan, the City Planner, may waive any of the submission requirements of this Article when it determines that the scale of the project is of such limited size or the project is of such a nature as to make the information unnecessary.

#### **Section 1106. Approval Criteria**

The following criteria are to be used by the Planning Board, or in the case of a minor site plan, the City Planner, in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan must also comply with the specific design standards in Articles 7 and 8 of this ordinance, as well as all other sections of this ordinance. The site plan shall be approved unless in the judgment of the Planning Board, or in the case of a minor site plan, the City Planner, the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant.

#### **1. GENERAL**

The proposed use will meet the specific requirements set forth in this Ordinance,

other local ordinances, and will be in compliance with applicable state or federal laws.

2. **COMPATIBILITY WITH NEIGHBORING BUILDINGS**

The bulk, location, and height of proposed buildings and structures, shall be compatible with neighboring properties.

3. **NATURAL FEATURES**

The building and other improvements shall be oriented with respect to the natural features of the site, preserve the natural landscape insofar as practical, and minimize grade changes.

4. **PUBLIC SAFETY**

The proposed use will provide adequate access to the site, and to the buildings on the site, for emergency vehicles at all times of the year, and will not create fire safety hazards or other safety hazards.

5. **LIGHTING**

The proposed exterior lighting will not create glare, or create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties.

6. **LANDSCAPING**

The provisions for buffers, screens and on-site landscaping will minimize the impact of detrimental features of the proposed use on neighboring property, shall define, soften, or screen the appearance of parking areas from public rights-of-way and abutting properties, and shall meet the specific requirements of Sections 708 and 807.

7. **OFF SITE IMPACTS**

The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odors, dust, or other cause, and shall meet the standards of this ordinance and other city ordinances regulating these impacts.

8. **VEHICLE CIRCULATION AND PEDESTRIAN ACCESS**

The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazardous and unsafe conditions, and are designed in accordance with the standards

of Article 7 of this ordinance.

9. **FLOOD HAZARDS**  
The design of the site will be in conformance with applicable flood hazard protection requirements.
10. **WASTEWATER**  
Adequate provision has been made for disposal of wastewater.
11. **SOLID WASTE**  
Adequate provision has been made for the disposal of solid waste as required by state law and local ordinance, including provisions for recycling.
12. **EROSION CONTROLS**  
Adequate provision has been made to control erosion or sedimentation and that the standards of Section 806 shall be followed.
13. **DRAINAGE**  
Adequate provision has been made to manage storm water run-off and other drainage problems on the site and the plan conforms with Section 805. If the postdevelopment runoff rate exceeds the predevelopment runoff rate on-site mitigation measures, such as detention basins or flow restrictors, shall be required unless it is demonstrated that the increase has no adverse impact to the downstream conditions. Adequate provision has been made for maintenance of drainage facilities.
14. **WATER SUPPLY**  
The proposed water supply will meet the demands of the proposed use and the demands for fire protection purposes and will not cause a degradation of service in the area.
15. **HAZARDOUS MATERIALS**  
Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state and federal law, and city ordinance.
16. **WILDLIFE, SCENERY, AND UNIQUE AND CRITICAL AREAS**  
The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat, or identified unique and critical natural areas that could be avoided by reasonable modification of the plan.

17. TRAFFIC CONDITIONS

The use will not cause unreasonable safety hazards on public roads and will not result in a decrease in level of service below LOS D at intersections. The Board may consider a lower level of service at unsignalized intersections provided further physical improvements cannot be made to improve the level of service and provided that warrants for a traffic signal are not met, or signal installation is not desirable and the Board finds that adequate provisions for safety can be attained through imposing conditions of approval such as restrictions including one-way driveways and/or prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, payment of a Traffic Mitigation Fee, or through a program of Transportation Demand Management measures. (Amended 4/30/07)

18. WATER QUALITY

A. Surface Water: The proposed development will conform to the following standards:

- 1) The project will not discharge any water pollutants which affect the state classification of any water body (38 M.R.S.A. § 363 et seq.)
- 2) The project will conform to the stormwater quality standards of section 805-2.
- 3) The project will not change water temperatures more than permitted by DEP regulations 582-1 through 582-8.

B. Ground Water: The proposed development will not increase any contaminant concentration in ground water to more than one half of the Primary Drinking Water Standards, nor shall it increase any contaminant concentration in ground water to more than the Secondary Drinking Water Standards.

19. UTILITIES

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

20. SPECIAL FEATURES OF DEVELOPMENT

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

21. ADDITIONAL STANDARDS IN SHORELAND AREAS

## Article 11 - Site Plan Review

For applications in the RP, SR, and SO Districts, the Planning Board shall find that the project:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing. (Amended 4/3/02)

### 22. MASTER PLANNED DEVELOPMENTS IN THE MU-3 AND MU-4 DISTRICTS

When the application for site plan review involves a project that is located in a Master Planned Development for which a Master Plan has been approved by the Planning Board, the Planning Board must find that the project is consistent with the approved Master Plan and its development standards. (Amended 7/1/13)

#### **Section 1107. Conditions of Approval**

The Planning Board, or in the case of a minor site plan, the City Planner, may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, specified sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, phasing of construction, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of this Ordinance.

#### **Section 1108. Endorsement of Plan**



At the time of final approval of a site plan the applicant shall submit one reproducible clear film copy and three paper copies of the plan for the Planning Board's signature, to be maintained in city records.

**Section 1109. Changes in Plan**

Any changes in the plan after approval must be approved by the Planning Board, or in the case of a minor site plan, the City Planner. Minor changes during construction can be approved by the City Planner. Construction not performed according to the approved plan or the violation of any conditions placed on the plan shall be a violation of this Ordinance.

**Section 1110. Financial Guarantees**

The Planning Board, or in the case of a minor site plan, the City Planner, may require the posting with the city, prior to the start of site work or issuance of a building permit, either an escrow account established with the City, or a certified letter of credit, or a passbook account established at a state or federally chartered bank or credit union that names the City as either account holder or co-holder. The consent of the City shall be required for any withdrawal. Said account or letter of credit shall be found suitable by the city, so as to ensure the completion of all site improvements. The financial guarantee shall include date of completion for the project. The City shall have access to the site at all times to review the progress of the work and shall have the right upon default to enter on to the site and perform the work necessary to remedy the default. (Amended 3/16/09)

**Section 1111. Time Limits on Site Plan Approvals**

If substantial construction is not commenced within twelve (12) months of the Planning Board's approval of a site plan, the site plan approval shall be null and void. Substantial construction shall mean the completion of a foundation, addition, or other evidence satisfactory to the Planning Department. The deadline may be extended for two additional twelve (12) month periods by the City Planner upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the site plan approval. After the site plan approval has expired or an extension denied by the City Planner, the applicant may reapply for site plan review at any time without prejudice. (Amended 7/16/12)

The City Planner shall approve the request for an extension unless one of the following occurs:

- a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
- b. failure to meet a condition of approval;

- c. an amendment in the zoning ordinance that prohibits or alters the proposed site plan.

For site plans approved before the adoption of this Section (formerly Section 1107) on September 19, 1989, if substantial construction is not commenced one year after the adoption of this amendment on March 2, 1992, the site plan approval shall be null and void.

**Section 1112. As-Built Plans** (Amended 11/07/05; 3/16/09)

As-built plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Prior to the release of the Letter of Credit and Inspection Fee Account, the developer shall submit to the Planning Office a digital copy of the Final Site Plan approved by the Planning Board, and including all approved amendments to the plan during construction. The digital data shall be a single composite AutoCAD (up to Release 2007) drawing file as well as a 'pdf' file, and may be submitted on CD-ROM, via e-mail, or other format acceptable to the City Planner. The following standards shall be followed:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. (Alternately, a 'dview, twist' or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System.
- e. AutoCAD (up to Release 2007) drawing or equivalent
- f. Any dependent external referenced (xref's) should be bound to the drawing file(s)
- g. Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure
- h. Significant proposed polygon features, ie: building footprints, parking areas, driveways, should be closed 2d polylines (looped for closure).

As-built plans for the electrical system shall be submitted separately, and either prepared or approved in writing by a licensed electrician. The electrical as-built plan shall include:

- a. Cross section every fifty (50) feet.

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- b. Cross section where a substantial change in a conduit run occurs.
- c. Length, size and use of all conduit and conductors.

**Section 1113. Penalties**

In addition to any other penalty authorized under this ordinance, the Planning Board, after holding a public hearing on an alleged violation, may revoke a site plan approval if it is determined that a violation has occurred.

**Section 1114. Appeals**

The exclusive remedy from decisions of the Planning Board on site plan applications and revocations is an appeal to Superior Court under Rule 80B of the Maine Rules of Civil Procedure. Appeals of decisions on minor site plans shall be made to the Planning Board within 30 days of the date of the decision. This appeal may include new evidence and testimony. (Amended 2/19/02)

**Article 12**  
**Enforcement**  
(Amended 1/17/02)

**Section 1201. Administrative Official**

Unless otherwise specifically stated, this Ordinance shall be administered and enforced by the City of Saco Code Enforcement Officer.

**Section 1202. Duties**

**1202-1. OF CODE ENFORCEMENT OFFICER**

It shall be the duty of the Code Enforcement Officer to enforce this Ordinance, and in connection therewith, to investigate all complaints brought to his attention of alleged violations of the Zoning Ordinance and cases which, in his opinion, violate the Zoning Ordinance.

Furthermore, it shall be the duty of the Code Enforcement Officer to enforce the City of Saco Subdivision Regulations, and in connection therewith, to investigate complaints brought to his attention of alleged violations of the Subdivision Regulations and cases which, in his opinion, violate the Subdivision Regulations.

**1202-2. OF OTHER CITY OFFICIALS**

It shall be the duty of the Mayor and City Council and of members of the Fire Department, Police Department, Electrical Inspector, Local Plumbing Inspector, City Planner, Health Officer and Tax Assessor to assist the Code Enforcement Officer by reporting to him any new construction, reconstruction, or land use in apparent violation of this Ordinance.

**Section 1203. Permits Required**

**1203-1. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

A. No new structure shall be occupied or used, nor shall the occupancy of any commercial or industrial building change, prior to the issuance of an occupancy permit by the Code Enforcement Officer. The Code Enforcement Officer shall not issue an occupancy permit unless the new structure or proposed use is in conformance with the Zoning Ordinance.

B. NOTICE. This paragraph applies only in residential zoning districts, the C-1 zone, and the Shoreland Zoning Districts. The Code Enforcement Officer will notify immediate abutting landowners by mail that a building permit has been issued whenever a building permit will lead to the construction of a new dwelling unit, will lead to the creation or

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expansion of a commercial use, or will lead to the creation or expansion of an accessory use with commercial aspects. In addition, in the Shoreland Zoning Districts, the notice will be issued for any exterior change requiring a building permit. These notices are not required if earlier approvals required for such a permit have been the subject of a public hearing, such as those held for conditional use, site plan review, subdivision, shoreland zoning, a variance, or other similar permitting actions. The notice will be mailed within one week of the issuance of the building permit and shall describe briefly what the permit is for and describe briefly the appeals process. Failure to receive the notice shall not invalidate any action taken by the code enforcement officer. (Amended 4/7/03)

1203-2. BUILDING CODES

Building permits and certificates of occupancy shall be issued in conformance both with the Zoning Ordinance and with Chapter 73 of the Code of the City of Saco. (Amended 6-21-93)

1203-3. SHORELAND PERMITS AND APPROVALS

A. PERMITS REQUIRED

No person shall, without first obtaining a Shoreland Zoning permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

B. SUPPLEMENTAL INFORMATION

All required information in Section 1104 of this Ordinance, Site Plan Review, shall be submitted with all shoreland zone applications.

C. SHORELAND STANDARDS

Prior to approving an application for a Shoreland Zoning Permit or approving it with conditions, the Code Enforcement Officer shall make a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to

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- inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
  7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
  8. Will avoid problems associated with flood plain development and use; and
  9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
  10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing.

D. LIMITS ON SHORELAND APPROVALS

If substantial construction is not commenced within twelve (12) months of the Planning Board's or Code Enforcement Officer's written approval of a shoreland permit, the shoreland permit shall be null and void. Substantial construction shall mean completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. The deadline may be extended for one additional six (6) month period by the Code Enforcement Officer upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the shoreland permit. After the shoreland permit has expired or an extension denied by the Code Enforcement Officer, the applicant may reapply for a shoreland zone approval at any time without prejudice.

The Code Enforcement Officer shall approve the request for an extension unless he/she has become aware of one of the following:

1. additional information that indicates that the plan does not meet the standards of the shoreland zoning provisions;
2. failure to meet a condition of approval;
3. an amendment in the Zoning Ordinance that prohibits or alters the proposed plan.

1203-4. EXEMPTIONS

No permit shall be required for the construction, alteration, relocation, or replacement of any building or part thereof having a total cost of construction of \$500 or less, provided it conforms with the provisions of this Ordinance.

1203-5. MATTER ACCOMPANYING APPLICATIONS

The application for the permit shall be in writing and shall be made on such form as the Code Enforcement Officer shall prescribe, and shall contain a scale drawing of the proposed new, altered or relocated building, or the replacement contemplated, including a plot plan (unless waived by the Code Enforcement Officer). The application shall be filed

with the office of the Code Enforcement Officer.

#### 1203-6. PERMIT APPROVAL

The Code Enforcement Officer, after proper examination of the application, shall either issue the requested permit or transmit a notice of refusal within 10 calendar days. Notice of refusal shall be in writing and shall state the reasons therefore. However, when the Code Enforcement Officer has reason to believe that the proposed construction would not be in compliance with other local regulations or state laws, he shall not issue any building permit until all questions have been resolved to his satisfaction. When a violation of subdivision standards is believed to exist, the Planning Board shall be given an opportunity to examine the proposal.

#### 1203-7. RECORD OF PERMIT APPLICATIONS

Each application for a building permit, together with all plans, drawings, correspondence, and a copy of the issued building permit, shall be made part of a permanent file, and such file shall be kept in a locked cabinet in the City Building.

#### 1203-8. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless all permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials.

### **Section 1204. Enforcement of Shoreland Development Provisions**

1. Nuisances  
Any violation of the Shoreland Provisions including the Performance Standards of Article 7.1 shall be deemed to be a nuisance.
2. Code Enforcement Officer
  - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of Article 7.1. If the Code Enforcement Officer shall find that any provision of this Article 7.1 is being violated, he or she shall notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

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- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of Article 7.1.
  
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. (Amended 1/17/02, 4/3/02)



**Article 13**  
**Legal Provisions**  
(Amended 1/17/02)

**Section 1301. Conflict with Other Ordinances**

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

**Section 1302. Severability**

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

**Section 1303. Violations and Penalties Therefore**

The Code Enforcement Officer is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco any and all actions that may be appropriate or necessary for the enforcement of this Ordinance. This section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

Furthermore, the Code Enforcement Officer is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco any and all actions that may be appropriate or necessary for the enforcement of the Subdivision Regulations. This section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of the Subdivision Regulations.

Any person, firm, corporation, or other business association being the owner or having control of any land, building, or other structures, or any part thereof, which violates any of the provisions of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. § 4452, with fines of not less than \$100 nor more than those amounts set forth in Title 30A M.R.S.A. § 4452. Each day may constitute a separate offense. Fines shall apply following issuance of a Notice of Violation signed by the Code Enforcement Officer. Such notice shall be mailed by certified mail, with return receipt requested, or served in person by the Code Enforcement Officer.

**Section 1304 Actions and Proceedings**

When the actions in Section 1204 do not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary

to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. § 4452, with fines of not less than \$100 nor more than those amounts set forth in Title 30A M.R.S.A. § 4452. Each day may constitute a separate offense. (Amended 1/17/02)

## **Article 14 Amendments**

### **Section 1401. General Procedure**

On petition, or on the recommendation of the Planning Board, or on its own motion the City Council may amend, supplement, or repeal the regulations and provisions of this Ordinance.

The City Council shall refer all proposed amendments to the Planning Board for a report thereon. The Planning Board shall hold a public hearing for consideration of the proposed amendment at least ten (10) days before the report is submitted to the City Council. Notice of the hearing before the Planning Board shall be made public in at least one newspaper of general circulation in the area at least seven (7) days before such hearing. This published notice shall include a small map of the area to be affected.

#### **1401-1. Amendments to Shoreland Development Provisions**

The Shoreland Development provisions in this Ordinance may be amended by majority vote of the City Council, pursuant to the procedures in Section 1401. Copies of amendments, attested and signed by the City Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the City Council. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit received by the City within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner. (Amended 4-21-92)

### **Section 1402. Petition Requirements**

1. An application for change or amendment of the text and/or map of this Ordinance shall include the submittal of a written petition to the City Clerk setting forth the proposed change and the reasons therefore, which shall be promptly referred to the Planning Board for the setting of the hearing date, in accordance with this Ordinance. In the case of a proposed textual change, the petition shall clearly identify and describe that section or portion of the text to be changed and shall identify the proposed revision or amendment being requested.
2. In the case of a proposed map change, the petition shall include the legal description of the parcels of land involved, a scaled drawing of the parcel of land showing all boundary dimensions and the existing and total area, and the proposed zoning classification(s) applying to the parcel(s) of land.

3. The petitioner shall bear the cost of advertising (to notify the general public) and/or postage (to notify abutters and neighborhood property owners) of the change or amendment. The petitioner shall also furnish such addition information as may be necessary to enable the Planning Board to properly evaluate the petition.

### **1402-2. Repetitive Petitions**

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

### **Section 1403. Contract Zoning**

#### **1403-1. PURPOSE**

Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that provisions be made to impose certain limitations or restrictions on the use or development of the property. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the City, and to secure appropriate development consistent with the City's Comprehensive Plan.

#### **1403-2. AUTHORIZATION**

Pursuant to 30A M.R.S.A. § 4352 (8), contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or the unique location of the property, the City Council finds its necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's Comprehensive Plan. Contract zoning shall be limited to property for which a rezoning is requested by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Comprehensive Plan. Areas rezoned under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zones. Contract zoning is

permitted in all zones except RP. By "contract zoning" this section means both contract and conditional zoning as enabled in 30A M.R.S.A. § 4352 (8). (Amended 6/3/02)

#### 1403-3. APPLICATION CONTENTS

A request for a contract rezoning shall include a written petition to the Planning Board requesting a rezoning, including the following:

- A. Evidence of right, title or interest in the property;
- B. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;
- C. A plan showing the location of existing streets and driveways within two hundred (200) feet of the property;
- D. A detailed statement of the proposed use of the property and the precise zoning change requested;
- E. A statement explaining how it is consistent with the Comprehensive Plan and permitted and existing uses within the original zone;
- F. A description of the property's unusual nature or unique location;
- G. A statement setting forth the conditions or restrictions that the applicant proposes. The Planning Board may propose additional conditions or restrictions.

#### 1403-4. HEARING AND NOTICE

- A. The Planning Board shall conduct a public hearing before forwarding its recommendation to the City Council under this provision.
- B. Notice of the hearing shall be posted in City Hall at least fourteen (14) days before the public hearing.
- C. Notice shall also be published twice in a newspaper of general circulation, the date of first publication to be at least seven (7) days before the hearing.
- D. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters to that property. Property owners in the Conservation District, any industrial district, the Resource Protection District, or the R-1, R-2, and R-4 districts, shall be notified by mail if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 District, any business district or the MU district shall be notified by mail when the applicant's property is located within two hundred (200) feet. This notice shall be sent out at least seven (7) days prior to the public hearing. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned. (Amended 10/3/11)
- E. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or City Council.

#### 1403-5. CONDITIONS AND RESTRICTIONS

Article 14 - Amendments

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

- A. limitations on the number and types of uses permitted;
- B. conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions;
- C. specifications for the design and layout of buildings and other improvements;
- D. schedules for commencement and completion of construction;
- E. performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- F. preservation of open space and buffers, and protection of natural areas and historic sites;
- G. provision of municipal services required by the development;
- H. provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;
- I. the dedication or conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

1403-6. RECOMMENDATION

Before forwarding a recommendation a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

- A. is for land with an unusual nature or location;
- B. is consistent with the Comprehensive Plan;
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
- D. that the conditions proposed are sufficient to meet the intent of this section.  
(Amended 12-20-93)

1403-7. FINAL ACTION

Before amending the zoning ordinance for contract zoning, the City Council shall adopt the Planning Board's findings or other findings indicating that the rezoning is consistent with all four standards of 1403-6. (Amended 12-20-93)

1403-8. STATUS OF AMENDMENTS

Amendments to the zoning map and ordinance made under this section may be

amended or repealed by the City Council.

1403-9. OTHER PERMITS

All applications for contract zoning are subject to site plan review. An applicant may seek other permits at the same time as he or she is seeking the contract zoning as if the contract zoning were already in effect, or may seek them after the City Council has approved the zoning amendment. If the applicant seeks approval before final Council action on the amendment, the Planning Board shall make its approval of these other permits contingent on the City Council's approval of the contract zoning amendment. (Amended 12-7-92)

**Article 15**  
**Effective Date**

SECTION 1501.

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



**Article 16**  
**Impact Fees**  
(Amend 9/17/02)

**Section 1601. General Provisions for Impact Fees**

1601-1. PURPOSE

The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

1601-2. AUTHORITY

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

1601-3. PAYMENT OF IMPACT FEES

The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.

1601-4. IMPACT FEE ACCOUNTS

All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.

1. Recreational Facilities Impact Fee Account
2. Open Space Facilities Impact Fee Account

1601-5. USE OF IMPACT FEES

Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities.

The following costs may be included in the capital cost of the infrastructure improvement:

1. acquisition of land or easements including conservation easements,

2. engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. the actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. mitigation costs,
5. legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. debt service costs including interest if the City borrows for the construction of the improvement,
7. relocation costs, and
8. similar costs that are directly related to the project.

#### 1601-6. REFUND OF IMPACT FEES

Impact fees shall be refunded in the following cases:

1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the City Planner and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.
2. Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

#### 1601-7. MODIFICATION OF IMPACT FEES

The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the City Council, or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or
3. The project subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units, or
4. The project involves the construction of elderly congregate housing assisted living, or other eldercare facilities.

#### 1601-8. REVIEW AND REVISION

The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

### **Section 1602. Recreational Facilities and Open Space Impact Fee**

#### 1602-1. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements.

1. The development of the City's former landfill on the Foss Road into a multi-purpose community recreational complex.
2. The development of a skating area at Pepperell Park or another location.
3. The construction of a baseball field at the Middle School Recreational Area.
4. The construction of pedestrian and bicycle trails including the City's share of the cost of the development of the Eastern Trail.
5. The acquisition of land for the future development of community recreation facilities, and/or

6. The development of other community recreational facilities that expand the City's supply of recreational areas or facilities.

The open space facilities portion of this impact fee may be used for the following improvements:

1. The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

#### 1602-2. NEED FOR THE IMPROVEMENTS

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

#### 1602-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:

1. No impact fee shall be paid if the dwelling unit is located in a subdivision that was approved by the Saco Planning Board prior to the date of adoption of this Article.
2. No impact fee shall be paid if the dwelling unit is located in a subdivision which is a complete application under review by the Saco Planning Board prior to the date of adoption of this Article.
3. The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City's Subdivision Regulations.
4. The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City's Subdivision Regulations.
5. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use

within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

6. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.

7. Downsizing Provisions for Elderly Homeowners (Amended 7/2/02)

Persons building new single-family dwelling units which meet the requirements of subparagraphs A through D of this subsection are not required to pay the recreation and open space impact fee.

However the transfer of the property by any means during the five years following the issuance of a building permit shall require that the impact fee be paid. Likewise the property shall not be leased or rented during the five years after the issuance of a building permit unless the impact fee is paid. An agreement outlining the limitations on the waiver shall be recorded at the York County Registry. Evidence of the recording shall be presented to the code enforcement officer before the building permit is issued.

- A. The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least 20 years.
- B. The owner(s) is/are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.
- C. At least one owner of the proposed house is 62 years old or older.
- D. The proposed house is a single-family dwelling unit with one or two bedrooms.

1602-4. CALCULATION OF THE FEE

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

Single family dwellings and mobile homes	3.2 people/unit
Dwelling unit in a two-family or multi-family dwelling with:	
a. one bedroom	1.2 people/unit
b. two bedrooms	2.0 people/unit
c. three or more bedrooms	3.0 people/unit

Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households sixty-five years of age or older

1.2 people/unit

**1602-5. IMPACT FEE**

Fees shall be determined by Council after a public hearing.

**1602-6. COLLECTION OF THE FEE**

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1602-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

**1602-7. EFFECTIVE DATES**

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article.

Article 16 - Impact Fees

Appendix, Impact Fees

<b><u>Section of Code</u></b>	<b><u>Fee Name</u></b>	<b><u>Description</u></b>	<b><u>Fee</u></b>
Zoning Ordinance, Article 16, §1602-5	Impact Fees	Per Capita Impact Fee	\$531.00
		Recreational Facilities Per Capita	\$375.00
		Open Space Component Per Capita	\$156.00

**Editor's Note:**

For ease in record keeping, contract zoning actions by the City Council will be recorded here with the Map and Lot number of the property, street address, the owner's name at that time, and the date of City Council action.

1. Map 87, Lot 7, 64 New County Road, Jacqueline and Donald Mercier, [January 3, 1994](#). Request to sell antiques, not allowed in the R-1d zone. (NS)
2. Map 31, Lot 44, 45, 47, 49, 50, 53, 54, 56, 57, 58, 59, Wardwell, Middle, Free, High and School Streets. [July 1, 1996/November 16, 1996](#). Change to allow buildings in excess of the 35ft, but not more than 50ft.(NS)
3. Map 32, Lot 179, Phil Hatch, 95 King Street, [August 6, 1996](#). Request to allow elderly congregate housing, not permitted in the R-1b district.(S)
4. Map 40, Lot 21, Map 53, Lot 170 German Auto Services, 201 North Street, [March 3, 1997](#). CZ to allow for the selling of vehicles in an R-2 district. (S)
- 4a. Map 40, Lot 21, Map 53, Lot 170, German Auto Services, 201 North Street, [October 22, 2007](#). CZ is amended by adopting the change in use to allow the selling of vehicles from its site at 201 North Street and expand its existing repair facility by the addition of a building 60' x 32'.(S)
5. Map 39, Lots 218 & 218-1, Care-Matrix Alzheimer's Facility, [November 24, 1997](#), 392 Main Street. CZ to allow an Alzheimer Care facility and also allow a reduction in a side yard setback in an R-1b zone. (NS)
6. Map 33, Lot 24-1, Volunteers of America (Paul Hazelton House), [January 20, 1998](#), 7 Smith Lane. Change in use and density and parking setbacks in B-2d zone. (NS)
- 6a. Map 33, Lot 25-1, Volunteers of America, 439 Main Street, Elderly Congregate Housing up to 40 residential units, which is not allowed in the R-1b district. [Adopted August 3, 2009](#).
- 6b. Map 65, Lot 19-1, Volunteers of America, 333 Lincoln Street, Multi-family dwelling (11 units) in the R-2 district. [Adopted on February 2, 2009](#).
- 6c. Map33, Lot 25-1, Volunteers of America, 439 Main Street, (Smith Lane), Elderly Congregate Housing for 31 units, which is not allowed in the R-1b district. [Adopted June 26, 2011?](#)
7. Map 33, Lot 17, South Port Properties Realty Trust, Smith Lane, [January 18, 2000](#). 64-unit elderly assisted care housing not allowed in a R-1b zone. (NS)



8. Map 62, Lot 21-0-1, Saco Tower Operators Inc. 955 Portland Road, [July 24, 2000](#). To allow the construction of a 400' Radio/TV Transmission Tower in a B-6 zone.(NS)
9. Map 92, Lot 21, Tower Ventures Inc., 175 Flag Pond Road, Cell Tower not allowed in a C-1 district. [August 7, 2000](#). (S)
10. Map 32, Lot 131 First Parish Church, 12 Beach Street, [May 6, 2002](#). Change in setback from 25 ft to 15 ft and to change building height from 35ft to 70ft in an R1b zone. (S)
11. Map 33, Lot 17, Senior Living Inc., Smith Lane, [June 17, 2002](#) Elderly assisted care housing not allowed in a R-1b zone (S)
12. Map 22, Lot 40, First Atlantic Health Care, Ferry Road (88 Harbor Dr), [October 21, 2002](#). Elderly Congregate Housing, not allowed in a R-1a zone. (S)
- 12a. Map 22, Lot 40, First Atlantic Health Care, Ferry Road, Elderly Congregate Housing, [amended April 22, 2003](#), [amended January 22, 2007](#).(S)
- 12b. Map 22, Lot 40, First Atlantic Health Care, Ferry Road, Elderly Congregate Housing, [amended April 22, 2003](#), [amended January 22, 2007](#), [amended April 28, 2008](#).(S)
13. Map 53, Lot 166, Random Orbit LLC/Peter Bass, 18 Park Street, [December 15, 2003](#). Condominiums. R-3 Zone. Change in density per unit, from 4000 sq.ft to 1993 sq ft.(S)
14. Map 70, Lot 6, Duane Thomas Corp/Telecommunications, Cell Tower, 28 Industrial Park Road, [February 17, 2004](#). Cell Towers are not allowed in an I-2 zone.Z (S)
15. Map 39, Lot 180, David & Lisa Norburg, 65 North Street, [March 1, 2004](#). Tea Room. Eating Establishments are not allowed in an R-3 zone.(NS)
16. Map 39, Lot 37, Russell & Linda Thibeault, 66 North Street, [October 18, 2004](#). Spa and Salon. Personal Services are not allowed in an R-3 zone.(S)
17. Map 48, Lot 4 and Map 62, Lot 1, Village Works Development, Cascade/Portland Road, [July 15, 2005](#). Multi-family dwellings are not allowed in a B-6 zone. (NS)

18. Map 123, Lot 21, Doyle Enterprises, Don and Jean Horton, 464 Buxton Road, [November, 7, 2005](#). C-1 zone. CZ was needed to allow a clustered subdivision w/min.lot size, frontage, setback and stormwater standards. CZ would not require city water and city sewer. (S)
19. Map 33, Lot 6 Linron Inc, Saco Realty Limited, York County Federal Credit Union, 491 Main Street, [October 11, 2005](#). New facility to address mutual access, parking, signage and setback issues with YCFCU and CVS. (S)
- 19a. Map 33, Lot 6 (Linron); Lot 7 and 4-1 (SRLP) and Lot 9 (YCFCU), 491 Main Street. [Amended August 4, 2008](#). The installation and maintenance of a single Main Street curb cut, and the establishment of a common rear drive to Shannon Lane benefiting all three uses. (S)
- 19b. Map 33, Lot 6 (Linron); Lot 7 and 4-1 (SRLP) and Lot 9 (YCFCU), 491 Main Street. [Amended October 18, 2010](#). The installation and maintenance of a single Main Street curb cut, and the establishment of a common car drive to Shannon Lane benefiting all three uses. (S)
20. M 38, Lot 162, Town & Country Credit Union, 70 Temple, 54 and 48 Elm Street, [December 19, 2005](#). Credit Unions are not allowed in the R-3 zone (S)
21. M 32, Lot 132, Acapello Salon, 401 Main Street, [January 17, 2006](#). Personal services are not allowed in an R1-b zone. [Amended June 26, 2006](#). (S)
22. M64, Lot 6-1, Park North Development, LLC and Preston Properties, LLC, 1031 Portland Road and Eastview Parkway, [May 1, 2006](#). Mixed use development.(S)
- 22a. Map 48, Lot 4, Park North Development, Cascade Inn Property at 941 Portland Road, [Adopted September 5, 2006](#). Multi-use. Zoned B-6, BP and C-1.
23. Map 33, Lot 25-1, JW Group/Waterhouse, 439 Main Street, [June 26, 2006](#). Rear parcel to be developed into a 13-unit condominium with access from Smith Lane. Zoned R-1b. Multi-family is not allowed in the R-1b district.
24. Map 38, Lot 228, Riverbank, LLC, 44 Lincoln Street, [September 5, 2006](#). Retail. Zoned R-1b. (S)
25. Map 116, Lot 22-1, Saco Pathfinders Snowmobile Club, 42 Heath Road, [adopted July 7, 2008 and amended July 21, 2008](#). CZ required to allow “Lawnmower Races”, where it is not otherwise allowed in the C-1 district. (S)

26. Map 29, Lot 7, Bear Brook Estates, LLC, 27 Ocean Park Road, OOB, Maine, **Adopted June 1, 2009**. With Mobile Home Parks not being an allowed use in the R-4 or B-2c zone, applicant is proposing 41 lots. (S)
27. Map 10, Lot 53, 54 and 57, Estates at Bay View, 313 Seaside Ave, **Adopted March 1, 2010**. Develop 14 single family residential lots. (S)
28. Map 31, Lot 2, Don and Janet McGarva, 319 Main Street. Add consumption of ice cream on premises to a retail use. **Adopted December 6, 2010**. (S)
29. Map 76, Lot 11, Michael and Brenda Maksut, 128 Flag Pond Road. Establish an Auto Repair Garage. Auto Repair is not allowed in an R-1a district. **Adopted January 18, 2011**.
30. Map 125, Lot 10, Maine RSA #1, Inc. 202 McKenney Road. Construction of a Wireless Telecommunication Facility. Cell towers are not permitted in the C-1 district. **Adopted June 1, 2009**.
31. Map 97, Lot 13, WayWay Store, Peter Scontras, Donald and Maynard Cousens, Establish a retail store on the first floor of an existing two-story building. Retail is not allowed use in the R-1d zoning district. **Adopted May 23, 2011**.
32. Map 116, Lot 6 and 6-1, Thibodeau Family Property Trust, To allow the existing lawfully non-conforming use as business office, distribution, light manufacturing, wholesale trade and warehousing to continue as legally conforming uses, and to allow the existing lawfully non-conforming setbacks of the buildings to be treated as lawfully conforming until such time as redevelopment occurs. **Adopted March 19, 2012**.