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Standards of Performance

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:

- 1) No buildings or structure used in connection with such services may be located

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- 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 property where no rear yard exists, a side yard may be used as long as the 25 foot

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- 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 from the edge of said waterbody toward its center. These dimensional standards

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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, mud or other materials from the earth removal operation.

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- 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

In addition to the items required to be submitted as part of site plan and

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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;
- 3) Provision of temporary or permanent drainage;

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- 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 turned off or disconnected, and the electrical service to all sites shall be turned off or

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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;
 - g) Freestanding decks, sheds, and Recreational Vehicle Accessory Enclosures

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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 mobile home park shall meet the requirements in Table 412-2, Mobile Home Park

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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
- (4) Date of arrival

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(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;
- 5) Be sited such that a minimum horizontal dimension of 14 feet faces the street in

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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

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 development as part of its review of the preliminary subdivision plan under the city

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Subdivision Ordinance.

706-2. PERFORMANCE STANDARDS

- 1) The minimum area of land in a planned development shall be five acres.
- 2) Each building, parking area, and other facility in the proposed development shall be an element of an overall master plan.
- 3) Facilities shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage conditions.
- 4) Where open space is proposed as part of the planned development, it shall be clearly noted on the final subdivision plan.
- 5) 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 under 23 M.R.S.A. § 1901-1925, as amended, are permitted for businesses located in Saco on the following zones: B-1, B-2, B-5, B-6, I-1 and I-2, subject to all restrictions and conditions of 23 M.R.S.A. § 1901-1925, as amended.
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

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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:

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

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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 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

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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.

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

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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, B-2b 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.
 - 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.

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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.
 - 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

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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 between April 1 and November 1 on the sidewalks in front of any business on Main Street, Beach Street, and in Pepperell Square, 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, be of sturdy construction, and shall be weighted to prevent them from blowing over. All such signs shall be neatly painted and subject to review under the Historic Preservation section of this ordinance. An annual permit shall be obtained each year to assure compliance. The city may remove from public property any A-frame sign which is not in compliance with this ordinance.
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,

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and shall be maintained in an attractive, untattered condition.

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Table 707 - Signs in Business and Industrial Zones (Amended 9/5/06)

	B-3/B-5, B-4 if no planned development under 410-8	B-1/B-2c/I-1/I-2 and B-2D	B-2b/B-6	B-2a	B-7
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
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
Multiple occupancy premises, number and type of signs:					
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
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
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
Size limits, individual sign types for all zones:					
Wall and awning signs maximum size	100 sf	100 sf	150 sf	150 sf	16 sf
Freestanding and projecting signs maximum size per side	50 sf	75 sf	100 sf	100 sf	16 sf
Minimum size			48 s.f.		

allowance per premise					
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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, may receive a parking waiver in whole or in part from the Planning Board, 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 under utilized space within a building that exists on June 19, 1995. It does not include additions to buildings, except for dormers or other roof structures that may make an upper floor more useable. 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).

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, the parking requirements of Table 708-2 are reduced by 50 percent. (Amended 4/3/89; 6/19/95)

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**Table 708-2
Minimum Off-Street Parking Spaces Required By Use**

Use	Minimum Off-Street Parking Spaces Required
Single family residential	2 spaces per dwelling unit
Two family residential	2 spaces per dwelling unit
Multifamily residential	2 spaces per dwelling unit plus one visitor's space for every 6 units or fraction thereof (Amended 8/04/03)
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
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

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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, this is increased to 1,200 feet. The Planning Board may approve off-site parking or the joint use of a parking facility 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

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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 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)

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- 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

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

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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 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.

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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)

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

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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 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)

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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 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:

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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, 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

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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, 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

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- 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, accountant, or similar professional
 - f) office of a real estate broker or agent
 - g) office of an insurance agent or broker

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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 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

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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 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

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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;
 - 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:

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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

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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.
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

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- 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 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

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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. 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.

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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 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.

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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
 - 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)

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- 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. 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

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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,
 - 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.

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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.
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

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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 accommodate.
4. A written statement prepared by a qualified professional addressing why

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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.
2. Proximity of tower to residential development or zoning districts.
3. Nature of uses on adjacent and nearby properties.

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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 grade shall be installed around the telecommunications facility and all accessory buildings. Access to the tower shall be via a lockable gate.

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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. 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. (Amended 1/2/07)
- 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.



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

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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:
- 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.

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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 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

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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.



The shape and proportion of the roof shall be articulated so as to reduce the apparent size of new buildings and lend visual interest.

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- 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.



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.

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:

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- 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 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,

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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, than 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.
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

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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:

- 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

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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.
- 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.

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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.
- 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

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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.