

## **Article 3 Definitions**

### **Section 301. Interpretation**

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

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

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

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

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

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

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

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

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

18 years of age, it will be deemed to be a significant or substantial portion of the business. (Amended 1/19/93)

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

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

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

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

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

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

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

**Antenna:** Any exterior apparatus designed for the transmission or reception of radio or electromagnetic frequency signals. (Amended 10/21/02)

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

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

**Artist or craftsperson studio:** The place of work of an artist, craftsperson,

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

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

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

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

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

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

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

**Boardinghouse:** A residential structure where lodging alone, or lodging in conjunction with meals are provided for compensation for a period of at least one week. There shall be no provisions for cooking in any individual guest room. Such terms as tourist homes, lodging houses, and terms suggesting a similar context shall be included under the term. However, this definition shall not apply to private homes used as lodging houses only, where no meals are served to guests, where no more than three rooms are let to the public. (Amended 2/19/02)

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

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

**Business services:** A commercial activity which renders an actual service (such as

cleaning, repairing or consulting) where a business is the end user, and which involves no retail sales upon the premises.

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

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

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

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

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

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

**Coastal wetland:** All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. Note: all areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marches and salt meadows. (Amended 4/21/92; 6/29/09)

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

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

**Commercial recreation:** Any commercial enterprise, which receives a fee in return for

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

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

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

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

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

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

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

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

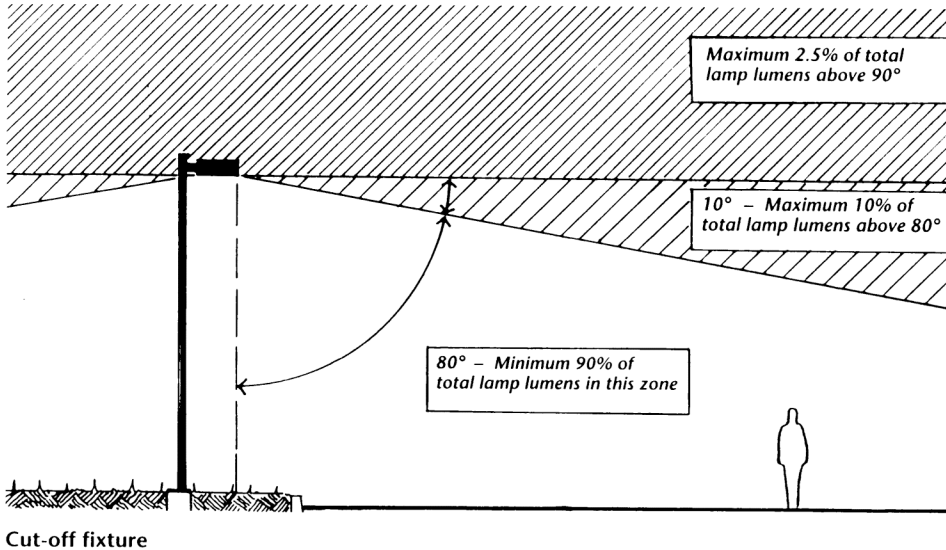
**Conforming use:** A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

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

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

**Cut-off fixture:** A lighting fixture or luminaire that controls glare by directing light well below the horizontal. A cut-off fixture shall limit the direction of light so that a maximum of 2.5% of the total lamp lumens shine above 90 degrees or a line parallel to the surface of the ground and a maximum of 10% of the lamp lumens shine above

80 degrees as shown in the following sketch. (Amended 10/15/2001)



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

**Day care home:** A dwelling or other place providing day care or babysitting services to 7 to 12 children and fully meeting the licensing requirements of the Maine Department of Human Services. (State registration does not meet the requirements of this definition. State licensing is required.) (Amended 8/1/88)

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

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

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

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

(a) **Single-Family Dwelling:** A structure containing only one (1) dwelling unit for occupancy by not more than one (1) family. The term shall include multi-sectional

manufactured housing units, but shall not be deemed to include single-wide manufactured housing units or pre-1976 mobile homes. (Amended 5/9/90)

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

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

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

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

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

g) **Residential dwelling unit in the Shoreland Zone:** a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented.

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

**Elderly congregate housing:** A type of living accommodation, including multiple individual rooms or dwelling units, to be occupied by persons over 55 years of age (or in the case of couples, at least one of the two persons shall be over 55) as a residential shared living environment. Such construction may include small individual apartments with kitchens or individual rooms, either of which shall be combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy. Elderly congregate housing shall be certified by the State of Maine Department of Human Services as elder supportive housing or as an assisted living facility. Elderly congregate housing shall be located only on sewered lots at the following densities: one unit per 1000 square feet of land

in the R-3 and B-3 districts, and one unit per 2000 square feet of land in the R-2, R-4 and R-1c districts. Elderly congregate housing complexes shall not average more than 1.5 bedrooms per unit. (Amended 5/4/87; 9/6/94)

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

**Enclosed sports arena:** A facility used for indoor sports such as hockey, figure skating, basketball and soccer, as well as social and business functions such as conventions, dances, home shows and similar events. The facility can include as accessory uses eating and drinking places, a retail sales area for sports related merchandise, and other accessory uses if permitted in the district. (Amended 3/1/99)

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

**Expansion of a structure:** An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses. (Amended 4/21/92)

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

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

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

agricultural business. (Amended 11/5/2001)

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

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

**Flea market:** An outdoor market customarily involving tables or space rented to vendors selling antiques, used household goods, curios, and the like, at a frequency of more than four (4) days in any six (6) month period.

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

**Food and drink:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Glare, Direct – Glare resulting from insufficiently shielded light sources or areas of

excessive luminance within the field of view.

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

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

**Golf course:** A golf course is an area of at least 75 acres laid out for the playing of golf, with a series of 9 or 18 holes, including tees, fairways and putting greens and often one or more natural or artificial hazards. A golf course may include a building where food and beverages are served to golf course patrons, members, guests of members, a maintenance facility, an associated golf practice range, shelter for players, and other accessory structures, except where otherwise limited by this Ordinance. Additional limitations on buildings at golf courses in residential and conservation districts are included in Section 722. (Amended 12/7/98)

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

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

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

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

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

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

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

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

**Home based retail use:** A business in combination with an occupied residence involving the sale of retail goods that have a low impact on neighboring properties and low

volume of vehicular traffic relative to other retail uses of the same size. A Home Based Retail Use shall meet the following requirements:

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

**Home occupation:** An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing in the dwelling unit which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof; and which conforms with the conditions set forth in Section 711 of this Ordinance.

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

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

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

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

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

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

**Indoor recreation:** Non-profit, governmental, or for profit facilities designed and equipped for the conduct of indoor sports, leisure time and recreational activities, and similar activities in which all activity occurs within a building or fully enclosed

structure. Indoor recreation includes, by way of example only, skating rinks, bowling alleys, gymnasia, racquetball clubs and indoor tennis facilities. (Amended 2/19/02)

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

(a) discarded, worn-out or junked plumbing and heating supplies or household appliances and furniture;

(b) discarded scrap and junked lumber;

(c) old or scrap copper, brass, rope, rags, batteries, paper, rubber, and all scrap iron, steel and other ferrous or non-ferrous material, including motor vehicles.

(Amended 2/19/02)

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

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

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

**Lot area:** The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body and areas within rights of way serving more than two lots. (Amended 4/21/92; 3/7/05-4/6/05)

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

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

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

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

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

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

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

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

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.  
(Amended 5/9/90)

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

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

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

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

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

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

**Mineral exploration:** Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. (Amended 4/21/92)

**Mobile home park:** A parcel of land under unified ownership designed and/or used for the placement of three or more manufactured housing units. Unified ownership does not include condominium associations, homeowner associations, or similar organizations. Mobile home parks are subdivisions. (Amended 5/9/90)

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

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

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

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

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

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

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

- a. Area of right of way for new access roads, and parking areas. Rights of way or easements for landscaped buffer strips, and walking/bicycle paths not part of a street right of way need not be deducted.
- b. Areas that are, because of existing land uses or lack of access, isolated and

unavailable for building purposes or for use in common with the remainder of the parcel.

c. Areas within Zone V or VE, coastal flood with velocity hazard, a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.

d. Wetlands.

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

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

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

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

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

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

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

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

By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses and terrestrial vegetation includes but is not limited to the

following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples. In places where the shore or bank is of such character that the high water line cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method. (Amended 6/29/09)

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

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

**Office-business:** A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place, but where no consumer retail services are performed and no retail consumers use the premises. Amended 2/19/02)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Repair service:** A business providing for the repair of personal and business property such as radios and televisions; electrical and electronic equipment; computers; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; musical instruments; and similar items but not including the repair of motor vehicles, boats, or heavy equipment. Retail sales of parts and supplies shall be allowed, provided such sales are accessory to the repair service. (Amended 4/7/03/5/7/03)

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

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

**River, stream or brook:** A channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

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

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

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

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

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

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

**Schools:**

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

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

- (1) the school is not operated for a profit or as a gainful business; or
  - (2) the school teaches courses of study which are sufficient to qualify attendance there as compliance with state compulsory education requirements.
- (b) **COMMERCIAL SCHOOLS:** Schools or institutions which are commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

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

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

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

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

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

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

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

**Small engine repair:** A business that services and repairs small equipment such as snow

blowers, lawnmowers, rototillers, chainsaws, trimmers, garden tractors, and similar equipment powered by a gasoline engine or motor of less than twenty (20) horsepower or its equivalent. Small engine repair includes the sales of parts, supplies, and accessories for small equipment. Small engine repair does not include the repair or servicing of motor vehicles, motorcycles, boats or marine engines, all terrain vehicles (ATVs), or heavy equipment. (Amended 4/7/03)

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

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

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

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

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

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

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

**Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but not including sidewalks, fences, driveways,

parking lots and non-commercial swimming pools (whether above-ground or in-ground).

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

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

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

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

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

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

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

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

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

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

**Unusual Natural Area:** means any land or water area, usually only a few acres in size, which is undeveloped and which contains natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such are, as may include: rare or exemplary plant communities; individual plant species of unusual interest because of size, species or other reasons; unusual or exemplary bogs; unusually important wildlife habitats, particularly those of rare or endangered species; unusual land forms; fossils and other deposits of importance to geologists; outstanding scenic areas; and others of similar character. (Amended 2/17/04-3/18/04)

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

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

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

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

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

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

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

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

**Wetlands:** Areas which are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall be delineated according to the current version of the "Army Corps of Engineers Wetland Delineation Manual (1987)". Delineations done using the 1989 "Federal Manual for Identifying and Delineating Jurisdictional

Wetlands" are also acceptable. (For definitions related to shoreland zoning, *see* Freshwater Wetlands, Coastal Wetlands, and Wetlands Associated With Rivers.) (Amended 8/2/93)

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

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

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

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

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

(b) Yard, Side: the area of land between the side lot line and the nearest part of the principal building.

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

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