

## SECTION 4 – SCHEDULE OF USES

### A. ACTIVITIES DESCRIBED

A schedule listing the uses permitted in the various Districts, under this Ordinance begins in subsection F (Schedule of Uses) of this Section. The permitted uses may be affected by State and Federal law.

The various land uses contained in the schedule are organized according to the following activity classifications:

1. Resource Extraction and Rural Uses
2. Residential Uses
3. Institutional Uses
4. Commercial Uses
5. Industrial Uses
6. Transportation and Utilities

### B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

#### 1. DISTRICT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
V	Village District
RR	Rural Residential District
R	Rural District

#### 2. PERMIT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
Y	Uses Allowed Without a Permit
NO	Uses Prohibited Within District
CEO	Use Requires a Code Enforcement Permit
PB	Use Requires a Planning Board Permit

### C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT** – Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in schedule.

2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT** – Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.
3. **USES REQUIRING A PLANNING BOARD PERMIT** – Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

**D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED**

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses, shall be prohibited.

**E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED**

All uses permitted must occur and be maintained in compliance with the application requirements and performance standards contained in Section 5 (Land Use Standards).

## F. SCHEDULE OF USES

Table 4-1

	Village District	Rural Res. District	Rural District
<b>Resource Extraction and Rural Uses</b>			
1. Agriculture	PB	Y	Y
2. Boarding and riding stables	PB	PB	PB
3. Commercial timber harvesting provided that all State required permitting has been obtained	Y	Y	Y
4. Filling, grading, draining, dredging or alteration of a water table or level; and not meaning a pit or hole sunk into the earth to reach a supply of water, with appropriate state permits	PB	PB	PB
5. Outdoor recreation such as parks, playgrounds and golf courses	PB	PB	PB
6. Private, non-commercial stables	CEO	Y	Y
7. Roadside produce stand	CEO	Y	Y
8. Mineral Extraction for road purposes only, affecting an area of less than two acres in size (see also Commercial Uses, # 11)	CEO	CEO	CEO
9. Mineral Extraction for road purposes only, affecting an area of two acres or greater in size (see also Commercial Uses, # 11)	PB	PB	PB
10. Accessory structure, uses, or services that are essential for the exercise of uses listed above	PB	PB	PB
<b>Residential Uses</b>			
1. Single-family dwelling	CEO	CEO	CEO
2. Single family mobile home	CEO	CEO	CEO
3. Duplex (two family)	CEO	CEO	CEO
4. Multi-family dwelling	PB	PB	PB
5. Mobile home park (see Section 5-Land Use Standards)	PB	PB	N
6. Home Occupation	PB	PB	PB
7. Accessory apartment	PB	PB	PB
8. Accessory structures, uses or services that are essential for the exercise of uses listed above (#s 1, 2, 3, 7)	CEO	CEO	CEO
9. Accessory structures, uses or services that are essential for the exercise of uses listed above (#s 4, 5, 6)	PB	PB	PB

	Village District	Rural Res. District	Rural District
<b>Institutional Uses</b>			
1. Cemetery	PB	PB	PB
2. Church	PB	PB	PB
3. Day care center	PB	PB	PB
4. Fraternal order and service club	PB	PB	PB
5. Governmental facilities and grounds	PB	PB	PB
6. Group development, congregate housing, boarding home facility	PB	PB	PB
7. Hospital	PB	PB	PB
8. Medical clinic, nursing home, assisted living, rehabilitation facility	PB	PB	PB
9. Museum	PB	PB	PB
10. Public or private school	PB	PB	PB
11. Religious services as ancillary use	PB	PB	PB
12. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB
<b>Commercial Uses</b>			
1. Art gallery, craft shop, gift shop	PB	PB	PB
2. Auction barn	PB	PB	PB
3. Automobile sales lot	PB	NO	NO
4. Automobile service station and repair garage	PB	PB	PB
5. Aviation (helipad, seaplane base, airfield)	PB	PB	PB
6. Bed and breakfast	PB	PB	PB
7. Campground, tents only	PB	PB	PB
8. Campground, RVs, trailers	PB	NO	NO
9. Commercial complex	PB	NO	NO
10. Commercial greenhouse, garden, landscaping business	PB	PB	PB

	<b>Village District</b>	<b>Rural Res. District</b>	<b>Rural District</b>
11. Commercial Mineral Extraction for other than road purposes only (see also Resource Extraction and Rural Uses, #s 8 and 9)	PB	PB	PB
12. Communication facility	PB	PB	PB
13. Commercial towers	PB	PB	PB
14. Financial institution	PB	NO	NO
15. Funeral home	PB	PB	NO
16. Grocery and variety store	PB	PB	PB
17. Health spa, fitness club, gym	PB	PB	PB
18. Indoor entertainment and recreation	PB	PB	PB
19. Kennel-boarding site	NO	PB	PB
20. Laundry, dry cleaning establishment	PB	NO	NO
21. Liquor store	PB	NO	NO
22. Motel, Hotel	PB	PB	PB
23. Outdoor storage business	PB	PB	PB
24. Professional offices, office building	PB	NO	NO
25. Redemption center	PB	PB	NO
26. Rental cabins and cottages	PB	PB	PB
27. Restaurant	PB	PB	NO
28. Repair service (other than auto)	PB	PB	PB
29. Retail outlets	PB	NO	NO
30. Self storage building	PB	PB	PB
31. Service business	PB	PB	PB
32. Signs	CEO	CEO	CEO
33. Take out food service	PB	PB	PB
34. Veterinary clinic	PB	PB	PB
<b>Industrial Uses</b>			
1. Automobile graveyard, junkyard	PB	PB	PB
2. Bulk oil and fuel storage, in excess of 50 gallons except for on site purposes	NO	PB	PB
3. Construction equipment storage	CEO	Y	Y
4. Firewood processing – no structures	CEO	Y	Y
5. Light manufacturing assembly plant	PB	PB	PB

	<b>Village District</b>	<b>Rural Res. District</b>	<b>Rural District</b>
6. Lumber yard	PB	PB	PB
7. Manufacturing			
A. Newspaper facility	PB	PB	PB
B. Print shop	PB	PB	PB
C. Pulp mill	PB	PB	PB
D. Saw mill - no structures	PB	Y	Y
E. Sewage treatment facility	PB	PB	NO
F. Solid waste transfer station	NO	PB	PB
G. Transportation facility and terminal	PB	PB	PB
H. Warehouse	PB	PB	PB
8. Quarrying <sup>1</sup>	NO	NO	PB
9. Wholesale business facility	PB	PB	PB
10. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB
<b>Transportation and Utilities</b>			
1. Major utility facilities such as transmission lines, but not including service drops	PB	PB	PB
2. Road construction projects, other than land management roads, and not part of a project requiring Planning Board approval	PB	PB	PB
3. Road construction projects, other than land management roads, which are part of a project requiring Planning Board approval	PB	PB	PB
4. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB

<sup>1</sup> The prohibition on Quarrying as an Industrial Use in the Village and Rural Residential Districts does not apply to the incidental removal of bedrock by blasting or other means in the course of construction of roads and driveways, building foundations, subsurface disposal systems, utilities or other facilities at other uses that are permitted in those districts, nor to the storage or sale of stone or stone products at other uses permitted in those districts.

## **G. DIMENSIONAL REQUIREMENTS**

### **1. PREAMBLE**

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

### **2. MINIMUM LOT STANDARDS:**

**Table: 4-2**

	<b>Village</b>	<b>Rural Residential</b>	<b>Rural</b>
Area – single residential	40,000 square feet 30,000 square feet (cluster development or 10% affordable)	60,000 square feet 50,000 square feet (cluster development or 10% affordable)	3 Acres 2 Acres (cluster development or 10% affordable)
Area – multi family	40,000 square feet (first unit) 20,000 square feet (each additional)	60,000 square feet (first unit) 20,000 square feet (each additional)	3 Acres
Area – commercial	80,000 square feet	60,000 square feet	3 Acres
Shoreland Frontage	200'	200'	200'
Road Frontage	100'	150'	150' (200' State Numbered Highways)
Road setback	50' (See Note 7a.)	75'	75' (Including State Numbered Highways)
Shore line setback	100'	100'	100'
Wetland setback	75'	75'	75'
Side & rear setback	15'	15'	15'
Minimum width	100'	100'	100'

#### **Notes:**

1. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
2. Lots located on opposite sides of a public or private road shall be considered each a separate tract, or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
3. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

4. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.
5. Clustered housing within the shoreland zone may be permitted provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.
6. The shore front common area shall have a minimum of fifty (50) feet for each Residential dwelling unit.
7. Buildings existing at the time of the enacting of this ordinance can be expanded in accordance with the setback requirements existing prior to the enactment, if the setbacks established in this ordinance cause them to be non-conforming.
- 7a. Road setbacks in the Village district may be reduced to 25', in areas of high density, or in keeping with neighborhood character.
8. BACK LOT PROVISION

Access to Lots: No building permit shall be issued to erect any structure on a lot without frontage on a highway, street, lake or pond unless an access road meeting the following criteria has been constructed within a deeded right-of-way, a minimum of thirty (30) feet in width. The access road shall be constructed to a minimum width of fifteen (15) feet. The access road shall contain a minimum depth of fifteen inches of bank-run gravel and have drainage ditches, culverts and turnarounds at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving three dwelling units or more shall meet the road design and construction standards of the Sebago Planning Board Standards for Reviewing Land Subdivisions.

Set Back: No building shall be erected on a lot unless the building shall be set back from the highway right-of-way at least twenty-five feet. [The rear line and side line setback requirements shall change from fifteen (15) feet to five (5) feet for accessory buildings to be placed on lots of less than 20,000 square feet. This shall be meant to include no more than one structure of no more than 150 square feet, of no more than ten (10) feet in height, and shall not be used for additional dwelling unit(s).] [Added as an amendment on October 22, 2002.]

Side Yard Width: No building shall be set less than fifteen (15) feet from any adjoining lot line. [The rear line and side line setback requirements shall change from fifteen (15) to five (5) feet for accessory buildings to be placed on lots of less than 20,000 square feet. This shall be meant to include no more than one structure of no more than 150 square feet, of no more than ten (10) feet in height, and shall not be used for additional dwelling unit(s).] [Added as an amendment on October 22, 2002.]

9. The roadway or highway frontage setback measurement is to start at the edge of the established right-of-way.



## **H. AQUIFER PROTECTION OVERLAY DISTRICT**

### **1. INTENT**

To protect the groundwater resources of the Town from adverse development or land use practices (such as but not limited to the disposal or storage of solid wastes, sludge, subsurface waste disposal, road salting materials, gas or other petroleum products) that might reduce the quality and quantity of water that is now, and in the future will be, available for use by the Town, its citizens and businesses.

### **2. LOCATION**

The Aquifer Protection Overlay District shall apply to the land within the Town's sand and gravel aquifers plus the land within 500 feet of these aquifers. The Aquifer Protection Overlay District embraces and overlays other provisions and districts set forth in this Ordinance and as such its requirements are in addition to the requirements of the underlying District. Where the provisions of the Aquifer Protection District conflict with or impose a higher standard than the provisions of any underlying Districts, the provisions of the Aquifer Protection Overlay District shall prevail.

- a. Identification of Aquifer Boundaries – The boundaries of the Aquifer Protection Overlay District shall be as delineated on the Land Use Map or Aquifer Map of Sebago, Maine.
- b. Boundary Disputes – When the official boundaries of the Aquifer Protection Overlay District as delineated on the Zoning Map are disputed due to lack of sufficient detail on the available map, the landowner or agent may submit hydrogeologic evidence to support the claim. The evidence shall be prepared by a Geologist, Certified in the State of Maine.

### **3. PROHIBITED USES**

In addition to those uses prohibited in the underlying District, the following uses are prohibited:

- asphalt/tar processing
- automobile graveyards
- below ground storage of petroleum products or chemicals for new uses
- biological laboratories and chemical laboratories
- car or truck washes
- chemical manufacture
- chemical warehousing
- chemical reclamation
- coal storage
- dry cleaners
- electrical equipment or electronic circuit manufacture
- fuel oil distribution
- furniture stripping, painting, finishing
- industrial waste storage, impoundment or disposal
- injection wells
- junk and salvage yards
- laundromats

- meat packers
- metal plating, finishing or polishing
- mobile home parks
- oil pipelines
- paper mills
- paint shops
- pesticides/herbicides and fertilizer manufacture and warehousing
- pharmaceutical manufacture
- photo processing
- plastic and fiberglass manufacture and fabrication
- printing
- quarrying
- rubber manufacture and fabrication
- septage and recreational vehicle waste receiving stations for commercial use
- slaughter houses
- sludge and septage storage, disposal or processing
- sludge and septage spreading
- snow dumps
- solid and hazardous waste storage, disposal or processing
- solid or hazardous waste transfer sites
- tanneries
- textile mills
- truck terminals
- uncovered salt piles
- uncovered sand/salt piles
- wood treatment processors

#### **4. GROUNDWATER IMPACT ANALYSIS**

For projects requiring Site Plan Review, the Planning Board shall require submittal by the applicant of a Groundwater Impact Analysis. The Analysis shall be prepared by a State of Maine Certified Geologist with experience in hydrogeology. The Analysis shall contain the following components unless waived by a specific vote of the Board. (The Board expects the detail of this Analysis to vary with the intensity of the development.)

- a. A map showing:
  1. soil types
  2. surficial geology on the property
  3. the recommended sites for subsurface waste disposal systems and wells in the development
  4. direction of ground water flow
- b. The relationship of surface drainage conditions to ground water conditions
- c. Documentation of existing ground water quality for the site
- d. A nitrate analysis or other contaminant analysis as applicable including calculation of levels at the property line(s) and wells on the property

- e. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies
- f. The Planning Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the Hydrogeologic Study and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.
- g. A list of assumptions made to produce the required information

## **5. CONDITIONS/STANDARDS**

In addition to the Site Plan Review Standards, the following standards shall be met:

- a. Sanitary Waste Water Disposal
  - 1. No use including home occupations shall dispose of other than normal domestic waste water on-site. Disposal of waste water shall be in strict compliance with the State Plumbing Code and other relevant state and local laws, rules and ordinances.
  - 2. No more than nine hundred (900) gallons per day of sanitary waste shall be discharged to any one subsurface wastewater disposal system.
- b. Petroleum Storage – For above ground or indoor storage, an impermeable diked area shall be provided; the diked areas must be roofed to prevent accumulation of rainwater in the diked area and shall be properly ventilated. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine. Where required by the Maine Department of Environmental Protection a "Spill Prevention Control & Countermeasure Plan (SPCC)" shall be prepared and submitted to the Code Enforcement Officer.
- c. Mineral Extraction – Within the Aquifer Protection Overlay District, Mineral Extraction shall not be allowed below five feet above the average seasonal high water table. The water table shall not be artificially lowered by ditches, trenches, pumping or other methods.