

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, August 1, 2011 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith Jr., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

V. APPROVAL OF MINUTES: JULY 11, 2011

The minutes of July 11, 2011 were approved as written.

VI. AGENDA:

A. CONFIRM THE CITY ADMINISTRATOR'S APPOINTMENT OF THE CITY CLERK – MICHELE HUGHES

Upon the recent retirement of Lucette Pellerin as City Clerk, I am pleased to announce that I have appointed Michele Hughes, Interim City Clerk, to the position of City Clerk for the City of Saco.

I am recommending that the City Council confirm this appointment as set forth in §4-15 (A) of the Administrative Code. If confirmed by the Council, Ms. Hughes will begin her duties as City Clerk on August 2, 2011.

Councilor Lovell moved, Councilor Tardif seconded to confirm the City Administrator's recommendation of appointment of Michele Hughes to the position of City Clerk. The motion passed with seven (7) yeas.

B. CONFIRM APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission consists of five members and up to five associate members, appointed by the Mayor and confirmed by the Council, for a 3-year term. Some of the duties of the Commission are to:

- review applications for certificate of appropriateness,
- advise and inform the City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- Each Commission member shall be a resident of the City and shall be persons qualified to perform the duties of such office and shall serve without compensation.

The Mayor is seeking to have Christopher DiMatteo of 104 Spring Street, for a 3 year term.

Councilor Cote moved, Councilor Lovell seconded that it be Ordered that the City Council confirm the Mayor's appointment of Christopher DiMatteo, as a member to the Historic Preservation Commission for a 3 year term ending July 31, 2014. The motion passed with seven (7) yeas.

C. ZONING ORDINANCE AMENDMENT – COMPREHENSIVE PLAN IMPLEMENTATION – DOWNTOWN ZONING – (FIRST READING)

The City Council voted to adopt the 2011 Update of the Comprehensive Plan on March 8, 2011. Since that time, the Planning Board has been reviewing recommendations found within the Plan.

Downtown zoning is the issue that merits first consideration. The Board met on June 22, 2011 and recommends that a number of changes to the B-1, B-3, and B-7 districts be made, including realignment of zoning boundaries, the

establishment of new zoning designations, and amending standards that are intended to maintain the character of downtown while allowing a mix of residential and commercial uses.

Based on the Planning Board vote (5-0) on June 22, 2011, the Board recommends the proposed changes be forwarded to the City Council as drafted.

The Council discussed this item at Workshop on July 11, 2011.

Revised July 6, 2011

Draft Amendments to Zoning Ordinance to Implement the Recommendations of the City's Adopted Comprehensive Plan with Respect to the Downtown Zoning Districts

Proposed additions to the ordinance are underlined;
proposed deletions are ~~struck through~~.

1. Amend Section 302. Meaning of Words to add definitions of Adult Day Services and Bedroom in proper alphabetical order to read:

Adult Day Services: A group program of care, therapeutic activities and supervision licensed by the State of Maine and maintained or carried out on a regular basis by a person or persons in a private dwelling or other facility, for consideration, for any part of a day, for at least two (2) hours a day, for more than two (2) adults nineteen (19) years of age or older, who are not blood relatives and are coming to the facility for up to seven (7) days a week for the express purpose of participating in this program.

Bedroom: A room within a dwelling unit that is arranged or designed to be used for sleeping or that is in fact regularly used for sleeping and that is separated from other rooms by one or more doors. Any room that is suitable to be used as a bedroom and is physically separate from other rooms and that has a closet and an egress window meeting the requirements of the building code is considered to be a bedroom for the purpose of determining the allowed density of development or required minimum lot area.

2. Amend Section 403 in Article 4 District Regulations to read:

Section 403. Zoning Districts

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

RESIDENTIAL DISTRICTS:

- R-1 Low Density District
- R-2 Medium Density District
- R-3 High Density District
- R-4 General Residential District
- MHP Mobile Home Park Overlay District

MIXED-USE DISTRICTS

MU-1 Downtown Residential Mixed-Use District

MU-2 Elm Street Gateway District

BUSINESS DISTRICTS:

- B-1 ~~General Business~~ Scamman Street Shopping Center District
- B-2 Highway Business District
- B-3 Downtown Business District

B-4 Planned Development District
B-5 Marine Business and Residential
B-6 Highway Business and Commercial District
B-7 Limited Business/Residential District

BP Business Park District

B-8 Front Street Waterfront District

INDUSTRIAL DISTRICTS:

I-1 Industrial Park District
I-2 Industrial Business District

I-3 Light Industrial-Business Park District

CONSERVATION DISTRICT:

C-1 Conservation District

NATURAL RESOURCE DISTRICTS:

RP Resource Protection District

SR Saco River Overlay District

SO Shoreland Overlay District

3. Amend Article 4 District Regulations by adding a new section 405A to create purpose statements for the new mixed-use districts to read as follows:

Section 405A. Mixed-Use Districts: Purposes

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

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

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

405A-2. MU-2 ELM STREET GATEWAY DISTRICT

The MU-2 classification is intended to allow the Elm Street corridor to evolve as a mixed-use area that becomes an attractive gateway to the City. Its role as an auto-oriented commercial area diminishes over time as its residential and local service functions re-emerge. At the same time, the character of the area evolves into a more urban, attractive, pedestrian-friendly environment as existing properties are improved and redevelopment occurs. New buildings and changes to existing buildings are well designed. Buildings are located closer to the street. Where possible, the space between the sidewalk and the building is used for

pedestrian amenities or landscaping rather than motor vehicle facilities or parking. Parking and vehicle service areas are located to the side or rear of buildings where feasible.

4. Amend Article 4 District Regulations by revising the purpose statement for the B-1 District in 406-1 to read as follows:

406-1. B-1 SCAMMAN STREET SHOPPING CENTER GENERAL BUSINESS DISTRICT

The B-1 District is intended to allow the existing shopping center to continue to be a vibrant community/neighborhood retail and service center that complements Downtown and primarily serves residents of the community and neighboring areas while encouraging the center to evolve so that it is better integrated into the larger downtown area with improved pedestrian access. classification permits uses which would normally require more space than is available in an urban core area. The purpose of this district is to encourage desirable businesses in proximity to the urban core where they may be readily accessible and to provide a variety of lot sizes and building types not generally available in the central business district.

5. Amend Article 4 District Regulations by adding a new section 406-9 to create a purpose statement for the new B-8 District to read as follows:

406-9. B-8 FRONT STREET WATERFRONT DISTRICT

The B-8 classification is intended to provide an area in close proximity to Downtown for uses and activities that need access to the waterfront or that serve marine-related activities.

6. Amend Article 4 District Regulations by revising section 410-5. that specifies the allowed uses in the B-1 District to read:

410-5. B-1 SCAMMAN STREET SHOPPING CENTER GENERAL BUSINESS DISTRICT

- | | |
|--|---|
| 1. Single family dwellings | <u>1823.</u> Places of worship Churches |
| 2. Two family dwellings | <u>1924.</u> Public and private schools |
| 3. Elderly congregate housing | <u>205.</u> Commercial schools |
| 4. Multi family dwellings | <u>216.</u> Essential services |
| <u>1.</u> Dwelling units above the first floor in a mixed-use building | <u>227.</u> Accessory uses |
| <u>25.</u> Home occupations | <u>238.</u> Municipal uses |
| <u>36.</u> Retail businesses excluding outdoor sales | |
| <u>47.</u> Eating establishments, excluding fast food restaurants | |
| <u>58.</u> Eating and drinking establishments | |
| <u>69.</u> Hotels and motels | |
| 10. Tourist homes | |
| <u>741.</u> Financial institutions | |
| 812. Business offices | |
| <u>9.</u> Professional offices | |
| <u>10.</u> Personal services | |
| <u>11.</u> Business services | |
| <u>12.</u> Repair services | |
| <u>13.</u> Artist or craftsperson studio | |
| <u>148.</u> Health club | |
| <u>159.</u> Office of a contractor or tradesman | |
| 20. Funeral homes | |
| <u>1621.</u> Health care clinics for humans | |
| <u>1722.</u> Veterinarian offices | |

249. Any use permitted in the Resource Protection District
~~2530. Bed and breakfast establishments (Amended 9/5/85)~~
~~Home babysitting service (Amended 8/1/88)~~
2633. Day care center (Amended 8/1/88)
~~2734. Adult day services care center, Type 1 and 2 (Amended 7/1/91)~~
~~2835. Nursery school (Amended 7/6/93)~~
36. ~~Nursing homes~~
297. Quasi-municipal or public uses
38. ~~One accessory apartment in a single family dwelling (Amended 10/20/~~ CONDITIONAL USES

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

7. Amend Article 4 District Regulations by adding a new section 410-4A. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT to read:

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

PERMITTED USES

1. Single family dwelling (existing as of April 1, 2011)
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses¹ excluding outdoor sales and drive-thru service
9. Eating establishments¹ excluding fast food restaurants
10. Eating and drinking establishments¹
11. Business offices
12. Professional offices

13. Financial institutions¹ excluding drive-thru service
14. Business services¹
15. Personal services¹
16. Repair services¹
17. Artist or craftsperson studios¹
18. Commercial schools¹
19. Health care clinics for humans¹
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of Worship¹
24. Municipal uses¹
25. Quasi-municipal or public uses¹
26. Public utility buildings¹
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

CONDITIONAL USES

1. Offices of contractors and tradesmen¹
2. Registered dispensary, non-growing¹
3. Health clubs¹
4. Private clubs¹
5. Nursery School¹
6. Day care center¹
7. Adult day services¹
8. Commercial parking lots
9. High Voltage Transmission Lines

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

8. Amend Article 4 District Regulations by adding a new section 410 -4B. MU-2 ELM STREET GATEWAY DISTRICT to read:

410 -4B. MU-2 ELM STREET GATEWAY DISTRICT

PERMITTED USES

1. Single family dwelling
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses excluding outdoor sales and drive-thru service¹
9. Eating establishments excluding fast food restaurants¹
10. Eating and drinking establishments¹
11. Business offices
12. Professional offices
13. Financial institutions¹
14. Business services¹
15. Personal services¹

16. Repair services¹
17. Artist or craftsperson studios¹
18. Health care clinics for humans¹
19. Home babysitting service
20. Day care home
21. Bed and breakfast establishments
22. Places of worship¹
23. Municipal uses¹
24. Quasi-municipal or public uses¹
25. Public utility buildings
26. Essential services
27. Accessory uses
28. Any use permitted in the Resource Protection District

CONDITIONAL USES

1. Offices of contractors and tradesmen¹
2. Registered dispensary, non-growing¹
3. Adult day services¹
4. Commercial schools¹
5. Gas stations¹ (only on lots used for this purpose on April 1, 2011)
6. Gasoline sales accessory to a retail use (only on lots used for this purpose on April 1, 2011)
7. Auto repair garages¹ (only on lots used for this purpose on April 1, 2011)
8. High voltage transmission lines

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

9. Amend Article 4 District Regulations by adding a new section 410-10A. B-8 FRONT STREET WATERFRONT DISTRICT to read:

410-10A. B-8 FRONT STREET WATERFRONT DISTRICT

PERMITTED USES

1. Marinas
2. Boat building and repair facilities
3. Excursion and charter boat terminals
4. Water-based recreation
5. Piers, docks, boathouses, and port facilities
5. Business offices
6. Professional offices
7. Business services
8. Repair services
9. Artist or craftsperson studios
10. Offices of contractors and tradesmen
11. Dwelling units above the first floor in a mixed-use building
12. Home occupations
13. Eating establishments excluding fast food restaurants
14. Eating and drinking establishments
16. Home babysitting service
17. Bed and breakfast establishments
18. Places of worship
19. Municipal uses
20. Quasi-municipal or public uses

- 21. Public utility buildings
- 22. Essential services
- 23. Accessory uses
- 24. Any use permitted in the Resource Protection District

CONDITIONAL USES

- 1. Health clubs
- 2. Private clubs
- 3. High voltage transmission lines

10. Amend Table 412.1: Minimum Lot and Yard Requirements by revising the column for the B-1 District to read:

	B-1	B-3
A. MINIMUM LOT AREA (Sq. Ft.) ¹³		
(1) sewerd	7,500	7,500
(2) unsewerd	N/A 20,000	#
B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.) ^{7, 13}		
B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.) ^{7, 13} (Amended 3/07/05)		
(1) Single Family		
sewerd	7,500	7,500
unsewerd	N/A 20,000	N/A
unsewerd & on-lot water	N/A 40,000	N/A
(2) Two Family		
sewerd	5,000	3,750
unsewerd	N/A 17,500	N/A
(3) Multi-family		
sewerd	5,000 See Note 17	1,500
unsewerd	17,500 N/A	N/A
C. MINIMUM STREET FRONTAGE ⁴ (Feet)		
(1) sewerd	50	50
(2) unsewerd	100 N/A	N/A
D. MINIMUM DEPTH FRONT YARD (Feet)	15 25	0
E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)	15/0 ¹	10/0 ²
F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet) ⁸		
(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes	25	25
(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools	50	50
G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet) ⁵ (Amended 11/7/05)	75	25
H. MAXIMUM LOT COVERAGE (%)	50	90
I. MAXIMUM HEIGHT (Feet)	35	60

17. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 3,000 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 4,000 SF of lot area per unit.

11. Amend Table 412.1: Minimum Lot and Yard Requirements by adding columns for the MU-1 and MU-2 Districts to read:

	<u>MU-1</u> ¹⁵	MU-2 ¹⁵	B-3
A. MINIMUM LOT AREA (Sq. Ft.) ¹³			
(1) sewerd	<u>3,000</u>	3,000	7,500
(2) unsewerd	<u>N/A</u>	N/A	#
B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.) ^{7, 13}			

B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.) ^{7, 13} (Amended 3/07/05)			
(1) Single Family			
sewered	<u>3,000</u>	3,000	7,500
unsewered	<u>N/A</u>	<u>N/A</u>	N/A
unsewered & on-lot water	<u>N/A</u>	N/A	N/A
(2) Two Family			
sewered	<u>2,000</u>	2,000	3,750
unsewered	<u>N/A</u>	N/A	N/A
(3) Multi-family			
sewered	<u>See Note 16</u>	See Note 16	1,500
unsewered	<u>N/A</u>	N/A	N/A
C. MINIMUM STREET FRONTAGE ⁴ (Feet)			
(1) sewered	<u>None</u>	None	50
(2) unsewered	<u>N/A</u>	N/A	N/A
D. MINIMUM DEPTH FRONT YARD (Feet)			
	<u>0</u>	0	0
E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)			
	<u>10/0²</u>	10/0 ²	10/0 ²
F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet) ⁸			
(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes	<u>25</u>	25	25
(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools	<u>50</u>	50	50
G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet) ⁵ (Amended 11/7/05)			
	<u>25</u>	25	25
H. MAXIMUM LOT COVERAGE (%)			
	<u>70</u>	70	90
I. MAXIMUM HEIGHT (Feet)			
	<u>50</u>	50	60

15. All development in the MU-1 and MU-2 Districts including the alteration, reconstruction, or expansion of existing buildings is subject to the additional requirements of Section 729.

16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 1,400 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 2,000 SF of lot area per unit.

12. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a column for the B-8 District to read:

	<u>B-8</u>	B-3
A. MINIMUM LOT AREA (Sq. Ft.) ¹³		
(1) sewered	<u>4,000</u>	7,500
(2) unsewered	N/A	#
B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.) ^{7, 13}		
B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.) ^{7, 13} (Amended 3/07/05)		
(1) Single Family		
sewered	<u>4,000</u>	7,500
unsewered	N/A	N/A
unsewered & on-lot water	N/A	N/A
(2) Two Family		
sewered	<u>6,000</u>	3,750
unsewered	N/A	N/A
(3) Multi-family		
sewered	<u>See Note 17</u>	1,500
unsewered	N/A	N/A
C. MINIMUM STREET FRONTAGE ⁴ (Feet)		
(1) sewered	<u>50</u>	50
(2) unsewered	N/A	N/A
D. MINIMUM DEPTH FRONT YARD (Feet)		
	0	0
E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)		
	10/0 ²	10/0 ²
F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet) ⁸		
(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious		

conference centers, tourist homes	25	25
(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools	50	50
G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet) ⁵ (Amended 11/7/05)	<u>25/0¹⁸</u>	25
H. MAXIMUM LOT COVERAGE (%)	70	90
I. MAXIMUM HEIGHT (Feet)	50	50
		60

18. The setback for functionally water-dependent uses is zero and 25' for all other uses

13. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1 and MU-2 Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

14. Amend Section 729. Design Standards by adding a new subsection G. Additional Standards for the MU-1 District to read:

G. Additional Standards in the MU-1 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Scale. The scale of the building must conform to the standard of E.a. above.

b. Location of the Building with Respect to the Front Lot Line. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. If an existing building that is setback more than the desired setback is being reconstructed, the building shall be modified to move the front wall closer to the street if this is feasible.

c. Minimum Building Height. The height of the building must conform to the standard of E.b. New or reconstructed buildings must have a minimum of two useable stories above grade at the front of the building. The total useable floor area of the upper floors must be a minimum of fifty percent (50%) of the useable floor area of the first or ground floor.

d. Parking and Vehicular Access. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building. No parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. No new vehicular access drives or service areas shall be located between the sidewalk and the front wall of the building unless the Planning Board determines that no reasonable alternative exists for safe traffic flow into and out of the site and within the site. If parking is provided under a building, the first or ground floor must have habitable space extending the full width of the front of the building except for reasonable provisions for access drives to service parking under the building. If there is a conflict

between this provision and flood management requirements, the front of the building must be designed so that the parking area is screened from the street and the front wall is treated as part of the building façade.

e. Connection of the Building to the Sidewalk/Street. The area between the front wall of a new, expanded, or reconstructed building and the public sidewalk or front property line of the lot if there is no sidewalk shall be designed and maintained as a non-vehicular area and shall be either landscaped or improved with pedestrian amenities. Where there is a public sidewalk, a walkway shall be established in accordance with Section 708-3.4.

15. Amend Section 729. Design Standards by adding a new subsection H. Additional Standards for the MU-2 District to read:

G. Additional Standards in the MU-2 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from the one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Scale. The scale of the building must conform to the standard of E.a. above.

b. Location of the Building with Respect to the Front Lot Line. The front wall of a new building must be located within fifteen (15) feet of the front property line unless the Planning Board determines that the reasonable use of the lot requires that the building be located further from the front property line. If an existing building that is setback more than the desired setback is being reconstructed, the building shall be modified to move the front wall closer to the street if this is feasible.

c. Minimum Building Height. The height of the building must conform to the standard of E.b.

d. Parking and Vehicular Access. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking for new, expanded, or reconstructed buildings must be located to the side or rear of the building unless the Planning Board determines that there is no other option due to the shape of the lot and/or access considerations. No new vehicular access drives or service areas shall be located between the sidewalk and the front wall of the building unless the Planning Board determines that no reasonable alternative exists for safe traffic flow into and out of the site and within the site. Where feasible, vehicular access shall be provided from a street other than Elm Street

e. Connection of the Building to the Sidewalk/Street. The area between the front wall of a new, expanded, or reconstructed building and the public sidewalk or front property line of the lot if there is no sidewalk shall be designed and maintained as a non-vehicular area and shall be either landscaped or improved with pedestrian amenities. Where there is a public sidewalk, a walkway shall be established in accordance with Section 708-3.4.

f. Streetscape. Landscaping shall be provided between the building and the street to separate the building and site from the public realm where the size and shape of the lot makes this feasible.

16. Amend Section 708-3. PARKING DESIGN CRITERIA so that subsection 9) C. Front Buffers reads:

C. Front Buffers

All parking areas, merchandise display areas, or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2.5" to 3" caliper, planted at least every 35 feet along the road frontage), ornamental trees (one per 35 feet of road frontage), and dense medium height shrubs (three feet in height on maturity to screen parked vehicles) except as follows. The width of the required buffer between a parking area and the front property line shall be not less than five (5) feet in the MU-2 District. The Planning Board may permit the installation of earth berms, boulders, stone walls and other permanent landscape features to achieve the desired screening, and may permit that some of these elements substitute for low plantings, but not for shade trees.

Councilor Lovell moved, Councilor Blood seconded that the City of Saco hereby approves the First Reading of the documents titled, ‘Draft Amendments to Zoning Ordinance to Implement the Recommendations of the City’s Adopted Comprehensive Plan with Respect to the Downtown Zoning Districts’ and ‘Proposed Changes Downtown Zoning Map’ dated June 9, 2011, and further moved to schedule a Public Hearing for September 6, 2011. The motion passed with seven (7) yeas.

D. ZONING ORDINANCE AND MAP AMENDMENTS PERTAINING TO SHORELAND ZONING – (FIRST READING)

The proposed Zoning Ordinance and Map amendments would correct a longstanding issue with the Shoreland Zoning Map that has shown protected resources such as streams, the Saco River, and coastal wetlands, but has not accurately depicted the “Shoreland Zone,” a 250 foot buffer measured from the edge of each of these features and required by the Maine Department of Environmental Protection (DEP). City staff has worked to correct and improve the accuracy of the map. Formal acceptance of the changes by the DEP Commissioner will occur after Council action.

On October 6 and October 27, 2010, the Planning Board considered the proposed Ordinance and Map amendments, and again on March 1, June 22, and July 5, 2011 and forwards a positive recommendation for passag.

The Council discussed this item at Workshop on July 11, 2011.

‘Amendments to Zoning Ordinance Section 7-1, and Zoning Map, dated July 5, 2011’

(Please note that underline represents new language while ~~strikethrough~~ represents language to be deleted).

Section 7-1

**Natural Resource Districts/
Shoreland Performance Standards**

7.1-1. Purposes (Amended 6/29/09)

The purposes of this Article are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to manage building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

7.1-2. a. Applicability

The provisions of this Article apply to all land areas within 250 feet, horizontal distance, of the:

- Normal high water line of any great pond or river,
- Upland edge of a coastal wetland, including all areas affected by tidal action, or
- Upland edge of a freshwater wetland, and

All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

b. Official Shoreland Zoning Map

The areas to which this Article is applicable are divided into the following districts as shown on Zoning Map of the City of Saco, which is a part of this Ordinance:

- a. Resource Protection
- b. Saco River Overlay District
- c. Shoreland Overlay District
- d. **Coastal Development Overlay District**

Resource Protection

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq., except that areas which are currently developed need not be included within the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows that are rated "moderate" or "high" value by Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973; and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the MDIF&W, that are depicted on a GIS data layer maintained by either MDIF&W or the DEP as of December 31, 2008; and the area within one hundred (100) feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.
2. Land areas within the 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a freshwater or coastal wetland as defined, and that are not surficially connected to a water body during the period of normal high water.
5. Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.
7. All land area within 250', horizontal distance, from the following natural features:
 - Cascade Brook Falls
 - Nonesuch River Fault
 - Saco Heath
8. All land area known as Stratton Island, Bluff Island, Ram Island and Eagle Island.
9. All land area currently being used as general public access to tidal beaches or the Saco River.
10. All land area within one hundred (100) feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring.
11. Areas designated by federal, state or municipal government as natural areas of significance to be protected from development, including:
 - Ferry Beach State Park
 - Rachel Carson Wildlife Preserve.

Saco River Overlay District

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

Shoreland Overlay District

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

Coastal Development Overlay District

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

This Section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. In addition, this Section applies to various areas listed on the State Register of Critical Areas. The provisions of this Article are in addition to the provisions of the underlying zone.

c. Effective Date

1. Effective Date of Ordinance and Ordinance Amendments. This Article, which was amended by the municipal legislative body on June 29, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Article as amended, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Article amendment within forty-five (45) days of his/her receipt of the amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Article as amended if the amendment is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 7.1-12. Timber Harvesting;
- Section 410-15.13. RP Resource Protection District Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis; and
- Section 3. Definitions, the definition of "forest management activities".

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-A(5) further provides that "the

Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

7.1-3. Land Use Standards

Activities within the districts subject to these requirements shall conform with the following additional dimensional requirements.

7.1-3.1 Minimum Lot Requirements

1. The minimum lot size and lot area per dwelling unit for uses in the Resource Protection District are set forth in Table 412-1.
2. The minimum lot size and minimum lot area per dwelling unit in the Saco River Overlay District shall be the requirements of the underlying district unless a larger lot is required by the Corridor Commission’s requirements.
3. The minimum lot size and minimum lot area per dwelling unit in the Shoreland Overlay District and the Coastal Development Overlay District shall be the requirements of the underlying district.
4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

7.1-3.2 Minimum Shorefront Requirements

1. Lots in the Resource Protection District shall have a minimum shore frontage of two hundred (200) feet.
2. Lots in the C-1 or R-1a Districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred fifty (150) feet.
3. Lots in all other districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred (100) feet.
4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

7.1-3.3 Minimum Lot Width

Within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland, the minimum width of any portion of any lot shall be equal to or greater than the required shore frontage for the proposed use.

7.1-4 Principal and Accessory Structures

1. All new principal and accessory structures shall be set back from the normal high-water line of freshwater bodies, the Maximum Spring High Tide Level (MHHW) of tidal waters, and the upland edge of a wetland, depending upon the district in which they are located as shown in Table 412-1.
2. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed

in accordance with City Code Chapter 106. Floodplain Management, and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces within a resource protection district, shoreland overlay district, conservation district, or residential district shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including areas previously developed. In a business or industrial district including the B-5 Marine Business and Residential District, the total area of all structures, parking lots and other non-vegetated surfaces shall not exceed seventy (70) percent.

The total footprint area of all buildings shall not exceed twenty (20) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, a building is a structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is considered to be a part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.

The total developed area shall not exceed forty (40) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, development is the alteration of property for human-related use including, but not limited to buildings, decks, driveways, parking areas, lawns, landscaped areas, and areas of non-native vegetation, and any other appurtenant facilities, but excluding temporary structures.

-----End of Document-----

Councilor Blood moved, Councilor Doucette seconded that the City of Saco hereby ordains and approves the First Reading of the document titled, ‘Amendments to Zoning Ordinance Section 7-1, and Zoning Map, dated July 5, 2011’ and further moved to schedule a Public Hearing for September 6, 2011. The motion passed with seven (7) yeas.

E. MESSAGE THERAPIST LICENSE APPLICATION: JENALEE NADEAU

Jenalee Nadeau, located at the Saco Healing Arts Center, 209 Main St. Suite #301, has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a license issued by the State of Maine in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

It was noted that the applicants Massage Therapist license from the State of Maine expires on September 30, 2011. Once the applicant gets her renewal license, a copy needs to be dropped off to the Clerk’s Office.

Councilor Tardif moved, Councilor Smith seconded that it be Ordered that the City Council grant to Jenalee Nadeau a Massage Therapist License in accordance with the Code of the City of Saco, Chapter 138. Further move to approve the order. The motion passed with seven (7) yeas.

VII. RECESS THE MEETING AND BEGIN WORKSHOP

Councilor Tardif moved, Councilor Blood seconded to move to the Workshop. The motion passed with unanimous consent. TIME: 7:22 p.m.

VIII. WORKSHOP

IX. RECONVENE THE MEETING

The meeting was reconvened with unanimous consent at 8:05 p.m. with all Councilors being present.

A. TAX DUE DATES

Councilor Lovell recently asked that the Agenda for August 1, 2011, include a discussion about tax due dates. The item commentary from April 4, 2011 when the Council voted to approve the tax due dates is provided below, as well as an excerpt from the Council Minutes on the vote for the tax due dates.

MEETING ITEM COMMENTARY- April 4, 2011

Title 36, MRSA, Section 505 provides that a municipality may by vote determine the rate of interest which shall apply to delinquent taxes committed during the taxable year until those taxes are paid in full. The maximum rate of interest is the highest conventional rate of interest charged for commercial unsecured loans by Maine banking institutions on the first business day of the calendar year the vote is taken. The Treasurer of the State of Maine had determined that the maximum rate of interest than can be charged per Title 36, MRSA, Section 505 (4) for calendar year 2011 is 7.0%. Therefore, for the FY12 tax commitment, the maximum rate is 7.0%. As a normal course of business, the City has adopted the maximum rate as its rate. This will provide incentive for those property owners who are financially able, to pay on time.

Title 36, MRSA, Section 506-A provides that a municipality must establish a rate of interest for the overpayment of taxes. The rate of interest may not exceed the interest rate established by the municipality for delinquent taxes nor may it be less than that rate reduced by 4%. If a municipality fails to establish a rate of interest for overpayments of taxes, it shall pay interest at the rate it has established for delinquent taxes. Therefore, for overpayment of the FY2012 taxes, the rate of interest to be paid should be set at 3%.

Title 36, MRSA, Section 506 provides that a municipality "...may authorize their tax collectors or treasurers to accept prepayment of taxes not yet committed and to pay interest on these prepayments, if any is authorized, at a rate not exceeding 7% per year; municipalities are not obligated to authorize the payment of interest on taxes prepaid under this section." Therefore, we are requesting council authorization to apply any prepayment of taxes directly to the tax account as they are received without having to pay interest on these prepayments.

In discussing the due dates with the Tax Collector, we have agreed on the following dates:

First half due date – August 12, 2011 with interest accruing from August 15, 2011.

Second half due date – February 10, 2012 with interest accruing from February 13, 2012.

-----End of Document-----

Excerpt of the Council Minutes for April 4, 2011:

Councilor Mills moved, Councilor Christenbury seconded, that it be Ordered that the City Council set the

interest rate for delinquent FY12 property taxes ant 7% on any refunds of FY12 tax payments at 3.0% authorized the tax collector to accept prepayment of taxes not yet committed without having to pay interest on these prepayments and to establish the due dates for tax payments as follows:

First half payment – Due Date 8/12/2011 with first interest date of 8/15/2011.

Second half payment – Due Date 02/10/2012 with first interest date of 02/13/2012. Further moved to approve the Order. The motion passed with seven (7) yeas.

-----End of Document-----

Councilor Lovell moved, Councilor Mills seconded to amend the original motion for the First Half Due Date to be August 12, 2011 with interest accruing from September 15, 2011 for this year only. The motion passed with seven (7) yeas.

X. ADJOURNMENT

Councilor Lovell moved, Councilor Smith seconded to adjourn at 8:06 p.m. The motion passed with unanimous consent.

Attest: _____
Michele L. Hughes, City Clerk