

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, March 19, 2012 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Mark Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, 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

VI. CONSENT AGENDA

Councilor Lovell moved, Councilor Smith seconded to adopt Items A, B, C, D, E, F, H, I and J. The City of Saco hereby:

- A. Approval of Minutes: March 5, 2012;
- B. Approves the Second and Final Reading of the document titled, ‘General Assistance Ordinance – Appendixes (A, B, and C), Proposed Figures dated October 1, 2011;
- C. Approves the Second and Final Reading of the document titled, ‘Contract Zone Agreement By and Between Herve C. Thibodeau, Trustee of the Thibodeau Family Property Trust and the City of Saco’, dated February 14, 2012”;
- D. Approved the First Reading of the document titled, ‘Proposed Amendments to Section 504 of the Saco Zoning ordinance, Non-Conforming Structures, dated March 19, 2012’ and Be it ordered that the City Council set the Public Hearing for April 9, 2012.”;
- E. Approves the First Reading of the document titled, ‘Proposed Amendments to the Saco Zoning Ordinance Related to Eldercare and Elder Housing Recommended by the Planning Board to the City Council, February 14, 2012’, and further move to hold a Public Hearing on April 9, 2012;
- F. Approves the First Reading of the document titled, ‘Proposed Amendments to Section 708, Saco Zoning Ordinance, Parking Recommended by the Planning Board to the City Council, Nov. 15, 2011’, and Be it ordered that the City Council set the Public Hearing for April 9, 2012;
- H. Grant the applications for a License to Operate a Game of Chance: Pull Tickets for Ticket Machine from April 1, 2012 to April 1, 2013, as submitted by the Fraternal Order of Eagles #3792;
- I. Grant Katherine Farwell a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138; and
- J. Approve with reference to York County Superior Court Docket #11-1767-Criminal Forfeiture, of the Transfer of one Essex Arms Corporation .45 caliber firearm, pursuant to 15 M.R.S.A. §5824(3) and/or §5822(4) (A).

The motion passed with seven (7) yeas.

Note: Item G was removed from the Consent Agenda and voted on separately.

Below are the Consent Agenda Item Commentaries.

A. APPROVAL OF MINUTES: MARCH 5, 2012

B. AMENDMENT TO THE SACO CODE, CHAPTER 112 - GENERAL ASSISTANCE PROGRAM APPENDIXES FOR OVERALL MAXIMUMS, THRIFTY FOOD PLAN & HOUSING MAXIMUMS FOR OCTOBER 2011 – 2012 – (SECOND & FINAL READING)

General Assistance Ordinance Appendixes (A, B, and C),

Proposed Figures dated October 1, 2011.

Note: The proposed maximums for Appendix B remain unchanged from last year.

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

Appendix A - GA Overall Maximums

# IN HOUSEHOLD	MAXIMUMS	
	Current	New Proposed
1	\$732.00	<u>\$742.00</u>
2	\$816.00	<u>\$827.00</u>
3	\$1029.00	<u>\$1042.00</u>
4	\$1305.00	<u>\$1322.00</u>
5	\$1543.00	<u>\$1563.00</u>
EACH ADDITIONAL	\$75.00	<u>\$75.00</u>

Appendix B - Food Maximums

# IN HOUSEHOLD	WEEKLY MAX.	MONTHLY MAX.
	Current	Current
1	\$46.51	\$200.00
2	\$85.35	\$367.00
3	\$122.33	\$526.00
4	\$155.35	\$668.00
5	\$184.42	\$793.00
6	\$221.40	\$952.00
7	\$244.65	\$1052.00
8	\$279.53	\$1202.00
EACH ADDITIONAL	-----	\$150.00

Appendix C - Housing Maximums

Unheated Units

# BDRMS	MONTHLY	
	Current	Proposed
0	\$542.00	<u>\$635.00</u>
1	\$629.00	<u>\$635.00</u>
2	\$775.00	<u>\$748.00</u>
3	\$1047.00	<u>\$1018.00</u>
4	\$1225.00	<u>\$1048.00</u>

Heated

# BDRMS.	MONTHLY	
	Current	Proposed
0	\$582.00	<u>\$690.00</u>
1	\$682.00	<u>\$696.00</u>

2	\$849.00	<u>\$850.00</u>
3	\$1140.00	<u>\$1145.00</u>
4	\$1338.00	<u>\$1233.00</u>

**C. CONTRACT ZONE – 416 AND 418 BUXTON ROAD, HERVE THIBODEAU, APPLICANT
(SECOND & FINAL READING)**

Contract Zone Agreement By and Between
Herve C. Thibodeau, Trustee of the Thibodeau Family Property Trust
and the City of Saco
February 14, 2012

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through November 16, 2011 is hereby further amended by adopting this contract by and between the City of Saco, and applicant and landowner Herve C. Thibodeau, Trustee of the Thibodeau Family Property Trust:

1. Herve C. Thibodeau, Trustee of the Thibodeau Family Property Trust (“Applicant”) has submitted an application for a contract zone for portions of two parcels located at 416 and 418 Buxton Road (“Subject Property”).

2. The Subject Property is owned by the Thibodeau Family Property Trust pursuant to deeds recorded at Book 5490, Page 180 and at Book 8017, Page 336 of the York County Registry of Deeds.

3. The Subject Property is identified as a portion of the parcels identified as Tax Map 116, Lots 6 and 6-1 on City of Saco tax maps, and is delineated on a plan titled, "Proposed Contract Zone" by Paul P. Gadbois Engineering submitted by the Applicant.

4. The portion of the property for which the contract zone would be applicable is in the C-1 District.

5. Thibodeau’s Ice Cream Distributing Co., a family business, has operated since the early 1940’s upon the Subject Property and Applicant's other parcel across Route 112 at 419 Buxton Road identified as Tax Map 116, Lot 9 on City of Saco tax maps, also in the C-1 District. The current commercial uses of these properties which are not permitted uses within the C-1 District predate adoption of the Zoning Ordinance and thus are lawfully nonconforming uses under Section 503. The lawfully non-conforming uses include the following uses which are defined terms under Section 302 of the Zoning Ordinance: *business office, distribution, light industry and wholesale trade and warehousing*. The structures on the Subject Property are lawfully non-conforming as to front and side setbacks within the C-1 District. The Subject Property is also currently used for the following permitted uses in the C-1 District: *agriculture, two-family dwellings, and accessory uses*.

6. The operations of Thibodeau's Ice Cream Distributing Co. on the Subject Property and the property at 419 Buxton Road require truck loading, truck refueling, and parking for employees, business clients and apartment residents within or immediately adjacent to the Route 112 right of way on both sides of the highway. Employees and vendors frequently must cross Route 112 between the office, equipment shop and fueling station at 419 Buxton Road and the distribution facilities, freezers, and garages on the Subject Property.

7. The Maine Department of Transportation has exercised eminent domain to take portions of the Subject Property and 419 Buxton Road in order to widen Route 112. Reconstruction of the highway will further reduce existing building setbacks, significantly limit vehicle access, and entirely prevent truck loading that is essential to the operation of the business. The Applicant proposes to construct a new loading and storage facility to the rear of the Subject Property attached to the existing freezer/distribution/apartment building, which will allow the relocation of offices and an equipment shop from 419 Buxton Road to the Subject Property, greater efficiency of business operations, elimination of pedestrian and vehicular crossings of Route 112, and increased public safety and aesthetic value. The Applicant also proposes to expand truck parking and relocate truck fueling and resident parking to the rear of the Subject Property, eliminating three of the seven driveways for the Subject Property.

8. As stated in Section 1403-01 of the Zoning Ordinance, "Occasionally competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits and alteration to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change."

9. Recognizing the use restrictions imposed by the Zoning Ordinance, the Applicant hereby makes application for a Contract Zone that would allow the existing lawfully non-conforming use of the Subject Property as business offices, distribution, light manufacturing, wholesale trade and warehousing to continue upon the Subject Property as legally conforming uses, and to allow the existing lawfully non-conforming setbacks of the buildings to be treated as lawfully conforming until such time as redevelopment occurs.

II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicant to continue the historical uses of business offices, distribution, light manufacturing, and wholesale trade and warehousing within expanded and reconfigured facilities at 416 and 418 Buxton Road lying within approximately 551 feet of Route 112 (the "Contract Zone"), as provided for in Article 14 of the Saco Zoning Ordinance:

- a. "Business offices, distribution, light manufacturing, and wholesale trade and warehousing," shall be permitted uses within the Contract Zone, in addition to all permitted uses and conditional uses otherwise allowed in the C-1 District.
- b. Minimum side and rear setbacks of 50' shall be required for all structures in the Contract Zone measured from boundaries which define the perimeter of the Contract Zone.
- c. Minimum side and rear setbacks of 25' shall be required for structures in the Contract Zone measured from boundaries of other parcels within the Contract Zone. Accordingly, the property boundary between 416 Buxton Road and 418 Buxton Road shall be promptly relocated to comply with this requirement.
- d. Minimum front setbacks shall be required in the Contract Zone equal to the front setback of existing structures, subject to the condition that upon any voluntary relocation of existing structures to which such front setback applies, replacement structures shall be located so as to comply with the least-restrictive minimum front setback within the C-1 District or other then-current zoning district(s) applicable to abutting properties.

- e. Upon completion of expanding loading facilities to the rear of existing structures, no regular loading operations shall be permitted along the Route 112 frontage within the Contract Zone.
- f. Municipal site plan review requirements shall remain in effect with respect to anticipated or future expansion or relocation of structures within the Contract Zone.
- g. Completion of proposed driveway closures, reconfiguration of the property boundary between 416 Buxton Road and 418 Buxton Road, and the relocation of loading operations away from the Route 112 frontage in the Contract Zone shall be coordinated with completion of the construction schedule for Route 112 improvements.
- h. Notwithstanding Section 709-1 of the Zoning Ordinance, the Applicant shall be allowed to reconfigure and maintain, as illustrated on the submitted Proposed Contract Zone Plan, no more than four (4) curb cuts/driveways along the Route 112 frontage to serve the additional permitted commercial uses within the Contract Zone, subject to modification related to location and/or width as may be identified during the site plan review process in connection with the Route 112 reconstruction, together with one further existing curb cut/driveway adjacent to the northerly bound of the 418 Buxton Road parcel which provides access to the farm field and woodlot towards the rear of the 418 Buxton Road parcel and will also be used for access to a contractor's construction staging area in connection with the reconstruction of Route 112.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 1403-5 of the Saco Zoning Ordinance:

- a. The Applicant shall adhere to all other applicable provisions of the C-1 District of the City of Saco Zoning Ordinance.
- b. City and the Applicant recognize that the plan submitted for contract zone review is representative of the existing and proposed site layout, but is subject to change as a result of site plan review conducted by the Planning Board. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the change.
- c. Upon approval of this contract by the City Council, the Applicant shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.
- d. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicant as submitted to the City. Accordingly, this Agreement and the Contract Zone it creates shall not be assigned or transferred without review and written approval by the City Council, such consent not to be unreasonably withheld.
- e. These amendments affect only that portion of the Subject Property delineated on the "Sketch Plan" by Paul P. Gadbois Engineering submitted by the Applicant, and will not be deemed to bind, condition, or limit the remainder of the parcels at 416 and 418 Buxton Road.

f. Breach of these conditions and restrictions by the Applicant shall constitute a breach of the contract, and the Applicant shall be required to apply for a contract modification. Failure to apply for or to obtain a modification shall constitute a zoning violation, subject to enforcement action,

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on February 14, 2012, and the Saco City Council on _____, 2012, the following findings are hereby adopted:

A. A portion of City Tax Map 116, Lots 6 and 6-1 comprise the Subject Property, which parcels are of an unusual nature and location for the following reasons:

1. The portion of the Subject Property is located in the C-1 District, a rural and predominantly agricultural and open-space zone. The current uses of the Subject Property include lawfully non-conforming commercial uses dating from the 1940's. A premise of zoning is that nonconforming uses are and should be phased out. However, the community has supported the existence and growth of the family business now known as Thibodeau's Ice Cream Distributing Co.'s upon the Subject Property for over seventy years as a natural outgrowth of the historical dairy farming use.

2. The need for reconfiguration of the business operations and relocation and expansion of facilities upon the Subject Property arises not from the actions of the Applicant or Thibodeau's Ice Cream Distributing Co., but rather from the Maine Department of Transportation's expansion and reconstruction of the Route 112 frontage of the Subject Property. The timing of the Route 112 reconstruction, which coincides with the business high season, requires prompt municipal action to maintain the viability of the business operations.

3. The primary existing structures on the Subject Property are designed for loading product on Route 112 frontage from freezers in the rear of the facility, and will have little or no continued economic value without rearward expansion that allows for an air lock between new loading docks and existing freezer facilities. Neither the Applicant nor Thibodeau's Ice Cream Distributing Co. can bear the high economic cost of relocating operations to an entirely new facility.

4. The existing configuration of structures and operations upon the Subject Property presents an elevated risk of vehicular and pedestrian accidents upon Route 112, which can be eliminated by the proposed consolidation and reconfiguration of loading and parking to the rear of the Subject Property under the Contract Zone.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following:

1. The Contract Zone allows continuation of a lawful (if non-conforming) existing commercial use in the C-1 District. Comprehensive Plan Appendix L recognizes the existing commercial use of the Subject Property as among the "scattered commercial uses" West of the Turnpike.

2. The Contract Zone will impose no new burden upon abutting properties in the C-1 District, since the commercial operations upon the Subject Property have existed for over seventy years. The Contract Zone will actually substantially reduce existing impacts upon abutters by relocation of truck loading operations to the rear of the structures in the center of the Contract Zone, the relocation of residential parking off the highway shoulder, and the reduction in driveways onto Route 112 from the Subject Property.

3. The Contract Zone rationalizes and reduces the impact of historical use of the Subject Property, with reasonable room for future growth, and will not allow for intensive new commercial

development such as retail shopping or heavy industry, which would generate traffic out of character with historical land use patterns in the C-1 District.

4. The Contract Zone substantially enhances the safety of travel along Route 112 by relocating roadside truck loading and parking to the rear of the buildings, consistent with planning for the historical and projected annual increase in traffic along Route 112 documented in Comprehensive Plan Appendix F.

5. The Contract Zone preserves existing jobs and creates new construction jobs and thereby advances realization of the City Council's Vision articulated in the Comprehensive Plan Chapter 4: "[A] sustainable economy that offers an opportunity for everyone to have rewarding employment and for business to prosper, now and in the future."

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated for areas which are agricultural and open-space, with low-density residential use. Allowed uses in the C-1 District which are current uses of the Subject Property include agriculture, two-family residential dwellings, and accessory uses thereto. The historical and existing uses of the Subject Property which are lawfully nonconforming in the C-1 District include business offices, distribution, light manufacturing and wholesale trade and warehousing. The only new uses allowed in the Contract Zone are a continuation of historical and lawfully nonconforming uses of the Subject Property, which will supplement the existing permitted and conditional uses in the C-1 District that will apply to the Subject Property.

D. The conditions proposed are sufficient to meet the intent of Section 1403, Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, all parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____, 2012.

By: _____

THIBODEAU FAMILY PROPERTY TRUST

CITY OF SACO

By: _____
Herve C. Thibodeau, Trustee

By: _____
Richard Michaud
City Administrator

D. AMENDMENTS TO SECTION 504 OF THE SACO ZONING ORDINANCE, NON-CONFORMING STRUCTURES – (FIRST READING)

**Proposed Amendments to Section 504 of the Saco Zoning Ordinance,
Non-Conforming Structures, dated March 19, 2012**

(underline represents new language, ~~strikethrough~~ represents language to be deleted)

Section 504. Nonconforming Structures

504-1. MAINTENANCE AND ENLARGEMENT

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

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

- a) The proposed use of the enlarged space is habitable residential space. No enlargements are permitted to expand space for a use that is nonconforming in the district.
 - b) The closest point of the new construction shall be no nearer to the property line than the closest point on the existing building upon which the vertical enlargement is proposed.
 - c) Enlargements constructed under these provisions shall not increase the height of the vertical face of the building more than ten (10) feet vertically within the setback. The height of the new eaves within the setback shall not exceed twenty-two (22) feet, when measured from original grade to the new eaves. Mansard and gambrel roofs, or similar roofs, and full dormers, or roof pitches greater than 12/12 are not permitted above the new eaves. Two single window dormers above the new eaves are permitted, but each may not exceed four feet in width.
 - d) The nonconforming portion of the existing structure on which the addition is built is no closer than six (6) feet from the side or rear property line upon which it encroaches. If the building code requires the new construction to be fire rated, the existing first floor construction in the setback shall be reconstructed to the same fire rated standard.
 - e) The closest point of the nonconforming portion of the existing structure on which the addition is built is no closer than (fifteen) 15 feet to the front property line.
 - f) All other relevant standards of the zoning ordinance not related to setbacks are met.
 - g) The standards of the Floodplain Development Ordinance, Chapter 106, must be met.
- 2) The following activities shall not constitute an enlargement of a nonconforming structure:
 - a) the addition of an open patio with no structure elevated above ground level, except in the Mandatory Shoreland Zone;
 - b) the addition of steps from the first floor to the ground level;
 - c) the placing of a foundation below a nonconforming structure

3) FURTHER LIMITATIONS IN SHORELAND ZONES (Amended 6/29/09)

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

- a. After January 1, 1989 if any portion of a structure is less than the required setback from a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 504-2 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 504-4. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with this section, and the

foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- d. Two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the Shoreland provisions in this Ordinance shall be considered one lot.
(Amended 4/21/92)

504-2. RECONSTRUCTION

Any non-conforming building or structure which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

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

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

E. AMENDMENTS TO THE SACO ZONING ORDINANCE RELATED TO ELDERCARE AND ELDER HOUSING – (FIRST READING)

Proposed Amendments to the Saco Zoning Ordinance Related to Eldercare and Elder Housing Recommended by the Planning Board to the City Council, February 14, 2012

(underline represents new language, while ~~strikethrough~~ represents language to be deleted)

Amend the Saco Zoning Ordinance Article 3, Section 302, by inserting the following three definitions alphabetically:

Elder/Disability Housing Facility: A housing project or development that provides housing in dwelling units for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project does not provide a regular program of supportive services or meals to its residents but may include facilities for outside agencies or programs to provide services to residents. Disabled means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic

mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, and having a record of such a disability or are regarded as having such a disability. Elder/Disability Housing Facilities shall not average more than 1.5 bedrooms per unit.

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

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

2. Amend the Saco Zoning Ordinance Article 3, Section 302, by deleting the following definition

~~**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 sewerred 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.~~

3. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a footnote 15. to read:

15. Notwithstanding the Minimum Lot Area Per Dwelling Unit Requirements set out in the table, the minimum lot area per dwelling unit requirement for Elder/Disability Housing Facilities and for Elder/Disability Care Facilities – Limited Service that is served by public sewer shall be:
- 2,000 square feet in the R-1, R-2, R-4, B-7, B-2b, B-2c, B2-, B-7 and I-2 Districts
 - 1,000 square feet in the R-3, B-1, B-3, B-9, MU-1 and MU-2 Districts
If not served by public sewer the density shall be the same as for multifamily housing, if permitted.

4. Amend the use lists as follows:

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

PERMITTED USES

1. Single family dwellings
2. Agriculture, excluding livestock
3. Public parks and playgrounds

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

CONDITIONAL USES

1. Two-family dwellings (reviewed as minor conditional use) (Amended 12/17/02)
2. Cemeteries
3. Home occupations
4. Nonprofit recreational uses
5. Nursery schools
6. Day care centers
7. ~~Nursing Homes~~
8. Municipal uses not listed under permitted uses
9. Public utility buildings
10. Commercial greenhouses and nurseries
11. Kennels
12. Stables
13. Quasi-public uses
14. Water recreation including piers, docks, and boathouses related thereto
15. (Reserved)
16. Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
17. Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
18. Day care home (Amended 8/1/88)
19. Religious conference center in the R1-c District only (Amended 6/19/88)
20. Adult day care center, Type 2 (Amended 7/1/91)
21. ~~Elderly Congregate Housing, in the R-1c District only (Amended 2/3/92)~~
22. Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
23. Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
24. Golf Courses, in the R-1a District only, subject to Section 722
25. High Voltage Transmission Lines (Amended 12/15/08)
26. Elder/Disability Housing Facility
27. Elder/Disability Housing Facility – Limited Service

410-2. R-2 MEDIUM DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public parks and playgrounds
6. Public and private schools, excluding commercial schools

7. Agriculture, excluding livestock
8. Accessory uses
9. Any use permitted in the resource protection district
10. Home babysitting service (Amended 8/1/88)
11. Adult day care center, Type 1 (7/1/91)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

CONDITIONAL USES

1. Multi-family dwellings limited to no more than eight units in each building, unless a conversion of an existing building, within the existing structure, except for minor additions such as stair towers, entrances, dormers, and similar minor building features (Amended 4/28/08)
2. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
3. Hospitals and clinics
4. Boarding houses
5. Home occupations
6. Parking lots (Amended 1/3/95)
7. Funeral homes
8. Cemeteries
9. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
10. Municipal uses not listed under permitted uses
11. Nursery schools
12. Day care centers
13. Nonprofit recreational uses
14. Public utility buildings
15. Commercial greenhouses and nurseries
16. Water recreation including piers, docks, and boathouses related thereto
17. Private clubs
18. Offices which comply with the standards of Section 713 of this Ordinance
19. Kennels
20. Quasi-public uses
21. (Reserved)
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)

410-3. R-3 HIGH DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public and private schools, excluding commercial schools
6. Public parks and playgrounds
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service Amended 8/1/88)

10. Adult day care center, Type 1 Amended 7/1/91)
11. One accessory apartment in a single family dwelling (Amended 10/20/08)
12. Community living uses (Amended 12/1/08)

CONDITIONAL USES

1. Multi-family dwellings
2. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
3. Boarding homes
4. Home occupations
5. Hotels and motels
6. Tourist homes
7. Commercial parking lots
8. Funeral homes
9. Offices which comply with the standards of Section 713 of this Ordinance
10. Hospitals and clinics for humans
11. Quasi-public uses
12. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
13. Nursery schools
14. Day care centers
15. Private clubs
16. Nonprofit recreational uses
17. Municipal uses not listed under permitted uses
18. Public utility buildings
19. Water recreation including piers, docks, and boathouses related thereto
20. (Reserved)
21. Bed and breakfast establishments (Amended 9/5/85)
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91)(Amended 9/5/85; 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)

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

PERMITTED USES

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

CONDITIONAL USES

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

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~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
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.

410-5. B-1 GENERAL BUSINESS DISTRICT

1. Single family dwellings
2. Two family dwellings
3. ~~Elderly Congregate Housing~~ Elder/Disability Housing Facility
Elder/Disability Care Facility – Limited Service
4. Multi-family dwellings
5. Home occupations
6. Retail businesses excluding outdoor sales
7. Eating establishments, excluding fast food restaurants
8. Eating and drinking establishments
9. Hotels and motels
10. Tourist homes
11. Financial institutions
12. Business offices
13. Professional offices
14. Personal services
15. Business services
16. Repair services
17. Artist or craftsperson studio
18. Health club
19. Office of a contractor or tradesman
20. Funeral homes
21. Health care clinics for humans
22. Veterinarian offices
23. Churches
24. Public and private schools
25. Commercial schools
26. Essential services
27. Accessory uses
28. Municipal uses
29. Any use permitted in the Resource Protection District
30. Bed and breakfast establishments (Amended 9/5/85)
31. Home babysitting service (Amended 8/1/88)
32. Day care home (Amended 8/1/88)
33. Day care center (Amended 8/1/88)
34. Adult day care center, Type 1 and 2 (Amended 7/1/91)
35. Nursery school (Amended 7/6/93)
36. ~~Nursing Homes~~
37. Quasi-public uses
38. One accessory apartment in a single family dwelling (Amended 10/20/08)
(Amended 9/5/85; 8/1/88; 7/1/91; 7/6/93; 1/3/95; 4/7/03)

CONDITIONAL USES

1. Boarding homes
2. Gas stations (Amended 4/7/03)
3. Gasoline sales accessory to a retail use (Amended 4/7/03)
4. Auto repair garages
5. Car washes
6. Private clubs
7. Public utility buildings

8. Commercial recreation
9. Quasi-public uses
10. Private clubs
11. Municipal uses not listed under permitted uses
12. Public utility buildings
13. Water recreation including piers, docks, and boathouses related thereto
14. Commercial recreation
15. Indoor recreation (Amended 4/7/03)
16. Marinas
17. Commercial fisheries and related sales of fresh products
18. High Voltage Transmission Lines (Amended 12/15/08)
19. Registered dispensary (Amended 7/19/10)
20. Registered dispensary, non-growing (Amended 7/19/10)

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

PERMITTED USES

1. Single Family Dwelling
2. Two family dwelling
3. Manufactured housing unit
4. One caretaker's apartment within a non-residential use
5. One accessory apartment in a single family dwelling
6. Home occupations
7. Hotels and motels
8. Tourist homes
9. Bed and breakfast establishments
10. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
11. Accessory retail sales of goods manufactured on the premises
12. Lumber yards and material supply yards
13. Artist and craftsperson studios
14. Eating establishments (Amended 4/7/03)
15. Eating and drinking establishments (Amended 4/7/03)
16. Drive through eating establishments (Amended 4/7/03)
17. Accessory food service facilities
18. Health & fitness clubs
19. Private clubs
20. Financial institutions
21. Professional offices
22. Business offices
23. Offices of tradesman or contractors
24. Personal services (Amended
25. Business services
26. Repair services
27. Small engine repair (Amended 4/7/03)
28. Funeral homes
29. Health care clinics for humans
30. Hospitals
31. Animal hospitals and veterinarian offices
32. Kennels
33. Boarding kennels
34. Any use permitted in the Resource Protection District

35. Research and testing laboratories
36. Wholesale trade and warehouses
37. Essential services
38. Accessory uses
39. Municipal uses
40. Public utility buildings
41. Quasi-public uses
42. Churches
43. Public parks and playgrounds
44. Public schools
45. Private schools
46. Commercial schools
47. Nursery school
48. Home babysitting service
49. Day care home
50. Day care center
51. Adult day care center, Types 1 and 2
52. Agriculture
53. Elder/Disability Housing Facility
54. Elder/Disability Housing Facility – Limited Service
55. Elder/Disability Care Facility – Full Service
(12/5/94)

CONDITIONAL USES

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

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

PERMITTED USES

1. Single family dwellings
2. Two family dwellings

3. Churches
4. Home occupations
5. Retail businesses
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Hotels and motels
9. Tourist homes
10. Financial institutions
11. Personal services
12. Business services
13. Offices
14. Research and testing laboratories
15. Wholesale trade and warehouses
16. Hospitals and clinics for humans
17. Animal hospitals and veterinarian offices
18. Quasi-public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
25. Any use permitted in the Resource Protection Dist.
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. (Reserved) (Amended 6/4/87)
29. Funeral homes (Amended 6/4/87)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Adult day care center, Type 1 and 2
(Amended 7/1/91)
34. Nursery School (Amended
7/6/93; 1/3/95)
35. One accessory apartment in a single family dwelling (Amended 10/20/08)
36. Elder/Disability Housing Facility
37. Elder/Disability Housing Facility – Limited Service

CONDITIONAL USES

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

13. Registered dispensary (Amended 7/19/10)
14. Registered dispensary, grow-only (Amended 7/19/10)
15. Registered dispensary, non-growing (Amended 7/19/10)

410-7. B-3 DOWNTOWN BUSINESS DISTRICT

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

PERMITTED USES

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

CONDITIONAL USES

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

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

PERMITTED USES

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

CONDITIONAL USES

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

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

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PERMITTED USES

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

CONDITIONAL USES

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

F. AMENDMENTS TO SECTION 708, SACO ZONING ORDINANCE, PARKING – (FIRST READING)

Proposed Amendments to Section 708, Saco Zoning Ordinance, Parking Recommended by the Planning Board to the City Council, Nov. 15, 2011

(underline represents new language while ~~strikethrough~~ represents language to be deleted)

708-1. OFF STREET PARKING REQUIRED

1. A minimum number of off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. However, existing uses are considered grandfathered for the number of parking spaces required on June 19, 1995 and need provide additionally only the difference between that required for the grandfathered use and the new or expanded use. (Amended 6/19/95)
2. Off-street public parking lots may be utilized to fulfill parking requirements in lieu of on-premise parking when such public parking lots have been provided for that purpose.
3. Notwithstanding other provisions of this section requiring on-site parking, existing buildings in the B-3 district, north and west of the Boston and Maine Railroad only, and in the MU-1 district may receive a

parking waiver in whole or in part from the Planning Board, when a structure is expanded, when a change of use requires additional parking spaces be provided, or when an existing building or use undergoes internal expansion. Such expansion includes the reuse or rehabilitation of unused or under utilized space within a building that exists on June 19, 1995. It does not include additions to buildings, except for dormers or other roof structures that may make an upper floor more useable . The Planning Board shall hear the application for the parking waiver as a conditional use and before approving it shall make a finding that it meets the following standards, as well as the conditional use standards of § 901-4:

- A. On-site parking is not available;
- B. Off-site parking as described in § 708-3-2 is not available;
- C. The lack of on-site parking will not create excessive congestion in the neighborhood. (Amended 6/19/95).

708-2. SPECIFIED USES AND OFF-STREET PARKING SPACES REQUIRED

The minimum number of off-street parking spaces required for different uses shall be as shown in Table 708-2. When the required number of spaces arrived at is not a whole number, fractions of parking spaces shall be rounded up to the next whole number. In the B-3 district, north and west of the Boston and Maine Railroad, and the MU-1 district, the parking requirements of Table 708-2 are reduced by 50 percent. (Amended 4/3/89; 6/19/9

708-3. PARKING DESIGN CRITERIA

- 2) Off-site Parking: Required off-street parking for all land uses shall be located on the same lot as the principal building or facility or within 500 feet measured along lines of access. However, in the B-3 district, north and west of the Boston and Maine Railroad, and in the MU-1 district, this is increased to 1,200 feet. The Planning Board may approve off-site parking or the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements because there is sufficient space, or because of a difference in the probable time of maximum use by patrons or employees of such establishments. A long-term lease or other arrangement satisfactory to the Planning Board is required for any off-site parking. The Planning Board as part of a site plan review may permit contiguous properties to construct shared parking areas that extend over property lines without regards to five foot setback requirement for parking areas. The Board may require adequate plantings and other landscape treatments if necessary to buffer such shared parking. (Amended 6/19/95; 10/15/01; 2/19/02)

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

Use	Minimum Off-Street Parking Spaces Required
Single family residential	2 spaces per dwelling unit
Two family residential	2 spaces per dwelling unit
Multifamily residential	-1.5 spaces per unit for 1 bedroom units -2 spaces per unit for units with 2 bedrooms -In Residential zoning districts, 2.5 spaces for units with 3 or more bedrooms -in Residential zoning districts 2 spaces per dwelling unit plus one <u>additional</u> visitor's space for every 6 units or fraction thereof
Multifamily residential restricted to elderly	1 space for every two units
Elderly congregate housing	1 space per three units
Churches	1 space per 4 seats in principal assembly room
Schools (not including high schools or colleges)	1 space per each 2 employees, including teachers and administrators, plus sufficient off-street space for safe loading and unloading of students
High schools and colleges	1 space for each 5 students based upon the maximum number of students attending the school at any one period in the day

Commercial schools	1 space for each 3 students based upon the maximum number of students attending the school at any one period in the day
Private clubs or lodges	1 space per 75 square feet of total floor space
Recreational assembly places, e.g. dance halls, night clubs, video game parlors	1 space per 75 square feet of total floor area
Theatres	1 space per 4 seats
Bowling alleys	5 spaces for each alley
Funeral homes	1 space per 100 square feet of total floor area
Adult day care center	1 space per employee and one per six clients
Hospitals and rest homes	1 space per 3 beds plus 1 space per 2 employees on the maximum working shift
Professional offices, business services, office of wholesale businesses	1 space for every 250 square feet of total floor area
Banks	1 space per 150 square feet of floor area exclusive of storage space
Medical offices	1 space per 100 square feet of floor area exclusive of storage space
Veterinarian clinic, kennel, animal hospital	5 spaces per veterinarian
Retail business, personal services businesses	1 space per 200 square feet of total floor area
Eating and drinking, Eating, and Drinking Establishments	1 space per 75 square feet of total floor area
Barber, beauty shop	4 spaces per chair
Industrial businesses	1 space per employee on the maximum working shift
Warehouses	1 space per 500 square feet of total floor area
Child care facilities	1 space per 4 children
Flea markets	3 spaces per table
Hotels and motels, tourist homes, bed and breakfast establishments, boarding homes	1 space per guestroom plus 1, space per employee working on the largest shift
Home occupations	See mixed uses
Mixed uses	Total of individual use requirements
Golf Courses	50 spaces per 9 holes (Amended 12/7/98)
Marinas	1 space per 2 slips or moorings (Amended 6/2/08)

G. ZONING ORDINANCE AMENDMENTS – DOWNTOWN ZONING – (FIRST READING)

“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-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

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-2 to the approved 405A to create a purpose statement for the proposed Mixed Use-2 district to read as follows:

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 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~~
- ~~2. Two family dwellings~~
- ~~3. Elderly congregate housing~~
- ~~4. Multi family dwellings~~
 1. Dwelling units above the first floor in a mixed-use building
- ~~25. Home occupations~~
- ~~36. Retail businesses excluding outdoor sales~~
- ~~47. Eating establishments, excluding fast food restaurants~~
- ~~58. Eating and drinking establishments~~
- ~~69. Hotels and motels~~
- ~~10. Tourist homes~~
- ~~74. Financial institutions~~
- ~~84. Business offices~~
- ~~94. Professional offices~~
- ~~104. Personal services~~
- ~~115. Business services~~
- ~~126. Repair services~~
- ~~137. Artist or craftsperson studio~~
- ~~148. Health club~~
- ~~159. Office of a contractor or tradesman~~
- ~~20. Funeral homes~~
- ~~162. Health care clinics for humans~~
- ~~172. Veterinarian offices~~
- ~~182. Places of worship Churches~~
- ~~192. Public and private schools~~
- ~~205. Commercial schools~~
- ~~216. Essential services~~
- ~~227. Accessory uses~~
- ~~238. Municipal uses~~
- ~~249. Any use permitted in the Resource Protection District~~

- ~~2530.~~ Bed and breakfast establishments (Amended 9/5/85)
- ~~31.~~ ~~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~~
- ~~2937.~~ Quasi-municipal or public uses
- ~~38.~~ ~~One accessory apartment in a single family dwelling (Amended 10/20/08)~~

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
- ~~7.~~ ~~Public utility buildings~~
- ~~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 410-4B. 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

8. 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) sewered	7,500 _____	7,500
(2) unsewered	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		
sewered	7,500	7,500
unsewered	N/A 20,000	N/A
unsewered & on-lot water	N/A 40,000	N/A
(2) Two Family		
sewered	5,000	3,750
unsewered	N/A 17,500	N/A
(3) Multi-family		
sewered	5,000 See Note 17	1,500
unsewered	17,500 N/A	N/A
C. MINIMUM STREET FRONTAGE ⁴ (Feet)		
(1) sewered	50 _____	50
(2) unsewered	400 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.

9. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a column for the MU-2 District to read:

	<u>MU-2¹⁵</u>	B-3
A. MINIMUM LOT AREA (Sq. Ft.) ¹³		
(1) sewerer	<u>3,000</u>	7,500
(2) unsewerer	<u>N/A</u>	#
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		
sewerer	<u>3,000</u>	7,500
unsewerer	<u>N/A</u>	N/A
unsewerer & on-lot water	<u>N/A</u>	N/A
(2) Two Family		
sewerer	<u>2,000</u>	3,750
unsewerer	<u>N/A</u>	N/A
(3) Multi-family		
sewerer	<u>See Note 16</u>	1,500
unsewerer	<u>N/A</u>	N/A
C. MINIMUM STREET FRONTAGE ⁴ (Feet)		
(1) sewerer	<u>None</u>	50
(2) unsewerer	<u>N/A</u>	N/A
D. MINIMUM DEPTH FRONT YARD (Feet)	<u>0</u>	0
E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)	<u>10/0²</u>	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
(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
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
H. MAXIMUM LOT COVERAGE (%)	<u>70</u>	90
I. MAXIMUM HEIGHT (Feet)	<u>50</u>	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.

10. 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.

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

Councilor Smith moved, Councilor Tripp seconded the “City of Saco hereby ordains and approves the First Reading of the document titled, ‘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 March 19, 2012, and further moves to set the Public Hearing for April 9, 2012.”

A question arose as to whether an item can be voted down at the first reading and taken off the agenda with no further readings, or whether the item needs to go through the process of the Public Hearing and Second and Final Reading before it can be voted down. City Administrator Rick Michaud was asked to research this and to get back to the Council before any further action is taken.

TABLED - Councilor Blood moved, Councilor Cote seconded to table this item. The motion passed with seven (7) yeas.

H. APPLICATIONS FOR A LICENSE TO OPERATE A GAME OF CHANCE: PULL TICKETS FOR TICKET MACHINE

Fraternal Order of Eagles #3792 has applied for two Licenses to Operate a Game of Chance: Pull Tickets for Ticket Machine, from April 1, 2012 to April 1, 2013.

The applicant has submitted their applications in accordance with the provisions of Title 17 M.R.S.A. Chapter 13-A, and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

I. MESSAGE THERAPIST LICENSE APPLICATION: KATHERINE FARWELL

Katherine Farwell, located at the Saco Healing Arts Center, 209 Main St., has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a diploma issued by a recognized school in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

J. ASSET FORFEITURE

The Office of the Attorney General requires the legislative body of the municipality involved in any asset forfeiture to publicly vote to approve the acceptance of the assets each and every time the courts make them available for disposal.

This matter, State v. William Piper Childress, involves the potential forfeiture of a firearm with a potential value of \$300-\$800.

V. AGENDA:

C. CONFIRM THE MAYOR'S CREATION OF THE 'AD HOC COMMITTEE – SIMPSON ROAD'

Over the past eleven years, the City of Saco Public Works Department (DPW) has worked with CLD Consultants, Inc. to provide monitoring, temporary stabilization work, and continued evaluation of the structural integrity of the stone arch bridge over Stackpole Creek on the Simpson Road.

In 2009, when visual deviations appeared at the bridge face during an annual evaluation by CLD, DPW installed monitoring gauges. DPW staff has provided routine monitoring and recording of the data from these gauges. These gauges have showed that the bridge is experiencing movement at a faster rate as time progresses.

CLD has provided the City their annual evaluation of the bridge, which finds that the movement is substantial enough for them to make recommendations to close the bridge when certain situations occur. These situations include moderate rainfall events, as well as, creek levels at depths greater than five (5) feet. Concurrently, DPW staff will continue to monitor the gauges on a weekly basis and provide all updates to the structural engineers for further recommendations.

On February 21, 2012, the Council accepted CLD Consultant’s finding and recommendations report. Subsequently, the City Council met with the Buxton Board of Selectman on Tuesday March 6, 2012 to discuss the condition of Simpson Road and possible alternative solutions and steps to move ahead.

AD HOC COMMITTEE – SIMPSON ROAD, dated March 19, 2012

Committee Purpose: To prepare a plan for the future of the Simpson Road.

The Ad Hoc Committee shall meet two times: (1) to review all information and data collected on the Stackpole Creek Bridge to date; and (2) to prepare a recommendation report to be presented to the City Council.

Members of the Ad Hoc Committee shall include:				
Inga Browne Simpson Road	Sue Littlefield Simpson Road	Peg Mills Simpson Road	Tom Merrill Simpson Road	State Representative Linda Valentino
Representative from the Buxton Board of Selectman	Representative from the Saco City Council	Citizen of Buxton (chosen by the Buxton Board of Selectman)	Public Works Director, City of Saco	Public Works Director, Town of Buxton
Police Chief, City of Saco	Police Chief, Town of Buxton	Fire Chief, City of Saco	Fire Chief, Town of Buxton	Representative from the Saco Historic Preservation Commission

The Committee Charge:

- ▶ **Identify Safety (traffic) issues;**
- ▶ **Develop a Public Notification Process;**
- ▶ **Develop Alternatives for the Road/Bridge;**
- ▶ **Address Emergency Management issues;**
- ▶ **Provide a Recommendation on whether the Stackpole Creek Bridge should be listed on the National Historic Register;**
- ▶ **Prepare a recommendation report for the City Council and the Buxton Board of Selectman.**

Councilor Tripp moved, Councilor Doucette seconded “Be it ordered that the City Council confirm the creation of the Ad Hoc Committee – Simpson Road referenced in the document titled, ‘Ad Hoc Committee – Simpson Road, dated March 19, 2012’.” Further move to approve the order. The motion passed with seven (7) yeas.

B. AMENDMENT TO CHAPTER 181, SOLID WASTE TIME LIMITS FOR PLACING CONTAINERS ON THE ROADWAY – (FIRST READING)

Amendment to Chapter 181 Solid Waste §181-4, date February 6, 2012

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

Section 181-4

- A. Each household or business is responsible for preventing accumulation of rubbish. ~~On the designated day of pickup, a~~ All residential rubbish must be set out in a City-designated container for garbage collection. Each household or commercial unit ~~should~~ must contain its waste in receptacles as described in § 181-2. Pursuant to § 181-3, each container shall be placed as instructed by the garbage collector along the street, sidewalk or roadside for automated collection. City-designated garbage containers may be set out for

~~collection the evening or day before, and should be removed from the street or roadside after collection no earlier than 2:00 p.m. on the day before the day of collection. All receptacles must be removed from the sidewalk or edge of the roadway shoulder by noon on the day after collection.~~ No person shall cause or permit any accumulation of rubbish which, in the opinion of the Health Officer or Health Inspector, is unsanitary or hazardous to the health of the public or, in the judgment of the Fire Chief of the Fire Department, constitutes a fire hazard.

Councilor Doucette moved, Councilor Tripp seconded “The City of Saco hereby ordains and approves the Second and Final Reading of the document titled, ‘Amendment to Chapter 181 Solid Waste §181-4, dated February 6, 2012’.”

2nd Amendment – Councilor Doucette moved, Councilor Tripp seconded “The City of Saco hereby Ordains and Approves the following amendment to Chapter 181 Solid Waste §181-4; the last sentence to read: The Code Enforcement Officer is hereby authorized to waive this requirement when it is found that special or unusual circumstances do not permit the container to be removed at the prescribed time.” The motion passed with six (6) yeas and one (1) nay – Councilor Smith.

Mayor Johnston called for a vote on the Main motion. The motion passed with seven (7) yeas.

A. CITY ADMINISTRATOR’S MUNICIPAL BUDGET PRESENTATION AND SUBMITTAL TO COUNCIL FOR FY 13

City Administrator Richard Michaud presented a slide show of the FY13 City Side of the Budget and also prepared the ‘Transmittal Letter’ below.

Transmittal Letter for Budget FY2013

March 9, 2012

Re: Budget for Fiscal-Year 2013

Honorable Mayor Johnston and members of the City Council:

I submit to you the fiscal year 2013 (FY13) budget proposal pursuant to Article VI, Financial Procedures of the City Charter, § 6.02 Submission of the Budget, *“at the second City Council meeting in March of each year, the City Administrator... shall submit to the City Council their respective sections of the budget for the ensuing fiscal year and the accompanying messages.”*

Transmitted herewith is the proposed FY13 budget for the City of Saco. This budget recommendation constitutes the essential services level of operating performance required for the City of Saco. Essential services are those services determined to be necessary for the health, safety and desired quality of life of the community and for the effective functioning of city government.

With every challenge comes an opportunity. After many years of being involved in budget processes, I have come to view budgets as an opportunity for an organization to set goals and to work to achieve them. The FY13 budget has been prepared with the objective of no reduction in City services while addressing our infrastructure needs.

The FY13 municipal budget represents a total appropriation level of **\$23,401,094**, which is a **17.38% or \$2,977,727** increase from last year's appropriation of **\$20,423,522**. There are two financial goals for this budget: to address our capital needs and reduce our reliance on fund balance.

Capital Improvement - The business standard for maintaining capital assets is a 2% to 3% allocation of annual expenditure, of the capital investment. The city has \$68 million in capital assets and the current Capital Improvement Budget is 0.24% or \$165,000, to maintain our capital assets – not a sustainable practice.

During this economic climate, the city has essentially been in reactive mode spending down fund balance (savings account) to cover increases and deferring maintenance of buildings, sidewalks, roads, and infrastructure. Continuing to maximize our service output without addressing our maintenance and infrastructure needs has resulted in escalating costs to repair and maintain infrastructure. The time has come to be proactive and effectively meet the needs of our residents by both maintaining current service levels and our \$68 million infrastructure. The proposed capital budget is \$2,425,000, or 3.6% of our \$68 million in capital assets.

Fund Balance – The city's fund balance is currently at 6.2% of the total budget. The FY13 budget does not include a further reduction in fund balance and in fact furthers the council goal of reestablishing the fund balance to 8.33% - our policy.

Fiscal terms and work programs give explanation to the budget. Major change in expenditures and revenues are documented and the city's debt position is summarized.

My goal of maintaining current service levels are supported by four citizen satisfaction surveys, conducted by the independent research firm Strategic Marketing Services. Consistently, citizens indicate high satisfaction scores with service delivery and report that property taxes are "about right".

"How are we doing" The Performance Measurement Report is a culmination of citizen survey responses and annual departmental service delivery. For the eighth year, the city has received recognition for excellence in performance reporting from the Association of Governmental Accountants: Certificate of Excellence in Service Efforts and Accomplishments Reporting.

In summary, the FY13 Budget:

- Reflects an increase in property tax revenues by 10.3% (\$15.91) assuming no change in the RSU's portion of the property tax;
- Reflects a non-property tax revenue decrease of 6.79%;
- Funds a Capital Improvement Program; and
- Relocates fire emergency dispatch service to Biddeford.

The City's property valuation estimate is \$2,120,343,274 in FY13 (same in FY12), which means no significant increase due to growth.

In part, the FY13 budget is funded by transfers from other fund accounts primarily \$400,000 from the Ambulance Fund and utilization of undesignated fund balance of \$755,000, equal to the Assessor's overlay.

The FY13 budget is located at www.sacomaine.org under the link to Finance. The city will publish a summary in the local media indicating the Public Hearing date of May 7, 2012.

Sincerely,

Richard R. Michaud
City Administration

Fiscal Year 2013 Budget Calendar – Remaining Meeting

April 2, 2012	Monday	City Council Budget Workshop
April 16, 2012	Monday	City Council Budget Workshop
May 7, 2012	Monday	Public Hearing on the Budget
May 21, 2012	Monday	Adoption of fiscal year 2013 Budget

**CITY OF SACO
NOTICE OF BUDGET HEARING**

There will be a Public Hearing on May 2, 2012 on the City of Saco's Municipal and Capital Improvement Budgets. This special meeting will be held in the City Hall Auditorium, 300 Main Street at 7:00 p.m. The following is a summary of the proposed budgets. Copies of the complete proposed budgets are available for inspection at City Hall during regular business hours.

FY 2013 CITY BUDGET AND CAPITAL PROGRAM

<u>MUNICIPAL BUDGET</u>	<u>COUNCIL APPROVED FY 11-12</u>	<u>CITY ADMIN FY 12-13</u>	<u>REQUESTED CHANGE</u>	<u>PERCENT CHANGE</u>
Mayor-Council (Legislative)	\$ 20,600	\$ 20,600	\$ -	0.00%
City Administration	\$ 284,157	\$ 308,273	\$ 24,116	8.49%
Finance Department	\$ 367,166	\$ 385,872	\$ 18,706	5.09%
Technology Department	\$ 380,639	\$ 446,931	\$ 66,292	17.42%
City Clerk	\$ 262,448	\$ 288,443	\$ 25,995	9.90%
Tax Assessor	\$ 190,332	\$ 190,045	\$ (287)	-0.15%
City Building Maintenance	\$ 112,033	\$ 122,205	\$ 10,172	9.08%
Legal Department	\$ 185,000	\$ 185,000	\$ -	0.00%
Police Department	\$ 3,338,169	\$ 3,376,482	\$ 38,313	1.15%
Fire/Ambulance Department	\$ 2,711,468	\$ 2,929,010	\$ 217,542	8.02%
Building Inspection	\$ 207,580	\$ 212,671	\$ 5,090	2.45%
Planning & Economic Development	\$ 302,941	\$ 318,937	\$ 15,996	5.28%

Public Works Department	\$ 4,605,121	\$ 4,731,728	\$ 126,607	2.75%
Public Agencies	\$ 85,600	\$ 101,600	\$ 16,000	18.69%
City Agencies	\$ 542,143	\$ 606,200	\$ 64,057	11.82%
Emergency Management	\$ 5,900	\$ 5,900	\$ -	0.00%
Parks & Recreation Department	\$ 1,142,905	\$ 1,261,088	\$ 118,183	10.34%
Debt Service	\$ 2,390,941	\$ 2,232,515	\$ (158,426)	-6.63%
Employee Benefits	\$ 2,829,212	\$ 2,950,632	\$ 121,420	4.29%
Insurance	\$ 159,012	\$ 166,963	\$ 7,951	5.00%
Contingency	\$ 135,000	\$ 135,000	\$ -	0.00%
Capital Projects	\$ 165,000	\$ 2,425,000	\$ 2,260,000	1369.70%
Gross Municipal Budget	\$ 20,423,367	\$ 23,401,094	\$ 2,977,727	12.72%

	COUNCIL APPROVED FY 11-12	CITY ADMIN FY 12-13	REQUESTED CHANGE	PERCENT CHANGE CHANGES
<u>MUNICIPAL ANTICIPATED REVENUES</u>				
Non-Property (Excise) Taxes	\$ 3,007,500	\$ 3,007,500	\$ -	0.00%
Permits/Licenses/Fees	\$ 704,800	\$ 664,800	\$ (40,000)	-5.68%
Intergovernmental Revenues	\$ 1,953,131	\$ 1,986,131	\$ 33,000	1.69%
Charges for Services	\$ 1,094,300	\$ 1,109,300	\$ 15,000	1.37%
Other Unclassified/Miscellaneous	\$ 596,983	\$ 409,000	\$ (187,983)	-31.49%
Subtotal Revenues	\$ 7,356,714	\$ 7,176,731	\$ (179,983)	-2.45%
<u>Other Credits Municipal</u>				
General Fund- Undes. Fund Bal.	\$ 822,719	\$ 755,000	\$ (67,719)	-8.23%
General Fund- Des. Fund Bal.	\$ -	\$ -	\$ -	0.00%
Ambulance Fund transfer	\$ 580,000	\$ 400,000	\$ (180,000)	-31.03%
Economic Dev. Fund transfer	\$ 181,000	\$ -	\$ (181,000)	-100.00%
Saco Island/Downtown transfer	\$ 25,000	\$ 25,000	\$ -	0.00%
Camp Ellis Fund transfer	\$ 1,000	\$ 1,000	\$ -	0.00%
Subtotal Other Credits Municipal	\$ 1,609,719	\$ 1,181,000	\$ (428,719)	-26.63%
Total Revenues/Credits Municipal	\$ 8,966,433	\$ 8,357,731	\$ (608,702)	-6.79%

	COUNCIL APPROVED FY 11-12	CITY ADMIN FY 12-13	REQUESTED CHANGE	PERCENT CHANGE CHANGES
<u>SUMMARY</u>				
Municipal Expenditures	\$ 20,423,367	\$ 23,401,094	\$ 2,977,727	14.58%
Municipal Revenues/Credits	\$ 8,966,433	\$ 8,357,731	\$ (608,702)	-6.79%
Net Taxes to be raised municipal	\$ 11,456,934	\$ 15,043,363	\$ 3,586,429	31.30%
Net Taxes to be raised education	\$ 16,030,811	\$ 16,030,811	\$ -	0.00%
Taxes to be raised City Council	\$ 27,487,745	\$ 31,074,174	\$ 3,586,429	13.05%
County Taxes	\$ 1,099,643	\$ 1,099,643	\$ -	0.00%
Overlay	\$ 1,200,000	\$ 755,000	\$ (445,000)	-37.08%
TIF Taxes	\$ 785,141	\$ 803,000	\$ 17,859	2.27%

Gross Taxes to be raised	\$ 30,572,529	\$ 33,731,816	\$ 3,159,288	10.33%
Taxable Valuation	\$ 2,120,343,274	\$ 2,120,343,274	\$ -	0.00%
Mil Rate-Preliminary Estimate	\$ 14.42	\$ 15.91	\$ 1.49	10.33%

Note: The Homestead Exemption, Overlay, TIF Taxes and Taxable Valuation figures are estimates as the Assessor's property valuation process is not yet complete. They will be adjusted by the Tax Assessor when he completes his work on new valuations, adjustments to existing valuations and adjustments to personal property.

Michele Hughes, CMC/CCM City Clerk

Councilor Blood moved, Councilor Lovell seconded “Pursuant to the City Charter Article VI, Financial Procedures §6.02, be it ordered that the City Council accept the City Administrator’s Budget for Fiscal Year 2013, and further move to set the Public Hearing for the FY13 budget and the Capital Program for April 30, 2012”. Further move to approve the Order. The motion passed with seven (7) yeas.

X. ADJOURNMENT

Councilor Lovell moved, Councilor Smith seconded to adjourn at 8:02 p.m. The motion passed with seven (7) yeas.

ATTEST: _____
Michele L. Hughes, City Clerk