I. CALL TO ORDER – On Monday, May 21, 2012 at 7:03 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 PROCLAMATION – ARBOR WEEK

Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Whereas, In 1978, the State of Maine first celebrated Arbor Week during the 3rd full week of May, and Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim May 21st through May 27th as the celebration of Arbor Week in the City of Saco, and I urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

25TH YEAR EMPLOYEE RECOGNITION – DOROTHEA BENDER

Mayor Johnston presented a plaque to Dorothea Bender, Accounting Assistant for the City of Saco which read: “In grateful recognition for 25 years of outstanding service and dedication to the City of Saco and its citizens, May 1987 – May 2012.”

SENIOR CITIZEN TAX WORK-OFF PROGRAM

Tax Assessor Dan Sanborn asked Mayor Johnston to remind the senior citizens that the city offers a “Senior Citizen Tax Work-Off Program”. This program gives qualified senior citizens the ability to reduce their yearly tax bill up to $750.00 in the form of na abatement for volunteering 100 hours for performing various jobs within the city.

You may qualify for this program if you are at least 60 years old by April 1st and you are a Saco resident as the abatement is applied to your primary residence. Your last year’s Maine Adjusted Household income was $58,000 or less, you have limited financial resources and you have 100 hours of time to volunteer to do various work for the City of Saco. This year the City of Saco has budgeted for 20 seniors to participate. For more information you may call the Assessor’s Office at 282-1611 or pick up an application at City Hall on the 3rd floor. The application deadline is June 15th.

PRESENTATIONS FOR SERVICE TO THE COMMUNITY

Mayor Johnston noted that perhaps the first and biggest benefit that people get from volunteering is the satisfaction of incorporating service into their lives and making a difference in their community and country. The intangible benefits alone, such as pride, satisfaction and accomplishment are worthwhile reasons to serve, but there are other benefits as well such as tangible benefits like rewards, job and educational certification and more. Volunteering is an opportunity to advance in all areas of life. As we do this we all might be mindful as to what it means to volunteer to our community and how all volunteers in the city make Saco a great place to live and work.
Mayor Johnston gave a special thanks to Police Officer Megan Tibbetts of the Saco Police Department who unselfishly and efficiently coordinated a recent volunteer citizen service project on behalf of an elderly resident who was living alone, had recently lost his wife, had few resources and was overwhelmed with a need for a spring clean-up and a fix-up of his home and property here in Saco. Throughout her 15 years of service, Officer Tibbetts takes pride in the uniform, and demonstrates the highest level of professionalism through her friendly and approachable nature as she engages in public relations every day.

The 15 volunteers who assisted Officer Tibbetts are as follows:

- Blue Elephant Café & Catering – Fasto Pifferrer & Rueban Bell
- Police Chief Brad Paul
- Dale Shannon – Public Works
- Dan Hale – Community Volunteer
- Asst. Code Enforcement Officer David Twomey
- Code Enforcement Officer Richard Lambert
- Gilles Poirier – City Hall Building and Maintenance
- Jason Brooks – Community Volunteer
- Jim Godbout – Godbout Plumbing and Heating
- Joe Grondin – Advocate and Volunteer
- Katie Muir – Community Volunteer
- Kenny Blow - BBI
- Marcel Desrosiers – City Electrician
- Public Works Director Michael Bolduc
- Dep. City Clerk William Rankin

Officer Tibbetts thanked all the volunteers and noted that this task was done by people who did not know this gentleman, but still stepped up unselfishly and did for him what he could not do for himself. I could not have asked for a better group to come to my aid when I asked. She stated that there are allot of elderly people in the community who need help and noted that people should know who their neighbors are, and see if they need help.

V. AGENDA

A. RENEWAL APPLICATION SPECIAL ENTERTAINMENT PERMIT – KERRYMEN PUB – (PUBLIC HEARING)

Councilor Doucette moved, Councilor Smith seconded to open the public hearing. The motion passed with unanimous consent.

There were no public comments.

Councilor Doucette moved, Councilor Smith seconded to close the public hearing and “Be it Ordered that the City Council grant the renewal application submitted by John Kerry d/b/a Kerrymen Pub for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

B. APPROVE THE FY 13 MUNICIPAL BUDGET
   a. WWTP BUDGET ADOPTION

The FY2011-2012 operating budget was $2,551,720 that was supported by a sewer user-fee rate of $4.20 per unit. At the rate of $4.20 per unit, an annual average of 100 customers was $310.80 per year. The FY2011-2012 budget includes an increase in the sewer user-fee rate from $4.20 to $4.50 per unit. At the rate of $4.50 per unit, an annual average of 100 customers will be $333.00 per year, an increase of 7%. The sewer user-fee rate increase for FY2012-2013 represents the increase needed to cover expenses and lost revenue from Poland Spring. In FY13, there is no use of Fund Balance budgeted. In FY2012-2013, the Council will consider increasing the sewer user fee rate to $4.50 per unit. The City Council discussed this item at Workshop on April 17, 2012, and the Public Hearing on the Budget was on May 7, 2012, the Council discussed this item at Budget Workshop on May 14, 2012.
Councilor Blood moved, Councilor Lovell seconded “Be it Ordered that the City Council move to adopt an appropriation order for the adoption of the Fiscal Year 2012-2013 Waste Water Treatment Plant budget of the City of Saco, Maine as follows: Approve gross expenditures of $2,259,758 offset by $2,268,918 in anticipated revenues and other credits, which represents an increase in the rate of sewer user-fees from $4.20 to $4.50”. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

b. ADOPTION OF THE FY13 MUNICIPAL BUDGET

The Council discussed the budget in workshop on April 2, 2012; on April 17, 2012, and the Public Hearing on the Budget was on May 7, 2012; a Budget Workshop was on May 14, 2012. Below is a motion for the adoption of the Fiscal Year 2012-2013 Budget for the City of Saco as proposed by the City Administrator and incorporates changes discussed in workshops.

Councilor Blood moved, Councilor Lovell seconded “Be it Ordered that the City Council move to approve an appropriation order for the adoption of the Fiscal Year 2012-2013 budget, excluding all school related items, per Section 6.06 and 6.07 of the Charter of the City of Saco, Maine as follows: “Approve gross expenditures of $24,801,737 in municipal expenditures, $755,000 in overlay, $803,000 in Tax Increment Financing (TIF) transfers, and $1,500,000 in capital improvements for municipal operations; to be offset by $24,801,737 in anticipated revenue and other credits, which represents $7,176,731 in anticipated municipal revenues, and other credits of $400,000 from the Ambulance Fund, $0 from the Economic Development Fund, $25,000 from the Saco Island TIF, and $1,000 from the Camp Ellis Fund, and the $755,000 from the Undesignated Fund Balance, and thereby raising gross taxes of $15,344,363, and further ordering that the amounts set in the following schedule title, “City of Saco FY2013 City Budget” shall become part of the City Clerk’s records and shall designate the form of the City of Saco Budget for Fiscal Year 2012-2013 as authorized under §6.04 of the Chart of the City of Saco, Maine.” Further move to approve the order. The motion passed with four (4) yeas and three (3) nays – Councilors Tardif, Doucette and Smith.

Councilor Lovell moved, Councilor Cote seconded that should the voters vote to form a negotiating committee to deal with the matter of Saco leaving the RSU, should that contingency arise, $30,000 would be identified out of the contingency fund 10640-500400 to give that committee some working capital. That is if only if there is enough signatures to put that item on the ballot and enough votes to authorize the creation of a committee. The motion passed with seven (7) yeas.

c. FY13 STATE REQUIRED ACTION

The State requires two separate actions by the Municipal Officers after the budget passes. Section 5682 of Title 30-A requires that the City may receive State funds only on the affirmative vote of the Council to accept those funds. The numbers in the motion are the estimates from the budget. Total accuracy on the estimates is not a requirement, only that acceptance of the funds is authorized. The City Clerk must certify the vote and return to Augusta before 7/1/12. The City Council discussed this item at Workshop on April 17, 2012, and the Public Hearing on the Budget was on May 7, 2012; the Council held a budget workshop on May 14, 2012.

Councilor Lovell moved, Councilor Blood seconded “Be it Ordered that the City Council authorize the City Treasurer to accept, on behalf of the City of Saco, the following categories of state funds and their estimated amounts for the fiscal year 2012-2013 which are provided by the Legislature of the State of Maine to the City of Saco, and which action is required under Title 30-A MRSA 5682.

- Municipal Revenue Sharing $1,223,000
- Local Road Assistance $ 245,568
- Tree Growth Reimbursement $ 25,000
- Veterans Exemption Reimbursement $ 9,000
- General Assistance Reimbursement $ 58,000
- Homestead Exemption Reimbursement $ 271,563

And such other state revenues, grants or reimbursements which may from time to time become available to the City of Saco from the State of Maine.”” Further move to approve the order. The motion passed with seven (7) yeas.
d. SET THE FY 13 PROPERTY TAX DUE DATES

The City Council discussed this item at Workshop on April 17, 2012, and the Public Hearing on the Budget was on May 7, 2012; the Council discussed this item at Budget Workshop on May 14, 2012.

Councilor Doucette moved, Councilor Lovell seconded “Be it Ordered that the City Council set the interest rate for delinquent FY2013 property taxes at 7.0%, on any refunds of FY2013 tax payments at 8.0%, authorize 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 8/10/2012 with first interest date of 8/13/2012.
Second half payment – Due Date 2/8/2013 with first interest date of 2/11/2013;
and the continuation of the EZ Pay program for fiscal year 2013, and extending the EZ Pay to business and commercial tax payers while requiring that they use the Auto Cash Handling (ACH) method of payment. Eight monthly payments starting August 15, 2012 and ending March 15, 2013.

Further move to approve the Order. The motion passed with seven (7) yeas.

e. RECONFIRM TAX POLICY 2013

On October 6, 1986, the City Council approved a tax collection policy that allows the Tax Collector or the Treasurer to apply tax payments received from an individual to the oldest unpaid tax bill first. We would like to reconfirm the existing policy with the onset of a new tax year.

Tax Collection Policy

The municipal officers of the City of Saco have approved the request of the municipal treasurer and the tax collector that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill. Taxes may not be applied to a period for which abatement request or appeal has not been resolved unless approved in writing by the taxpayer. As well, on the 30-day lien notice or 45-30 day foreclosure notice, a statement will be added indicating the City’s tax collection policy.

The Council discussed this item at Workshop on May 14, 2012.

Councilor Smith moved, Councilor Doucette seconded “Be it Ordered that the City Council accept the tax collection policy as presented pursuant to 36 MRSA Section 906.” Further move to approve the Order. The motion passed with seven (7) yeas.

C. EXCEED LD 1 CALCULATIONS – FY13 MUNICIPAL BUDGET

Per 30A M.R.S.A. §1531, a municipality may elect to raise its property tax levy limit upon the affirmative vote of a majority of the City Council. The form of City Council action must specifically identify the intention of the council to “increase the property tax levy limit and must specifically state if the City Council, favors raising the levy limit”. Will the City Council favor increasing the property tax levy limit for the City of Saco by $2,076,365 for the purpose of appropriating $2,076,365 for the Capital Improvement Program, and with the remaining amount attributed to a reduction in revenues, and an increase in expenditures. A vote to increase the property tax levy limit allows a municipality to surpass the limit in that year and resets the limit so that the amount levied becomes the new limit and is the base of the subsequent years limit calculation.

The Council discussed this item at Workshop on May 7, 2012, and May 14, 2012.

Councilor Blood moved, Councilor Cote seconded “Be it ordered that the City Council move to increase the property tax levy limit for the City of Saco for the purpose of appropriating the necessary funds for the loss of revenue and the increase in expenditures.” Further move to approve the Order. The motion passed with four (4) yeas and three nays – Councilors Tardif, Doucette and Smith.
## FY 2012 Budget

### Expenditures

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>$20,423,367</td>
<td></td>
</tr>
<tr>
<td>Overlay</td>
<td>$1,200,000</td>
<td></td>
</tr>
<tr>
<td>TIF Transfer</td>
<td>$769,141</td>
<td>$22,408,508</td>
</tr>
<tr>
<td>Education</td>
<td>$10,030,011</td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>$1,695,643</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$39,535,661</td>
<td></td>
</tr>
</tbody>
</table>

### Revenues

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>$7,356,714</td>
<td></td>
</tr>
<tr>
<td>Transfers</td>
<td>$176,700</td>
<td></td>
</tr>
<tr>
<td>Utilization</td>
<td>$822,719</td>
<td>$8,066,433</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$8,965,433</td>
<td></td>
</tr>
</tbody>
</table>

### Tax Levy

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>$13,442,075</td>
<td>43.9672%</td>
</tr>
<tr>
<td>Education</td>
<td>$10,030,011</td>
<td>52.4335%</td>
</tr>
<tr>
<td>County</td>
<td>$1,695,643</td>
<td>3.5800%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$30,572,529</td>
<td></td>
</tr>
</tbody>
</table>

### Valuation

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Real Estate</strong></td>
<td>$30,408,065,700</td>
<td>Last year growth $15,183,100</td>
</tr>
<tr>
<td><strong>Personal Property</strong></td>
<td>$57,397,900</td>
<td>Total valuation $2,132,957,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,116,401,600</td>
<td>(1) Property growth factor 0.77%</td>
</tr>
<tr>
<td><strong>Levy</strong></td>
<td>$30,572,529</td>
<td>Property tax levy limit 2.0%</td>
</tr>
<tr>
<td>3.971 HOMESTEAD</td>
<td>$39,710,000</td>
<td>Levy 2013 tax levy limit $11,129,995</td>
</tr>
<tr>
<td>STATE 0.0%</td>
<td>$14,422</td>
<td>Allowable increase in levy - core municipal $2,093,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$286,293</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total levy 2012</strong></td>
<td>$30,572,529</td>
<td></td>
</tr>
<tr>
<td>Less:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>$(10,030,011)</td>
<td></td>
</tr>
<tr>
<td>County Tax</td>
<td>$(1,695,643)</td>
<td></td>
</tr>
<tr>
<td>Overlay</td>
<td>$(1,200,000)</td>
<td></td>
</tr>
<tr>
<td>TIF</td>
<td>$(769,141)</td>
<td></td>
</tr>
<tr>
<td><strong>Levy for Public Law 2 - base</strong></td>
<td>$11,455,934</td>
<td></td>
</tr>
<tr>
<td>Proposed 2013 levy - city only</td>
<td>$15,344,363</td>
<td></td>
</tr>
<tr>
<td><strong>Levy for Public Law 2 - 2013</strong></td>
<td>$13,786,363</td>
<td></td>
</tr>
<tr>
<td><strong>Change in levy</strong></td>
<td>$2,639,390</td>
<td>Allowable $2,639,390</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$286,293</td>
<td></td>
</tr>
</tbody>
</table>

### New Funding Calc

<table>
<thead>
<tr>
<th>Category</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Revenue Sharing</td>
<td>$1,225,000</td>
<td>$1,225,000</td>
<td>$1,225,000</td>
</tr>
<tr>
<td>Local Roads</td>
<td>$245,567</td>
<td>$245,568</td>
<td>$245,568</td>
</tr>
<tr>
<td>General Assistance</td>
<td>$44,026</td>
<td>$23,000</td>
<td>$23,000</td>
</tr>
<tr>
<td>Tree Growth</td>
<td>$25,435</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Veterans Exemption</td>
<td>$6,937</td>
<td>$9,000</td>
<td>$9,000</td>
</tr>
<tr>
<td><strong>Allowable Increase</strong></td>
<td>$1,849,009</td>
<td>$1,527,000</td>
<td>$1,500,000</td>
</tr>
<tr>
<td><strong>Actual Increase</strong></td>
<td>$33,640</td>
<td>($21,701)</td>
<td>$33,000</td>
</tr>
</tbody>
</table>

### SSTP Program:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valuation</td>
<td>$13,729,000</td>
<td>70% ratio 14.42%</td>
</tr>
<tr>
<td>City mill rate</td>
<td>$138,558</td>
<td></td>
</tr>
</tbody>
</table>

(1) Have not included the reassessment

**Tax levy limit in year 1 - previous levy multiplied by 1 plus growth limitation factor**

**Growth limitation factor:**
- Tax burden - highest 1/3 - average real personal income growth not to exceed 2.75% plus property growth factor
- Tax burden - middle 1/3 - average real personal income growth plus forecasted inflation plus property growth factor
- Average real personal income growth - certified by state to arrive to muni’s FY 9 each year - this year 1.43%
- Property growth factor - last known growth as a percentage of total valuation from previous year - year behind
D. TAX ANTICIPATION NOTE

A tax anticipation note is a short-term borrowing tool utilized to meet current obligations by “bringing forward” tax revenues expected later in the fiscal year. Due to the increasing delay in repayment of federal and state funding, the slowing tax collection rates, as well as the anticipated delay in banks turning over escrowed funds, we need to be prepared for a cash flow shortage prior to the fiscal 2013 tax due date of August 10, 2012. The note is drafted on a tax exempt basis. If no shortfall arises, then no funds will need to be borrowed. We do need to be prepared in the case of delayed revenues as we have continuing expenditure obligations to meet in the near term. One such example is the RSU payment of $1.4m due monthly for taxes being collected on their behalf on August 10, 2012.

The City Council discussed this item at Workshop on May 7, 2012, and at Budget Workshop on May 14, 2012.

Councilor Cote moved, Councilor Tripp seconded “Be it ordered that the City Council approve the Order entitled, ‘ORDER AUTHORIZING CITY OF SACO TO ISSUE TAX ANTICIPATION NOTE FOR 2012-2013 FISCAL YEAR’.” Further move to approve the Order. The motion passed with five (5) yeas and two (2) nays – Councilors Tardif and Doucette.

ORDER AUTHORIZING CITY OF SACO TO ISSUE TAX ANTICIPATION NOTE FOR 2012-2013 FISCAL YEAR

1) That under and pursuant to 30-A M.R.S.A. §5771 and Section 6.14 of the Charter of the City of Saco, the City borrow in anticipation of the receipt of taxes the sum of not more than $2,500,000.00 to be issued on or about June 10, 2012 and mature on or before August 10, 2012, at an interest rate of not more than 0.99 % per annum, which sum shall be borrowed on a “lump-sum” basis;
2) That the loan be evidenced by a general obligation note issued in the name of the City, payable within the current fiscal year out of receipts from taxes levied for the current fiscal year (the “Note”);
3) That the offer of TD Bank, N.A., to purchase the Note, be approved, and that the sale of the Note be awarded to TD Bank, N.A.;
4) That to the extent not inconsistent with this Order, the Treasurer be authorized to select the issue date, maturity, denomination, interest rate, place of payment, form and other details of the Note, as the Treasurer determines to be in the interest of the City;
5) That the Note may be made redeemable or callable, with or without premium, prior to its maturity;
6) That the Note be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
7) That the Treasurer be authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Note shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;
8) That the Treasurer be authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Note, to take all other lawful actions necessary to insure that interest on the Note will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Note to become includable in the gross income of the owners thereof;
9) That the Treasurer be authorized to designate the Note as a qualified tax exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986;
10) That the Treasurer be authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer’s opinion, be necessary or convenient to effect the transactions hereinafter authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City’s bond counsel, may approve;
11) That the Treasurer and other proper officials of the City be authorized and empowered in its name
and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Note in accordance herewith and any such prior action by them be hereby ratified and confirmed;

12) That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Note or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, be authorized to act for such official with the same force and effect as if such official had herself/himself performed such act; and

13) That a copy of this Order be filed with the City Clerk.

<table>
<thead>
<tr>
<th>City of Saco</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Flow FY13 - Semi-Annual</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FY12</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Beginning</td>
<td>377,852</td>
<td>777,525</td>
<td>918,506</td>
<td>1,491,945</td>
<td>1,843,531</td>
<td>586,717</td>
<td>106,857</td>
<td>2,489,275</td>
<td>1,500,987</td>
<td>3,021,812</td>
<td>2,794,521</td>
<td>1,596,045</td>
</tr>
<tr>
<td>CRP</td>
<td>4,517,695</td>
<td>11,597,235</td>
<td>1,368,282</td>
<td>1,027,715</td>
<td>1,202,730</td>
<td>999,352</td>
<td>4,599,930</td>
<td>10,533,286</td>
<td>1,392,885</td>
<td>1,157,143</td>
<td>1,101,741</td>
<td>1,100,000</td>
</tr>
<tr>
<td>Other</td>
<td>(1,150,833)</td>
<td>(7,219,325)</td>
<td>3,059,914</td>
<td>1,987,278</td>
<td>346,498</td>
<td>905,367</td>
<td>945,521</td>
<td>(7,669,912)</td>
<td>4,526,378</td>
<td>745,161</td>
<td>380,951</td>
<td>(81,987)</td>
</tr>
<tr>
<td>Ending</td>
<td>777,525</td>
<td>918,506</td>
<td>1,491,945</td>
<td>1,843,531</td>
<td>586,717</td>
<td>108,857</td>
<td>2,489,275</td>
<td>550,987</td>
<td>3,021,812</td>
<td>2,794,521</td>
<td>1,596,045</td>
<td>(1,237,208)</td>
</tr>
<tr>
<td>CRP</td>
<td>11.1%</td>
<td>28.6%</td>
<td>3.4%</td>
<td>2.5%</td>
<td>3.0%</td>
<td>2.5%</td>
<td>11.3%</td>
<td>26.0%</td>
<td>3.4%</td>
<td>2.9%</td>
<td>2.7%</td>
<td>2.7%</td>
</tr>
<tr>
<td>AP</td>
<td>7.7%</td>
<td>10.9%</td>
<td>9.9%</td>
<td>6.9%</td>
<td>7.3%</td>
<td>6.1%</td>
<td>8.1%</td>
<td>8.9%</td>
<td>5.5%</td>
<td>6.9%</td>
<td>9.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Other</td>
<td>33.6%</td>
<td>210.8%</td>
<td>-89.3%</td>
<td>-58.0%</td>
<td>-10.1%</td>
<td>-26.4%</td>
<td>-27.6%</td>
<td>229.8%</td>
<td>-132.2%</td>
<td>-21.8%</td>
<td>-11.1%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Mutual Account Balance</td>
<td>4,073,750</td>
<td>1,574,314</td>
<td>360,315</td>
<td>315</td>
<td>900,316</td>
<td>6,925,979</td>
<td>1,802,412</td>
<td>502,651</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FY13</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Beginning</td>
<td>(1,237,208)</td>
<td>(453,629)</td>
<td>6,500,133</td>
<td>3,791,985</td>
<td>1,955,236</td>
<td>662,381</td>
<td>(688,965)</td>
<td>497,106</td>
<td>6,304,832</td>
<td>3,778,604</td>
<td>2,534,665</td>
<td>719,562</td>
</tr>
<tr>
<td>CRP</td>
<td>4,659,538</td>
<td>11,961,377</td>
<td>1,411,211</td>
<td>1,059,982</td>
<td>1,258,995</td>
<td>1,030,728</td>
<td>4,713,414</td>
<td>10,064,002</td>
<td>1,436,618</td>
<td>1,193,475</td>
<td>1,136,332</td>
<td>1,134,537</td>
</tr>
<tr>
<td>Other</td>
<td>(774,412)</td>
<td>(578,812)</td>
<td>(90,060)</td>
<td>(112,722)</td>
<td>400,000</td>
<td>103,391</td>
<td>(250,352)</td>
<td>(246,245)</td>
<td>(350,257)</td>
<td>(211,388)</td>
<td>(148,830)</td>
<td>(100,054)</td>
</tr>
<tr>
<td>Ending</td>
<td>(453,629)</td>
<td>6,500,133</td>
<td>3,791,985</td>
<td>1,955,236</td>
<td>662,381</td>
<td>(688,965)</td>
<td>497,106</td>
<td>6,304,832</td>
<td>3,778,604</td>
<td>2,534,665</td>
<td>719,562</td>
<td>(2,272,612)</td>
</tr>
<tr>
<td>CRP</td>
<td>11.1%</td>
<td>28.6%</td>
<td>3.4%</td>
<td>2.5%</td>
<td>3.0%</td>
<td>2.5%</td>
<td>26.0%</td>
<td>3.4%</td>
<td>2.9%</td>
<td>2.7%</td>
<td>2.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>AP</td>
<td>7.7%</td>
<td>10.9%</td>
<td>9.9%</td>
<td>6.9%</td>
<td>7.3%</td>
<td>6.1%</td>
<td>8.1%</td>
<td>8.9%</td>
<td>5.5%</td>
<td>6.9%</td>
<td>9.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Other</td>
<td>32.8%</td>
<td>24.5%</td>
<td>3.8%</td>
<td>26.0%</td>
<td>16.6%</td>
<td>10.6%</td>
<td>10.4%</td>
<td>15.2%</td>
<td>8.9%</td>
<td>6.3%</td>
<td>4.3%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

* Other is mostly Mutual Account transfers & payroll along with a few other items that come in and out of the bank accounts. In the estimated area I have removed MMA Transfers.
VI. CONSENT AGENDA

1. APPROVAL OF MINUTES – MAY 7, 2012
2. WARRANT & NOTICE OF ELECTION – REGIONAL SCHOOL UNIT NO 23 BUDGET VALIDATION REFERENDUM
4. CODE AMENDMENT – CHAPTER 106 FLOODPLAIN MANAGEMENT & §504 OF THE ZONING ORDINANCE (2ND & FINAL READING)
5. ZONING ORDINANCE AMENDMENT – COMMERCIAL SCHOOL IN I-2 DISTRICT (2ND & FINAL READING)
6. ZONING ORDINANCE AMENDMENT - §504 NON-CONFORMING STRUCTURES (2ND & FINAL READING)
7. ZONING ORDINANCE AMENDMENT – RELATED TO ELDERCARE AND ELDER HOUSING (2ND & FINAL READING)
8. ZONING ORDINANCE AMENDMENT - §708 PARKING (2ND & FINAL READING)

Note: Councilor Tripp requested that item #3 be voted on separately.

Councilor Tripp moved, Councilor Smith seconded to approve consent agenda items #1, 2, 4, 5, 6, 7, and 8. The motion passed with seven (7) yeas.

3. CODE AMENDMENT – CHAPTER 45 SHORELINE COMMISSION (2ND & FINAL READING)

Councilor Blood moved, Councilor Smith seconded “The City of Saco hereby ordains and approves the Second and Final Reading of the document titled, ‘Code Amendment to Chapter 45 Shoreline Commission Ordinance, dated April 2, 2012’.” The motion passed with six (6) yeas and one (1) nay – Councilor Tripp.
Note: The complete item commentaries are listed below.

1. APPROVAL OF MINUTES – MAY 7, 2012
2. WARRANT & NOTICE OF ELECTION – REGIONAL SCHOOL UNIT NO. 23 BUDGET VALIDATION REFERENDUM

WARRANT AND NOTICE OF ELECTION CALLING REGIONAL SCHOOL UNIT NO. 23 BUDGET VALIDATION REFERENDUM (20-A M.R.S. §1486)

TO: Michael Garrity, a resident of Regional School Unit No. 23 composed of the City of Saco and the Towns of Dayton and Old Orchard Beach, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within Regional School Unit No. 23, namely, the City of Saco and the Towns of Dayton and Old Orchard Beach, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers. The municipal officers shall meet forthwith and countersign this warrant and notice of election. The municipal officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

CITY OF SACO (WARDS 1-7) REGIONAL SCHOOL UNIT BUDGET VALIDATION REFERENDUM WARRANT AND NOTICE OF ELECTION

York ss. State of Maine

TO: Bradley Paul, Constable of Saco: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF SACO:

You are hereby notified that the Regional School Unit budget validation referendum election will be held at the Saco Community Center, 75 Franklin Street in the City of Saco on Tuesday, June 12, 2012 for the purpose of determining the following referendum question:

Question 1: Do you favor approving the Regional School Unit No. 23 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting?

The polls must be opened at 7:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.
A person who is not registered as a voter may not vote in any election.

Given under our hand this day, April 10, 2012 at Old Orchard Beach, Maine

_________________________ ____________________________
[Signature] [Signature]

[Names]

A majority of the School Board of Regional School Unit No. 23

A true copy of the Warrant and Notice of Election, attest:

_________________________ ____________________________
[Signature] [Signature]

Michael Garrity, Resident of Regional School Unit No. 23

Countersigned this _______________ day of __________, 2012 at Saco, Maine.

_________________________ ____________________________
[Signature] [Signature]

A majority of the municipal officers of the City of Saco

A true copy of the Warrant and Notice of Election, attest:

Michelle Hughes, Clerk City of Saco

RETURN

York County, ss. State of Maine

TO: The School Board of Regional School Unit No. 23

_________________________ ____________________________
[Signature] [Signature]

Michael Garrity
Resident of Regional School Unit No. 23

RETURN

York County, ss. State of Maine

TO: The municipal officers of the City of Saco

I certify that I have notified the voters of the City of Saco (Wards 1-7) of the time and place of the Regional School Unit budget validation referendum by posting an attested copy of the within warrant and notice of election as follows:

<table>
<thead>
<tr>
<th>WARD</th>
<th>DATE</th>
<th>TIME</th>
<th>LOCATION OF POSTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward 1:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 2:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 3:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 4:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 5:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 6:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 7:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

being public and conspicuous places in said municipality and wards and being at least seven days next prior to election day.

Dated at the City of Saco: ________________________, 2012

_________________________ ____________________________
[Signature] [Signature]

Bradley Paul, Constable City of Saco, Maine
NOTICE OF AMOUNTS ADOPTED AT BUDGET MEETING
REGIONAL SCHOOL UNIT NO. 23
INFORMATION FOR VOTERS AT BUDGET VALIDATION REFERENDUM

TO: Municipal Clerks of the City of Saco and the Towns of Dayton and Old Orchard Beach, State of Maine

In the name of the State of Maine and pursuant to 20-A M.R.S. §1486(2) you are hereby directed to display this Notice of Amounts Adopted at Budget Meeting at the polling places within your respective municipalities to assist the voters of Regional School Unit No. 23 in voting at the budget validation referendum to be held on June 12, 2012 for the purpose of determining if the Regional School Unit budget for the 2012-2013 fiscal year that was adopted at the Regional School Unit budget meeting on May 15, 2012 should be approved.

<table>
<thead>
<tr>
<th>Cost Center Summary Budget Category</th>
<th>Amount Recommended by School Board</th>
<th>Amount Approved by Voters at the Budget Meeting*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Instruction</td>
<td>$24,945,449.45</td>
<td>$24,955,499.45</td>
</tr>
<tr>
<td>Special Education</td>
<td>$7,454,464.63</td>
<td>$7,454,464.63</td>
</tr>
<tr>
<td>Career and Technical Education</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Other Instruction</td>
<td>$527,473.39</td>
<td>$527,473.39</td>
</tr>
<tr>
<td>Student and Staff Support</td>
<td>$2,281,772.29</td>
<td>$2,281,772.29</td>
</tr>
<tr>
<td>System Administration</td>
<td>$776,075.04</td>
<td>$776,075.04</td>
</tr>
<tr>
<td>School Administration</td>
<td>$1,765,833.54</td>
<td>$1,765,833.54</td>
</tr>
<tr>
<td>Transportation and Buses</td>
<td>$1,795,538.22</td>
<td>$1,795,538.22</td>
</tr>
<tr>
<td>Facilities Maintenance</td>
<td>$3,514,911.11</td>
<td>$3,514,911.11</td>
</tr>
<tr>
<td>Debt Service and Other Commitments</td>
<td>$444,109.17</td>
<td>$444,109.17</td>
</tr>
<tr>
<td>All Other Expenditures</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Summary of Total Authorized General Fund Expenditures:</td>
<td>$43,505,626.84</td>
<td>$43,515,626.84</td>
</tr>
</tbody>
</table>

*Amounts to be completed by Superintendent of Schools under authority of School Board

The amount approved at the Regional School Unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to 20-A M.R.S. §15671-A(5).

[Signatures]

A majority of the School Board of Regional School Unit No. 23
May 15, 2012

Patrick Phillips, Superintendent of Schools

3. CODE AMENDMENT – CHAPTER 45 SHORELINE COMMISSION (2\textsuperscript{ND} & FINAL READING)

CODE AMENDMENT TO CHAPTER 45. SHORELINE COMMISSION ORDINANCE

Dated: April 2, 2012

(Please note that strikethrough indicates deletion while underline represents new language.)
CHAPTER 4. ADMINISTRATIVE CODE – ARTICLE VII. BOARDS, COMMISSIONS AND COMMITTEES - 4-39.2 SHORELINE COMMISSION

[HISTORY: Adopted by the City Council of the City of Saco 4-6-1998. Amendments noted where applicable.]

GENERAL REFERENCES
Floodplain management — See Ch. 106.
Harbor and waterfront — See Ch. 118.

§ 45-1. Powers and duties.

A. The Saco Shoreline Commission exists for the general purpose of studying the continuing effects of erosion on Saco's shorefront, as well as evaluating public usage of the beaches and other public infrastructure within a coastal zone under the jurisdiction of the City of Saco and advising the City Council on policy matters relating to coastal erosion and use.

B. The Commission shall review and advise the City on issues relating to the Saco shoreline, including but not limited to maintenance and the care of City-owned waterfront facilities. In addition, the Commission shall advise on all dredging issues related to the mouth of the Saco River.

C. The Commission shall participate in planning efforts and review plans affecting the shoreline as required by City, state or federal rules or regulations.

D. The Commission shall make recommendations to the City Council regarding the implementation or amendment of the Camp Ellis Beach Erosion Study Committee Report of October 1997.

E. The Commission shall participate in local, regional or state coastal planning efforts.

F. The Commission shall perform other such advisory duties as are assigned to it by ordinance or by the City Council.

G. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City, as is appropriate, of its activities.

§ 45-2. Organization and membership; conflicts and removal; terms.

A. Saco Shoreline Commission shall consist of nine members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the City and shall serve without compensation.

B. Neither a municipal officer nor his/her spouse may be a member of the Commission.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

D. Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.

E. The term of office of a member shall be three years, except the initial appointments, which shall be as follows: three members for three-year terms; three members for two-year terms; and three members for one-year terms.
§ 45-3. Officers; administrative procedures.

A. A Chair, Vice Chair and Secretary shall be elected by the Commission annually.

B. The Commission shall meet at least monthly, except that the Chairperson or City Administrator may call special meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least five members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission. A simple majority of members present and voting shall be sufficient for passage of a motion.

C. The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Planning Office and may be inspected at reasonable times.

D. The Commission shall adopt rules of procedure, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.

E. The Commission shall provide public notice of Commission meetings by posting agendas at City Hall at least 24 hours in advance of a meeting. All meetings shall be open to the public. The Commission may hold hearings at its discretion, upon published notice in a newspaper of general circulation at least seven days prior to the hearing.

§ 45-4. Interlocal cooperation.

The municipal officers of the City of Saco recognize the aesthetic beauty and environmental sensitivity of the ocean front and fully recognize the City's obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that Saco's beach front, as part of the Saco Bay system, is integrally connected with beach systems in Old Orchard Beach and Scarborough and that these towns have an obligation to their citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Saco Shoreline Commission join with similar commissions, committees, organizations or individuals established by the Towns of Old Orchard Beach and Scarborough to address and incorporate community needs and wishes. The Commission shall have no police powers nor authority to create regulations or ordinances or to commit funds but shall exist for the general purpose enumerated in § 45-1, Powers and duties.

§ 45-5. Definitions.

"Shoreline" shall mean that portion of Saco's waterfront affected by daily tides, excluding the portions of the shoreline within the Saco River or between the jetties at the mouth of the Saco River.

4. CODE AMENDMENT – CHAPTER 106 FLOODPLAIN MANAGEMENT (SLAWG) (2ND & FINAL READING)

‘Recommended Amendments to Chapter 106. Floodplain Management, dated April 2, 2012’

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a strikeout line. All other portions of the ordinance are proposed to remain unchanged. The symbol “* * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)
Proposed Amendments to Chapter 106. Floodplain Ordinance  
(May 3, 2012 - Planner's Note: following review by the state Office of Floodplain Management, staff recommends citing a different date in Section 106-6.A(5), and, re-wording the language clarifying height restrictions in Section 504-2A.)

Chapter 106. FLOODPLAIN MANAGEMENT

[HISTORY: Adopted by the City Council of the City of Saco 3-3-1998; amended in its entirety 12-5-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 73.
Cost recovery — See Ch. 83.
Mobile homes — See Ch. 143.
Sewers — See Ch. 176.

§ 106-1. Purpose and establishment.

§ 106-2. Permit required.

§ 106-3. Application for permit.

§ 106-4. Application fee and expert's fee.

§ 106-5. Review of standards for flood hazard development permit applications.

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All development. All development shall:

(1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Use construction materials that are resistant to flood damage.

(3) Use construction methods and practices that will minimize flood damage.
(4) Use electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

(5) Include the total cost of all improvements, modifications, additions and reconstruction projects. All costs shall be accrued over the lifetime of the structure. Once the total cost of the project reaches 50% of the building's market value at the time of the first permit application following the effective date of March 3, 1998, the project is considered a substantial improvement. See the definition of “substantial improvement” in section 106-14 below.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

D. On-site waste disposal systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse carrying capacity. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood-carrying capacity of any watercourse.

F. Residential. New construction or substantial improvement of any residential structure located within:

(1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least one foot three feet above the base flood elevation.

(2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

(a) At least one foot three feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

(b) At least three feet if no depth number is specified.

(4) Zone A shall have the lowest floor (including basement) elevated to at least one foot three feet above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D.

(5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

G. Nonresidential. New construction or substantial improvement of any nonresidential structure located within:

(1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least one foot three feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) Be flood proofed to at least one foot three feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the flood proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 106-3K and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

(2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

(a) At least one foot three feet higher than the depth specified in feet on the community's Flood Insurance Rate Map;

(b) At least three feet if no depth number is specified; or

(c) Together with attendant utility and sanitary facilities be flood proofed to meet the elevation requirements of this section and flood proofing standards of § 106-6G(1).

(4) Zone A shall have the lowest floor (including basement) elevated to at least one foot three feet above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D; or, together with attendant utility and sanitary facilities, meet the flood proofing standards of § 106-6G(1).

(5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

H. Manufactured homes. New or substantially improved manufactured homes located within:

(1) Zones A1-30 or AE shall:

(a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot three feet above the base flood elevation;

(b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and

(c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

[1] Methods of anchoring may include, but are not limited to:

[a] Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or

[b] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
[2] All components of the anchoring system described in § 106-6H(1)(c)[1][a] and [b] shall be capable of carrying a force of 4,800 pounds.

(2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:
   
   (a) At least one foot three feet higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or

   (b) At least three feet if no depth number is specified; and

   (c) Meet the anchoring requirements of § 106-6H(1)(c).

(4) Zone A shall:

   (a) Be elevated on a permanent foundation, as described in § 106-6H(1)(b) such that the lowest floor (including basement) of the manufactured home is at least one foot three feet above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D; and

   (b) Meet the anchoring requirements of § 106-6H(1)(c).

(5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

I. Recreational vehicles. Recreational vehicles located within:

(1) Zones A1-30 and AE shall either:

   (a) Be on the site for fewer than 180 consecutive days;

   (b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions; or

   (c) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in § 106-6H(1).

(2) Zones V1-30 and VE shall meet the requirements of either § 106-6I(1)(a) or (b) or § 106-6P.

J. Accessory structures. Accessory structures, as defined in § 106-14, located within Zones A1-30, AE, AO, AH and A, shall be exempt from the elevation criteria required in § 106-6F and G above, if all other requirements of § 106-6 and all of the following requirements are met:

(1) Be 500 square feet or less and have a value of less than $3,000;

(2) Have unfinished interiors and not be used for human habitation;

(3) Have hydraulic openings, as specified in § 106-6L(2), in at least two different walls of the accessory structure;

(4) Be located outside the floodway;
(5) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of the flooding than is the primary structure; and

(6) Have only ground fault interrupt electrical outlets. The electrical service disconnect shall be located above the base flood elevation and, when possible, outside the special flood hazard area.

K. Floodways.

(1) In Zones A1-30 and AE riverine areas, encroachments, including fill, new construction, substantial improvement and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zones A1-30, AE, and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement and other development shall not be permitted in the floodway as determined in § 106-6K(3) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

(a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

(b) Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors (FEMA 37/January 1995, as amended).

(3) In Zones A1-30, AE and A, riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in Zones A1-30, AE, AO and A that meets the development standards of § 106-6, including the elevation requirements of § 106-6F, G or H, and is elevated on posts, columns, piers, piles, stilts or crawlspaces may be enclosed below the base flood elevation requirements, provided that all the following criteria are met or exceeded:

(1) Enclosed areas are not "basements," as defined in § 106-14.

(2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

(a) Be engineered and certified by a registered professional engineer or architect; or

(b) Meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
[2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and

[3] Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means.

(3) The enclosed area shall not be used for human habitation.

(4) The enclosed areas are useable solely for building access, parking of vehicles or storage.

M. Bridges. New Construction or substantial improvement of any bridge located within Zones A1-30, AE, AO, AH, A, V1-30 and VE shall be designed such that:

(1) When possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above base flood elevation; and

(2) A registered professional engineer shall certify that:

   (a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 106-6K; and

   (b) The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment walls. New construction or substantial improvement of any containment walls located within:

(1) Zones A1-30, AE, AH, A, V1-30 and VE shall:

   (a) Have the containment wall elevated to at least one foot above the base flood elevation;

   (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

   (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 106-3K.

(2) Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide the floodwater away from the proposed walls.

(3) Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

   (a) At least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

   (b) At least three feet if no depth number is specified; and

   (c) Shall meet the requirements of § 106-6N(1)(b) and (c).
O. Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, A1-30, AE, AO, AH, V1-30 and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state and federal regulations; and

2. For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal floodplains.

1. All new construction located within Zones A1-30, AE, A, V1-30 and VE shall be located landward of the reach of mean high tide except as provided in § 106-6P(6).

2. New construction or substantial improvement of any structure located within Zones V1-30 or VE shall:

   a. Be elevated on posts or columns such that:

      1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

      2. The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and

      3. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

   b. Have the space below the lowest floor:

      1. Free of obstructions;

      2. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting piles or columns; or

      3. Constructed with non supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

   c. Require a registered professional engineer or architect to:

      1. Develop or review the structural design, specifications and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual (FEMA-55/June, 2000); and

      2. Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of § 106-6P(2).


4. Human alteration of sand dunes within Zones V1-30 and VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
(5) The area below the lowest floor may be used solely for parking vehicles, building access and storage.

(6) Conditional use. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in § 106-6G and are permitted as a conditional use only upon review and approval by the Planning Board, as provided in § 106-7, and if all the following requirements and those of § 106-6A, K, and L are met:

(a) The conditional use shall be limited to low-value structures, such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

(b) The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(c) The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

(d) The structure shall have unfinished interiors and shall not be used for human habitation.

(e) Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or flood proofed to one foot three feet above the base flood elevation.

(f) All electrical outlets shall be ground-fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible, outside the special flood hazard area.


* * * * *


* * * * *


* * * * *

§ 106-10. Appeals and variances.

The Board of Appeals of the City of Saco may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this chapter. The Board of Appeals may grant a variance from the requirements of this chapter consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. A showing of good and sufficient cause;

2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not
result in increased flood heights, additional threats to public safety, public expense or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;

(3) A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

(4) A determination that failure to grant the variance would result in undue hardship, which in this section means that:

(a) The land in question cannot yield a reasonable return unless a variance is granted;

(b) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(c) The granting of a variance will not alter the essential character of the locality; and

(d) The hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements or other development for the conduct of a functionally dependent use, provided that:

(1) Other criteria of §§ 106-10 and 106-6K are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation or restoration of historic structures upon the determination that:

(1) The development meets the criteria of § 106-10A through D above; and

(2) The proposed repair, reconstruction, rehabilitation or restoration will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of § 106-10A through E shall be notified by the Board of Appeals, in writing, over the signature of the Chairman of the Board of Appeals that:

(1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

(2) Such construction below the base flood level increases risks to life and property; and

(3) The applicant agrees, in writing, that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any
claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Reconstructed buildings in areas governed by this Floodplain Management Ordinance, may exceed the maximum height requirements of the zoning ordinance, without the need for a variance, only if the requirements of section 504-2A of the Zoning Ordinance are met.

G H. Appeal procedure for administrative and variance appeals.

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after the receipt of a written decision of the Code Enforcement Officer or Planning Board.

(2) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(3) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

(4) The person filing the appeal shall have the burden of proof.

(5) The Board of Appeals shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.

(6) The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

(7) Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

§ 106-11. Enforcement; violations and penalties.

* * * * *


* * * * *

§ 106-13. Conflict with other ordinances.

* * * * *


Unless specifically defined below, words and phrases used in this chapter shall have the same meanings as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

* * * * *
LOCALLY ESTABLISHED DATUM
For purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

MEAN SEA LEVEL
For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL GEODETIC VERTICAL DATUM (NGVD)-NORTH AMERICAN VERTICAL DATUM (NAVD)
The national geodetic North American vertical datum, whose standard was established in 1929-1988, and adopted by the National Geodetic Survey in 1991 to replace the NGVD 1929 datum. NAVD 1988 which is used by the National Flood Insurance Program (NFIP), and has been used on Saco's Flood Insurance Rate Maps since 2006. NGVD was based upon mean sea level in 1929 and also has been NAVD 1988 can also be called "1929 Mean Sea Level (MSL)."

SUBSTANTIAL IMPROVEMENT
Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure and a variance is obtained from the community's Board of Appeals.

C. Any completed project to elevate a building or structure, to a height of one (1) foot or more above the base flood elevation, for which a building permit was issued after March 3, 1998, November 7, 1983, and prior to May 1, 2012.

Zoning Ordinance: Article 5 - Nonconformance

Section 501. Purpose

Section 502. Nonconforming Lots

Section 503. Nonconforming Uses

Section 504. Nonconforming Structures
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.

2) The following activities shall not constitute an enlargement or creation of a nonconforming structure, and may encroach into front, side or rear yard setbacks, without the need for a variance from the Board of Appeals, if any of the following conditions are present:

a) the addition of an open patio with no structure elevated above ground level, except in and the addition is outside of the Mandatory Shoreland Zone;

b) the addition of steps from the first floor to the ground level in any zone;

c) the placing of a foundation below a nonconforming structure in any zone.

Note: The Maine DEP Shoreland Zoning reviewer has tentatively agreed to these above amendments, as well as to section 504-2A below. Any amendments affecting Shoreland Zoning must be submitted to DEP for approval after adoption by Council.

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 highwater 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.

504-2A. RECONSTRUCTION IN FLOODPLAINS
Any building in existence prior to January 1, 2012, which is located in an area of special flood hazard and which is
thereafter substantially improved, as defined in Chapter 106 of the Saco City Code, may be elevated pursuant to the
standards of Chapter 106, and may be allowed to exceed the height limits of this ordinance without need for a
variance from the Board of Appeals, as long as all of the following standards are met.

a. If the building, prior to reconstruction, had a height of 30 feet or greater, as defined by this ordinance, the
overall height of the reconstructed building may exceed the required height in the zone in which it is located
without the need for a variance, but by no more than the distance that the lowest floor (including basement) is
raised above its original elevation during reconstruction.

b. If the building, prior to reconstruction, had a height of less than 30 feet, as defined by this ordinance, the
building shall not be allowed to be reconstructed higher than the maximum height requirement, unless a
variance is applied for and granted by the Board of Appeals.

c. Any reconstructed building shall meet all of the requirements of the Department of Environmental Protection
Sand Dune Act and Regulations, if it is located in a designated Dune Area.

* * * * *

5. ZONING ORDINANCE AMENDMENT – COMMERCIAL SCHOOL 1-2 DISTRICT (2ND &
FINAL READING)

‘Amendment to Add Commercial School to the I-2 Use List, Dated April 2, 2012’

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

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)

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. Commercial School

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)

6. ZONING ORDINANCE AMENDMENT - §504, NON-CONFORMING STRUCTURES (2ND & FINAL 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.

7. ZONING ORDINANCE AMENDMENT – RELATED TO ELDERCARE AND ELDER HOUSING (2ND & FINAL 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 sewered lots at the following densities: one unit per 1000 square feet of land in the R-3 and B-3 districts, and one unit per 2000 square feet of land in the R-2, R-4 and R-1c districts. Elderly congregate housing complexes shall not average more than 1.5 bedrooms per unit.

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, B-2, 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
Nursing Homes
Municipal uses not listed under permitted uses
Public utility buildings
Commercial greenhouses and nurseries
Kennels
Stables
Quasi-public uses
Water recreation including piers, docks, and boathouses related thereto
(Reserved)
Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
Day care home (Amended 8/1/88)
Religious conference center in the R1-c District only (Amended 6/19/88)
Adult day care center, Type 2 (Amended 7/1/91)
Elderly Congregate Housing, in the R1-c District only (Amended 2/3/92)
Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
Golf Courses, in the R-1a District only, subject to Section 722
High Voltage Transmission Lines (Amended 12/15/08)
Elder/Disability Housing Facility
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)
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 businesses\(^1\) excluding outdoor sales and drive-thru service
9. Eating establishments\(^1\) excluding fast food restaurants
10. Eating and drinking establishments\(^1\)
11. Business offices
12. Professional offices
13. Financial institutions\(^1\) excluding drive-thru service
14. Business services\(^1\)
15. Personal services\(^1\)
16. Repair services\(^1\)
17. Artist or craftsperson studios\(^1\)
18. Commercial schools
19. Health care clinics for humans
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of worship
24. Municipal uses
25. Quasi-municipal or public uses
26. Public utility buildings
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

CONDITIONAL USES
1. Offices of contractors and tradesmen
2. Registered dispensary, non-growing
3. Health clubs
4. Private clubs
5. Nursery school
6. Day care center
7. Adult day services
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

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
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)
11. Registered dispensary (Amended 7/19/10)
12. Registered dispensary, grow-only (Amended 7/19/10)
13. 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)


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)

8. ZONING ORDINANCE AMENDMENT - §708, PARKING (2ND & FINAL 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; 6/19/97)

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residential</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Two family residential</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Multifamily residential</td>
<td>1.5 spaces per unit for 1 bedroom units</td>
</tr>
</tbody>
</table>
-2 spaces per unit for units with 2 bedrooms
-2.5 spaces for units with 3 or more bedrooms
-2 spaces per dwelling unit plus one additional visitor’s space for every 6 units or fraction thereof

<table>
<thead>
<tr>
<th>Zoning District/Use</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily residential restricted to elderly</td>
<td>1 space for every two units</td>
</tr>
<tr>
<td>Elderly congregate housing</td>
<td>1 space per three units</td>
</tr>
<tr>
<td>Churches</td>
<td>1 space per 4 seats in principal assembly room</td>
</tr>
<tr>
<td>Schools (not including high schools or colleges)</td>
<td>1 space per each 2 employees, including teachers and administrators, plus sufficient off-street space for safe loading and unloading of students</td>
</tr>
<tr>
<td>High schools and colleges</td>
<td>1 space for each 5 students based upon the maximum number of students attending the school at any one period in the day</td>
</tr>
<tr>
<td>Commercial schools</td>
<td>1 space for each 3 students based upon the maximum number of students attending the school at any one period in the day</td>
</tr>
<tr>
<td>Private clubs or lodges</td>
<td>1 space per 75 square feet of total floor space</td>
</tr>
<tr>
<td>Recreational assembly places, e.g. dance halls, night clubs, video game parlors</td>
<td>1 space per 75 square feet of total floor area</td>
</tr>
<tr>
<td>Theatres</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>5 spaces for each alley</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>1 space per 100 square feet of total floor area</td>
</tr>
<tr>
<td>Adult day care center</td>
<td>1 space per employee and one per six clients</td>
</tr>
<tr>
<td>Hospitals and rest homes</td>
<td>1 space per 3 beds plus 1 space per 2 employees on the maximum working shift</td>
</tr>
<tr>
<td>Professional offices, business services, office of wholesale businesses</td>
<td>1 space for every 250 square feet of total floor area</td>
</tr>
<tr>
<td>Banks</td>
<td>1 space per 150 square feet of floor area exclusive of storage space</td>
</tr>
<tr>
<td>Medical offices</td>
<td>1 space per 100 square feet of floor area exclusive of storage space</td>
</tr>
<tr>
<td>Veterinarian clinic, kennel, animal hospital</td>
<td>5 spaces per veterinarian</td>
</tr>
<tr>
<td>Retail business, personal services businesses</td>
<td>1 space per 200 square feet of total floor area</td>
</tr>
<tr>
<td>Eating and drinking, Eating, and Drinking Establishments</td>
<td>1 space per 75 square feet of total floor area</td>
</tr>
<tr>
<td>Barber, beauty shop</td>
<td>4 spaces per chair</td>
</tr>
<tr>
<td>Industrial businesses</td>
<td>1 space per employee on the maximum working shift</td>
</tr>
<tr>
<td>Warehouses</td>
<td>1 space per 500 square feet of total floor area</td>
</tr>
<tr>
<td>Child care facilities</td>
<td>1 space per 4 children</td>
</tr>
<tr>
<td>Flea markets</td>
<td>3 spaces per table</td>
</tr>
<tr>
<td>Hotels and motels, tourist homes, bed and breakfast establishments, boarding homes</td>
<td>1 space per guestroom plus 1, space per employee working on the largest shift</td>
</tr>
<tr>
<td>Home occupations</td>
<td>See mixed uses</td>
</tr>
<tr>
<td>Mixed uses</td>
<td>Total of individual use requirements</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>50 spaces per 9 holes (Amended 12/7/98)</td>
</tr>
<tr>
<td>Marinas</td>
<td>1 space per 2 slips or moorings (Amended 6/2/08)</td>
</tr>
</tbody>
</table>

**VII. ADJOURN THE MEETING**

Mayor Johnston adjourned at meeting at 8:00 p.m. with the unanimous consent of the city council.

**ATTEST:**

Michele L. Hughes, City Clerk