STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, June 3, 2013 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor 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 – 100th BIRTHDAY


WHEREAS, Louise Clark Webber was born in Saco on June 25, 1913, the daughter of Charles E. and Eleanor Edgecomb Clark. She had one brother, Fred E. Clark, Sr., who died in 1977. Mrs. Webber attended Saco schools, including the Ferry Road, Bonython, and C.K. Burns Schools. She graduated from Thornton Academy in 1932, and Farmington State Normal School in 1934, followed by summer studies at the University of Maine at Orono; and

WHEREAS, Louise married Lewis E. Webber in Saco on August 26, 1934. They were married for almost 69 years. He died on August 6, 2003. Mr. Webber worked as a teacher, principal (including C.K. Burns School), and superintendent of schools; and

WHEREAS, Louise did substitute teach in Kingfield and Old Orchard Beach, and taught in the primary grades in Saco in the 1940’s. From 1950-1953 she served as secretary to the Superintendent of schools in the Cornish School Union. She and her husband moved back to Saco in 1981. They built a house on Clark family land on Chases Lane, off Ferry Road; and

WHEREAS, Louise is a member of Annette Chapter Order of the Eastern Star and National State, and York County Retired Teachers Associations. She is also a member of the First Parish Congregational Church in Saco; and

WHEREAS, for many years, she and her husband traveled by RV throughout the U.S., Canada and Mexico. They also made several trips abroad. Louise continues to be an avid reader, and enjoys playing bridge and other card games; and

Now, Therefore, I Mark D. Johnston, Mayor of the City of Saco, in the State of Maine, do hereby proclaim June 25, 2013, as

Louise Clark Webber Day – In Honor of Her 100th Birthday

In Witness Whereof, I have hereunto set my hand and caused the great seal of the City of Saco, in the State of Maine, to be affixed on this 3rd Day of June, 2013.

Mark D. Johnston, Mayor

Mayor Johnston proclaimed June 25, 2013 as Louise Clark Webber Day, with the unanimous consent of the City Council.
FUNDRAISER – ZITI SUPPER FOR FIRE FIGHTER MICHAEL CROWLEY
Michael is an 11 year member of the Saco’s Call firefighter Division. He was diagnosed with pancreatic cancer in February 2013. He has been out of work since his diagnosis. The members of the Saco Fire Department are sponsoring a dinner event to assist Michael and his family during his treatment. All are invited to attend on June 22, 2013 from 4-7 p.m. at the Saco Community Center at 75 Franklin Street. Donations will be accepted for this event.

PROCLAMATION – MAINE MASONIC

CITY OF SACO, MAINE
RESOLUTION

JUNE – NATIONAL SHRINERS AWARENESS MONTH
SACO CITY COUNCIL – June 3, 2013

WHEREAS, Free and Accepted Masons provide Charitable outreach to various community organizations, IE Saco Masons have provided community betterment grants to the Saco Food Pantry, Saco Bay Trails, Royal Family Kids Camps and several Scholarships to graduating Seniors at Thornton Academy, they are also active in the CHIPS program. The Child Identification program has assisted in the safe return of children who have been lost or abducted; and

WHEREAS, Shrine Masons support 22 Hospitals for Children all over the world, these facilities provide specialty care and research for Children from Birth to 18 years of age that suffer from Orthopedic, Burn, Cleft Lip and Palate and other diseases. This care is provided regardless of ability to pay; and

WHEREAS, Scottish rite Masons support Childhood Dyslexia programs, providing financial support and tutoring services; and

WHEREAS, York Rite Masons support the Knights Templar Eye Foundation this great humanitarian charities purpose is to provide funding for research into diseases or injury to the eyes. Cross-eyes, which occurs in children under 16 for example, is one affliction that can lead to blindness if not treated properly and is just one of the eye afflictions for which the Foundation provides considerable research funding; and

NOW THEREFORE, BE IT RESOLVED BY THE Mayor and the City Council, that Saturday June 8, 2013 is Free Mason’s, Kora Shrine Masons, York Rite Masons and Scottish Rite Masons parade day - in downtown Saco.

Mark D. Johnston, Mayor of Saco

Mayor Johnston proclaimed June 8, 2013 as Free Mason’s, Kora Shrine Masons, York Rite Masons and Scottish Rite Masons Parade Day. There are over 25,000 masons in the State of Maine. The parade will start at 10:00 a.m. at Gov. Fairfield School, go down High St., School St., to the back of Wardwell Home, Common St, Main St, Beach St and back to Gov. Fairfield School.
V. AGENDA
1. CONTRACT ZONE 445 MAIN STREET – MAP 33, LOTS 25 ZONED R-1D – (FIRST READING)

Applicant Lise Ouellette makes application for a contract zone for the property at 445 Main Street that would allow up to four apartment units to be established on the 2nd and 3rd floors of the existing building. The real estate office would remain in use on the first floor.

The applicant initially requested a zoning map amendment to adjust the boundary along the northerly side of the property for a zoning change from R-1b to B-2d. Upon hearing her objective, however, the Planning Board suggested instead a contract zone. In the R-1b zone, multi-family dwellings are not allowed; two-family dwellings are, as a conditional use. However, the applicant’s primary issue is density. The parcel is 12,197 s.f. in area. A two-family in the R-1b zone requires 10,000 s.f. per unit, so only a single residential unit would be possible. If the requested zone change, to B-2d, were to be approved, 4,000 s.f. per unit would be required whether a two-family or a multi-family, so up to three units would be possible. The applicant seeks approval for up to four units, and is proposing a minimum lot area per dwelling unit of 3,000 s.f. per unit.

The Planning Board made a positive finding on each of the four standards for a contract zone, and forwards a positive recommendation for the contract zone as proposed. Council discussed this at Workshop on May 20, 2013.

Councilor Doucette moved, Councilor Smith seconded “The City Council hereby Ordains and Approves the First Reading of the document titled, 'Contract Zone Agreement By and between Lise D. Ouellette and the City of Saco,' dated May 7, 2013, and schedules a Public Hearing for July 1, 2013.” The motion passed with six (6) yea and one (1) abstention – Councilor Tardif.

Contract Zone Agreement
by and between
Lise D. Ouellette and the City of Saco

May 7, 2013

THE CITY OF SACO HEREBY ORDAINS:
I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through March 4, 2013 is hereby amended by adopting this contract zone agreement by and between the City of Saco and Lise D. Ouellette (Applicant).

1. The Applicant owns the property at 445 Main Street (Subject Property), a 0.28 acre parcel (12,197 square feet).

2. Said property is identified as Tax Map 33, Lot 25 on City of Saco tax maps.

3. Said property is in the R-1B zoning district. The property is also located in the Saco Historic Preservation District.

4. The building on the property is used as an office, which is a conditional use in the R-1b zone.

5. The Applicant proposes to maintain the existing office use on the first floor of the building. The Applicant proposes to “…re-hab the 2nd and 3rd floors into office/apartment, which would allow us to reach its potential.”
6. The R-1b zone allows a Two-Family Dwelling as a Conditional Use. In the R-1b zone each dwelling unit requires 10,000 square feet of lot area. Given the existing lot area, a single dwelling unit would be possible, but no more.

7. The owner initially submitted a request for an amendment to the Zoning Map to rezone the Subject Property and the abutting Great American Realty parcel at 439 Main Street from R-1b to B-2d, as the Subject Property abuts the B-2d zone to the north. The B-2d zone allows two-family or multi-family units at 4,000 square feet of lot area.

8. The Planning Board reviewed this request, and rather than extending the B-2d zone further south along Main Street, the Board suggested that a contract zone may better address both the Applicant’s and the City’s goals.

9. Recognizing the limitations of the parcel, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow the proposed residential units to be established and co-exist with the established office use.

II. This contract amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the parcel at 445 Main Street, would allow the Applicants to maintain the existing Office use, and also to establish up to four residential units on the second and third floors of the existing building, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

a. The Applicant may establish no more than four (4) residential dwelling units on the second and third floors of the existing structure.

b. For the purpose of meeting Minimum Lot and Yard Requirements as stated in Table 412-1 of the Zoning Ordinance, the Minimum Lot Area per Dwelling Unit for the Subject Property shall be 3,000 s.f. per unit.

c. The site currently functions with fourteen (14) parking spaces. Table 708-2 of the Zoning Ordinance requires one (1) space for every 250 s.f. of floor area for an office use. The first and second floors of the building total 3,856 s.f. of floor area, thereby requiring sixteen (16) parking spaces. Notwithstanding Table 708-2, the changes proposed for use of the building shall be allowed based on the existing fourteen (14) parking spaces.

d. The applicant shall incorporate Section 708-3(10) of the Zoning Ordinance into the site plan review application in order to identify and reserve an existing landscaped area that may be converted to parking should the need arise, as determined by either applicant/owner or Planning Board.

e. Section 707-4 of the Zoning Ordinance limits a sign in a residential district to four square feet if one-sided, or two square feet per side if two-sided. Notwithstanding Section 707-4, the Applicant may maintain the existing business sign for Prime Prudential Realty as a conforming sign. However, said sign shall not be grandfathered in the case of a future change in the use of this property.

f. The Applicants shall adhere to all other applicable provisions of the R-1b zoning district and of the City of Saco Zoning Ordinance and Subdivision Regulations.

g. All details included in the submitted application materials are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with these materials.
h. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

h. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicants to secure site plan approval from the Planning Board within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

i. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. A change in ownership prior to completion of the terms of this Contract may necessitate review and approval by the City Council. Determination of such shall be made by the Planning Office.

j. Failure of the Applicant to initiate the creation of up to four residential units as described in application materials for this Contract Zone within two (2) years of the date of approval shall render this Agreement null and void. Said two year period may be extended for a period of one (1) year upon written request to the Planning Office prior to termination of said two year period.

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

III. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on May 7, 2013, and the Saco City Council on ______, 2013, the following findings are hereby adopted:

A. City Tax Map 33, Lot 25 is a parcel of an unusual nature and location, for the following reasons:

1. The residence at 445 Main Street is a historically significant structure located in the R-1b zoning district and the City’s Historic Preservation District.

2. The residence was identified as the Paul Sands house as part of the City’s historic resources survey in 1995. The Second Empire-style structure was built around 1860, and the exterior retains much of its historic character.

3. The Subject Property abuts the B-2d zoning district to its north. Among the permitted uses in the B-2d zone are Offices, and Dwellings above the first floor in a mixed-use building.

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

Chap. 5. B. The Local Economy -- While the goal of the City is to accommodate good quality commercial development in appropriate locations, the City is also interested in discouraging commercial use in inappropriate locations. Therefore, it is a policy of the City to avoid the location of commercial activities within residential neighborhoods except for strictly regulated home occupations, day care, or others with minimum impact. In addition, the City discourages the establishment of commercial enterprises along major streets except in those areas specifically designated for commercial use in the land use policies.
Within the built-up area of the City, residential neighborhoods often abut commercial areas. The City should restrict the expansion of commercial activity into established residentially zoned neighborhoods, should limit the use of residential streets for access to commercial activities, and should require buffering along the transition from commercial to residential use.

**Chap. 6 Land Use Goals and Policies**

Commercial Development 25. The City’s policy should be to resist designating other areas along the City’s major streets for commercialization. Even within those areas designated for commercial development, the City’s development standards should control the number of access points along these arteries to maintain their capacity to move traffic as safely and efficiently as possible.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Residential-1b (R-1b) zone, a high density residential district “. . . designated for areas which are predominately single-family residential in character.” (Zoning Ordinance, Section 405-1.)

Among the permitted and conditional uses allowed in the R-1b zone are single and two-family dwellings, offices within existing buildings, accessory apartments, community living uses, churches, daycare centers, elderly congregate housing and bed and breakfast establishments.

Examples of uses in the vicinity of the subject property include Great American Realty (439 Main St.), Rite-Aid (461 Main St.), Thornton Academy (438 Main St.) and the Paul Hazelton House (7 Smith Ln.), as well as single-family and multi-family dwellings. The property abuts the B-2d zone along its northerly property line.

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

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

Adopted by the Saco City Council on __________2013.

by ________________________  by ________________________

Richard Michaud    Lise D. Ouellette, President
City Administrator    Prime Prudential
 Applicant

2. **RENEWAL ENTERTAINMENT APPLICATION – KERRYMEN PUB – (PUBLIC HEARING) - NOTE: ITEMS 2 & 3 WERE VOTED ON TOGETHER.**


Councilor Smith moved, Councilor Blood seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Blood moved, Councilor Smith seconded to close the Public Hearing and be it ordered that the City Council grant the renewal applications submitted by Kerry Bros. Inc. d/b/a Kerrymen Pub and Island Brewing LLC
4. **TAXICAB BUSINESS LICENSE – A-1 CAB – (PUBLIC HEARING)**

A-1 Cab Service has applied for a Taxicab Business License for a term of one year.

The applicant has paid all applicable license fees and the clerk has properly advertised the public hearing in accordance with Chapter 195 – Taxicabs, Subsection 195-3 Licenses required and Subsection 195-4 Application for Taxicab Business License.

Councilor Tardif moved, Councilor Lovell seconded to open the Public Hearing on granting A-1 Cab Service a Business License for a term of one year. The motion passed with unanimous consent.

John Surran, General Manager of A-1 Cab Service – The Cab Service is going into its 5th year. We operate in Saco, Biddeford and Old Orchard Beach. We enjoy working in Saco and are pleased to bring a quality product to the city. Our newest venture is a wheelchair accessible van. A-1 received a grant under the Freedom Bus Program, from the Maine Dept. of Transportation. This grant means that individuals with disabilities cannot be charged any more than anyone else. And the program is intended to reduce barriers to transportation services and expand mobility options. Mr. Surran thanked the City for their continued support.

Councilor Tardif moved, Councilor Lovell seconded to close the Public Hearing and “Be it Ordered that the City Council grant A-1 Cab Service a Business License for a term of one year.” Further move to approve the order. The motion passed with seven (7) yeas.

VI. **CONSENT AGENDA**

Councilor Lovell moved, Councilor Blood seconded to approve consent agenda items 1 & 2 as follows:

1. Be it ordered that the City Council Approve the minutes for May 20, 2013. Further move to approve the order;
2. Be it ordered that the City Council confirm the reappointments of Glen Baker and Mike Eon, through April 4, 2017 and Robert Quentin through April 4, 2016 –to the Economic Development Commission. Further move to approve the order.

The motion passed with seven (7) yeas.

IX. **EXECUTIVE SESSION**

Councilor Lovell moved, Councilor Smith seconded “Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6)(F)] move to enter into Executive Session to discuss: A Poverty Abatement”. The motion passed with seven (7) yeas. TIME: 7:30 p.m.

A. **REPORT FROM EXECUTIVE SESSION**

Mayor Johnston moved from Executive Session with the unanimous consent of the Council at 7:43 p.m.

Mayor 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.

Councilor Lovell moved, Councilor Smith seconded to grant the poverty abatement. The motion passed with six
VII. ADJOURN THE MEETING AND CONVENE THE WORKSHOP

Mayor Johnston adjourned the meeting and convened the workshop with the unanimous consent of the City Council at 7:50 p.m.

VIII. ADJOURN THE WORKSHOP AND RECONVENE THE MEETING

Mayor Johnston adjourned the Workshop and reconvened the meeting with the unanimous consent of the City Council at 9:30 p.m.

Mayor Johnston conducted a roll call, and all Councilors were present.

A. COMPREHENSIVE PLAN IMPLEMENTATION – REVIEW OF PROPOSED MIXED USE-4 ZONING DISTRICTS – (FIRST READING)

The Comprehensive Plan calls for two new districts to encourage mixed use, master planned developments in areas with significant vacant, potentially developable land. One district (the proposed MU-3) is for the northern end of the Route One corridor – north of Flag Pond and Cascade Roads (see map of the MU-3 District) This area can now be served by public sewerage and public water and has a number of large, potentially developable parcels.

The MU-3 District is designed to require well planned development while limiting piecemeal development of this area. The Comprehensive Plan envisions that this area will develop as high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and nonresidential uses.

The second district (the proposed MU-4) is for an area between Lincoln Street and Bradley Street. The land in the proposed MU-4 District has significant development constraints but is served by public water and sewerage and is well located for development.

While the type and intensity of development proposed to be allowed in the two districts differs, both require that larger-scale development occur through a master planned development process.

The proposed new districts were recommended by the Planning Board on Feb. 14, 2012. The City Council met with the Planning Board in a joint workshop to discuss this amendment to the zoning ordinance on March 5, 2012.

Councilor Cote moved, Councilor Lovell seconded “The City Council hereby ordains and approves the First Reading of amendments to the Saco Zoning Ordinance included in the document: ‘Proposed Amendments to Create an MU-3 Planned Mixed Use District and an MU-4 Planned Limited Mixed Use District and Establish Standards for Master Planned Developments Recommended by the Planning Board February 14, 2012’, and schedules a Public Hearing for July 1, 2013.” The motion passed with seven (7) yeas.

Proposed Amendments to Create an MU-3 Planned Mixed Use District and an MU-4 Planned Limited Mixed Use District and Establish Standards for Master Planned Developments Recommended by the Planning Board February 14, 2012

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

(6) yeas and one (1) nay – Councilor Cote.
1. Amend the Official Zoning Map to designate an area north of Flag Pond Road and Cascade Road as MU-3 Planned Mixed-Use District as shown on the attached zoning map fragment.

2. Amend the Official Zoning Map to designate an area between Lincoln Street and Bradley Street as MU-4 Planned Limited Mixed Use District as shown on the attached zoning map fragment.

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

   **Section 403. Zoning Districts**

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

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

   **MIXED-USE DISTRICTS**
   - MU-1 Downtown Residential Mixed-Use District
   - MU-3 Planned Mixed-Use District
   - MU-4 Planned Limited Mixed-Use District

   **BUSINESS DISTRICTS:**
   - B-1 General Business District
   - B-2 Highway Business District
   - B-3 Downtown Business District
   - B-4 Planned Development District
   - B-5 Marine Business and Residential
   - B-6 Highway Business and Commercial District
   - B-7 Limited Business/Residential District
   - BP Business Park District

4. Amend Article 4 District Regulations by adding a new section 405A-4 to create a purpose statement for the Planned Mixed-Use District to read as follows:

   **405A-4. MU-3 PLANNED MIXED-USE DISTRICT**

   The MU-3 classification is intended to allow for the development of high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is more urban than suburban and the neighborhoods are organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood is set aside as open space, recreation areas, and conservation land.
5. Amend Article 4 District Regulations by adding a new section 405A-5 to create a purpose statement for the Planned Limited Mixed-Use District to read as follows:

405A-5. MU-4 PLANNED LIMITED MIXED-USE DISTRICT

The MU-4 classification is intended to allow for the development of the usable portions of the district with a mix of high density residential uses and lower-intensity non-residential uses such as community services and professional offices that are related to and supportive of a residential use while a large part of the district is retained as open space. The character of the neighborhood is urban, higher density/intensity of use in limited areas with the remainder preserved as open space and conservation land.

6. Amend Article 4 District Regulations by adding a new section 410-4D. MU-3 PLANNED MIXED-USE DISTRICT to read:

410-4D. MU-3 PLANNED MIXED-USE DISTRICT

PERMITTED USES

1. Hotels and motels
2. Bed and breakfast establishments
3. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
4. Accessory retail sales of goods manufactured on the premises
5. Artist and craftsperson studios
6. Eating establishments
7. Eating and drinking establishments
8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Offices of tradesmen or contractors
14. Personal services
15. Business services
16. Repair services
17. Funeral homes
18. Health care clinics for humans
19. Animal hospitals and veterinarian offices
20. Light assembly in which all activities occur within a fully enclosed building with no exterior storage
21. Outdoor commercial recreational facilities
22. Commercial recreation
23. Indoor recreation/amusement centers
24. Nonprofit recreational uses
25. Public parks and playgrounds
26. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
27. Places of worship
28. Municipal uses
29. Quasi-municipal or public uses
30. Day care center
31. Adult care services
32. Agriculture
33. Accessory uses
34. Essential services
35. Public utility buildings
36. Any use permitted in the Resource Protection District
37. Mobile home parks in designated Mobile Home Park Overlay Districts

ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units as part of a mixed-use building
6. Community living uses
7. Home occupations
8. Home babysitting service
9. Day care home
10. One accessory apartment in a single-family dwelling
11. Research and testing laboratories fully enclosed within a building that are compatible with a mixed-use neighborhood

7. Amend Article 4 District Regulations by adding a new section 410-4E. MU-4 PLANNED LIMITED MIXED-USE DISTRICT to read:

**410-4E. MU-4 PLANNED LIMITED MIXED-USE DISTRICT**

**PERMITTED USES**

1. Single family dwellings
2. Two family dwellings
3. Community living uses
4. Places of worship
5. Public parks and playgrounds
6. Home babysitting service
7. Day care home
8. One accessory apartment in a single-family dwelling
9. Accessory uses
10. Home occupations
11. Essential services
12. Public utility buildings
13. Any use permitted in the Resource Protection District
14. The reuse of a building existing as of April 1, 2011 for a use that is otherwise permitted only as part of a Master Planned Development

ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Multi-family housing
2. Elderly congregate housing
3. Nursing homes
4. Health care clinics for humans
5. Professional offices
6. Municipal uses
7. Quasi-municipal or public uses
8. Day care center
9. Adult care services
10. Nonprofit recreational uses

Note 1: This use is allowed only as part of a mixed-use building or development in which the non-residential use occurs in conjunction with a permitted residential use and is accessory and subordinate to the primary residential use.

8. Amend Table 412-1: Minimum Lot and Yard Requirements by adding new columns for the MU-3 District and MU-4 District to read:

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<th></th>
<th>MU-3</th>
<th>MU-4</th>
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<tr>
<td><strong>A. MINIMUM LOT AREA (Sq. Ft.)</strong></td>
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<tr>
<td><strong>B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)</strong></td>
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<td>(1) Single Family</td>
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<td>unsewered &amp; on-lot water</td>
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<td>(2) Two Family</td>
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<td>sewered</td>
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<td><strong>C. MINIMUM STREET FRONTAGE</strong> (Feet)</td>
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<td><strong>E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)</strong></td>
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<td><strong>F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL</strong></td>
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USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)³

(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes 25

(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools 50

G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)³ (Amended 11/7/05)

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H. MAXIMUM LOT COVERAGE (%) 50

I. MAXIMUM HEIGHT (Feet) 60

21. After the date of adoption of the MU-3 District, the construction of a new building on a lot greater than 2 acres in size as of April 1, 2012, or any portion thereof, must be done as part of a Master Planned Development approved by the PB in accordance with Section 416.

22. This requirement may be changed or eliminated by the Planning Board in approving a Master Plan for a Master Planned Development.

23. The lot area per dwelling unit requirement for dwelling units that are part of an approved Master Planned Development in accordance with Section 416 varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 3,000 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 4,000 SF of lot area per unit.

24. The maximum height for a buildings that is part of an approved Master Planned Development in accordance with Section 416 is fifty (50) feet provided that the side or rear setback for any building that is adjacent to a lot that is not in the MU-4 District is a minimum of fifty (50) feet.

9. Create a new Section 416 establishing procedures and standards for the approval of Master Planned Developments to read:

SECTION 416. ADDITIONAL REQUIREMENTS FOR A MASTER PLANNED DEVELOPMENT

A. GENERAL

Any proposal for a Master Planned Development must conform to the requirements of this section. The approval of a Master Planned Development involves a two phase process as follows:

(1) The Site Inventory and Analysis and Master Plan Phase – The site inventory and analysis involves the preparation and review of a detailed analysis of the existing conditions on the site, the opportunities and constraints these conditions create for the use and development of the site, and the factors that must be addressed in the development of the Master Plan for the master planned development. The Master Plan Phase involves the preparation and review of a conceptual master plan for the overall Master Planned Development and the development standards that will apply to individual buildings, subdivisions, or phases of the development based upon the results of the site inventory and analysis. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.

(2) The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed
development plans for individual buildings, subdivisions, or phases of the development in accordance with the City’s Site Plan Review provisions and/or Subdivision Ordinance requirements. In addition to conforming to the requirements of those chapters and the other zoning requirements, a Master Planned Development must demonstrate that it is consistent with the approved Master Plan and its development standards.

In addition, a developer or property owner considering a Master Planned Development may go through a Conceptual Review as set forth in subsection D. This review is optional. The Conceptual Review is intended to be informational and the results of this review are not binding on the applicant or on the Planning Board.

B. WHERE PERMITTED

Master Planned Developments are permitted only in those zones where they are expressly allowed by the standards of the zone.

C. AREA INCLUDED IN A MASTER PLANNED DEVELOPMENT

The intention of these requirements is that a Master Planned Development includes a substantial area that will allow for the master planning of a significant development activity. If a parcel is less than ten (10) acres, the entire area of the parcel must be included in the Master Planned Development unless the Planning Board determines otherwise based upon the unique characteristics of the parcel or existing development on the parcel. For lots with ten (10) acres or more, the Planning Board may permit a portion of the parcel to be treated as a Master Planned Development, or the parcel to be treated as more than one Master Planned Development, if it finds that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding. If the Planning Board allows a Master Planned Development that is less than the entire parcel, the Master Planned Development must include at least five (5) acres.

If the Planning Board allows a Master Planned Development to include less than the entire parcel or if it permits multiple master planned developments on a parcel, the Site Inventory and Analysis, the Conceptual Site Plan, and Preliminary Infrastructure Plan submitted for the initial master planned development must cover the entire area of the parcel unless the Planning Board determines that the areas of the parcel not included are unlikely to be developed in the future due to site constraints or legal restrictions on development such as easements. The materials submitted for the entire site must allow the Planning Board to evaluate the overall utilization of the entire parcel and how the Master Planned Development under consideration fits into the overall development plan.

D. CONCEPTUAL REVIEW

The purpose of the Conceptual Review is to allow the property owner or developer to discuss the preliminary concepts for the Master Planned Development with the planning staff and Planning Board. As such the review is intended to be informal and educational in nature. The Planning Board’s feedback on the preliminary concepts is non-binding.

If an applicant wants to go through the Conceptual Review process, the applicant shall provide twelve (12) copies of the following information to the planning staff:

1. A map showing the location of the property under discussion.
2. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
3. A preliminary site analysis based on available information identifying the possible opportunities and constraints that the natural and built environments create for the use and development of the site. This analysis should tentatively identify the portions of the site anticipated to be suitable for development as well as areas that are potentially unbuildable or suitable as open space or conservation areas.
4. A narrative and accompanying sketches describing the potential development concept and how the development concept is consistent with the appropriate approval criteria.

5. An indication of any submission requirements for which the applicant may be interested in requesting waivers.

The Planning Board shall review the materials at a meeting of the Planning Board. All property owners that are entitled to notice under F.3 will be notified of the meeting. The result of the Planning Board review will be to provide the applicant with guidance as to whether the potential development is consistent with the general intent of the Master Planned Development provisions, issues or questions that will need to be addressed in subsequent submissions, and on the suitability of possible waivers of the submission requirements of subsection E.

E. SITE INVENTORY AND ANALYSIS AND MASTER PLAN PHASE

This phase consists of the preparation of a site inventory and analysis together with a development of a master plan for the development based on the site analysis. This section lays out the requirements for the site inventory and analysis and the master plan.

1. Site Inventory and Analysis. The Site Inventory and Analysis is intended to provide the applicant, Planning Board, staff, boards and utility districts, and public with a better understanding of the overall site and the opportunities and constraints that the natural and built environments create for the use and development of the site. The expectation is that the preparation of the inventory and analysis will result in a Master Plan for the Master Planned Development that reflects and is sensitive to the conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes the areas of the site that are most suitable for development for intensive use and development, and that recognizes and addresses identified constraints or limitations of the site.

The Site Inventory and Analysis shall include the following four elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the site and its development potential:
- A Site Context or Locus Map
- A Site Inventory Plan
- A Site Analysis Plan
- A Site Analysis Narrative

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may not waive the submission of any of the four required elements, but may waive the submission of individual pieces of data or information required for any of the four required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand the conditions of the site and the opportunities and constraints resulting from these conditions.

a) The Site Context or Locus Map shall show the location of the development in the City and its relationship to adjacent property. The map shall be drawn at a size adequate to show the relationship of the proposed development to the adjacent properties within five hundred (500) feet of the site, and to allow the Board to locate the site within the municipality. The location map shall show:
   1. Existing subdivisions or other developments,
   2. Approved but undeveloped subdivisions or other developments,
   3. Locations and names of existing streets,
   4. Boundaries and designations of zoning districts,
   5. An outline of the land included in the master planned development, and of the overall parcel, if different.

b) The Site Inventory Plan shall show the existing natural features and resources and the built
environment on and within five hundred (500) feet of the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:

1. The proposed name of the development, north arrow (True Meridian), date, and scale.
2. The owner’s and applicant’s name and address and the names and addresses of consultants who aided in preparing the inventory and analysis.
3. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
4. The boundaries of the property and all contiguous property under the control of the owner or applicant based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may waive the requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
5. The zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
6. Existing restrictions or easements on the site (if none, so state).
7. The topography of the site at two foot intervals.
8. The location, extent, and, where appropriate, value or condition of the natural features and historic features of the site, and within five hundred (500) feet of the site, including but not limited to floodplains, wetlands, vernal pools, streams, ponds, open drainage courses, sand and gravel aquifers, scenic views or areas, significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, buildings more than 50 years old, other historically significant structures or features, archeologically significant features, or other important unusual natural site features or areas. Information on adjacent properties may be from published sources.
9. The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey if it determines that a high intensity survey is required to evaluate the appropriate use of the property.
10. Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.
11. Watershed and sub-watershed boundaries.
12. The groundwater hydrology beneath the site including any information from test pits, borings, or existing wells.
13. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).
14. The location and size of existing utilities or improvements servicing the site (if none, so state).

c) **The Site Analysis Plan** shall be at the same scale as the inventory plan (see b. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site: 1) are well suited for the proposed use; 2) are unsuitable or have significant limitations for development or use; 3) have potential conservation or open space value that should be addressed in the Master Plan; and 4) may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.).

d) **The Site Analysis Narrative** must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns, the development potential of the site, and the open space conservation potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other
information that will help the Board understand the site and the proposed project.

2. **Master Plan** -- The Master Plan is intended to lay out, in general terms, how the Master Planned Development will be developed including the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas, and the development standards that will apply to development proposals. The intention of this plan is to provide the overall development framework for the district into which specific projects can then be fitted to produce a coordinated development.

The Master Plan shall include the following six elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis. These elements may be combined if appropriate:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan if the development abuts a residential zone
- An Environmental Assessment
- Development and Design Standards

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may waive the submission of any of the required items as well as the submission of individual pieces of data or information required for any of the six required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand how the proposed development relates to the conditions of the site or the proposed nature of development, or that the information is not appropriate given the scale of the development.

a) **The Development Narrative** must describe the overall nature of the proposed development, the general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the master planned development standards of the zone in which the development is located will be met. The narrative must include a projected timeline for the development of the project and/or a description of the phasing of the development if applicable.

b) **The Conceptual Site Plan** must be an accurate, scaled plan at the same scale as the Site Analysis Plan submitted as part of the Site Inventory and Analysis and show the proposed layout of the site, the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual site plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the location of individual buildings. However, if buildings are not shown on the conceptual site plan, the development standards (see e. below) must address the site and architectural design issues related to the design of individual buildings and sites.

c) **The Preliminary Infrastructure Plan** must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site if the site will have any internal infrastructure/utility networks. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development as well as access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric, cable, and fiber optic systems, and any shared or common facilities such as parking or service areas.

d) **The Neighborhood Impact Mitigation Plan** must describe how the impacts of the proposed development on neighboring residential areas including traffic, noise, exterior lighting, and visual
considerations will be minimized. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects such as increased setbacks, buffering or landscaping, and similar measures.

e) **The Environmental Assessment** must identify and evaluate the importance of the natural resources on the site based upon the Site Inventory and Analysis, detail how the Conceptual Site Plan has been designed to minimize encroachment on high value resources identified in the Site Inventory and Analysis, describe actions that will be taken to reduce adverse impacts on these resources from the proposed use of the site, and what mitigation activities will be undertaken to compensate for any undesirable negative impacts.

f) **Development and Design Standards** that will apply to individual buildings or projects if the Conceptual Site Plan does not address site and building design issues. The standards should assure that the development will conform to the Design Standards of Section 729, and result in a coordinated, visually-integrated development. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, noise, and architectural design and details.

F. REVIEW AND APPROVAL OF THE SITE INVENTORY AND ANALYSIS AND MASTER PLAN

1. Every applicant applying for approval of a master plan for a Master Planned Development shall submit to the Planning Department a completed application form and twelve (12) copies of a complete site inventory and analysis and master plan for the proposed development which shall be prepared in accordance with Subsection E, and accompanied by a fee as prescribed by the City's cost recovery ordinance.

2. After an application is submitted, the Planning Department within ten (10) working days shall determine whether all information required under Subsection E, or requests for waivers of submission for items that have not been addressed, have been submitted. *Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate.* If the application appears to be complete, it shall be scheduled for Planning Board consideration. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.

3. Prior to taking action on a master plan application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant’s property. Property owners in the R-3 district, or any business or mixed-use district, shall be notified if their property is within two hundred (200) feet of the applicant’s property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing.

4. The Planning Board shall act to approve, approve with conditions, or disapprove the master plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.

5. The Planning Board shall approve the Master Plan only if it finds that it complies with the following criteria. The Planning Board may impose conditions on its approval of the Master Plan if it finds that such conditions are necessary for the Master Plan to comply with the approval criteria:

   a) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable
utilization of the site given both environmental and built-environment considerations. Areas that are proposed to be intensively developed or used are located in the areas identified for development in the Site Inventory and Analysis. Areas that were identified as being unsuitable for development in the Site Inventory and Analysis are protected and the adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the Site Inventory and Analysis have been addressed and the resource value maintained through the utilization of the site, mitigation activities, and/or on or off-site compensatory activities. Other issues and concerns identified in the Site Inventory and Analysis have been appropriately addressed in the Master Plan.

b) The Master Plan is consistent with the space and bulk standards, the development standards, and other requirements for master planned developments in the zoning district in which it is located.

c) The Master Plan demonstrates that the infrastructure needed to serve the development including water supply, sewage disposal, power, telecommunications, and other utilities is available or can be reasonably expected to be able to be provided and will not create an unreasonable burden on the infrastructure systems.

d) The Master Plan demonstrates that street system can accommodate the traffic that will be generated by the development or that improvements can be reasonably made to accommodate the traffic.

e) The Master Plan demonstrates that runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site and that any runoff from the site can be accommodated by the City’s stormwater system or that improvements can be reasonably made to accommodate the runoff.

f) The Master Plan is consistent with any zoning district specific approval criteria set out in subsections G or H.

G. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-3 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-3 District only if it finds that the master plan conforms to all of the following additional standards. When the Master Plan involves only a portion of the parcel, the Planning Board shall consider both the conceptual development of the entire parcel and the development of the proposed Master Planned Development in determining if these additional standards will be met. The Planning Board may condition its approval of the Master Plan on phasing of the development and/or the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan must demonstrate that the development will result in the creation of high-quality, mixed-use neighborhood that is consistent with the Vision for the Planned Mixed Use Development Area set out in the City’s 2011 Update of the Comprehensive Plan.

2. The overall development concept must provide for a mix of residential and nonresidential uses and must assure that both components of the neighborhood will be developed in a timely manner.

3. The Master Plan must result in the creation of a mixed-use neighborhood in which residential and nonresidential uses are integrated both with designated development areas and within individual buildings. A plan that proposes that part of the development area be exclusively residential while the balance of the development area is exclusively nonresidential is not consistent with this standard. While some development areas may be devoted exclusively to one type of use, the objective is that there be a mix of uses throughout the
neighborhood.

4. The residential uses proposed as part of the Master Plan should include a mix of housing types.

5. The nonresidential uses proposed as part of the Master Plan must be compatible with and integrated into the overall neighborhood development. Provisions must be included in the Master Plan to minimize and mitigate any potential conflicts between residential and nonresidential uses. Large parking lots should be avoided and parking provided in smaller, well-landscaped lots.

6. If retail uses are proposed as part of the Master Plan, these uses should be intended to either primarily serve residents and workers in the neighborhood or adjacent neighborhoods or offer goods and services that complement goods and services offered by the Downtown business community or in other commercial districts. The Master Plan must demonstrate how this standard will be met.

7. The overall layout of the development including the street system must result in a neighborhood in which all or most buildings and other centers of activity are internally focused rather than focused on Route One. Vehicle access to individual buildings or lots should be primarily from the internal street network. The creation of curb cuts on Route One to serve individual lots or buildings should be avoided.

8. The proposed street system serving the development should create an interconnected network that allows vehicles to move about the neighborhood without having to use existing arterials or collectors. The street network within the development should also be interconnected and dead end streets should be avoided. The internal street network should be connected to the existing street network at appropriate locations and should provide access to all adjacent arterials and collectors if feasible.

9. The overall character of the development should be urban rather than suburban. Most buildings should be located close to the street and parking lots should be located to the side or rear of most buildings although provision for limit parking between a building and the street may be appropriate for convenience retail and service uses. Major buildings should be more than one story and should include a mix of uses. The urban design standards of Section 729 should guide the character of the neighborhood.

10. The design of streets within the neighborhood should be urban in character with provisions for sidewalks or other pedestrian ways, street trees, and lighting. The Master Plan must demonstrate how this requirement will be met.

11. The neighborhood must be pedestrian-friendly and provide a high level of pedestrian and bicycle facilities. The Master Plan should provide for the creation of pedestrian and bicycle networks that allow people to move within the neighborhood. The neighborhood’s pedestrian and bicycle networks should connect to the City’s existing facilities and to the Easter Trail where feasible.

12. The neighborhood must include a network of parks, recreation areas, and conservation land/open space. At a minimum, at least fifteen (15) percent of the total area of the development and at least five (5) percent of the developable area of the Master Planned Development must be set aside for these purposes. The location and type of land should be based on the Site Inventory and Analysis and should create an interconnected “green” network where feasible and consistent with the Site Analysis.

13. The Master Plan should address opportunities for alternative transportation such as mass transit. Provisions for bus stops or other facilities should be incorporated into the Master Plan if appropriate. A plan that proposes reducing the amount of parking provided in exchange for support for transit service is appropriate and may be approved by the Planning Board as part of the Master Plan.

H. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED
DEVELOPMENT IN THE MU-4 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-4 District only if it finds that the master plan conforms to all of the following additional standards. The Planning Board may condition its approval of the Master Plan on the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan assures that areas that are identified in the Site Inventory and Analysis as being unsuitable or having significant limitations for development or use are preserved as open space to the extent practical, that areas that are identified as having potential conservation or open space value have been considered for inclusion in any open space, and that development in these areas is minimized to the extent practical.

2. The Master Plan assures that the treatment of areas along the perimeter of the MU-4 District that are adjacent to existing residential uses are done in a manner that minimizes any negative impacts on the adjacent residential uses including visual intrusion, exterior lighting, noise, traffic, or other external factors.

3. The Master Plan assures that the treatment of areas adjacent to existing public streets creates an attractive urban streetscape that is compatible with the pattern of the adjacent neighborhood and results in the transition of the development into the adjacent neighborhood taking into consideration the scale and massing of any buildings or structures in this area, the orientation of buildings to the street if they are located within one hundred (100) feet of the street, the location of parking, vehicular drives, and service areas including limitations on parking between buildings and existing streets, and any proposed improvements within the street right-of-way.

10. Amend Sub-Section B. applicability of Section 729 by adding a sentence to the end of the subsection to read as follows:

In the MU-3 and MU-4 Districts, any project that is part of a Master Planned Development for which a Master Plan has been approved by the Planning Board must conform to the design and development standards included in the Master Plan rather than the standards of this section. However, any aspect of the design of a project that is not addressed in the Master Plan shall be subject to the standards of this section.

11. Amend Section 1106 Approval Criteria by adding a new item 22. Master Planned Developments in the MU-3 and MU-4 Districts which shall read as follows:

22. MASTER PLANNED DEVELOPMENTS IN THE MU-3 AND MU-4 DISTRICTS

When the application for site plan review involves a project that is located in a Master Planned Development for which a Master Plan has been approved by the Planning Board, the Planning Board must find that the project is consistent with the approved Master Plan and its development standards.

Overview of Proposed MU-3 and MU-4 Districts

Background
• The Comprehensive Plan calls for two new districts to encourage mixed-use, master planned developments in areas with significant vacant, potentially developable land
• One district (the proposed MU-3) is for the northern end of the Route One corridor – north of Flag Pond and Cascade Roads (see map of the MU-3 District)
• This area can now be served by public sewerage and public water and has a number of large, potentially developable parcels
• The MU-3 District is designed to require well planned development while limiting piecemeal development of this area
• The Comprehensive Plan envisions that this area will develop as high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is intended to be more urban than suburban with the neighborhoods organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are intended to be pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood must be set aside as open space, recreation areas, and conservation land.
• The second district (the proposed MU-4) is for an area between Lincoln Street and Bradley Street (the Kimball Trust property – see map of the MU-4 District)
• The land in the proposed MU-4 District has significant development constraints but is served by public water and sewerage and is well located for development
• The MU-4 District is designed to allow development of the limited suitable areas for residential use while assuring that much of the area is preserved as open space.
• While the type and intensity of development proposed to be allowed in the two districts differs, both require that larger-scale development occur through a master planned development process
• The master planning process involves the preparation and approval of a conceptual Master Plan for the entire area before individual development approvals are sought
• The Master Plan has to be based on a detailed site inventory and analysis that looks at the opportunities and constraints created by the conditions of the site

MU-3 Planned Mixed-Use District

• This district allows a wide range of nonresidential uses as permitted uses including hotels, retail with less than 40,000 SF, restaurants, service and office uses, light assembly, recreation and entertainment uses, and government and community services
• A variety of residential uses are allowed but only as part of a Master Planned Development
• Development on existing lots with two acres or less goes through the traditional development review process – site plan review
• Development on lots with more than two acres has to go through the process of developing a Master Plan and having it approved by the Planning Board
• The development standards for projects that are not part of a Master Planned Development are similar to the existing B-6 standards
• The development standards for Master Planned Developments are developed and approved as part of the Master Plan
• The requirements for a Master Planned Development establish criteria that must be met for the Planning Board to approve a Master Plan
• In the MU-3 District, these criteria focus on the overall utilization of the site and the adequacy of the provisions for the basic infrastructure as well as on assuring that the development plan meets the vision for the area as a high-quality mixed-use neighborhood that is more urban than suburban in character and is organized around an interior street system rather along Route One

MU-4 Planned Limited Mixed-Use District
This district allows single-family and two family dwellings and community services as permitted uses (this is similar to the surrounding neighborhood)

Multifamily housing and elderly congregate housing are allowed but only as part of a Master Planned Development

Professional offices, medical uses, and adult and child care services are also allowed as part of a Master Planned Development but only in conjunction with a permitted residential use

The development standards require a 7,500 SF lot for a single-family home (about 5-6 units per acre)

Multifamily housing that is part of a Master Planned Development can be built at up to 10 units per acre or 14 units per acre for small apartments (2 bedrooms or less)

Buildings can be up to 50 feet tall as part of a Master Planned Development but must be setback at least 50 feet from any lot that is not part of the MU-4 District

The criteria for approval of a Master Plan for a Master Planned Development in the MU-4 focus on the overall utilization of the site and the adequacy of the provisions for the basic infrastructure as well as on assuring that the development plan meets the vision for the area including preserving areas that have development limitations or natural resource value, protecting adjacent residential properties, and creating an attractive streetscape along the existing streets
B. CONTRACT ZONE 6 & 8 NEW COUNTY ROAD – (FIRST READING)

Applicants Robert and Jeanne Labonte propose a contract zone for their two parcels at 6 and 8 New Country Road. The current R-1d zoning allows residential subdivisions. In order to make the project feasible – costs include extending the public sewer across the Turnpike – they ask that minimum lot size, frontage and setback requirements be relaxed so that more lots would be possible than otherwise allowed in the R-1d zone.

The Planning Board reviewed this request originally as a proposed zoning map amendment, but felt that the applicant would be served in a timelier manner via a contract zone application. The Board made a positive finding on each of the four standards for a contract zone; and forwards a positive recommendation for the contract zone as proposed.

The Council discussed this item in Workshop on April 1, 2013. The First Reading was on April 16, 2013, and the Public Hearing was May 6, 2013. The Second and Final Reading was on May 20, 2013, at which time the Council tabled the item for further discussion on June 3, 2013.

Councilor Lovell moved, Councilor Blood seconded “Be it ordered that the contract zone document titled, ‘Contract Zone Agreement By and between Robert and Jeanne Labonte and the City of Saco, dated March 5, 2013’ be removed from the table at this time and further that the City Council approve the Second and Final Reading of the document ‘Contract Zone Agreement By and between Robert and Jeanne Labonte and the City of Saco, dated March 5, 2013’.”

TABLED – Councilor Lovell moved, Councilor Blood seconded to Table this item until the June 17th City Council meeting. The motion passed with unanimous consent.
C. 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 2014 tax due date of August 9, 2013. The note is drafted on a tax exempt basis. If no shortfall arises, then no funds will need to be borrowed. We do, however, 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 $1.7 million due monthly for taxes being collected on their behalf on August 9, 2013.

Councilor Lovell 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 2014 FISCAL YEAR’.” Further move to approve the Order. The motion passed with seven (7) yeas.

**ORDER AUTHORIZING CITY OF SACO TO ISSUE TAX ANTICIPATION NOTE FOR 2013-2014 FISCAL YEAR**

Be it Ordered by the City Council:

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 $2,000,000.00 to be issued on or about July 1, 2013 and mature on or before June 30, 2014, or such earlier date as determined appropriate by the Treasurer of the City, at an interest rate of not more than 0.95% 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 Bangor Savings Bank, to purchase the Note, be approved, and that the sale of the Note be awarded to Bangor Savings Bank;

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 hereinbefore 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>Month</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>CRP</td>
<td>4,517,695</td>
<td>11,597,255</td>
<td>1,368,252</td>
<td>1,027,715</td>
<td>1,220,379</td>
<td>990,352</td>
<td>4,568,633</td>
<td>10,531,286</td>
<td>1,392,885</td>
<td>1,170,138</td>
<td>1,347,833</td>
<td>1,324,777</td>
</tr>
<tr>
<td>Other</td>
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<td>(7,778,812)</td>
<td>3,059,914</td>
<td>1,877,278</td>
<td>346,498</td>
<td>1,405,367</td>
<td>(454,479)</td>
<td>(6,482,611)</td>
<td>4,528,378</td>
<td>773,772</td>
<td>(295,843)</td>
<td>1,309,648</td>
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<td>Ending</td>
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<td>350,017</td>
<td>932,456</td>
<td>1,284,042</td>
<td>27,228</td>
<td>49,368</td>
<td>1,028,489</td>
<td>477,502</td>
<td>2,907,135</td>
<td>2,696,147</td>
<td>1,141,521</td>
<td>1,258,502</td>
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<td>CRP</td>
<td>11.0%</td>
<td>28.2%</td>
<td>3.3%</td>
<td>2.5%</td>
<td>3.0%</td>
<td>2.4%</td>
<td>11.1%</td>
<td>25.6%</td>
<td>3.4%</td>
<td>2.8%</td>
<td>3.3%</td>
<td>2.2%</td>
</tr>
<tr>
<td>AP</td>
<td>7.9%</td>
<td>11.3%</td>
<td>10.3%</td>
<td>7.1%</td>
<td>7.5%</td>
<td>6.3%</td>
<td>8.4%</td>
<td>12.3%</td>
<td>9.3%</td>
<td>5.7%</td>
<td>6.9%</td>
<td>6.9%</td>
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<tr>
<td>Other</td>
<td>43.2%</td>
<td>292.0%</td>
<td>-114.9%</td>
<td>-74.6%</td>
<td>-13.0%</td>
<td>-52.8%</td>
<td>17.1%</td>
<td>243.4%</td>
<td>-169.5%</td>
<td>-29.1%</td>
<td>11.1%</td>
<td>-52.6%</td>
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</table>

**Mutual Account Balance**

<table>
<thead>
<tr>
<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>4,073,790</td>
<td>1,574,314</td>
<td>300,315</td>
<td>315</td>
<td>900,316</td>
<td>6,925,979</td>
<td>1,802,412</td>
<td>502,651</td>
<td>342,721</td>
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</table>

**Taxes Due 2nd Friday of the Month**

<table>
<thead>
<tr>
<th>Due August 17, 2012 (a week later)</th>
<th>Due February 8, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginning</strong></td>
<td></td>
</tr>
<tr>
<td>CRP</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Net Monthly Activity</td>
<td></td>
</tr>
<tr>
<td>(3,039,318)</td>
<td>(4,453,411)</td>
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<tr>
<td>(2,300,703)</td>
<td>(2,392,724)</td>
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<tr>
<td>664,749</td>
<td>427,641</td>
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<tr>
<td>7,423,822</td>
<td>3,175,849</td>
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<tr>
<td>(1,265,138)</td>
<td>(2,078,144)</td>
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<tr>
<td>(2,140,309)</td>
<td></td>
</tr>
<tr>
<td><strong>Ending</strong></td>
<td></td>
</tr>
<tr>
<td>CRP</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Mutual Account Balance</td>
<td></td>
</tr>
</tbody>
</table>

**Taxes Due 2nd Friday of the Month**

<table>
<thead>
<tr>
<th>Due August 9, 2013</th>
<th>Due February 14, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginning</strong></td>
<td></td>
</tr>
<tr>
<td>CRP</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Net Monthly Activity</td>
<td></td>
</tr>
<tr>
<td>(2,506,211)</td>
<td>(5,224,809)</td>
</tr>
<tr>
<td>(2,620,591)</td>
<td>(2,514,021)</td>
</tr>
<tr>
<td>(714,445)</td>
<td>1,688,491</td>
</tr>
<tr>
<td>8,032,237</td>
<td>3,156,207</td>
</tr>
<tr>
<td>(1,832,684)</td>
<td>(2,324,882)</td>
</tr>
<tr>
<td>(2,375,807)</td>
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</tr>
<tr>
<td><strong>Ending</strong></td>
<td></td>
</tr>
<tr>
<td>CRP</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

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X. ADJOURNMENT

Councilor Lovell moved, Councilor Tripp seconded to adjourn the meeting at 9:35 p.m. The motion passed with unanimous consent.

Attest: ______________________________________

    Michele L. Hughes, City Clerk