STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, July 1, 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:

RECOGNITION OF SACO’S EMERGENCY MANAGEMENT DIRECTOR STEVEN BOUCOUVALAS

Resident David Pitman - Recent disasters such as Super Storm Sandy and Oklahoma Tornado, have reminded me that Saco’s Emergency Management Office would be crucial to the City surviving a major weather related event or otherwise. I would guess that most Saco residents are not even aware that this Department exists.

Even as I write this letter this morning 75 million Americans in 19 States are threatened by dangerous weather systems from the Mid-West to the Middle Atlantic States.

Coordinating Saco Disaster Response for a number of years has been Director Steven Boucouvalas. He is an individual whom I believe has a proven track record in that position as a true guardian of our public safety. No matter what type of disaster the city has experienced, Mr. Boucouvalas has consistently met the challenge of ensuring the survival of Saco citizens. Because the Emergency Management Office under Steve’s direction has lead us through many weather events with expertise and because of his experience in law enforcement and history of dedication to our city, I strongly recommend that Mr. Boucouvalas receive public recognition as one of Saco’s finest employees. Named as one of the finest employees, is certainly an honor that he justifiably deserves.

V. AGENDA:

A. ASSESSOR’S REPORT ON THE TAX RATE-FISCAL YEAR 2013/2014

The Assessor, working with the Finance Director and City Administrator, has set the Tax Rate for the Fiscal Year 2013-2014 at $18.58 per thousand of assessed value. This is a .28 cent increase in the mill rate over last year, representing a 1.5% increase over the mill rate from last year.

The increase in the mill rate on the municipal side was zero, the York County portion is 7 cents and the RSU #23 portion is 21 cents.

On Friday, the RSU received word that the budget that was passed by the Legislature last week included a significant and unanticipated increase in the education subsidy for the city. Earlier today the RSU’s Board of Directors met in a Special Directors meeting to request that the cities share in this increase of some $508,000 be applied directly to the cities tax rate, which has been done. Prior to this news from the State and RSU, the impact of the school budget would have been .25 cents higher.

The cities taxable value this year stands at $1,991,317,668 which is up $23 million from last year. About $8 million of this was from CMP distribution lines and substations.
B. CONTRACT ZONE 445 MAIN STREET – MAP 33, LOT 25-ZONED R-1D – (SECOND & FINAL 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.

The council discussed this item at Workshop on May 20, 2013; the First Reading was June 3, 2013; and the Public Hearing was June 17, 2013.

Councilor Doucette moved, Councilor Lovell seconded “The City of Saco hereby Ordains and Approves the Second & Final Reading of the document titled, “Contract Zone Agreement By and between Lise D. Ouellette and the City of Saco,” dated May 7, 2013”. The motion passed with six (6) yeas 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
City Administrator

Lise D. Ouellette, President
Prime Prudential

Applicant
C. ZONING ORDINANCE 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 – (SECOND & FINAL 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 non-residential 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.

The Council discussed this item at Workshop and held the First Reading on June 3, 2013. The Public Hearing was June 17, 2013.

Councilor Cote moved, Councilor Lovell seconded “Be it ordered that the City Council approve the Second and Final Reading of the document titled, ‘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’.” Further move to approve the Order.

1st AMENDMENT – (Not in Item Commentary) - Councilor Lovell moved, Councilor Doucette seconded to amend the document titled “Proposed Amendments to Create an MU-3 and MU-4 Zone, to adopt only the language pertaining to the MU-3 Planned Mixed Use District, specifically to exclude the MU-4 District.

TABLE - Councilor Cote moved, Councilor Tripp seconded to table Councilor Lovell’s Amendment (#1) until the next meeting in August, to get input from the Kimball Health Center. Note: This would also table the Main Motion. The motion failed with two (2) yeas and five (5) nays – Councilors Lovell, Blood, Doucette, Smith and Tripp.

Mayor Johnson called for a vote on Amendment #1. The motion failed with one (1) yea and six (6) nays – Councilors Cote, Tardif, Blood, Doucette, Smith and Tripp.

2nd AMENDMENT – (Listed as Amendment #3 in Item Commentary) – Councilor Cote moved, Councilor Blood seconded “Be it ordered that the document titled, ‘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’ be amended by adding “Self-service storage units” as a Conditional Use to the MU-3 Planned Mixed-Use District.” The motion passed with seven (7) yeas.

3rd AMENDMENT – (Listed as Amendment #4 in Item Commentary) – Councilor Tripp moved, Councilor Smith
seconded “Be it ordered that the City Council amend the proposed Section 410-4D, MU-3 Planned Mixed-Use District within the document titled, ‘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’ to include:

3. Retail businesses with less than 100,000 SF of gross floor area and related outside sales.

The motion passed with seven (7) yeas.

4th AMENDMENT – (Not listed in the Item Commentary) – Councilor Lovell moved, Councilor Blood seconded to amend the motion so that which is stated as requiring a Master Plan is included in the permitted uses in the MU-4 zone.

Councilor Lovell explained that right now what we are trying to do is make a conditional use out of the current use. He would like to see the current use actually be a permitted use. (That the items listed under Master Plan are also permitted uses.)

City Planner Bob Hamblen stated that they are trying to differentiate so that if potentially larger uses came along they would then be subject to the Master Planning process. But, if we make those 10 uses permitted uses, would the Councilor be open to those still being subject to the Master Planning process, though being treated as permitted uses? Councilor Lovell stated “yes”. City Planner Bob Hamblen stated that if so he didn’t see any loss for the community.

City Administrator Rick Michaud asked City Planner Bob Hamblen, specifically where he would amend the document to achieve that? Mr. Hamblen stated that he was looking at item #7 amend Article 4 District regulations by adding a new section, and then it goes into MU-4 Planned Limited Mixed Use District. It may be as simple as going to the permitted uses list, and then immediately after that additional uses permitted only as part of a Master Planned development. I would consider amending that. Something to the effect that the following uses if proposed shall be subject to Master Plan Standards found elsewhere in this ordinance. Clearly that subheading say’s “additional use permitted only as use part of”. This is the language that you have to go into and make it “no”, the following 10 uses are permitted uses. However these particular 10 uses shall also be subject to the Master Plan review process. Mr. Hamblen noted that he would have the exact wording by tomorrow. Mayor Johnston stated that the Council understood the “intent”.

Mayor Johnston called for a vote on the 4th Amendment. The motion passed with five (5) yeas and two (2) nays – Councilors Cote and Tardif.

MAIN MOTION VOTE - Mayor Johnston called for a vote on the Main motion with amendments. The motion passed with six (6) yeas and one (1) nay – Councilor Lovell.

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.

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 humans¹  
5. Professional offices¹  
6. Municipal uses  
7. Quasi-municipal or public uses¹  
8. Day care center¹  
9. Adult care services¹  
10. Nonprofit recreational uses¹
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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<thead>
<tr>
<th></th>
<th>MU-3</th>
<th>MU-4</th>
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<tbody>
<tr>
<td>A. MINIMUM LOT AREA (Sq. Ft.)&lt;sup&gt;13&lt;/sup&gt;</td>
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<td>20,000&lt;sup&gt;22&lt;/sup&gt;</td>
<td>7,500</td>
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<td>(2) unsewered</td>
<td>40,000</td>
<td>20,000</td>
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<tr>
<td>B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)&lt;sup&gt;7,13&lt;/sup&gt;</td>
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<tr>
<td>B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.)&lt;sup&gt;7,13&lt;/sup&gt; (Amended 3/07/05)</td>
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<tr>
<td>(1) Single Family</td>
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<td>sewered</td>
<td>See Note 23</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>(3) Multi-family</td>
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<td>C. MINIMUM STREET FRONTAGE&lt;sup&gt;4&lt;/sup&gt; (Feet)</td>
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<td>(1) sewered</td>
<td>200&lt;sup&gt;22&lt;/sup&gt;</td>
<td>75</td>
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<td>(2) unsewered</td>
<td>200</td>
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<tr>
<td>D. MINIMUM DEPTH FRONT YARD (Feet)</td>
<td>75/40&lt;sup&gt;11,22&lt;/sup&gt;</td>
<td>25</td>
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<tr>
<td>E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)</td>
<td>20&lt;sup&gt;22&lt;/sup&gt;</td>
<td>15</td>
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<tr>
<td>F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)&lt;sup&gt;8&lt;/sup&gt;</td>
<td></td>
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<tr>
<td>(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes</td>
<td>25&lt;sup&gt;22&lt;/sup&gt;</td>
<td>25</td>
</tr>
<tr>
<td>(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</td>
<td>50&lt;sup&gt;22&lt;/sup&gt;</td>
<td>50</td>
</tr>
<tr>
<td>G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)&lt;sup&gt;7&lt;/sup&gt; (Amended 11/7/05)</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>H. MAXIMUM LOT COVERAGE (%)</td>
<td>50&lt;sup&gt;22&lt;/sup&gt;</td>
<td>30</td>
</tr>
<tr>
<td>I. MAXIMUM HEIGHT (Feet)</td>
<td>60</td>
<td>35/50&lt;sup&gt;24&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
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 building 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 the 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
D. TAXICAB BUSINESS LICENSE FOR RADIOWAVES INC. D/B/A ALTERNATIVE TAXI AND TWIN CITY TAXI INC. – (PUBLIC HEARING)

Radiowaves Inc. d/b/a Alternative Taxi & Twin City Taxi Inc. 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 Smith seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Tardif moved, Councilor Smith seconded to close the Public Hearing and “Be it Ordered that the City Council grant Radiowaves Inc. d/b/a Alternative Taxi & Twin City Taxi Inc. a Business License for a term of one year.” Further move to approve the order. The motion passed with seven (7) yeas.

E. RECONSIDERATION OF CONTRACT ZONE 6 & 8 NEW COUNTY ROAD

This item was removed from the Agenda due to it not meeting City Charter requirements of being passed within 30 days of the Public Hearing. Mr. Labonte can bring this before the Council again, but this would need to be a complete new application and go through the process again.

Councilor Cote moved to deal with matter tonight. Motion failed due to a lack of a second.

F. APPROVE DOG PARK LOCATION – PEPPERELL PARK

The City of Saco accepted a donation and continues to accept donations for the development of a dog park to be
located in the City. While all parks in the City are open to use by dogs and their owners; one specific to the dogs needs and the ability to be off-leash is critical in this park being considered. Several of the key concerns for the location of site to be used for the dog park are:

- proximity to the center of the City, close walking distance to many residents,
- parking availability and
- A site where amenities such as water are readily available

With these criteria in mind, an initial list of city owned properties was put together and through subsequent revisions this list is now down to 5 prospective locations. Four of these sites were sent out for staff review.

The estimated cost of a fully built out ‘dog park’ with appropriate fencing and surfacing will be approximately $11,000. In house staffing will be used in the construction of the surfaced area with City bid priced materials and the fencing will be cost out using the City’s competitive bid process. Other site amenities such as permanent water, not just seasonal, and landscaping will be added later as funding is developed. The dog park size will be approximately 125’ x125’ with a 16’ x 16’ smaller fenced in area. Final specifications for the Park will be completed pending site selection approval.

Council discussed this on June 17th with a favorable recommendation of Pepperell Park.

Councilor Cote moved, Councilor Lovell seconded “Be it ordered that the City Council approve the location of Saco’s Dog Park at Pepperell Park, and further move to solicit the input from the Historic Preservation Commission on the design of the dog park.” Further move to approve the order. The motion passed with seven (7) yeas.

G. CAMP ELLIS SHORELINE

Coastal storms have caused severe shoreline erosion along Camp Ellis Beach and the loss of over 30 homes. At the request of the City, the New England District of the Army Corps of Engineers (ACOE) conducted studies to find a remedy to the ongoing erosion.

The design and construction of the Saco River and Camp Ellis Beach Section III Jetty Project will exceed the $5 million statutory cap under Section 111 (of the River and Harbor Act of 1968) authority; however, Congress provided specific authority in the Water Resources Development Act of 2007 to exceed this limitation. The Secretary of the Army is authorized to allot from certain appropriations an amount not to exceed $26,900,000 for the design and construction of the Project as an aid to navigation, while simultaneously mitigating shoreline damage and erosion.

Such undertaking is dependent upon the City, and/or the State of Maine becoming a partner. The City of Saco, in connection with this Agreement, desires to foster a partnering strategy and a working relationship between the ACOE and the City of Saco through a mutually developed formal strategy of commitment and communication, which creates an environment where trust and teamwork prevents disputes, fosters a cooperative bond between the ACOE and the City of Saco, and facilitates the successful implementation of the Project. Additionally, the City desires to enter into a Project Partnership Agreement with the ACOE to clarify the role and responsibility of each Party from design, through construction, and for a period of 50 years post-construction. The City Council discussed this item at Workshop on June 17, 2013.

Councilor Blood moved, Councilor Lovell seconded “Be it ordered that the City Council authorize the Mayor to request the State of Maine be a local sponsor of the Army Corps of Engineers Camp Ellis Section 111 project and work to expedite the permit process.” Further move to approve the Order. The motion passed with seven (7) yeas.

EXHIBIT 1:
1. INTRODUCTION: Richard Michaud, City Administrator Camp Ellis: Draft Feasibility Study and Environmental Assessment can be found at:
a. **City Council Position** on July 19, 2010 - *Be it Ordered that the City Council request*

US Senators Collins and Snowe and US Representative Pingree submit to the U.S. Army Corps of Engineers, the ‘*Project Partnership Agreement between the Department of the Army and City of Saco, Maine for Design and Construction of the Saco River and Camp Ellis Jetty Section III Project.*’

http://www.sacomaine.org/archives/campellisfiles/project_partnership_agreement.pdf


c. Recognition of the Saco Bay Implementation Team:


2. **DISCUSSION OF Section 111 Shore Damage Mitigation Project Dated April 2013 AND SCHEDULE TO CONSTRUCTION:**

   a. Decision Document 265 days November, 2013
   
   b. Project Partnership Agreement 240 days April, 2014
   
   c. Design of Project (spur jetty & beach) 312 days July, 2015
   
   d. Real Estate 572 days January, 2016
   
   e. Permits 475 days April, 2015
   
   f. Construction Spur Jetty 368 days November, 2016
   
   g. Construction Beach 94 days November, 2016

3. **NO PROJECT OPTION** – Ransom Consulting, Inc. Design of generic dune restoration scheme for Dune Restoration Phase I


4. **DREDGE**: Brochure IMS 7012 HP Versi-Dredge


Versi Dredge Cost Proposal


5. **CAMP ELLIS MUNICIPAL DEVELOPMENT DISTRICT** – Funding options

Below are links to information on various methods of funding future mitigation activities as required by the Project Cooperation Agreement. Title 30A Chapter 206 Municipal Capital Improvement Districts


Title 30A Chapter 205 Community Development


Tax Increment Financing

http://www.sacomaine.org/archives/tif.shtml

VI. **CONSENT AGENDA:**

Councilor Lovell moved, Councilor Tripp seconded to approve consent agenda items #a, b, c, and d as follows:

   a. Be it ordered that the City Council approve the minutes for June 17, 2013. Further move to approve the order;
   
   b. Be it ordered that the City Council grant the application for a License to Operate Games of Chance as follows: Queen of Hearts, Sealed Tickets and Daily Attendance from July 1, 2013 to
c. Be it ordered that the City Council hereby approve the results of the June 11, 2013 Special Municipal Referendum & RSU No. 23 Budget Validation Referendum Election as presented. Further move to approve the Order;

d. Be it ordered that the City Council support the Edward Byrne Memorial Justice Assistance Grant in the amount of $13,000.00 in federal funding for the purpose of buying Saco Police Department Equipment.” Further move to approve the Order.

The motion passed with seven (7) yeas.

Note: The item commentaries for the consent agenda are below.

b. GAMES OF CHANCE – BIDDEFORD & SACO ELKS #1597

Biddeford & Saco Elks #1597 has applied for a License to Operate Games of Chance as follows: Queen of Hearts, Sealed Tickets and Daily Attendance from July 1, 2013 to September 30, 2013.

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

c. CERTIFICATION OF ELECTION RESULTS

The election results are being submitted to Council for Certification as required by Section 7.03 b. of the Charter of the City of Saco.

d. SUPPORT OF THE EDWARD BYRNES JUSTICE ASSISTANCE GRANT FOR SACO POLICE DEPARTMENT

The Saco Police Department is seeking community input on its plans to spend more than 13,000.00 in federal funding to purchase equipment.

The department will receive money through the Edward Byrnes Justice Assistance Grant program, which is funded by the American Recovery and Reinvestment Act. You will find the Program Narrative attached below.

The funds received will be used to purchase a Leica R400 Total Station, a Harvey single axle enclosed trailer to be used at critical incidents such as crimes scenes, serious motor vehicle accidents, and any other situation where equipment may need to be protected from the elements. The department is also planning to purchase five (5) Glock 9mm simunition handguns to use for training in active shooter and other situational training exercises.

Saco Police Department – Program Narrative

According to the 2010 census, the City of Saco has 18,482 residents, which increases dramatically during the summer months with the influx of tourist visiting Saco. This creates a substantial increase in motor vehicle traffic adding to the already high volume of daily commuters. The City of Saco consists of several State Highways and roads known for high numbers of motor vehicle crashes. The departments Crash Reconstruction Specialist investigate the serious crashes occurring in the City as well as surrounding communities when requested. In 2012 there were 971 traffic crashes in the City of Saco. The Reconstruction Specialist investigated seven (7) major crashes. Including one in another jurisdiction, three were fatalities.

The overall goal of this request is to explain and document why the Saco Police Department has a need for a Leica R400-Total Station and an enclosed trailer. The processing of crime scenes and traffic crashes has become very
technical and requires specialized equipment and expertise. The mapping of crash scenes and other investigations requiring processing for criminal prosecution and preservation of evidence is increasing. This type of detailed information and documentation is critical to successful prosecution.

VII. RECESS THE MEETING AND CONVENE THE WORKSHOP

Councilor Tripp moved, Councilor Doucette seconded to recess the meeting and convene the workshop at 8:15 p.m. The motion passed with unanimous consent.

VIII. RECONVENE THE MEETING

Mayor Johnston reconvened the meeting with the unanimous consent of the City Council at 9:20 p.m.

Roll Call: Mayor Johnston noted that all seven (7) City Councilors were present.

S. PARKS AND RECREATION FIELD USAGE FEE WAIVER

The Parks and Recreation Department was contacted this spring with reference to allowing men’s slow-pitch softball tournament be conducted on City fields located at Memorial Field and Young School. A copy of Council adopted fee schedule Appendix B was forwarded along with an application for field use. After further discussion a completed application was received on June 23rd. Applicant has requested that field fees be reduced or donated with the reason that this tournament will bring in business to the surrounding area.

There will be 30-40 teams at a minimum expected in to use the Biddeford/ Saco’s fields over the course of the two day tournament on August 17th and 18th. Biddeford’s fee schedule charges $375 according to their Parks and Recreation Department for those two days. Neither the officials nor Biddeford Parks and Recreation have reduced their rates. The City of Saco rates for the two fields including lights on Young School Softball field would be $2025 which includes the $150 refundable security deposit.

Councilor Lovell moved, Councilor Blood seconded “Be it ordered that the City Council grant a field usage fee reduction to $1,575.00 to the Men’s Slow Pitch Softball Tournament on August 17 and 18, 2013.” Further move to approve the Order. The motion passed with seven (7) yeas.

R. LICENSE AGREEMENT: VENDOR CART AT CAMP ELLIS: 5 BAY AVENUE

The City of Saco proposes to enter into a lease agreement with Michael Chasse (Vendor) who wishes to locate a sales cart for the sale of hot dogs on the premises at Camp Ellis Pier – 5 Bay Avenue, Saco. The vendor wishes to occupy no more than one parking space with his sales cart from June 1, 2013 through October 1, 2013 for a fee of $500.00 said fee payable upon the execution of this lease.

The City reserves the exclusive right to terminate this license at any time and for any reason. It is the responsibility of the Vendor to adhere to the regulations as stipulated in Camp Ellis Pier, Parking Lot and Public Landing Regulations.

Councilor Blood moved, Councilor Lovell seconded “Be it ordered that the City Council approve the Lease Agreement by and between the City of Saco and Michael Chasse, to operate a sales cart to sell hot dogs, from June 1 to October 1, 2013.”

AMENDMENT - Councilor Lovell moved, Councilor Tripp seconded to raise the amount on the lease agreement from to $1,000. The motion passed with six (6) yeas and one (1) nay – Councilor Cote.

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

NOW COME the parties, the City of Saco, a municipal corporation located at 300 Main Street, Saco, Maine (hereinafter the “City”) and Michael Chassie (hereinafter the “Vendor”) of ______________________ who state and agree as follows:

1. City owns certain real property in Camp Ellis known as the Camp Ellis Pier/Parking Facility- 5 Bay Avenue, Saco, Maine. Vendor is desirous of locating a sales cart for the purpose of selling steamed hot dogs, soda and chips on those premises and the party herein agree such use is permitted subject to the following additional terms and conditions.

2. Vendor may occupy no more than one (1) parking space with their sales cart from June 1 through October 1, 2013 for a fee of $500.00 said fee payable upon the execution of this license. The City shall assign Vendor to a location, and Vendor will occupy said space through the term of this license. The City’s Parking Lot Manager will determine the location of the cart in the lot.

3. City reserves the exclusive right to terminate this license at any time and for any reason. If City does terminate said license, it shall reimburse on a pro-rata basis, that portion of the annual fee representing days left through October 1.

4. Vendor may enter and occupy his location during regular hours (10:30 a.m. to 8:00 p.m.) but must not leave any materials, fixtures, equipment, etc. on site overnight at any time. Vendor’s property is his responsibility, and he herein releases the City from any claim for lost, damaged or stolen equipment, supplies or materials.

5. Vendor will at all times control litter and clean up any wastes or messes resulting from his operation, and shall at all times keep his immediate premises clean, sanitary and free of refuse/litter. Vendor will provide two (2) receptacles, one for trash and one for cans. All trash will be removed daily. Failure to comply with this condition shall constitute a violation of this license, and shall afford the City the option to terminate Vendor’s license. Vendor may not alter or otherwise make improvements to the premises without the written approval of City.

6. Vendor shall not interfere with the City or public’s use, maintenance and/or operation of the pier parking lot. Vendor will not use electrical service provided at the Parking Lot.

7. Vendor releases, indemnifies and agrees to hold City harmless from all suits, claims, demands, costs, expenses, causes of action, and judgments (including reasonable attorney’s fees) related to or arising from his acts and operations under this License Agreement, as well as from any acts taken by City related to or connected with the Camp Ellis Pier/Parking Lot.

8. Vendor shall maintain commercial liability insurance with coverage of no less than $400,000.00 which policy/coverage shall name the City as a certificate holder.

9. Vendor shall comply with all local, state and federal laws, statutes, regulations and ordinances.

Dated at Saco, Maine this 1st, day of July, 2013.

Richard Michaud
City Administrator

Michael Chassie, Vendor

Q. AMEND PARK NORTH CONTRACT ZONE AGREEMENT APPROVED ON MAY 1, 2006 – (FIRST READING)

Applicant Elliott Chamberlain dba Park North Development LLC and Preston Properties LLC requests the Council’s consideration of several amendments to the Park North contract zone, approved by the City Council on
May 1, 2006. Mr. Chamberlain proposed the mixed-use development on 236 acres off Route One hoping to include retail and residential uses, not otherwise allowed in the BP zone, which does allow a variety of commercial uses such as offices, hotels, eating establishments and business services. At build-out, the project was estimated to include from 350,000 to 450,000 square feet of commercial uses, 90 units of senior housing and 200 units of single and multi-unit condominiums.

Seven years and a different economy have prompted Mr. Chamberlain to fine tune the 2006 agreement. He requests that street frontage requirements be revised and that “Self-Serve Storage Facilities” be allowed on Parcel 2; that the number of residential units on Parcel 3 be increased from 90 to 120, and that greater density be allowed; and that the number of residential units on Parcel 4 be increased from 201 to 300, with a corresponding increase in density. Also, he asks that the 2006 limitation of 55 and older for buyers of residential units be removed from the agreement.

The Planning Board reviewed this item at public hearing on June 11, 2013, and forwards a positive recommendation for the changes reflected in the amended Agreement.

Councilor Cote moved, Councilor Blood seconded “The City of Saco hereby Ordains and Approves the First Reading of the findings in the contract zone document entitled ‘Contract Zone Agreement By and Between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco,’ dated December 20, 2005 and amended through June 11, 2013, for the properties at 991 Portland Road and 3 Eastview Parkway, and to schedule a Public Hearing for August 5, 2013.” The motion passed with five (5) yeas and two (2) nays – Councilors Lovell and Tardif.

(Please note underline represents new language while strike-through is language to be deleted.)

**Contract Zone Agreement**

By and Between

*Park North Development, LLC* and *Preston Properties, LLC* as Applicants
and the *City of Saco*

December 20, 2005
Amended , 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 November 7, 2005, is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.

1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.
2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenanted commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.

3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.

4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.

5. Evidence of right, title and interest is established by virtue of the above referenced deeds.

6. The Subject Property is in the Business Park (BP) zoning district.

7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Technics, One Chabot Street, Westbrook, Maine 04098 (the “Plan”) (as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.

9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.

10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.
II. This contract amends the Saco Zoning Ordinance as follows:

1. This Agreement supersedes Article 4. District Regulations of the Saco Zoning Ordinance. District Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.

2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.

3. The minimum lot area, minimum lot area/dwelling unit, minimum street frontage, minimum depth of front yard, minimum width of side yard and rear yard, minimum setback from normal high water marks, density, maximum lot coverage and maximum height requirements (collectively the “Space and Bulk Requirements”) that would otherwise be applicable to the Subject Property pursuant to Section 412 of the Saco Zoning Ordinance are hereby superseded and rendered inapplicable to the Subject Property. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance. The following shall apply as the exclusive Space and Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

**PARCEL 1:**

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>7,500 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>60 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>460%</td>
</tr>
<tr>
<td>Density:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**PARCEL 2:**

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>20,000 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage:</td>
<td>2100 feet except for lots fronting on a cul-de-sac as to which the Minimum Street Frontage shall be 100 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting</td>
</tr>
</tbody>
</table>
Minimum Rear Yard: 20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district

Maximum Building Height: 45 feet

Maximum Lot Coverage: 40%

Density: N/A

**PARCEL 3:**

Minimum Lot Size: 7,500 Square Feet

Minimum Street Frontage: 50 feet

Minimum Front Yard: 20 feet (0 feet between units in a multi unit building)

Minimum Side Yard: 20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)

Minimum Rear Yard: 20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)

Maximum Building Height: 45 feet

Maximum Lot Coverage: 40%

Density: Not more than 9120 units

**Gross Minimum Lot Area/Dwelling Unit** 53,000 Square feet * total acreage of parcel divided by the number of units proposed

Minimum Net Residential Density for multi-family dwellings 1,500-1,250 s.f. per unit

**PARCEL 4:**

Minimum Lot Size: 7,500 Square Feet

Minimum Street Frontage: 50 feet

Minimum Front Yard: 210 feet (0 feet between units in a multi unit building)

Minimum Side Yard: 210 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)

Minimum Rear Yard: 210 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)

Maximum Building Height: 35 feet

Maximum Lot Coverage: 40%

Density: Not more than 294,300 units

**Minimum Lot Area/Dwelling Unit** 25,000 12,500 s.f. * total lot acreage divided by the total number of units proposed

Minimum Net Residential Density 1 lot or unit per 15,000 7,500 s.f.
4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the “Use Restrictions”) are hereby superseded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

**PARCEL 1:**

**PERMITTED USES:**

1. Dwelling units above the first floor as part of a mixed use building  
2. One caretaker’s apartment within a non-residential use  
3. Hotels and Motels  
4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area  
5. Accessory retail sales of goods manufactured on the premises  
6. Artist and crafts person studios  
7. Eating establishments  
8. Eating and Drinking establishments  
9. Health and Fitness Clubs  
10. Private Clubs  
11. Financial Institutions with drive through  
12. Professional Offices  
13. Business Offices  
14. Personal Services  
15. Business Services  
16. Repair Services  
17. Reserved  
18. Health care clinics for humans  
19. Hospitals  
20. Essential Services  
21. Animal hospitals and veterinarian offices  
22. Any use permitted in the Resource Protection District  
23. Accessory Uses  
24. Municipal Uses  
25. Public Utility Building  
26. Quasi-public Uses  
27. Public parks and playgrounds  
28. Public Schools  
29. Private Schools  
30. Commercial Schools  
31. Nursery Schools  
32. Day care center  
33. Adult day care centers, Types 1 and 2

**CONDITIONAL USES:**

1. Car washes  
2. Indoor recreation/amusement centers  
3. Enclosed sports facilities  
4. Reserved  
5. Commercial recreation  
6. Radio and TV antennas

**PARCEL 2:**

**PERMITTED USES:**

1. Hotels and Motels  
2. Accessory retail sales of goods manufactured on the premises  
3. Eating establishments  
4. Eating and Drinking establishments  
5. Accessory food service facilities  
6. Artist and crafts person studios  
7. Health and Fitness Clubs  
8. Financial Institutions with drive through  
9. Professional Offices  
10. Accessory uses  
11. Essential services  
12. Municipal uses  
13. Public Utility Building  
14. Quasi-public uses  
15. Public parks and playgrounds  
16. Commercial Schools  
17. Nursery Schools  
18. Day care center  
19. Adult day care centers, Types 1 and 2  
20. Retail uses with less than 15,000
10. Business Offices
11. Business Services
12. Private Clubs
13. Health care clinics for humans
14. Research and testing laboratories
15. Any use permitted in the Resource Protection District

square feet of gross floor area
27. Funeral Homes
28. Personal Services
29. Reserved
30. Indoor Recreation/Amusement Center
31. Reserved
32. Agriculture
33. Self-Service Storage Facilities
34. Outdoor Recreation

CONDITIONAL USES:

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities
3. Wholesale Trade and Warehouses

PARCEL 3:

PERMITTED USES:

1. Multi family dwellings
2. Professional Offices
3. Businesses Offices and Services
4. Reserved
5. Day care center
6. Adult day care center
7. Accessory Uses
8. Eldercare congregate living
9. Community living use
10. Assisted living facility
11. Nursing Home
12. Hospitals
13. Any use permitted in the Resource Protection District
14. Home occupations
15. Accessory recreational uses
16. Congregate Housing, including multiple individual rooms or dwelling units to be occupied as a shared living environment, which may include small individual apartments with kitchens or individual rooms, any of which may be combined with shared community space, shared dining facilities, housekeeping services, personal care services and other similar.

PARCEL 4:

PERMITTED USES:

1. Any use permitted of right in the R-2 District
2. Manufactured housing units
3. Multi family dwellings in structures containing no more than 8 units each
4. Elderly congregate housing
5. Home Occupations
6. Any use permitted in the Resource Protection District
7. Boarding homes
8. Home baby sitting service
9. Adult day care center, Type 1
10. Community Center for the use of the residents of land in Parcels 3 & 4
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

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

1. Development of the mixed-use development described herein as proposed by the Applicant is allowed on the Subject Property. The residential portion of the development is restricted to purchasers and owners fifty-five (55) years of age and older, a provision that shall be incorporated into individual property deeds and all homeowners agreements and covenants.

2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford Saco Water Company and to the municipal sanitary sewer system.

3. The portion of the Applicants’ land shown on the Project Plan as “Land to be Conveyed” shall be conveyed to the City of Saco or its designee at no cost to the City no later than three (3) years after the first Certificate of Occupancy is issued for any dwelling unit or commercial structure on the Subject Property.

4. Development on Parcels 1, 2, 3, and 4 shall be subject to either Subdivision or Site Plan review by the Planning Board as dictated by the Saco Zoning Ordinance or the Saco Subdivision Regulations.

5. City and Applicant recognize that the ‘Sketch Plan’ submitted for purposes of Contract Zone consideration is limited in scope and detail. The project is subject to site plan and subdivision review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, the U.S. Army Corps of Engineers and all other regional, state and federal agencies.

6. No site plan or subdivision approvals shall be granted by the Planning Board prior to an executed agreement being reached between the City and the Applicant for the design, financing and construction of a functional sanitary sewer collection and conveyance system serving the subject property, the property south to Cascade Road, and nonsewered property south along U.S. Route One, all connected to the existing City of Saco sanitary sewer system.

7. The street proposed to provide access to Parcels 1, 3 and 4 shall not be constructed as to cross the brook as shown on the Project Plan prior to agreement being reached between the Applicant, City and abutters as necessary for said street to be constructed as a through street to Cascade Road.

8. Applicant is responsible for the design and construction, in consultation with the City or entity designated by the City, of an off-road trail system. Said trail system may be deeded with use restrictions but in no circumstance shall any such restrictions bar free access or prohibit passive recreation by the public. Passive recreation may include activities such as walking, hiking, birdwatching, picnicking, cross-country skiing, or nature photography. Passive recreation shall
not include activities that may result in degradation of the trail system, including but not limited to motor vehicle use, removal of vegetation beyond that necessary for trail construction, disturbance of soil beyond that necessary for trail construction, and hunting. **Said system shall include sewer stubs to abutting properties deemed appropriate by the Planning Board.**

9. Failure of the Applicant to submit an application for subdivision review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. This deadline may be extended for successive six (6) month periods at the discretion of the City Administrator upon written request submitted to the City Planning Office by the Applicant. In the event that this Contract Zone Agreement becomes null and void, the zoning applicable to the Subject Property shall revert to the Zoning in effect prior to the approval of the Contract Zone.

10. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.

11. All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be minor may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.

12. This Document and Contract Zone affects only the Subject Property identified herein.

13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.

14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.

15. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.

16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to the City of Saco.

**IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on**
December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:

A. The Subject Property is a parcel of an unusual nature and location, for the following reasons:

1. The Subject Property consists of 236 +/- acres of contiguous land with over 1650 feet of frontage on Route 1. Route 1 is a major transportation route in southern Maine and has the ability to carry a large capacity of vehicles on a daily basis. Route 1 is also the commercial corridor in this area which also makes it conducive to commercial, retail and mixed use residential development.

2. The Subject Property is located at the Scarborough/Saco town line and therefore will serve as a gateway to the City of Saco. Such a large parcel of land with such significant frontage in this location provides a rare opportunity to master plan a mixed use development in this critical location. In addition, because of its proximity to Scarborough and Portland, the mixed use nature of this project will be attractive to a wider region rather than servicing just the City of Saco. This will assist in achieving the goal cited in the Local Economy section of the Comprehensive Plan which identifies the desire to “Maintain Saco’s role as a retail and service center for the region”

3. The Subject Property is located just east of the Maine Turnpike and North of the I-195 spur which the Saco Comprehensive Plan indicates is strategic in working with the Turnpike Authority to locate a new interchange in the Flag road/Cascade Road area of the community. This development will serve to enhance those discussions.

4. The Applicant is agreeable to conveying the portions of Tax Map 63, Lot 6 and Tax Map 64, Lot 6-1 which are within the Resource Protection District (approximately 12 acres), identified as “Land to be Conveyed” on the Plan, to the City of Saco to be permanently preserved for the benefit of the public.

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

Chapter 17, Section F. Land Use, Local Goals

- “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” – The proposed uses promote a transition and mitigation of land use between residential development and commercial use.

- “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” – The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.

- “To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements.” – The Applicant proposes to convey land within the Resource Protection District to the City, thereby protecting that land from future development
• “To encourage a pattern of land use that can be served efficiently and that does not impose undue burden on the City’s financial resources.” – The Applicants’ development encourages commercial development with ease of access and at a scale that will provide significant commercial expansion with substantial fiscal benefit to the City.

C. The proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone. The proposed contract continues the permitted uses currently allowed in the underlying zoning district, while adding additional compatible uses which are anticipated to enhance the development and appearance of the project.

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

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zone 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 May 1, 2006, and Adopted as Amended on ____________, 2013.

CITY OF SACO

By: Richard Michaud
City Administrator

PRESTON PROPERTIES, LLC

By: R. Elliott Chamberlain
Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: R. Elliott Chamberlain
Authorized Member

P. ZONING ORDINANCE AMENDMENT: §707 – INCREASED SIGNAGE FOR PROPERTIES WITH FRONTAGE ON THE MAINE TURNPIKE – (FIRST READING)

Code Officer Dick Lambert recently suggested that greater signage be made available for properties visible from the Turnpike. Further discussion resulted in the recommendation that added signage should be limited to buildings with total floor area of 40,000 s.f. and greater. It would also be limited to commercial or industrial properties in the I-1, I-2 or B-8 zones.

There are 16 properties within the I-1, I-2 and B-8 zones that abut the Turnpike right of way. Of the 16, 3 lots include a building that has 40,000 s.f. of floor space or greater: XL Sports, Ramada Inn and FedEx. The two former properties are the ones that have most often expressed interest in greater signage over the years.

The Planning Board considered this in workshop on four occasions and held a public hearing on both March 19 and June 11. The Board recommends that the amendments proposed be adopted.
Councilor Lovell moved, Councilor Blood seconded “The City Council hereby Ordains and Approves the First Reading of the document titled, ‘Amendments to Table 707 – Signs in Business and Industrial Zones, Amended June 11, 2013’, and further move to set the Public Hearing for August 5, 2013.” The motion passed with seven (7) yeas.

Table 707 - Signs in Business and Industrial Zones (Amended June 11, 2013)

(Shaded column is new, draft language Underlined language suggests new size or number that departs from what is currently allowed in other zones)

<table>
<thead>
<tr>
<th>Overall Size Allowance per premise per foot of width of principal structure</th>
<th>B-3/B-5, B-4 if no planned development under 410-S</th>
<th>B-1/B-2c/I-1/I-2 and B-2D</th>
<th>B-2b/B-6</th>
<th>B-2a</th>
<th>B-7</th>
<th>I-1, I-2, B-8 abutting Turnpike</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Size Allowance per premise per foot of width of principal structure</td>
<td>2 sf to maximum of 100 sf</td>
<td>2 sf to maximum of 150 sf</td>
<td>2 sf to maximum of 200 sf</td>
<td>2 sf to a maximum of 200 sf</td>
<td>2 sf to a maximum of 48 sf</td>
<td>2 sf to a maximum of 350 sf</td>
</tr>
<tr>
<td>Number of signs per single occupancy premise</td>
<td>2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs only one of which may be freestanding</td>
<td></td>
</tr>
<tr>
<td>Multiple occupancy premises, number and type of signs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For entire complex</td>
<td>1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance</td>
<td>1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance</td>
<td>1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance</td>
<td>1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance</td>
<td>2 signs only one of which may be freestanding</td>
<td></td>
</tr>
<tr>
<td>For each first floor occupancy</td>
<td>2 wall, projecting or awning signs per occupancy</td>
<td>2 wall, projecting or awning signs per occupancy</td>
<td>2 wall, projecting or awning signs per occupancy</td>
<td>2 wall, projecting or awning signs per occupancy</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Upper floor and basement occupancies</td>
<td>1 wall or projecting sign not exceeding 12 square feet</td>
<td>1 wall or projecting sign not exceeding 12 square feet</td>
<td>1 wall or projecting sign not exceeding 12 square feet</td>
<td>1 wall or projecting sign not exceeding 12 square feet</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Size limits, individual sign types for all zones:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall and awning signs maximum size</td>
<td>100 sf</td>
<td>100 sf</td>
<td>150 sf</td>
<td>150 sf</td>
<td>16 sf</td>
<td>100 sf</td>
</tr>
<tr>
<td>Freestanding and projecting signs maximum size per side</td>
<td>50 sf</td>
<td>75 sf</td>
<td>100 sf</td>
<td>100 sf</td>
<td>16 sf</td>
<td>100 sf</td>
</tr>
<tr>
<td>Minimum size allowance per premise</td>
<td>48 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Commercial and industrial structures with total floor area 40,000 s.f. and greater, on parcels with 200 feet or greater frontage along Turnpike ROW. Also subject to M.R.S.A. 23 §1913-A and 1914.
I. MEMBERSHIP OFFERING FOR MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (MePERS)

According to the MEPERS records, based on the City’s original vote in 1973 to join the system, there are no City of Saco employee groups excluded from participating in MEPERS. That means the City should be offering MEPERS membership to any eligible employee, including certain part-time and seasonal employees.

However, to offer retirement benefits more broadly would be in conflict with the City’s practice of providing a retirement benefit only to Full Time, Permanent employees, and in conflict with the City Code section 34-6.1 - Definition of Types of Employment, that excludes Part-time employees (subsection B), and Temporary employees (subsections C and D) from receiving any retirement benefits.

Councilor Lovell moved, Councilor Blood seconded “Be it ordered that the City Council authorize the Personnel Officer to draft a letter to Maine Public Employees Retirement System clarifying the city’s position to offer retirement benefits to full time permanent employees only.” Further move to approve the order.

Councilor Lovell moved, Councilor Smith seconded to move the question.

Mayor Johnston called for a vote. The motion passed with six (6) yeas and one (1) nay – Councilor Cote.

H. APPROVAL OF DOMESTIC PARTNERSHIP HEALTH INSURANCE COVERAGE OPTION

J. DISCUSSION OF A RETIREMENT HEALTH SAVINGS PROGRAM

K. CODE AMENDMENT §34-31 (G) SICK LEAVE USAGE PRIOR TO DISABILITY COVERAGE – (FIRST READING)

L. CODE AMENDMENT §34-6.1 DEFINITION OF TYPES OF EMPLOYMENT – AFFORDABLE CARE ACT 2014 – (FIRST READING)

M. CODE AMENDMENT §34-33 REVISIONS TO THE FAMILY MEDICAL LEAVE ACT – (FIRST READING)

N. CODE AMENDMENT §34-34 REVISIONS TO THE MAINE FAMILY MEDICAL LEAVE ACT – (FIRST READING)

O. CODE AMENDMENT §34-30 OTHER BENEFITS SUBSECTION (1) – (FIRST READING)

TABLED - Councilor Lovell moved, Councilor Tripp seconded to table the remaining agenda items (H, J, K, L, M, N, and O) to be taken up at the August 5, 2013 meeting. The motion passed with seven (7) yeas.

IX. 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