

City of Saco, Maine

City Code Chapter XXX

SITE PLAN REVIEW ORDINANCE

Adopted [DATE]

Site Plan Review

Article I. Purpose 1

Article II. Authority & Applicability 2

 § II1 Site Plan Review - Planning Board Jurisdiction..... 2

 § II2 Minor Site Plans - Administrative Review by the City Planner..... 3

 § II3 Prerequisite for Permits 3

Article III. Procedures 4

 § III1 Site Plan Review Process..... 4

 § III2 Review Process - Minor Site Plans10

Article IV. Required Submittals11

 § IV1 Site Plan Review11

 § IV2 Existing Conditions Plan.....11

 § IV3 Proposed Development Plan.....13

Article V. Design Standards18

 § V1 Purpose.....18

 § V2 Applicability.18

 § V3 Design Guidelines18

 § V4 Urban Greenspace21

Article VI. Approval Criteria.....23

 § VI1 Criteria for Site Plan Approval23

 § VI2 Additional Criteria in Shoreland Zoning Districts.....24

Article VII. Additional Requirements for Certain Uses26

 § VII1 Earth Removal26

 § VII2 Marinas27

 § VII3 Solar Energy Facilities - Commercial.....28

 § VII4 Piers, Docks & Wharves.....28

Article VIII. Master Planned Development29

 § VIII1 Applicability29

 § VIII2 MPD Process29

 § VIII3 Required Submittals30

 § VIII4 Permitted Uses.....33

 § VIII5 Tract Size.....34

 § VIII6 Approval Criteria34

Article IX. Waivers.....37

§ IX1 Criteria 37
§ IX2 Effect 37
§ IX3 Plan Reference37
Article X. Definitions38

Article I. Purpose

This Site Plan Ordinance, Chapter XXX, is enacted pursuant to Art. VIII, Part Second, Section 1 of the Maine Constitution and 30-A M.R.S. § 3001 et seq. The purpose of this Chapter is to protect the health, safety, and welfare of the citizens of Saco, and to provide for the review of development proposals that may affect the environment, the provision of public services, and the value of nearby properties.

Article II. Authority & Applicability

§ II1 Site Plan Review - Planning Board Jurisdiction

The Planning Board and the City Planner are authorized as provided in this Chapter to review and act on site plans. No building or plumbing permits or certificates of occupancy may issue without site plan approval where required by this Chapter. Site plan review is required for the following:

- A. Construction of:
 - (1) Nonresidential structures, including accessory use or structure, having a total floor area of more than one thousand (1,000) square
 - (2) Multi-family dwellings.
- B. Expansion of:
 - (1) Nonresidential structures, including accessory structures, by more than one thousand (1,000) square feet of ground floor area within a five (5) year period.
 - (2) Multifamily dwellings, by the addition of one or more units within an existing structure or expansion of the structure to accommodate new units.
- C. Conversion of single family or two-family dwellings to multi-family use.
- D. Changing the siding or roofing materials of the street-facing façade of a nonresidential or multifamily structure or accessory structure by more than twenty-five (25) percent of the surface area of the siding or roof.
- E. Proposals to pave, strip, or grade more than ten thousand (10,000) square feet within a five (5) year period.
- F. Proposals for earth removal of more than ten thousand (10,000) square feet or one hundred (100) cubic yards within a five (5) year period.
- G. Construction or expansion of boat building and repair facilities, marinas, piers, docks, boat houses, and port facilities.
- H. The addition of a drive-up window.
- I. Site Location of Development. Site developments needing approval under 38 M.R.S.A. § 481-488, as permitted under 38 M.R.S.A. § 489-A, shall be reviewed under the procedures section of this Chapter and shall meet the standards of 38 M.R.S.A. §§ 481 to 490, as amended, as well as those in the regulations of the Maine Department of Environmental Protection, including Chapters 342, 371, 372, 373, 375, 376, 377, and 380, and others which may be issued by the DEP, which are hereby adopted by reference for projects falling under this Chapter. Projects subject to this section shall also meet the standards of this chapter. The City will notify the Department of Environmental Protection upon the submission of any projects subject to this Chapter.

- J. Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D, shall, to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of this Chapter; and they shall meet and comply with those rules promulgated by the Maine Department of Environmental Protection pursuant to 38 M.R.S.A. § 420-D, specifically Chapter 500, 501, and 502 Rules.

§ II2 Minor Site Plans - Administrative Review by the City Planner

The City Planner is authorized to review and act on minor site plans. The following qualify to be reviewed as a minor site plan:

- A. Structures or additions of less than six thousand (6,000) square feet, within a five (5) year period.
- B. Nonresidential structures in an approved industrial park, including accessory structures, having a total floor area of not more than thirty thousand (30,000) square feet, within a five (5) year period.

§ II3 Prerequisite for Permits

- A. No building permit, plumbing permit, or certificate of occupancy shall be issued for a subject site until a site plan has been approved and signed by the Planning Board, or in the case of minor site plans, approved and signed by the City Planner.

Article III. Procedures

§ III1 Site Plan Review Process

The City shall adhere to the following procedures in reviewing applications for site plan review.

A. Staff Meeting.

- (1) Applicants may meet with planning staff to discuss the proposed plan. This is an optional meeting intended to provide applicants with guidance about their conceptual plan.

B. Planning and Development Department Review Committee (PDRC)

- (1) Applicants shall meet with the PDRC unless the Planning and Development Department determines that a meeting is not necessary. The PDRC meeting is intended to provide the applicant with the opportunity to discuss the proposed project with staff from multiple City departments. Applicants may submit conceptual plans or near-complete project plans for PDRC review.
- (2) Applicants who wish to participate in a PDRC meeting should contact the Department to schedule the meeting. Meeting schedules and deadlines are set by the Planning & Development Department.
- (3) Following the PDRC meeting, the Planning & Development Department will provide applicants with meeting notes.

C. Neighborhood Meeting.

- (1) Purpose. The goal of the neighborhood meeting is to inform the public about the project and to identify concerns so they might be addressed during the Planning Board's review of the project.
- (2) Applicability. An applicant intending to file a site plan review application for certain projects shall hold a neighborhood meeting in accordance with the requirements of this section. The neighborhood meeting, as described in this section, shall be held for applications for site plan review that involve:
 - (a) The construction or expansion of a commercial, industrial, or other nonresidential structure with more than one thousand (1,000) square feet of total floor area that is located in a mixed-use or residential zoning district, or that abuts a residential zoning district.
 - (b) The construction or expansion of a multi-unit residential project that will create six (6) or more new dwelling units in a mixed-use or residential zoning district, or that abuts a residential zoning district.
- (3) Procedures for a Neighborhood Meeting.
 - (a) Timing and location of the Neighborhood Meeting. An applicant for a site plan review shall conduct at least one neighborhood meeting no more than one-hundred twenty (120) days prior to submitting the site plan application. The meeting shall be held at a convenient City building. The date of the meeting

shall be coordinated with staff in the Planning and Development Department, hereinafter referred to as the “Department.”

- (b) Notice. At least ten (10) days before the meeting, the applicant shall mail notice of the neighborhood meeting to all property owners who will be entitled to receive notice under § 302E when the site plan review application is filed at the Department and post a sign on the property indicating “neighborhood meeting” with date, time and location of the meeting. Size of sign shall be no smaller than two feet by three feet with two-inch lettering. The notice shall be mailed by first-class mail with a post office certificate of mailing. The notice shall contain a brief description of the proposal, location, permits for which the applicant will be seeking approval, and the date, time and place of the meeting. The post office certificate of mailing shall be submitted to the Department. At least ten (10) days prior to the meeting, the applicant shall submit a digital copy of the neighborhood meeting notice.
- (c) Presentation. At the meeting, the applicant shall present a summary of the proposal with a plan or drawing of the project, indicate what permits and licenses are required for the project, and provide adequate opportunity for public questions and comments.
- (d) Attendance sheet. At the neighborhood meeting, the applicant shall circulate a sign-in sheet for those in attendance who choose to sign. The sign-up sheet shall be submitted to the Department with the site plan application.
- (e) Minutes. The applicant shall be responsible for keeping minutes of the meeting and submitting these minutes to the Department. Meeting attendees may submit comments as well with the site plan application.

D. Application Submission Process

- (1) Applicants shall submit a site plan review application, the development plan, supporting documentation, and requested waivers.
- (2) Within ten (10) business days of an application submittal, Department staff will determine whether required information has been submitted.
- (3) The rationale for waiver requests must be explained in detail and supported by evidence where appropriate. If the waiver cannot be supported by evidence, then the requirement is most likely not applicable to the development, and the City Planner may designate the requirement as not applicable to the project.
- (4) If the application appears to be in order, staff will schedule it for Planning Board consideration within four (4) weeks.
- (5) Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is construed as complete.

E. Public Hearing and Notice

- (1) Prior to taking final action on a site plan review application, the Planning Board shall hold a public hearing.
 - (2) Notice of public hearing.
 - (a) The hearing shall be advertised in a local newspaper at least seven (7) days prior to the public hearing.
 - (b) The City shall notify property owners by first-class mail. The notice shall be postmarked at least seven (7) calendar days prior to a public hearing. Ownership shall be assumed to be that indicated in the records of the Assessor's Department. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board.
 - (i) Property owners in the Industrial (I), Resource Protection (RP), Residential Conservation (RC), and all other residential districts except High Density Residential (HDR) shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property.
 - (ii) Property owners in the High Density Residential (HDR), Downtown (D) District, and business districts shall be notified if their property is within two hundred (200) feet of the applicant's property.
 - (c) The applicant shall erect a temporary sign on the subject property that is no smaller than two (2) feet by three (3) feet, with two (2) inch letters in black on a white background and shall be clearly visible to passersby. The sign shall be posted seven (7) days in advance of the hearing and shall be removed following approval or denial of the application by the Planning Board. The sign should read:

"Public Notice – This property is the subject of a site plan review application now before the Saco Planning Board. For information please contact the Saco Planning and Development Department, 207-282-3487."
- F. Complete Application. Within thirty (30) days of the receipt of a site plan review application, the Planning Board shall review the material and determine whether or not the application is complete.
- (1) If the Planning Board determines the application to be complete, the Planning Board will notify the applicant in writing, and place the item on the agenda for review of the application on its merits.
 - (2) If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing, and specify the additional materials required to make the application complete. With the exception of notification, these steps shall be repeated until the application is found to be complete.
 - (3) No application for site plan review shall be considered complete until all variances and conditional use approvals have been acquired.

- (4) The Planning Board may conduct its review of a conditional use, shoreland zoning permit, or subdivision application simultaneously with site plan review.
- G. On-site Inspection. The Planning Board may conduct an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development proposal. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application may be extended by up to thirty (30) days. The City shall provide written notice of the on-site inspection to all parties as per the provisions in §302(E).

H. Planning Board Decision

- (1) Timing of Planning Board Deliberations. Within thirty (30) days of when the Planning Board closes the public hearing, the Planning Board shall act to deny, approve, or approve with conditions. This time limit may be extended by mutual agreement of the applicant and Planning Board.
- (2) Conditions of Approval. The Planning Board, or in the case of a minor site plan the City Planner, may attach conditions. Such conditions may include, but are not limited to, specifications for type of vegetation, sewage disposal and water supply facilities, landscaping screens, period of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, easements, phasing of construction, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of the Zoning Ordinance and this Chapter, but must be reasonably related to a standard or requirement of the zoning ordinance or this Chapter..
- (3) The Planning Board shall vote on each Site Plan Review Standard, and then shall vote to approve the application, approve with any conditions of approval, or to deny the application. The Planning Board shall make written findings of fact in support of its decision establishing that the proposed development does, or does not, meet the standards of approval and other requirements of the City. The Board shall notify the applicant and abutters who requested to be notified of the action of the Board including the findings of fact and any conditions of approval. Such findings of fact shall be adequate to permit appellate review.
- (4) At the time of final approval of a site plan, the applicant shall submit three (3) paper copies of the plan, and one digital (.pdf).

I. Plan Revisions

- (1) Once approved and signed by the Planning Board, revisions to the approved plans shall require the following:
 - (a) A public hearing and approval by the Planning Board in the case of a major revision. Public notice shall be provided according to procedures in § 302(E).
 - (b) Approval of the City Planner in the case of a minor revision to either a site plan or a minor site plan. The City Planner may approve a revision without a

public hearing. Notice of the decision by the City Planner shall be sent within thirty (30) days to all previously noticed parties.

- (2) The City Planner shall determine what constitutes a minor revision. The City Planner will refer revisions to the Planning Board if the City Planner determines that the proposed revision is not minor. If the applicant or an abutter is not satisfied with the determination of the City Planner, the applicant or abutter shall be permitted to have the entire application reviewed by the Planning Board, if such a request is made within thirty (30) days of the City Planner's determination. The City Planner shall inform the Planning Board after making a determination on a minor revision.
- (3) The following are minor revisions: Changes in the record owner, altering phases of development, the addition of accessory structures of less than two thousand (2,000) square feet each, the addition of impervious area of less than five thousand (5,000) square feet, the addition of minor site features such as lighting, signs or other amenities, reductions in financial guarantees, and changes in construction details necessitated by changing circumstances.

J. Financial guarantee

- (1) Prior to start of site work or issuance of building permit, the applicant may be required by the City to submit a financial guarantee to ensure the proper completion of all site improvements. The Planning Board, or in the case of a minor site plan, the City Planner, will require an escrow account established with the City, a letter of credit, or a passbook account established at a Maine bank or credit union that names the City as either account holder or co-holder. The consent of the City shall be required for any withdrawal. Said financial guarantee shall be found suitable by the City.
- (2) The City shall have access to the site at all times to review progress of work and shall have the right, upon default in performing work on improvements secured by the financial guarantee, to enter onto the site and perform work necessary to remedy default.

K. Time Limits on Approval - Site Plans and Minor Site Plans

- (1) If substantial construction has not commenced within twenty-four (24) months of the Planning Board's approval of a site plan, the site plan approval shall be null and void. "Substantial construction" shall mean the completion of a foundation, addition, or other evidence satisfactory to Department staff.
- (2) The deadline may be extended for a period of up to twelve (12) months by the City Planner upon written request of the applicant. The written request for an extension must be submitted before the date of expiration of site plan approval. After the site plan approval has expired or an extension has been denied by the City Planner, the applicant may reapply for site plan review at any time without prejudice.

- (3) The City Planner shall approve the request for an extension unless one of the following occurs:
 - (a) Additional information indicates that the plan does not meet the standards of this chapter.
 - (b) Failure to meet a condition of approval within required timeframe.

L. As-Built Plan

- (1) As-built plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Prior to release of financial guarantee, the applicant shall submit paper copies and a digital copy (.pdf and .dwg) of an as-built plan. Required number of paper copies shall be determined by the Planning & Development Department. The following standards shall be followed:
 - (a) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988.
 - (b) Drawing features should be tied to state plane coordinates.
 - (c) Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. (Alternately, a "dview twist" or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
 - (d) Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System.
 - (e) Dependent external referenced (xref's) should be bound to the drawing file(s).
 - (f) Drawing layers should be named in a logical fashion to allow identification of features. Preferably, all drawings should be accompanied by a file that describes the layer structure.
 - (g) Significant proposed polygon features, i.e., building footprints, parking areas, and driveways, should be closed 2-D polylines (looped for closure).
 - (h) As-built plans for the electrical system shall be submitted separately, and prepared or approved by a licensed electrician. The electrical as-built plan shall include:
 - (i) Cross sections every fifty (50) feet.
 - (ii) Cross sections where a substantial change in a conduit run occurs.
 - (iii) Length, size and use of all conduit and conductors.
 - (i) Stormwater - Full compliance with all applicable provisions of Article XI of the Zoning Ordinance.

- M. Revocation. In addition to any other penalty authorized under this chapter, the Planning Board, after holding a public hearing, may revoke a site plan approval if it is determined that a violation has occurred.

- N. Appeals. The exclusive remedy from decisions of the Planning Board is an appeal to the Superior Court. Appeals of decisions by the City Planner shall be made to the Planning Board within thirty (30) days of the date of the decision. The appeal of decisions by the City Planner shall be conducted as a de novo matter, and the Planning Board may hear and take new evidence and testimony.
- O. Fees and Costs. All fees, including costs of neighborhood meetings, shall be borne by the applicant. Applicants shall submit required fee(s) as prescribed by the City's Cost Recovery Ordinance.

§ III2 Review Process - Minor Site Plans

- A. To process site plans more efficiently, site plans qualifying for Minor Site Plan review may be reviewed by the City Planner rather than the Planning Board.
- B. The City Planner may decline review, for any reason, and forward a minor site plan to the Planning Board for site plan review.
- C. A minor site plan review that also involves conditional use, subdivision, or other review by the Board shall be reviewed by the Planning Board.
- D. Applicants shall submit an application for site plan review, supporting documentation, waiver requests, and appropriate fee(s).
- E. Minor site plans shall be subject to notification requirements as site plan review applications.
- F. Within thirty (30) business days of receiving a complete plan, the City Planner shall approve, approve with conditions, or deny the site plan. The City Planner shall consider comments from City staff. If the City Planner has not acted within thirty (30) business days, the applicant may seek approval from the Planning Board. Inaction by the City Planner does not constitute approval or disapproval of the plan. If a party is not satisfied with the determination of the City Planner, the aggrieved party may appeal the decision to the Planning Board as provided in §204(M).
- G. Within thirty (30) days of the City Planner's decision, the City Planner shall notify the Planning Board and abutters of the decision.

Article IV. Required Submittals

§ IV1 Site Plan Review

- A. A fully executed and signed copy of the application.
- B. The Site Plan shall be comprised of an Existing Conditions Plan, a Proposed Development Plan, Landscape Maintenance Plan, and other plans and exhibits as appropriate to the proposal. The existing conditions plan shall be dated within the last six (6) months and shall clearly indicate the conditions of the site as of the date of the site plan application submission.
- C. Paper copies and one (1) digital copy of the completed application and associated plans. The number of required copies and digital format shall be determined by the Planning & Development Department.
- D. Site plans shall include the following:
 - (1) Line drawings of all sides of the proposed structure(s).
 - (2) The proposed exterior construction including, but not limited to, siding materials and roofing materials.
 - (3) Line drawings that demonstrate the style and design of windows and doors.
 - (4) Line drawings of all proposed accessory structures, including, but not limited to, canopies, storage buildings, fenced enclosures, and maintenance buildings.
- E. The plans shall be stamped by all applicable professionals, e.g. engineer, architect, landscape architect, and wetlands scientist.
- F. If the applicant is or represents a corporate entity that operates businesses of a similar nature in locations beyond Saco, the applicant shall submit representative color photographs of existing structure(s) identical or similar to that proposed in Saco.
- G. The site plan shall be on paper not larger than twenty-four (24) inches by thirty-six (36) inches nor smaller than eleven (11) inches by seventeen (17) inches, drawn at a scale sufficient to readily permit review.
- H. The site plan shall meet the standards specified above in **Article V**.
- I. The applicant shall submit copies of the deed, an executed lease, option, or purchase and sale agreement.
- J. The applicant shall submit three (3) copies of the application, an Existing Conditions Plan, and a Proposed Development Plan. The City may require additional materials to assist with the review.

§ IV2 Existing Conditions Plan

The Existing Conditions Plan shall include the following:

- A. Name and address of the owner, applicant, consultants who aided in preparing the plan, and the person or company leasing the property, if applicable.
- B. Names, addresses, and tax map and lot number of all abutting property owners:
 - (1) Within six hundred (600) feet when the applicant's property is located in the Industrial (I), Rural Residential (RR), and all other residential districts except High Density Residential (HDR).
 - (2) Within two hundred (200) feet when the applicant's property is located in any other zone.
- C. Locus map that shows the relationship of the proposal to nearby properties and to public access.
- D. Boundaries of the property and of all contiguous property under the control of the owner or applicant.
- E. Zoning district boundaries, including overlay districts.
- F. Location and widths of nearby streets.
- G. Existing structures.
- H. Resource areas including, but not limited to:
 - (1) Floodplains
 - (2) Wetlands
 - (3) Open drainage courses
 - (4) Sand and gravel aquifers
 - (5) Scenic areas
 - (6) Significant wildlife habitats, as defined in the Natural Resources Protection Act (MRSA Title 38, §480-b).
 - (7) Habitat areas for rare and endangered plants and animals
 - (8) Deer wintering areas, as identified by MRSA Title 12, §10107
 - (9) Stands of trees
 - (10) Stone walls
 - (11) Graveyards
 - (12) Fences
 - (13) Unique natural areas
 - (14) Historically significant structures or features
 - (15) Archaeological resources
 - (16) Other unusual natural areas and site features

- I. A medium-intensity soils map of the site, which may be obtained from the Department. The Planning Board may require a high-intensity soils map if issues of water quality, wetlands, or other natural features are noted.
- J. Existing easements, restrictive covenants, and deed restrictions.

§ IV3 Proposed Development Plan

The Proposed Development Plan shall include the following:

- A. A standard boundary survey by a licensed land surveyor showing the location of all property lines. The Planning Board, or in the case of administrative site plan, the City Planner may waive the requirement of a boundary survey when sufficient information is available to establish property boundaries.
- B. The plan shall identify all abutters, as per the criteria specified in §302(E).
- C. The location and width of all required structure setbacks.
- D. The location and delineation of site elements, including:
 - (1) Proposed principal and accessory structures
 - (2) Existing structures to remain on site
 - (3) Driveways
 - (4) Sidewalks
 - (5) Parking spaces
 - (6) Loading areas
 - (7) Open spaces
 - (8) Large trees
 - (9) Wetlands preservation measures and protection measures
 - (10) Stormwater control facilities
 - (11) Dumpsters and recycling facilities.
 - (12) Proposed streets, easements, restrictions and covenants.
- E. Existing and proposed topography at two (2)-foot intervals, or such other interval as the Planning Board may require.
- F. A utility plan showing provisions for water supply and wastewater disposal, including the size and location of all piping, holding tanks, and leach fields, and showing the location and specifications of all electrical, telephone and other utility services to be installed on the site.
- G. A landscape plan, with a planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site, and a maintenance plan.
- H. The location and dimensions of all signs.

- I. A waste disposal plan describing how all solid waste will be handled on-site, how it will be removed from the site, the disposal facilities to which it will be transported, and, if the waste is of an unusual nature, confirmation that a suitable disposal facility will accept the waste. For businesses that use industrial chemicals and produce hazardous waste, the name, amount, and nature of all chemicals used, and the manner of disposal of such waste.
- J. Estimate of amount and type of traffic generated daily and at peak hours. For sites that generate more than 400 one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering and transportation, shall be submitted. Study area should extend, at a minimum, to intersections where traffic attributable to the site plan exceeds 35 vehicles in a lane in a peak hour. Analysis shall show, at a minimum: existing traffic volumes; proposed traffic generation; proposed access; vehicle types expected; effect on level of service within study area; sight lines; and accident history in the study area. The report will recommend improvements on site and off site.
- K. Stormwater Plan. The plan shall include comprehensive stormwater drainage provisions.
 - (1) Applicability. New development or redevelopment projects that result in one (1) or more acres of disturbed area or more than ten thousand (10,000) square feet of new or redeveloped impervious area. This provision also applies to projects disturbing less than one acre if the construction activity is part of a larger common plan or development or sale that would disturb one (1) or more acres. The plan shall comply with the requirements specified in Article XI of the Zoning Ordinance, and DEP Chapters 500-502.
 - (2) Exemptions. New development or redevelopment on a parcel that is part of a subdivision previously approved that has a compliant post-construction stormwater management plan with sufficient capacity to accept and treat increases in stormwater discharges associated with the project are exempt from these requirements.
 - (3) A stormwater drainage plan prepared by a registered Maine professional engineer shall be submitted. The plan shall include the following:
 - (a) The existing and proposed method of handling stormwater runoff;
 - (b) The direction of flow; and
 - (c) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and other stormwater infrastructure.
 - (d) A narrative describing how the site is oriented within the watershed, and that identifies downstream water bodies, including wetlands, and addresses the potential effects of site runoff. The narrative shall identify and discuss the stormwater treatment methods proposed for the site.
 - (e) A depiction of existing contours, proposed contours, existing and proposed subwatersheds, proposed topographic features, and existing and proposed

site features, including structures and other facilities, natural and manmade drainageways, streams, channels, culverts, catch basins, and stormwater treatment facilities. The plan shall include detailed drawings of proposed best management practices (BMP) and the location of structural and nonstructural BMPs.

- (f) Calculations demonstrating that the proposed stormwater treatment facilities will meet applicable standards in the zoning ordinance.
 - (g) A stormwater facilities management plan that sets forth the types and frequencies of proposed maintenance activities needed to maintain the efficiency of the stormwater treatment facilities, and that identifies the party that will be responsible for carrying out each maintenance activity and for submitting the annual maintenance report, and the proposed institutional arrangements that will assure that all maintenance occurs as proposed.
- (4) Calculations utilized to determine drainage requirements shall be based on the two (2), ten (10), twenty-five (25), fifty (50) and one hundred (100) year, twenty-four-hour (24 hour) storm events. The post-development runoff rate shall not exceed the predevelopment runoff rate, unless the applicant can demonstrate that the increase has no adverse impact on downstream conditions.

L. Hydrogeologic assessment.

- (1) A hydrogeologic assessment may be required by the Planning Board for projects in which groundwater quality is a concern. Such instances include, but are not limited to sites:
- (a) Over a sand and gravel aquifer;
 - (b) Not served by public water or sewer;
 - (c) Where the depth to groundwater is less than forty-eight (48) inches;
 - (d) In soils rated by the NRCS Soil Survey as poor or very poor for subsurface septic systems;
 - (e) In coarse soils categorized as having severe limitations for septic systems;
 - (f) Where a septic system of over two thousand (2,000) gallons per day is proposed.
- (2) When a hydrogeologic assessment is submitted, the assessment shall contain the following:
- (a) A map showing basic soil types;
 - (b) The depth to the water table at representative points throughout the lot;
 - (c) Drainage conditions throughout the project;
 - (d) Data on the existing groundwater quality, from test wells on the subject property or from existing wells on neighboring properties;

- (e) A map showing the location of subsurface wastewater disposal systems and drinking water wells within the project and within two hundred (200) feet of the project boundaries;
 - (f) An analysis and evaluation of the effect of the project on groundwater resources. In the case of residential developments, the evaluation shall include a projection of post-development nitrate and nitrogen concentrations in on-site wells, at the project boundaries, and at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance. Analyses of groundwater quality shall assume drought conditions (sixty (60) percent of annual average precipitation).
- M. A lighting plan, prepared by a qualified lighting professional, showing the following:
- (1) The location of all structures, landscaping, parking areas, and proposed exterior lighting fixtures.
 - (2) Specifications for all proposed lighting fixtures, photometric data, cutoff fixture details, and color rendering index (CRI) of all lamps (bulbs).
 - (3) The proposed height of all exterior lighting fixtures.
 - (4) Analyses and illuminance level diagrams or photometric point-by-point diagrams on a twenty-foot grid showing that the proposed installation conforms to the lighting level standards of this chapter, together with statistical summaries documenting the average illuminance, maximum illuminance, minimum illuminance, average to minimum uniformity ratio, and maximum to minimum uniformity ratio.
 - (5) Drawings of all relevant building elevations, showing the fixtures, the walls to be illuminated, the illuminance levels of the walls, and the aiming points for remote light fixtures.
- N. Archaeological and historical sites. Proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission and the Saco Historic Preservation Commission as appropriate for review and comment prior to action by the permitting authority. The permitting authority shall consider comments received from the commissions prior to rendering a decision on the application.
- O. A design analysis that demonstrates conformity with the design standards specified in these regulations. The analysis shall address all applicable design standards and allow the Planning Board, or in the case of administrative site plans, the City Planner, to determine if each standard has been met. The analysis must provide information about the proposed development, the characteristics of neighboring properties, the adjacent neighborhood, and how the proposed development meets the standards. The analysis should include plans, building elevations, visual simulations, and a narrative documenting conformance with the standards.
- P. Copies of existing and proposed easements, covenants, and deed restrictions.

- Q. Copies of applicable local and state permits. The Planning Board, or in the case of minor site plans, the City Planner, may approve site plans subject to the issuance of specified state licenses and permits in cases where it is determined that it is not feasible for the applicant to obtain them at the time of site plan review.

Article V. Design Standards

§ V1 Purpose.

- A. Design standards are intended to enhance and improve the exterior appearance of new development and redevelopment to:
 - (1) Protect and enhance Saco's cultural, architectural, natural, historic, and visual character.
 - (2) Preserve and cultivate a desirable and attractive environment for those who live in, work in, and visit the community.
 - (3) Prevent the decline of business districts and neighborhoods.
 - (4) Enhance building quality.
 - (5) Encourage building design that maintains and enhances the character and continuity of Saco's built environment and public realm.
 - (6) Promote a high-quality, human-scaled pedestrian environment.

§ V2 Applicability.

- A. Building construction or remodeling projects requiring a site plan review.
- B. Where a project subject to site plan review includes an existing building, such as an addition or partial remodeling, these design standards shall apply only to new construction.
- C. Exemptions.
 - (1) Building construction or remodeling projects that are subject to covenants in city industrial or business parks.
 - (2) Properties in the Historic Preservation Overlay District that are subject to design review by the Historic Preservation Commission.
 - (3) Design elements of projects that are part of a Master Planned Development for which a Master Plan has been approved by the Planning Board, provided that specific design elements are addressed in the plan.

§ V3 Design Guidelines

- A. All structures shall comply with the following design guidelines to the greatest extent practicable. Applicants proposing development that deviates from these standards shall provide sufficient information to demonstrate how circumstances of a specific application merit an alternative design. The Planning Board should require mitigating strategies that lessen the visual impact of development that does not adhere to these standards.
- B. Landscaping. Open land not devoted to structures, parking areas, and locations that are visible from the public right of way should be landscaped. Diverse species with complimentary textures, form, and color should be used to enhance visual appeal of the project as well as to increase the success of plant establishment and survival.

- Species shall be native, salt tolerant, resistant to deer browsing, and hardy. Plants that enhance habitat for pollinators and other wildlife are encouraged. Projects should integrate rain gardens and other aesthetically pleasing stormwater best management practices into the site design. A Landscape Maintenance Plan is required.
- C. Energy and Environmental Performance. Energy efficient design is mandatory.
- (1) Design that takes advantage of passive and active solar power is encouraged. Buildings should be oriented to maximize daylighting opportunities and solar gain where feasible. Use of photo-voltaic cell arrays and solar hot water roof panels are encouraged.
 - (2) Highly reflective building materials that cause glare and divert heat should not be used. Green roofs or use of light-colored paving materials or white paint on rooftops are encouraged to reduce the need for cooling.
 - (3) Pervious materials and Low Impact Development techniques of Chapter 10 of the Maine Stormwater Best Management Practices Manual, Volume II BMP Technical Design Manual should be used for walkways, parking areas, and driveways to reduce stormwater runoff. Rainwater harvesting for irrigation, use of greywater, and water conservation features such as low flow toilets are encouraged. Applicants are encouraged to comply with the guidelines of the American Society of Landscape Architects Sustainable SITES Initiative and associated Rating System for sustainable design, construction, and maintenance of landscapes.
- D. Commercial, Multifamily Residential, and Mixed-Use Buildings and Structures
- (1) Continuity, Connectivity, and Compatibility. Building scale and massing should reflect and complement existing development. Buildings shall be designed with a complex massing that includes varying rooflines, projections, recesses, or smaller additions to a main building. Transition between old and new structures through setbacks, buffers, landscaping, and other screening shall preserve residential privacy and sense of light and air between buildings.
 - (2) Height. Outside of the Downtown District, the height of a building shall be visually compatible with the heights of structures on neighboring sites and minimize shading and other negative impacts on neighboring properties and on the street.
 - (3) Length of Walls. A wall shall not extend a length greater than fifteen (15) feet on the first floor and twenty-five (25) feet on second floor and above without an architectural feature such as a window, dormer, recessed corner, pilaster, cornice, porch or visually compatible door.
 - (4) Exterior Materials. Exterior materials should be of high quality, and compatible with the established neighborhood character.
 - (5) Roof. The shape and proportion of the roof shall lend visual interest and reduce the apparent size of new structures. Preference shall be given to pitched roofs.

Flat roofs should be offset by the use of detailed architectural elements in the upper portion of the building facade. The roof design shall screen or camouflage rooftop protrusions so as to minimize the appearance of utility infrastructure, antennas, and other rooftop installations.

- (6) Fenestration. Windows and doors should be visually compatible with the architectural style of the building. On walls that face the public right of way, these openings should create pedestrian interest and promote safety through “eyes on the street.” Architectural details such as awnings or roofs for shelter, recessing, decorative lighting, trim or railings shall be used to identify front entrances.
- (7) Circulation. Pedestrian walkways should connect the front entrance, parking areas, and public sidewalks. Bicycle racks are mandatory.
- (8) Parking. Parking lots should be designed to reduce the amount of impervious surface area to the maximum extent practicable. Design techniques that reduce urban heat island, such as shading or use of materials with higher solar reflective index are encouraged. The design should ensure adequate area for emergency responders to maneuver their vehicles.
- (9) Private-Public Realm Interface. Architectural elements such as stoops and porches should be integrated into the site design to establish a human-scale environment, enhance pedestrian experience, and encourage gathering and street-side activity. Awnings and canopies are encouraged, and shall be integrated with the building facade, be human-scaled, and contribute to a consistent pattern through placement, size, and shape. The design shall be consistent with ADA requirements.
- (10) Pedestrian access. New or substantially enlarged commercial and multifamily developments shall provide for safe, convenient pedestrian access with sidewalks built to city specifications, except where the Planning Board determines that little pedestrian access is likely.

E. Industrial Structures

- (1) Buildings and grounds shall be designed with a unified aesthetic.
- (2) Flexible Design. Buildings shall be designed with longevity, durability, flexibility, and adaptive reuse in mind. Large buildings shall have multiple entries to enhance flexibility.
- (3) Relation to Non-industrial Uses. Industrial structures located in proximity to neighborhoods and commercial areas shall be compatible in scale, massing, and style with existing non-industrial uses. Height and massing transitions between industrial and non-industrial uses are required. Connectivity between non-industrial and industrial sites is required.
- (4) Screening. Attractive fences, decorative gates, landscaping, and other screening shall be integrated into site design to minimize visual impact of dumpsters, unsightly uses and nuisances.

- (5) Massing. Long walls shall be broken up by pilasters, offsets in the alignment of walls, placement of windows, and changes in material, color or texture. Ground and upper floors shall be differentiated to add visual interest and reduce the apparent height of structures.
- (6) Pedestrian Safety and Experience. Sidewalks shall be established along streets and between buildings and parking areas to provide safe access for pedestrians. Entry treatments such as colored concrete, awnings or canopies, and plantings shall be utilized to improve entries and guide pedestrians. Amenities such as outdoor areas that can be used for employee gathering shall be incorporated into site landscaping. The installation of bike racks and paths, where feasible, is mandatory.
- (7) Loading and Circulation. Access drives and parking areas shall be designed to promote adequate and safe vehicular access and maneuverability to accommodate delivery vehicles and first responders. Loading zones should be located to the rear of buildings. Fire lanes are mandatory.

§ V4 Urban Greenspace

- A. Purpose. Urban greenspace is required for any project in the Downtown and High Density Residential Districts that proposes a density of 200 square feet per dwelling unit. Urban greenspace is required for any projects within the Portland Road District that propose a density that is equivalent to eighty (80) percent of the minimum lot area per dwelling unit allowed in Table 4-1. For purposes of this section, urban greenspace includes landscaped, pervious surfaces that are intended for public use, such as a park. The purpose of this incentive is to:
 - (1) Provide visual enhancement of downtown Saco.
 - (2) Provide places for building occupants and pedestrians to gather and enhance public amenities.
 - (3) Reduce impervious surfaces and enhance stormwater management.
 - (4) Reduce urban heat island effect by providing vegetation and shade.
 - (5) Enhance air flow and light while also encouraging density in developed, urban areas.
- B. Authority and Review. A site plan review application and approval from the Parks & Recreation Department is required for any applicant proposing urban greenspace under this section.
- C. Standards. The following standards are required to be met:
 - (1) A minimum area of the greater of five hundred (500) square feet or 10% of the area of the lot shall be devoted to contiguous greenspace.
 - (2) Greenspace must be visible from the public-right-of-way.
 - (3) Greenspace must be clearly accessible and inviting to the public.

- (4) The Planning Board may approve features such as benches, lighting, playground structures, pervious trails and paths, or other amenities that contribute to the safe use of the site. The Parks & Recreation Department shall be asked to provide input on the site design.
- (5) Rain gardens are encouraged.
- (6) The applicant shall be responsible for maintaining greenspace.

D. Submission Requirements

- (1) Detailed landscaping plan, including a species list.
- (2) Ownership and maintenance plan.
- (3) Calculations of greenspace, building footprint, and proposed square feet per dwelling unit.
- (4) Narrative documenting the public benefits and environmental benefits of the greenspace.

Article VI. Approval Criteria

§ VI1 Criteria for Site Plan Approval

The following criteria are to be used by the Planning Board, or in the case of a minor site plan the City Planner, in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan must also comply with the specific design standards in Articles VII and VIII of this chapter, as well as all other sections of this chapter. The site plan shall be approved unless, in the judgment of the Planning Board, or in the case of a minor site plan the City Planner, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

- A. Compliance with all Applicable Standards. The proposal shall comply with all Good Neighbor standards, Performance standards, the Zoning Ordinance and, if applicable, standards of the natural resource districts.
- B. Other Laws. The proposal satisfies the requirements set forth in this chapter, other local ordinances, and applicable state and federal laws.
- C. Compatibility with Neighboring Buildings. The bulk, location, and height of proposed structures are compatible with neighboring properties.
- D. Natural Features. The structures and other improvements are harmonious with the site's natural features, preserve the natural landscape, and minimize grade changes.
- E. Public Safety. Access to the site and structures is adequate for emergency responders and will not create fire hazards or other safety hazards. The assigned street number shall be prominently displayed on the front of the building or on a sign post.
- F. Lighting. The proposed exterior lighting does not create glare or hazards to motorists, is adequate for safety, and does not damage the value or diminish the usability of adjacent properties.
- G. Landscaping. Buffers, screens, and on-site landscaping is provided to minimize the impact of parking areas and other features on neighboring property.
- H. Off-site Impacts. The proposal does not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odors, dust, or other cause.
- I. Vehicle Circulation and Pedestrian Access. The provisions for vehicular loading, unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets do not create hazardous and unsafe conditions.
- J. Flood Hazards. The design conforms with flood hazard protection requirements.
- K. Wastewater. Adequate provisions are made for disposal of wastewater.
- L. Solid Waste. Adequate provisions are made for disposal of solid waste, including provisions for recycling.

- M. Stormwater and Erosion Controls. Adequate provisions are made to control erosion, sedimentation, and stormwater runoff and shall be in compliance with stormwater stormwater and erosion control requirements of the City of Saco Zoning Ordinance.
- N. Water Supply. The proposed water supply is sufficient for the proposed use, and for fire protection purposes. No degradation of service in the area shall occur as a result of the proposed development. The regular maintenance of private fire hydrants shall be documented.
- O. Energy Efficiency. Building and site are designed to reduce energy demand and consumption of non-renewable resources.
- P. Hazardous Materials. Adequate provisions are made for the transportation, storage and disposal of hazardous substances and materials.
- Q. Wildlife, Scenery, and Unique & Critical Areas. The proposed use will not have an adverse impact on significant scenic vistas, significant wildlife habitats, or unique natural areas that could be avoided by reasonable modification of the plan.
- R. Traffic. The proposal will not cause safety hazards and will be consistent with Complete Street standards.
- S. Water Quality. Surface water impacts of the proposed development shall be no greater than allowed and permitted under State Law.
- T. Utilities. The proposal does not impose an unreasonable burden on sewers, storm drains, water lines, or other public utilities.
- U. Audio-Visual Buffer. Setbacks and screening provide a robust audio/visual buffer so as to minimize adverse impacts on nearby properties.

§ VI2 Additional Criteria in Shoreland Zoning Districts

For projects located within the Resource Protection Overlay District, Shoreland Zoning Overlay District, or Coastal Development Overlay District, the Planning Board shall find that the project:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion, or sedimentation to surface waters;
- C. Will adequately provide for the disposal of all wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- F. Will protect archaeological and historic resources in accordance with the Comprehensive Plan;
- G. Will not adversely affect existing commercial fishing or maritime activities;
- H. Will avoid problems associated with floodplain development and use;
- I. Is in conformance with the provisions of Article VIII, Land use standards

- J. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any state law which Saco is responsible for enforcing.

Article VII. Additional Requirements for Certain Uses

§ VII1 Earth Removal

- A. Permit Required. No existing rock, gravel or sandpit will be extended or expanded until the owner has complied with the provisions of this chapter and obtained a permit therefor.
- B. Submission requirements. In addition to the items required to be submitted as part of site plan and/or conditional use review, the following items shall be submitted:
 - (1) Time period of operation
 - (2) Method of operation
 - (3) Weight and loading limit of trucks
 - (4) Estimate of, and provisions to clean up, sand and gravel spillage upon public streets
 - (5) A reclamation plan, in conformance with the standards in the "Maine Erosion Sediment Control Handbook for Construction: Best Management Practices" by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision
 - (6) The specific measures, such as diversions, silting basins, terraces, temporary ground cover and runoff filters, to be used to control soil erosion and prevent sedimentation of streams. Where a stream bank is proposed to be excavated, approval by the Department of Environmental Protection.
 - (7) A hydrogeologic study to determine impacts to the local groundwater system and any neighboring wells.
 - (8) A plan signed and stamped by a Maine licensed professional engineer, to bring any access roads up to required standards.
 - (9) A stormwater management plan, prepared by a Maine licensed engineer, designed to maintain predevelopment flows off the site. The plan shall also address sediment and nutrient transportation off site and shall maintain predevelopment rates.
 - (10) Sediment and Erosion Control Plan.
- C. Waivers. Where the Planning Board finds that, due to special circumstances of a particular plan, submission of required exhibits is not necessary or is inappropriate because of the nature of proposed development, it may waive such requirements subject to appropriate conditions. The Planning Board may require submission of such additional information as it deems necessary for proper review. A written request for such waiver shall accompany the application. Waivers will be considered for applications of less than ten thousand (10,000) square feet of soil disturbance within a five (5) year period.

- D. Conditions. The Planning Board may impose other reasonable conditions to safeguard the health, safety, and welfare of the community, including those that relate to:
- (1) Type and location of temporary structures
 - (2) Routes for transporting material
 - (3) Provision of temporary or permanent drainage
 - (4) Disposition of stumps, brush and boulders
 - (5) Cleaning, repair, and/or resurfacing of streets used in removal activity
 - (6) Approval from the Department of Environmental Protection for all extraction activities
 - (7) Restrictions on times of hauling material to avoid conflicts with periods of heavy pedestrian or school traffic.
- E. Insurance. Every property owner, before commencing removal of earth material, shall file with the City Clerk a certificate of insurance, in an amount not less than one million dollars (\$1,000,000), against liability arising from production or activities or operations incident thereto conducted or carried out under or by virtue of any law or ordinance imposed by the Planning Board. Such insurance shall be kept in full force and effect during the period of operation and for twelve (12) months thereafter. No existing rock, gravel or sandpit will be extended or expanded until the owner has complied with the provisions of this chapter and obtained a permit therefor.

§ VII2 Marinas

- A. Criteria for Review of Marinas. In addition to criteria found in the Zoning Ordinance, the Planning Board shall consider the following factors in reaching a decision:
- (1) Potential adverse impacts to water quality and to visual and aesthetic enjoyment of waters of the Saco River and of Saco Bay will be minimized to the maximum extent practicable.
 - (2) Unavoidable adverse impacts to aquatic and terrestrial resources have been or can be compensated for to a practicable and appropriate extent.
 - (3) The potential adverse effect on the public with respect to commerce, navigation, recreation, aesthetic enjoyment, and natural resources has been minimized to the greatest practicable extent.
 - (4) The extent to which structures that extend beyond the normal high-water mark of coastal or tidal waters are dependent upon water access for their primary purpose. Restaurants, decks, dwellings, and other non-water-dependent structures that extend beyond the normal high-water mark of coastal or tidal waters shall not be authorized by the Planning Board.
 - (5) The proposed location does not unreasonably interfere with access to existing marine structures or points of public access, or with existing developed or natural beach areas.

§ VII3 Solar Energy Facilities - Commercial**A. Submissions.**

- (1) An operation and maintenance plan, that include measures for maintaining safe access to the installation, security measures, and procedures for operational maintenance of the installation
- (2) A stormwater operations and maintenance plan
- (3) If connection to the publicly regulated utility grid is proposed, a copy of the contract between the applicant and the utility verifying that the proposed connection is acceptable and other evidence showing that the utility is aware of the proposed connection and finds it acceptable.
- (4) A financial guarantee to ensure the timely removal of the panels in the event that the facility is decommissioned, and an estimate of the cost of decommissioning.
- (5) Water Storage Facilities.
- (6) Submission Requirements. Before a building permit is issued, a plan shall be submitted to the Building Inspector showing the size of the facility, proposed use, parking arrangement and use of structures on the site, surrounding properties and their usage, and other pertinent information.

§ VII4 Piers, Docks & Wharves

- A. Application submission requirements for Piers, Docks, Wharves, and Other Marine Structures Extending Over or Below the Normal High-Water Line of a Water Body. In addition to the information required in the Zoning Ordinance, all applications shall include the following information:
- (1) A photocopy of relevant locational maps indicating the site of the project;
 - (2) Site plan, plan and section drawings (to scale) of the proposed structure, including an indication on separate scale drawings of any shoreline stabilization or other modification required by the project;
 - (3) A complete list of materials to be used, including a list of all intended coatings (paint, etc.) for all proposed marine structures.

Article VIII. Master Planned Development

§ VIII1 Applicability

- A. Master Planned Developments, hereinafter referred to as MPDs, are permitted only in the Portland Road (PR) District.

§ VIII2 MPD Process

- A. MPD Conceptual Review Phase
 - (1) The purpose of MPD Conceptual Review, which is not mandatory but encouraged, is to allow the applicant to discuss preliminary concepts with City staff and the Planning Board. As such, the review is intended to be informal and educational in nature. Comments on preliminary concepts are nonbinding.
 - (2) MPD Conceptual Review is intended to provide the applicant with guidance regarding consistency of the proposal with general intent of these regulations, issues or questions that will need to be addressed in subsequent submissions, and appropriateness of possible submission requirements waivers.
- B. Site Inventory and Analysis Phase. This phase involves preparation and review of a detailed analysis of existing conditions on the site, opportunities and constraints these conditions create for use and development of the site, and factors that must be addressed in development of the Master Plan. The expectation is that preparation of the inventory and analysis will result in a Master Plan for the master planned development that is sensitive to conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes areas of the site that are most suitable for development for intensive use, and that addresses site constraints and limitations.
- C. Master Plan Phase. This phase involves review of a conceptual Master Plan and development standards that apply to individual buildings, subdivisions, or phases of development. Approval of the Master Plan and associated development standards must occur before the application is submitted for site plan review or subdivision approval.
- D. Submittals.
 - (1) Complete Plan.
 - (2) Within ten (10) business days, the Department shall determine whether all requested materials have been submitted. Requests for waivers must be explained in detail and supported by evidence. If the City Planner finds the application to be in order, 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 considered complete.
- E. Public Hearing. The Planning Board shall hold a public hearing. Notice requirements are specified in § 302(E).

- F. Master Plan Approval. The Planning Board shall act to approve, approve with conditions, or deny the Master Plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.
- G. Site Plan and Subdivision Review Phase. Subsequent to the Planning Board's approval of a Master Plan, the applicant must submit an application for site plan review approval or subdivision approval, as applicable.

§ VIII3 Required Submittals

- A. Copies and Fees. Applicants applying for approval of a Master Plan shall submit a completed application form, paper copies of a Site Inventory and Analysis and a Master Plan, a digital copy of same, accompanied by a fee as prescribed by the City's Cost Recovery Ordinance. The required number of paper copies and digital format shall be prescribed by the Planning & Development Department.
- B. Conceptual Review
 - (1) The applicant shall submit paper copies (number of copies requested by the Planning and Development Department) and one (1) digital copy (format as requested by the Planning and Development Department) of the following:
 - (a) A map showing the location of the subject property
 - (b) Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement
 - (c) A preliminary site inventory and analysis identifying the possible opportunities and constraints offered by the natural and built environments. The analysis should tentatively identify portions of the site suitable for development, as well as areas that are potentially unbuildable or better suited for conservation.
 - (d) A narrative and accompanying sketch describing the potential development concept, and how the development concept is consistent with the approval criteria.
 - (e) Requested waivers
- C. Site Inventory and Analysis
 - (1) A Locus Map showing the relationship of the proposal to adjacent properties and to public access.
 - (2) Site Inventory Plan
 - (a) Existing natural features and resources
 - (b) The built environment on and within five hundred (500) feet of the site
 - (c) The proposed name of the development, date, and scale
 - (d) The names and addresses of the owner, applicant, and consultants who aided in preparing the inventory and analysis

- (e) A standard boundary survey prepared by a registered land surveyor that identifies the bearings and distances of all property lines, and depicts all contiguous property under the control of the owner or applicant
 - (f) Zoning district boundaries
 - (g) Restrictions and easements
 - (h) The topography at two (2) foot intervals
 - (i) 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, 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 fifty (50) years old, other historically significant structures or features, archaeological resources, and other unusual features
 - (j) A medium-intensity soil survey. The Planning Board may require submission of a high-intensity soil survey.
 - (k) Vegetative cover on the property according to general cover type, and the identification of exceptional specimens, including trees with a diameter at breast height of more than twenty-four (24) inches
 - (l) Watershed and subwatershed boundaries
 - (m) The groundwater hydrology, including information from test pits, borings, and existing wells
 - (n) Existing structures, and other improvements, including streets, driveways, stone walls, fences, trails, and cemeteries
- (3) Site Analysis Plan
- (a) The site analysis plan shall highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan should enable the Planning Board to determine which portions of the site:
 - (i) Are well-suited for the proposed use
 - (ii) Are unsuitable or have significant limitations for development or use
 - (iii) Have potential conservation or open space value that should be addressed in the Master Plan
 - (iv) May create off-site conflicts or concerns such as noise, lighting, visual intrusion, and traffic.
- (4) Site Analysis Narrative
- The site analysis narrative should describe existing conditions of the site, constraints and opportunities, potential for mitigating conflicts, development

potential, and open space conservation potential. This submission should include a narrative description of the road system that will provide access to the project and issues related to traffic capacity, safety, sight distances, and other traffic considerations, together with preliminary traffic studies, market studies, or other information that will help the Planning Board understand the proposed project.

D. Master Plan

- (1) The Master Plan is intended to lay out, in general terms, the proposed use of various parts of the site, the road and pedestrian network, utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, proposed buffer areas, and development standards. The plan should provide an overall development framework into which specific projects can then be fitted to produce a coordinated development. The Master Plan shall include the following:
 - (a) Development Narrative. The narrative should describe general utilization of the site, types and scale of anticipated development, and provisions to address constraints and limitations identified in the Site Inventory and Analysis. The development narrative should address compliance with Master Plan standards. The narrative should include a project timeline and a description of the development phasing, if applicable.
 - (a) Conceptual Site Plan. This plan shall show the proposed layout of the site, the proposed uses, the 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 structures. However, if structures are not shown on the Conceptual Site Plan, the development standards should address the design issues related to individual structures and sites.
 - (b) Preliminary Infrastructure Plan. This plan shall show the layout and preliminary design of the various infrastructure components that will serve as core infrastructure, including off-site infrastructure improvements where necessary. The plan should include the proposed road network, public water and sewer systems, overall approach to stormwater management, including mitigation activities to comply with state stormwater requirements, electric, cable, and fiberoptic systems, and shared facilities, such as parking and service areas.
 - (c) Neighborhood Impact Mitigation Plan. If the proposal abuts a residential zone, the plan should describe how the impacts on neighboring residential areas, including traffic, noise, exterior lighting, and visual considerations, will be minimized. The Impact Mitigation Plan should specify areas that will be retained as buffers, and how those areas will be treated and protected. The

plan should include standards for individual structures, such as setbacks, buffering, landscaping, and similar measures.

- (d) Environmental Assessment. The assessment must identify and evaluate natural resources based on the Site Inventory and Analysis. It should 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, and describe what mitigation activities will be undertaken to compensate for undesirable impacts.
- (e) Development and Design Standards. The standards shall ensure that the development will conform with applicable design standards in the Zoning Ordinance, and result in a coordinated, visually integrated development. The standards shall address parking layout and design, landscaping, exterior lighting, signage, pedestrian infrastructure, bicycle facilities, noise, and architectural.
- (f) Waivers. The Planning Board may waive submission of any of the required exhibits upon written request of the applicant and a finding by the Planning Board that the information is not needed to understand how the proposal relates to site conditions, or that the information is not appropriate given the scale of development.

§ VIII4 Permitted Uses

- A. Uses that are consistent with the Comprehensive Plan and Zoning Ordinance may be permitted in an MPD. These uses may include:
 - (1) Multifamily dwellings
 - (2) Professional offices
 - (3) Business offices and services
 - (4) Eating and drinking establishments
 - (5) Personal services
 - (6) Pedestrian-oriented retail businesses
 - (7) Financial institutions
 - (8) Research and development facilities
 - (9) Light manufacturing and light assembly uses that do not generate heavy truck traffic or large volumes of truck traffic, and that do not generate excessive noise, vibration, smoke, dust, odors, heat or glare
 - (10) Hotels and motels
 - (11) Marinas and similar waterfront uses
 - (12) Accessory recreational uses

§ VIII5 Tract Size

- A. MPDs are intended for large sites that will allow for significant development activity.
- (1) For parcels less than ten (10) acres, the entire area of the parcel must be included in the MPD, unless the Planning Board determines otherwise based upon unique characteristics of the parcel or existing development.
 - (2) For lots with ten (10) or more acres, the Planning Board may permit a portion of the parcel to be treated as a MPD, provided the MPD portion of the parcel is at least five (5) acres.
 - (3) The Planning Board may permit the parcel to be treated as more than one (1) MPD if the following are met:
 - (a) The Planning Board must find that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding.
 - (a) The Site Inventory and Analysis, Conceptual Site Plan, and preliminary infrastructure plan submitted for the initial MPD shall cover the entire 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.

§ VIII6 Approval Criteria

- A. The Planning Board shall approve the Master Plan only if the Board finds that it complies with the following criteria:
- (1) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable utilization of the site.
 - (2) The adverse impacts of development are mitigated.
 - (3) The resource value of open space is maintained through appropriate siting of development or off-site compensatory activities where necessary.
 - (4) 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 MPD. The Planning Board may condition its approval on phasing of the development.
 - (5) Issues and concerns identified in the site inventory and analysis have been appropriately addressed in the Master Plan.
 - (6) The infrastructure needed to serve the development, including water supply, sewage disposal, power, telecommunications, and other utilities, is available or can be provided, and will not create an unreasonable burden on infrastructure.
 - (7) The street system can accommodate the traffic that will be generated by the development.

- (8) Runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site. Improvements to the City's stormwater system may be made to accommodate additional stormwater, if necessary.
- (9) The Master Plan must demonstrate that the development will result in the creation of a high-quality, mixed-use neighborhood that is consistent with the vision set out in the Comprehensive Plan.
- (10) The overall development concept should provide for a mix of diverse residential uses and nonresidential uses that are highly integrated within the development. Development of residential and nonresidential uses should occur simultaneously.
- (11) Nonresidential uses should be compatible with the neighborhood. Provisions should minimize and mitigate potential conflicts between residential and nonresidential uses, both within the proposed development and within its surroundings.
- (12) The overall character of development should be urban rather than suburban. Most buildings should be located close to the street. Parking lots should be located to the side or rear of most buildings. Parking should be provided in small, well-landscaped lots. Shared lots are encouraged.
- (13) The 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. Dead-end streets should be avoided. The internal street network should be connected to the existing street network and should provide access to all adjacent arterials and collectors if feasible.
- (14) New curb cuts on Route 1 should be avoided where possible. Entrance drives shall be perpendicular to Route 1 and aligned with curb cuts on the opposite side of Route 1.
- (15) The development shall be pedestrian-friendly and provide a high level of pedestrian and bicycle facilities. Sidewalks, bike lanes, street trees, street furniture, and lighting shall be incorporated to create a safe and high-quality public realm. Connections and public access to trail systems shall be made where feasible.
- (16) The neighborhood shall include a network of parks, recreation areas, and conservation land/open space. At least fifteen (15) percent of the total area of the development and five (5) percent of the developable area of the MPD shall be designated for these purposes. Open space should create an interconnected "green" network where feasible and consistent with the site analysis.
- (17) The Master Plan should address opportunities for all modes of transportation. 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 desirable.

- (18) The Master Plan shall include sufficient buffers, screening, and other provisions to assure that negative impacts on adjacent residential uses are minimized. Impacts to be mitigated include but are not limited to exterior lighting, noise, and traffic.
 - (19) Areas adjacent to existing public streets should incorporate traditional building forms, a human scale environment, and a dense, interconnected street pattern.
 - (20) include an attractive urban streetscape that is compatible with the pattern of the adjacent neighborhood.
- B. 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. Such conditions of approval must be reasonably related to standards and performance standards of this Chapter and of Chapter 230.

Article IX. Waivers

§ IX1 Criteria

- A. Submission Requirements. Where the Planning Board finds that, due to special circumstances of a particular plan, submittal of one (1) or more submission requirements would cause an unnecessary hardship to the applicant and granting the waiver would not be contrary to the intent of this Chapter, it may grant a waiver for such submission requirement(s).
- B. Standards and Improvements. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required standards or improvements is not requisite in the interest of public health, safety, and general welfare, it may waive the requirements for such improvements, subject to appropriate conditions.

§ IX2 Effect

Waivers shall not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations.

§ IX3 Plan Reference

When the Planning Board grants a waiver to any of the standards in these regulations, the final plan shall indicate the waivers granted and the date on which they were granted.

Article X. Definitions

The terms used in this chapter shall have the same definitions as in the Chapter 230, Saco Zoning Ordinance.