SECTION III

Subdivision I. In General

Sec. 60-1276. Purpose.

Sec. 60-1277. Objective.

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Secs. 60-1279—60-1299. Reserved.

Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.

(Ord. of 9-21-2009, § 7.1A)

Sec. 60-1277. Objective.

In considering a site plan, the planning board shall make findings that the development has made provisions for:

(1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;

(3) Adequacy of the methods of disposal for wastes; and

(4) Protection of environment features on the site and in adjacent areas.

(Ord. of 9-21-2009, § 7.1B)

Sec. 60-1278. Applicability.

A site plan review shall be required for the following projects:

(1) All uses permitted by special exception.

(2) Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

(Ord. of 9-21-2009, § 7.1C)

Secs. 60-1279—60-1299. Reserved.

Subdivision II. Procedure

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Sec. 60-1313. Correction of off-site deficiencies.

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Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the department of community development and planning a completed site plan application along with an original and 20 copies of the site plan and the required processing fee. Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1))

Sec. 60-1301. Scale; required information.

The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:

(1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.

(2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.

(3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.

(4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.

(5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.

(6) Topographic map of the site, containing the following:

a. Existing contours, where the slope of existing ground surface is generally two percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the planning board or engineering department may prescribe). Where the slope of the existing ground surface is generally less than two percent, contour intervals of one foot shall be shown. These contours shall not be copied from the city topographic maps and shall be determined from an on-site survey certified by a registered land surveyor.

b. Proposed contours shall be shown at intervals to be determined by the city engineer.

(7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk.

(8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.

(9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.

(10) Existing soil conditions and soil suitability test results.

(11) Locations of proposed buildings and uses thereof.

(12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

(13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.

(14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500 and 502, as last amended December 21, 2006. Adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by Legislative Resolve, chapter 87, Public Laws of 2005 (LD 625/HP 458), amended March 20, 2006. If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.

(15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.

(16) Proposed location and direction of and time of use of outdoor lighting.

(17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.

(18) Location, size, design and manner of illumination of signs.

(19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.

(20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.

(21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.

(22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.

(23) Description and plan of a phase development concept detailing the areas and sequence of phasing.

(24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board.

(Ord. of 9-21-2009, § 7.1D(2))

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the planning director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development.

(Ord. of 9-21-2009, § 7.1D(3))

Sec. 60-1303. Approval—Time line for review.

The planning director shall, within five days of receipt, transmit copies of the application and site plan to the department that in his view requires such information. The agencies receiving these copies shall have up to 15 days to make recommendations to the planning board.

(Ord. of 9-21-2009, § 7.1D(4))

Subdivision II. Procedure

Sec. 60-1304. Same—Public hearing; findings.

The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to. Such final action shall consist of either:

(1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or

(2) A written denial of the application stating the reasons for such denial, upon a finding that:

a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.

b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.

c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.

d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).

e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.

f. The proposed development will unduly burden off-site sewer drainage or water systems.

g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.

h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.

i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

(Ord. of 9-21-2009, § 7.1D(6))

Subdivision II. Procedure

Sec. 60-1306. Signed copies.

If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved. An original of the approved plan signed by the planning board and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of his existing plan. The planning board shall approve or disapprove the requested extension at its next regular meeting.

(Ord. of 9-21-2009, § 7.1D(9))

Sec. 60-1309. No building permitted without approval.

No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the planning board and unless the construction plans and specifications presented to the building inspector with the application for the permit are consistent with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(10))

Sec. 60-1310. Certificate of occupancy.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the planning board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

(Ord. of 9-21-2009, § 7.1D(11))

Sec. 60-1311. Deposit of surety.

The planning board may require the applicant with the submission of the site plan to tender a certified check payable to the city and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the laws of the state or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the city planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(12))

Sec. 60-1312. Review of planning board needed for variance.

For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 7.1D(13))

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at his expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Secs. 60-1314—60-1334. Reserved.

DIVISION 3. SPECIAL EXCEPTION

Sec. 60-1335. Approval required.

Sec. 60-1336. Conditions.

Sec. 60-1337. Procedures.

Secs. 60-1338—60-1358. Reserved.

Sec. 60-1335. Approval required.

The planning board may approve for development those land uses listed as special exceptions under the terms of the zoning ordinance. The determinations of the board shall be in harmony with the expressed intent of the zoning ordinance and with the expressed major purpose of the city master development plan. Special exceptions shall be allowed only when they will substantially serve public convenience and welfare and will not involve dangers to health or safety.

(Ord. of 9-21-2009, § 7.2A)

Sec. 60-1336. Conditions.

(a) As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:

(1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.

(2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.

(3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.

(4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.

(5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.

(6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.

(7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.

(b) As part of the granting or the denial of any such petition for a special exception, the board shall show by written statements filed in its records of such application and by a statement in the minutes of the

board how the special exception sought fulfills the foregoing conditions. An applicant may request the board to make a statement as to how the special exception may be granted without danger to health and safety and without substantially derogating from the essential intents and purposes of the zoning ordinance or of the city master development plan.

(c) Approval of a special exception may be made subject to such conditions, modifications and restrictions on the proposed land use as the planning board may deem necessary to carry out the foregoing objectives and conditions. Any development of the land uses allowed by special exception shall be carried out only in conformity to such conditions, modifications and restrictions in addition to those that may be called for by an approved site plan for the same site and shall be enforced by the municipal officer charged with enforcement in the same manner as specified for approved site plans. Any change, addition or enlargement of a use allowed by special exception shall require approval of the planning board in the same manner as specified for the original special exception.

(Ord. of 9-21-2009, § 7.2B)

Sec. 60-1337. Procedures.

Special exceptions shall be subject to the site plan review procedure specified in subdivision II of division 2 of article XVI of this chapter. The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the special exception within 60 days after its submittal or within such other time limit as may be mutually agreed to. The applicant shall accompany the application with the required fee in the amount provided in the city fee schedule.

(Ord. of 9-21-2009, § 7.2C)

Secs. 60-1338—60-1358. Reserved.