

DIVISION 2. SITE PLAN REVIEW

Subdivision I. In General

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

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

An applicant for site plan review shall file with the ~~department of community development and planning~~planning, permitting and code department a completed site plan application along with an original and 15 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); Ord. No. 11-03012021, 3-15-2021)

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.

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- (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, 501 and 502, as last amended August 12, 2015. 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); Ord. No. 10-10172016, 11-7-2016)

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the ~~planning, permitting and code enforcement~~ 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. The planning board or the ~~planning, permitting and code enforcement~~ director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the adaptive reuse of a structure of community significance.

(Ord. of 9-21-2009, § 7.1D(3); Ord. No. 05-04032017, § 3, 4-24-2017)

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

The ~~planning, permitting and code enforcement~~ director shall, within ~~five~~ 10 business days of receipt, review the application and notify the applicant that either:

- 1.) The application is not accepted for processing, as it has not met the requirements of Sec. 60-1300 and 60-1301, and shall enumerate the materials that are missing; or
- 2.) The application has been conditionally accepted for processing as one or more required minor elements, as required by Sec. 60-1300 or 60-1301, are missing or inadequate and must be submitted within five business days or the application will not be accepted for processing; or
- 3.) The application has met the requirements of Sec. 60-1300 and 60-1301 and is accepted for processing.

The ~~planning, permitting and code enforcement~~ director shall, at the time of notification to the applicant that the application is accepted for processing, transmit copies of the application and site plan to those city departments that, in his-the director's view-opinion, requires such information to provide recommendations regarding the application to the planning board. The agencies-departments receiving these copies shall have up to 15 business days to make-provide their recommendations to the ~~planning, permitting and code enforcement~~ director.

The ~~planning, permitting and code enforcement~~ director shall review the submitted site plan and any recommendations made by the city departments and may:

- 1.) -Request additional information from the applicant in ~~to~~ order to assist with the director's review of the submitted site plan.
- 2.) Make recommendations to the applicant for changes to the submitted site plan that, in the director's opinion, will cause the site plan to conform to city requirements.

The ~~planning, permitting and code enforcement~~ director shall, upon completion of the director's review of the site plan, but not later than 60 days after notification to the applicant that the application is accepted for processing, request the planning board chair to schedule a public hearing by the planning board at a regularly scheduled planning board meeting.

(Ord. of 9-21-2009, § 7.1D(4))

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

The planning board chair shall, upon request of the ~~planning, permitting and code enforcement~~ director, schedule a public hearing at the next regularly scheduled planning board meeting that occurs at least 16 days after receipt of the request from the director within 30 days of receipt of a completed application, hold a public hearing. Notice of a public hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will not unreasonably delay the taking of 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 after the public hearing. 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:

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- 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))

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 chair, on behalf of 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, signed by the planning board chair on behalf of the planning board, 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, except for approved site plans for solar energy generating systems, which shall expire in two years after the date of approval, unless all building permits have been obtained to begin construction in accordance with the approved site plan. If a development is contested with litigation, the approval period of this section shall not commence until a final, nonappealable court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. 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~~ the applicant's 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); Ord. No. 02-04012013, att. D, 4-16-2013)

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~~ the developer's 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.