

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 3, 2009
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

- 108 Manager (Bureau of City Clerk)
 ORDERED, That the minutes of the City Council meeting held August 6, 2009 submitted by the City Clerk be approved.
- 109 Manager (Bureau of Audit Accounts)
 ORDERED, That Roll of Accounts for the month of August 2009 in the amount of \$3,650,871.96 be approved.
- 110 City Manager
 ORDERED, That City Council accepts a donation for The Spring Running festival in an amount totaling Five Hundred Dollars (\$500.00), from the Old Fort Western Fund.
- 111 Mayor Katz
 ORDERED, That Matthew Pouliot be appointed to the Planning Board; said term to expire September 3, 2012.
- 112 Mayor Katz
 ORDERED, That Aaron Stred be appointed to the Zoning Board of Appeals as a Senior Associate Member; said term to expire September 3, 2012.
- 113 Manager (Bureau of City Clerk)
 ORDERED, That the attached list of Wardens and Ward Clerks be appointed in accordance with the City of Augusta Charter, Article V. Section 2.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

- 017 Councilor O'Brien
WHEREAS, The City Council finds that the five criteria for approving an area rezoning, found in section 1.6.1.A.vii have been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

The parcels shown as the "area of change" on the attached map entitled Proposed Zoning and dated December 30, 2008, shall be rezoned to Planned Development (PD). Parcels included are Tax Assessor's Map 48, Lots 3, 3-A, 3-B, 4, 5, 5-B, 6, 7, 8, 8-A, 8-B, 9, 10, 11, 12, 12-A, and the segment of railroad property that starts at Riggs Brook and runs south to Route 3.

- 021 Manager (Bureau of Planning)
WHEREAS, The City Council finds that the Planning Board held the required public hearing on a proposed amendment to the City's comprehensive plan.

NOW THEREFORE BE IT ORDERED, By the City Council of the City of Augusta that the 2007 Comprehensive Plan for the City of Augusta be amended as follows:

Volume 1, Pages 33 and 34 of the City of Augusta 2007 Comprehensive Plan, which are maps entitled Future Land Use and Future Land Use Detail, shall be amended to include the area north of Rt. 3, west of Riverside Drive, south of Riggs Brook, and east of the Kennebec River as the same shade of brown, indicating mixed use development, as the area directly to the north of the modified area.

SECOND READING

- 107 Councilor O'Brien
WHEREAS, The City Council appointed a subcommittee to review and recommend changes to the zoning along a section of Riverside Drive.

WHEREAS, The City Council instructed the subcommittee to create a zone that allows some commercial uses.

WHEREAS, The subcommittee met seven times during the spring of 2009 and thoroughly discussed the possible modifications to the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the subcommittee recommendation be approved by amending the Land Use Ordinance as follows:

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

107 Continued

Create a new "Planned Development 2" base zoning district:

3.6.1.8 Planned Development 2 (PD2)

The Planned Development 2 district shall be a Capital-Commerce District.

3.6.1.8.1 Permitted Uses.

See Table 3.6.A.1, Table of Uses.

3.6.1.8.2 Performance Zoning shall be allowed.

3.6.1.8.3 Dimensional Standards for traditional zoning.

Minimum Lot Size – 10,000 square feet with public water and sewer;

20,000 square feet without public water and sewer

Minimum Lot Frontage – 100 feet

Minimum Lot Depth – 100 feet

Minimum Area per Dwelling Unit – 10,000 square feet without public water and sewer

Minimum Area per Dwelling Unit – 5,000 square feet with public water and sewer

Minimum Front Setback – See Section 5.1.16

Maximum Floor Area – 15,000 square feet per structure

Maximum Building Height – 45 feet

3.6.1.8.4 General Provisions.

3.6.1.8.4.1 Drive throughs. No drive through services are allowed.

3.6.1.8.4.2 Parking. For structures within 150 feet of Riverside Drive, there shall be no more than one row of parking in front of a structure. All additional parking must be located at the side or back of the structure.

3.6.1.8.4.3 Setback. New non-residential uses shall be set back from the front property line at least 75 feet. Residential structures not meeting the 75 foot setback may be converted to non-residential uses provided all other criteria are met.

3.6.1.8.4.4 Signs. No electronic changeable copy or neon signs are allowed.

Amend Section 5.1.1.2 and 5.1.1.3 on Bufferyards as follows:

Wherever the PD district is listed in subsections, add PD2 directly after it.

Amend Bufferyard table 5.1.1-A as follows:

Insert PD2, directly after PD in the table, such that PD2 has the same bufferyard requirements as PD.

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

107 Continued

Amend Section 5.1.17.5.d on signage as follows:

Signs permitted within the Capital Commerce (except Business Professional), Civic Center, Planned Development, Planned Development 2, and Industrial Districts.

Amend Section 5.1.17.5.d.i.A on signage as follows:

Free-standing signs, provided that the highest point of the sign, including its supports, extends no higher than twenty-five (25) feet from the ground. The size of free standing signs in Capitol Commerce Districts (except the BP district) and Planned Development 2, shall be no greater than one hundred twenty (120) square feet and in the Civic Center, Planned Development and Industrial Districts no greater than two hundred (200) square feet.

Amend Table 3.6.A.1 (Table of Uses) as follows:

Insert a new column for a new PD2 zone with the permitted and conditional uses as shown on the attached sheet entitled "Table 3.6.A.1 NEW PD2 DISTRICT, July 10, 2009".

Amend the Official Zoning Map such that the highlighted area on the attached map entitled "Proposed Zoning: Area of Change Outlined in Red, July 10, 2009" is rezoned from its present Low Density Residential (RA) to Planned Development 2 (PD2), as shown.

NEW BUSINESS

PART 1 - ORDERS

114 Mayor Katz

ORDERED, That the City Council hereby appropriates \$22,923 from the Team Cony Fund for the purchase and repair of musical instruments, purchase of a portable public announcement system and a clavi-mover for the Cony High School Music Program.

115 City Manager

ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.

116 Councilor Munson

WHEREAS, The City Council finds that a problem exists with speeding in the vicinity of Linwood Avenue and Riverside Drive, Route 201 in the City of Augusta; and,

NEW BUSINESS (Con't)

116 Continued

WHEREAS, The Augusta Police Department has indicated that a modification of the speed limit in this area may reduce speeding and the likelihood of accidents.

NOW, BE IT RESOLVED, That the City Council request the Maine Department of Transportation to extend the 35 mph speed limit currently in place on Route 201 immediately north of Route 3 for an additional 1,000 feet.

117 Mayor Katz, Councilors Munson and O'Brien

ORDERED, That the City Manager is authorized to contract with the Worromontogus Pond Association to enable the City of Augusta to serve as contract administrator and fiscal agent should the association be granted a license by the State of Maine for harvesting alewives.

PART 2 – ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

118 Councilor O'Brien

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

The lot known as Assessor's Map 11, Lot 45F shall be rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance. The new zone shall be Rural Ponds District (RPDS).

119 Councilors Munson and Rollins

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Article V. Museums, Subdivision 2. Board of Trustees, Sections 6.5-261(a) and 6.5-263(a) of the Revised Code of Ordinances, 1990, as amended, are further amended as attached.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
August 31, 2009