

Chapter 280-13-4: as amended 8/21/2018 by City Council Order #: 18-348-01. Additions are UNDERLINED, Deletions are ~~CROSSED-OUT~~.

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§ 280-13-4 Applications for mental health and abuse clinics. [Amended 8/21/2018 Order #:18-348-01]

Applications for a mental health and abuse clinics, ~~will~~ shall also meet the following criteria:

A. Location criteria.

- (1) No clinic may be located within 1/2 mile (walking distance) of any church, school, family child-care ~~home, small day-care facility~~, child-care center or nursery school, or public park or playground.
- (2) No clinic may be located within the bounds of the following revitalization and/or growth areas: Sanford Downtown, Lafayette Circle and Springvale Village.

B. Neighborhood compatibility standards. No approval shall be recommended if the Planning Board finds that the granting of the license will violate one or more of the following neighborhood compatibility standards:

- (1) Neither the proposed use nor the proposed site on which the use will be located is of a character such that the use will have significant adverse impact on the value or quiet possession of surrounding properties. The Planning Board shall not find that this standard is satisfied unless:
 - (a) The size of the proposed use is comparable to the size of surrounding uses;
 - (b) The amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to surrounding uses;
 - (c) The generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances is comparable to that generated by surrounding uses;
 - (d) The impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to that for surrounding uses;
 - (e) Unusual physical characteristics of the site, including size and shape of the lot, topography, and soils, do not aggravate adverse impacts upon surrounding properties.
- (2) Vehicular and pedestrian access and circulation to, from, into and within the site will be safe, and no public way will be overburdened or made hazardous as a result of the new use and/or development of the property.
 - (a) The Planning Board may not find that this standard has been satisfied unless:

[1] Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. "Adequate capacity" means that: Intersections on major access routes to the site within a one-half-mile radius of any entrance road will function after development, at a minimum, at Level of Service C, as defined in Maine Department of Transportation regulations, 17-229 C.M.R. Ch. 305, Rules and Regulations Pertaining to Traffic Movement Permits (2,000); or

[2] If any such intersection is functioning at a Level of Service D, as defined in Maine Department of Transportation regulations Chapter 305, cited above, or lower prior to the development, the project will not reduce the current level of service.

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- (b) The Planning Board may recommend approval of an application not meeting this requirement if the applicant demonstrates that a public agency has committed funds to construct the improvements necessary to bring the level of service to said standard, or the applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one year of approval of the license.
 - (3) The topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards set forth in §§ 280-14-4, 280-14-5, and 275-35 and 275-51.
 - (4) Adequate facilities are present to assure the safety of pedestrians passing by or through the site.
 - (5) Municipal or other facilities serving the proposed use will not be overburdened or made hazardous. The Planning Board shall not find that this standard is satisfied unless:
 - (a) The capacity of sewerage and water supply systems is adequate to accommodate the proposed use;
 - (b) The capacity of the storm drainage system is adequate to accommodate the proposed use; and
 - (c) The ability of the Fire Department to provide necessary protection services to the site and development is adequate.
 - (6) The soils on the proposed site shall have adequate capacity and stability to support all loadings, including fill, developed by the proposed use, and the use will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result on the site or the land of abutters. In considering whether this standard is satisfied, the Planning Board shall take into account the elevation of the site and surrounding properties above sea level, its relation to floodplains, the slope and vegetation of the land and their effects on drainage.
 - (7) The design of the proposed structures with respect to materials, scale and massing shall be compatible with existing structures within 500 feet of the site in areas where the existing structures are of a similar scale and architectural treatment.
- C. Screening requirements. All clinics shall be required to erect and maintain opaque fencing to provide an effective visual screen at least six feet in height, to be located along side and rear property lines that abut properties in residential use. Said fencing is intended to screen the clinic entrance and parking lot from ordinary view from all directly adjoining properties.