

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1828

H.P. 1326

House of Representatives, December 7, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 7, 1989. Referred to the Committee on State and Local Government and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DORE of Auburn.

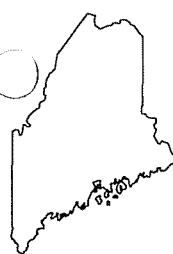
Cosponsored by Representative JOSEPH of Waterville, Representative HOGLUND of Portland and Representative CASHMAN of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Establishing Procedures for Notice of Proposed Zoning Changes.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, the 90-day period may not terminate until after
local property tax revaluations have occurred; and

8 Whereas, most rezonings are requested in the spring of the
year; and

10
12 Whereas, it is necessary that the changes to zoning
procedures take place prior to the assessment of property taxes
and are in place for the anticipated rezoning requests; and

14
16 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 30-A MRSA §4352, sub-§8,** as enacted by PL 1989, c.
24 104, Pt. A, §45 and Pt. C, §10, is amended to read:

26 **8. Conditional and contract rezoning.** A zoning ordinance
may include provisions for conditional or contract zoning. All
28 rezoning under this subsection must:

30 A. Be consistent with the local growth management program
adopted under this chapter;

32 B. Establish rezoned areas which are consistent with the
34 existing and permitted uses within the original zones; and

36 C. Only include conditions and restrictions which relate to
the physical development or operation of the property.

38
40 The municipal reviewing authority shall conduct a public hearing
before any property is rezoned under this subsection. Notice of
42 this hearing shall be posted in the municipal office at least 14
days before the public hearing. Notice shall also be published
44 at least 2 times in a newspaper having general circulation in the
municipality. The date of the first publication must be at least
46 7 days before the hearing. Notice shall also be sent to the
owner or owners of the property to be rezoned and to the owners
of all property abutting the property to be rezoned at the
48 owners' last known addresses. This notice shall contain a copy
of the proposed conditions and restrictions with a map indicating
50 the property to be rezoned.

52 **Sec. 2. 30-A MRSA §4352, sub-§9** is enacted to read:

