

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1115

H.P. 783

House of Representatives, March 13, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

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

EDWIN H. PERT, Clerk

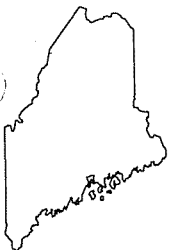
Presented by Representative DORE of Auburn.

Cosponsored by Representative LARRIVEE of Gorham, Representative GRAY of Sedgwick and Representative KERR of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Establishing Procedures for Notice of Proposed Zoning Changes.



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

2
3 Sec. 1. 30-A MRSA §4352, sub-§8, as enacted by PL 1989, c.
4 104, Pt. A, §45 and Pt. C, §10, is amended to read:

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

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

12 B. Establish rezoned areas which that are consistent with
13 the existing and permitted uses within the original zones;
14 and

16 C. Only include conditions and restrictions which that
17 relate to the physical development or operation of the
18 property.

20 The municipal reviewing authority shall conduct a public hearing
21 before any property is rezoned under this subsection. Notice of
22 this hearing shall must be posted in the municipal office at
23 least 14 days before the public hearing. Notice shall must also
24 be published at least 2 times in a newspaper having general
25 circulation in the municipality. The date of the first
26 publication must be at least 7 days before the hearing. Notice
27 shall must also be sent to the owner or owners of the property to
28 be rezoned and to the owners of all property abutting the
29 property to be rezoned at the owners' last known addresses. This
30 notice shall must contain a copy of the proposed conditions and
31 restrictions with a map indicating the property to be rezoned.
32

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

36 9. Notice and hearing in rezoning. Before any property is
37 rezoned, the municipal reviewing authority shall conduct a public
38 hearing. Notice of this hearing must:

40 A. Be posted in the municipal office at least 14 days
41 before the public hearing;

42 B. Be published at least 2 times in a newspaper having
43 general circulation in the municipality, the date of the
44 first publication must be at least 7 days before the hearing;

46 C. Be sent to the owner or owners of the property to be
47 rezoned and to the owners of all property abutting the
48 property to be rezoned at the owners' last known addresses;
49 and

50 D. Contain a copy of a map indicating the property to be
51 rezoned.

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STATEMENT OF FACT

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6 Current law requires that, when a property is under
consideration for conditional or contract rezoning, all abutters
must be given notice and an opportunity to be heard. This bill
8 extends that requirement to all proposed rezonings. This bill
also requires that notice be given to the owner of the property
10 that is to be rezoned.