

City of Gardiner Memo

Memo to: Anne Davis, Interim City Manager

Memo from: Jason Simcock, Planning & Development Director

Memo Topic: Land Use Ordinance Update Summary

Memo date: December 11, 2009

Please find the following summary of the September 8th, 2009 draft Land Use Ordinance for background on the ordinance update project. The ordinance draft is ready for Council review/approval. The complete land use draft can be viewed on the city's website at: http://www.gardinermaine.com/Public_Documents/GardinerME_PCode/Land%20Use%20Draft%20Ordinance%202009.

The ordinance update process has been long, detailed, and involved much participation by the city's Ordinance Review Committee. In October of 2007, the City issued an RFP for consulting services for the purpose of updating and overhauling the city's current Land Use Ordinance. The following is a list of goals that were established in the Ordinance update RFP:

- Revise & streamline the various land use application processes (building permits, site plan, and subdivision) to maximize user-friendliness including e-government applications.
- Correct errors and inconsistencies relating to lack of coordination with various standards, application processes, ordinance sections, etc.
- Revise and update the Land Use Table and Dimensional Chart.
- Revise and update ordinance definitions.
- Revise and update ordinance performance standards, including parking and home occupation standards.
- Revise layout (such as numbering of sections, location of definitions, and "table of contents" with body of text).
- Recommend new application and permit fees with a methodology that measures costs vs. revenue.
- Revise the Shoreland Zoning Section and the Flood Plain Management Ordinance, as required by the State of Maine.
- Revise application forms, once an updated application process has been approved.

The City selected consultants Bill Najpauer and Sarah Flaks, of Renaissance Planning to assist the Ordinance Review Committee (ORC). The ORC officially launched the project held approximately two dozen meetings, taking on each goal mentioned above.

Debby Willis, Chair of the ORC, has provided the following summary of the final draft:

1. Ordinance reorganized to eliminate duplication, eliminate unnecessary planning board review procedures, and make navigation through the ordinance easier for applicants and board members.
2. Application procedures have been clarified and simplified.
3. Shoreland zoning provisions updated to conform to state law.
4. Planning board review eliminated for several categories of development, delegating review to the CEO only.
5. Planning board review separated into two levels, in order to decrease burden on applicants for projects that have lesser impact and therefore do not need more complicated site plan review.
6. Several categories of development added to land use table.
7. For home occupations, number of allowed employees (non-family members) increased to two.
8. Some types of home occupations moved to “minor” category, thereby eliminating the need for a permit.
9. Contract zoning provision added for nonconforming uses for which no viable conforming uses are available in the zone where the property is located.
10. In downtown historic district, the number of sign types that need only CEO approval expanded in consultation with Historic Preservation Commission.
11. Some provisions for business district signs extended to other areas of the city.
12. Many definitions added that were missing.

Once the ORC formed a recommended draft (August, 2009), the ordinance moved to the Planning Board’s review. The Planning Board held a public hearing on September 8th and voted unanimously to recommend Council approval of the Land Use Ordinance, as it is presented. Members of the Planning Board, Ordinance Review Committee, Planning & Development staff, and Renaissance Planning will be on hand to present the final draft to the Council when the Council schedule permits. On behalf of all that have participated in this process, I am happy to say that the City has met the overall goals that were established back in 2007. Please let me know if you or others have any questions regarding the proposed draft.