



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	12/06/2023	Department	Code Enforcement
Agenda Item	3e. Public Hearing regarding a change to the Land Use Ordinance 6.3.7- Public Meeting Requirements		
Est. Cost	N/A		

Background Information	see attached information
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Requested Action	Mayor Hart opens and closes the public hearing
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: Gardiner Planning Board
From: Joel Greenwood – Contract Planner
Subject: City Land Use Ordinance Amendment – Public Meeting Requirements

The Ordinance Review Committee recommends the following changes to the City Land Use Ordinance:

Amending Section 6 (6.3.7) as follows:

6.3.7 Notice of Planning Board Meetings

Written notice of any meeting of the Planning Board including workshops and site walks at which a development proposal or potential development proposal will be discussed shall be provided to all property owners within two hundred (200) feet of the subject parcel where the development activity may occur. If other notice provisions of Sections 6 and 14 do not require an applicant to provide such written notice, the City on behalf of the Planning Board shall provide the notice. Notice provided by the City under this provision shall be mailed by first class mail to the owners of record as shown on the City’s property tax records at least fourteen (14) days prior to the meeting. The notice shall contain the date, time, and place of the meeting and a brief explanation of the development or potential development proposal to be discussed. Failure of any property owner to receive such notice from the City shall not delay the meeting or invalidate any action taken at the meeting.

6.4 Review Procedures

6.4.1 Rights Not Vested

The submittal of an application to the CEO for review shall not constitute the start of the review process for the purpose of bringing an application under the provisions of 1 M.R.S.A. Section 302. The formal review process shall commence upon notification to an applicant that a complete application has been received.

6.4.2 Site Inspection

The Code Enforcement Officer and/or the Planning Board may perform on-site inspections of any proposed project to learn more about the site and its surroundings.

6.4.3 Neighborhood Meeting. (MOVED FROM 6.4.5.2) The City Manager, Mayor, CEO and/or the Planning Board Chair may require a neighborhood meeting for any application or potential application for a project that has significant impact on abutting properties prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept.

The City, on behalf of the Planning Board, shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City’s property tax records. Notice of the neighborhood meeting shall also be posted at the development site being reviewed as per 6.4.7.8 below.

The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or their representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The City shall provide a record of the meeting.

6.4.4 Code Enforcement Officer Review

This section shall apply to all land use activities that require a Code Enforcement Officer review and other activities as indicated in this Ordinance.

6.4.4.1 Within 14 days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if the application is incomplete, the specified additional material needed to make the application complete. The applicant shall be responsible for submitting any incomplete information to the Code Enforcement Officer.

6.4.4.2 Within 14 days of determining that the application is complete, the Code Enforcement Officer shall render a final decision on the application and issue the appropriate permit.

6.4.5 Planning Board Review

This section shall apply to all activities that require Planning Board Review.

6.4.5.1 Within 14 days of receiving an application for Planning Board Review, the Code Enforcement Officer shall determine if the application is complete and notify the applicant that the application is complete, or if the application is incomplete, the specified additional material needed to make the application complete. The applicant shall be responsible for submitting any incomplete information to the Code Enforcement Officer.

6.4.5.2 After determining that the application is complete, the Code Enforcement Officer shall place the application on the agenda of the next scheduled Planning Board meeting, subject to meeting all the public hearing notice and application submittal requirements. In no case shall a complete application take longer than 60 days to be placed on the Planning Board agenda.

6.4.5.3 The applicant shall, at least 20 days before the scheduled public hearing, submit 12 copies of the application including all maps and attachments.

6.4.5.4 Within 35 days of the public hearing or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application. The Planning Board may extend the review time period for the following: to conduct a site visit, to schedule a site visit to another time due to snow cover, for the processing of a performance guarantee, to request additional materials or to have additional reviews or studies conducted.

6.4.5.5 The Code Enforcement Officer shall issue a permit upon approval of the application by the Planning Board.

6.4.6 Site Plan Review

This section shall apply to all activities that require Site Plan Review.

6.4.6.1 An applicant for site plan review may request an informal sketch plan meeting with the Planning Board prior to submitting a formal application. The applicant requesting an informal meeting shall inform the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board and ask to be placed on the Board's agenda. The Code Enforcement Officer shall place the request on the Board's agenda for consideration. If the Planning Board agenda is extensive, the Code Enforcement Officer may schedule the sketch plan consideration for the following regularly scheduled meeting of the Planning Board. The applicant shall provide written notice of the Planning Board meeting at which the sketch plan will be discussed to property owners in accordance with **6.4.7.5**. The applicant shall not be required to meet any submission requirements for the sketch plan meeting.

6.4.6.2 Following the neighborhood meeting, an application for Site Plan Review shall follow the procedures for Planning Board Review (see **6.4.4**).

6.4.7 Public Hearing Requirements

6.4.7.1 The Planning Board shall hold a public hearing on all Planning Board and Site Plan Review applications to receive public comment and information concerning the application.

6.4.7.2 The Planning Board shall hold a public hearing within 60 days after the determination that the application is complete.

6.4.7.3 The applicant shall be responsible for making all the public hearing notices.

6.4.7.4 A notice of the public hearing shall be published in a newspaper having general circulation in the municipality. The notice shall be published 1 time, not more than 14 days before and not less than 7 days before the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give a copy of the notice to the Planning Board at the public hearing.

6.4.7.5 The applicant shall notify, by certified mail, the owners of all property within 200 feet of the proposed development at least 14 days, and no more than 30 days, in advance of the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give copies of the letter and certified receipts to the Planning Board at the public hearing.

6.4.7.6 The owners of property shall be considered those against whom taxes are assessed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

6.4.7.7 The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board shall not be required to meet the

notice requirements listed above for the continued public hearing.

6.4.7.8 At least fourteen (14) days prior to the public hearing, the applicant shall post the notice of the public hearing on the subject property. The posting shall conform to the following requirements:

6.4.7.8.1 The public hearing notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information included in the notice published in the newspaper.

6.4.7.8.2 The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelope or folio such that it can be read without having to be removed from the envelop or folio.

6.4.7.8.3 The notice shall be mounted on a ridged four (4) foot by four (4) foot display board