

Order 35-17/18

Motion to postpone to September 6, 2017: 8-0 (Ray absent) on 8/21/2017

Motion to place entire ordinance on the ballot: 8-1 (Strimling) on 9/6/2017

Motion to amend the summary: 9-0 on 9/6/2017

Passage as amended: 9-0 on 9/6/2017

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING ELECTION DATE ON  
CITIZEN INITIATIVE AMENDMENT  
TO CHAPTER 14 OF THE PORTLAND CITY CODE  
RE: STRENGTHEN ZONING PROTECTION BY ALLOWING RESIDENT  
PARTICIPATION IN PROPOSED ZONING CHANGES**

**ORDERED,** that pursuant to Sections 9-36(f) and 9-39 of the Portland City Code, the citizen initiative amendment to Chapter 14 of the Portland City Code called, "Strengthen Zoning Protection By Allowing Resident Participation In Proposed Zoning Changes," shall be submitted to the voters of the City on November 7, 2017 at the regularly scheduled election; and

**BE IT FURTHER ORDERED,** that the Portland City Clerk shall be authorized to place both the summary and the entire proposed ordinance on the ballot, both of which are substantially in the form attached hereto.

## **Chapter 14 §58**

### **Part I: Procedure for Resident Participation in Rezone Proposals**

(1) If 25 % of registered voters who either reside or own property within 500 feet of a proposed zone change/zoning map amendment sign and file a written objection to the proposed zone change/zoning map amendment with the city clerk, before approval by the city council, the proposed zone change/zoning map amendment becomes null and void unless the requirement of subsection (2) are met.

(2) Within five business days after filing the objection, the city clerk will notify the applicant, the person or entity applying for the zone change, of the objection. In order for the zone change/zoning map amendment to take effect over the objection, the applicant must file a document signed by a majority (51%) of the registered voters who reside or own property within 1,000 feet of the parcel for which the zone change/zoning map amendment. This document must be filed with the City Clerk within 45 days after notification by the clerk of the filing of the objection to the zone change/zoning map amendment referred to in subsection (1). If the applicant fails to obtain and file the required signatures, the zone change/zoning map amendment is null and void.

(3). If written objection has been made to an application for a zone change/zoning map amendment that predates the effective date of this amendment (Section 14-58), the clerk's notification to the applicant shall be made within five business days of adoption of this ordinance by the voters. After notification, the applicant shall comply with the provisions of paragraph (2).

If the applicant fails to obtain and file the required signatures, the zone change/zoning map amendment is null and void.

(4) The City Council shall have authority to adopt reasonable rules and regulations to carry out the intent of this ordinance.

## Part II

### **The effective date of the initiated amendment:**

In accordance with 1 M.RSA, § 302, and Maine case law interpreting this provision, Parts I and II of this initiated amendment, if approved by the voters of the City of Portland shall go into effect as of the date of filing the originating petition with the Portland City Clerk, i.e. May 15, 2017.

### **SUMMARY**

This proposed ordinance adds a section to the city land use code that allows registered voters who reside and/or own property within 500 feet of a proposed zone change to object to that change. If 25% of those individuals sign a document objecting no change can occur unless the applicant for the change files a document signed by a majority of those individuals, within 1,000 feet of the proposed zone change, stating that they agree with the change. If approved, this amendment will be effective retroactively to May 15, 2017.