

# PLANNING BOARD APPLICATION



## ZONING TEXT AMENDMENT

(Ord. Sec. 27- 115)

**\*\*Please read the entire packet for instructions prior to completing the application form\*\***

**\*Submit pages 1 thru 4 only, keep pages 5 thru 12 for your records \***

### For Office Use:

Date Stamp

Date & Time Received \_\_\_\_\_ Project # \_\_\_\_\_

\$1,000.00 Application Fee Paid \_\_\_\_\_ Check # \_\_\_\_\_

\$750.00 Minimum Engineering Escrow Paid: \_\_\_\_\_

\$750.00 Minimum Legal Escrow Paid: \_\_\_\_\_

\$150.00 Public Notice Administrative Fee Paid \_\_\_\_\_

Public Notice Fee Paid (\$1.00 each notice) \_\_\_\_\_ \*\*  
(For Site Plan Reviews)

Name of Applicant \_\_\_\_\_  
(must own or have control of the property proposed for the zoning change)

Applicant's Mailing Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax# \_\_\_\_\_

(If more than one applicant and/or property owner, please submit additional copies of this page to provide the required information for all parties.)

**The City will correspond with only one contact person/agent for this project.  
Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent \_\_\_\_\_

Contact's Mailing Address \_\_\_\_\_

Contact's Phone # \_\_\_\_\_ Fax# \_\_\_\_\_

Contact's Cell # \_\_\_\_\_ Email \_\_\_\_\_

I certify that all of the information provided in this application form and accompanying materials is true and accurate.

\_\_\_\_\_ Date: \_\_\_\_\_

**Signature of applicant (Use of blue ink for signature is required)**

(If signed by applicant's agent, provide written documentation of authority to act on behalf of the applicant)

\_\_\_\_\_  
Print name, title, and company of signer

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## Application for Zoning Text Amendment

**Date of Pre-application meeting:** \_\_\_\_\_

### 1. PROPOSAL DESCRIPTION

A. Explain the reason for the zoning text amendment request

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B. Please provide both the existing language from the zoning ordinance and the proposed language of your zoning text amendment, including reference to the specific ordinance section

Existing: Ordinance Section \_\_\_\_\_

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Proposed: \_\_\_\_\_

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### 2. APPLICANT'S PROPERTY IN THIS ZONE (Required)

A. Property information

1. Existing zone \_\_\_\_\_

2. For each property in the subject zone owned by the applicant or in which the applicant has a legal interest, please provide the following information:

Street address(es) \_\_\_\_\_

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Cumberland County Registry of Deeds-Plan Book \_\_\_\_\_ Page \_\_\_\_\_

Assessor' Map number(s) \_\_\_\_\_ Lot number(s) \_\_\_\_\_

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## B. Existing conditions

1. Existing use of the property (please be specific)

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2. Total floor area of each existing building in square feet:

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3. Footprint of each existing building in square feet:

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## C. Proposed use

1. Proposed use(s) of property (please be specific)

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2. Does the proposal include new construction? Yes \_\_\_\_\_ No \_\_\_\_\_

## 3. RIGHT, TITLE, OR INTEREST

- A. Attach as **EXHIBIT #1** evidence of corporate or partnership status, if applicant is not an individual. For corporations, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered to do business in the State of Maine and is in good standing. For limited partnerships, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered in the State of Maine. For other partnerships, the evidence shall be a certificate from the municipal clerk that the applicant is a registered mercantile partnership in that municipality or a copy of the partnership agreement.

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- B. Attach as **EXHIBIT #2** evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- C. Attach as **EXHIBIT #3** a copy of the current owner's existing deed for the property

## 4. CONSISTENCY WITH COMPREHENSIVE PLAN

- A. A zoning text amendment must be pursuant to and consistent with the City's existing Comprehensive Plan. What section(s) of the Comprehensive Plan support the requested zoning text amendment?

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If your proposal is not supported by the Comprehensive Plan, please consult with the Department of Planning and Development.

- A. If your proposal does not include new construction, please submit a Mortgage Loan Inspection survey of the property proposed to be rezoned.

## 5. LIST OF PROPERTIES WITHIN THE ZONE

- A. Attach as **EXHIBIT #4** an accurate, current list of the Tax Assessor's map(s) and lot numbers of all properties located within the zone for which the text amendment is proposed. Please consult with the Department of Planning and Development regarding the extent of the required information for your particular project..

## ZONING TEXT AMENDMENT APPLICATION INFORMATION

Please keep the following pages 5 thru 12 for your records

### Planning Board Zoning Text Amendment Review Process and Procedures

In applying for a **Zoning Text Amendment**, the applicant is encouraged to follow the process described below.

1. Prior to submitting an application and the start of the review process, a pre-application conference **is required**. The conference is initiated by the applicant and is scheduled with the applicant and a member of the planning staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you need approval of the zoning text amendment or must begin your project. Zoning text amendments must be reviewed by both the Planning Board and the City Council, and receive approval from the City Council. The review process, from initial date of submission to being placed on a Planning Board agenda, typically takes a minimum of four to six weeks. Review and action at the City Council level typically takes a minimum of three weeks. Special circumstances of your specific proposal may result in a longer time for review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The proposal must also comply with Planning Board Regulations and all applicable City ordinances. The following sections of the Code of Ordinances may apply to your proposal (this list is a guide and is not exclusive):

- \* Zoning changes and amendments (Chapter 27, Article I, Sec. 27-115)
- \* Standards in individual zoning districts, Areas of Special Flood Hazard, Shoreland Area; Site Plan and General Performance standards (if construction is proposed)
- \* Parking and buffering (Chapter 27-1556)
- \* Landscaping (Chapter 24, Article V, Section 24-42)
- \* Establishment of fire lanes (Chapter 23, Article III)
- \* Road and sewer standards (Chapter 24)
- \* Stormwater Management (Chapter 27, Article XIX, Section 27-1536)

The Zoning Ordinance (Chapter 27) may be purchased from the City Clerk or refer to [www.southportland.org](http://www.southportland.org). Tax maps are also available on-line. The Planning Board Regulations may be obtained from the Department of Planning and Development and on-line at the Department of Planning and Development web page.

4. Submit one complete Application Form. Please note that some application items request submission of more than one copy initially. When your application is tentatively scheduled for a Planning Board agenda, the Department of Planning and Development will notify you.

At least seven (7) days before the Planning Board hearing date, if necessary, you must provide seven (7) additional copies of the final Application Form, including the cover page, application items 1-5, with Exhibits 1-4, and supporting documents, with any revised or additional documents.

## INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review(see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

1. Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The project must also comply with Planning Board Regulations and all applicable City ordinances.

## **ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS**

The Planning Board adopts the following administrative procedures for Planning Board meetings.

- 1) The following actions are required of applicants and Planning Department staff. If there is any conflict with a provision in the Zoning Ordinance, the Zoning Ordinance provision shall prevail.
  - a) Pre-Application Meeting: A pre-application meeting is required for all applications needing Planning Board approval. At a minimum the meeting must include the Code Enforcement Officer and a Planner. Pre-application meetings will be scheduled in the order they are received. The applicant must bring to the meeting all required application exhibits and submission materials, completed to at least the 75% level, including evidence of right, title, and interest in the subject property and, for projects involving construction, engineering plans.
    1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
  - b) Application Submission and Processing: Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
    1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
    2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.

3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
  4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
  - 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
  - 4) No new agenda items will begin after 11:00 p.m.
  - 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
  - 6) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
  - 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.

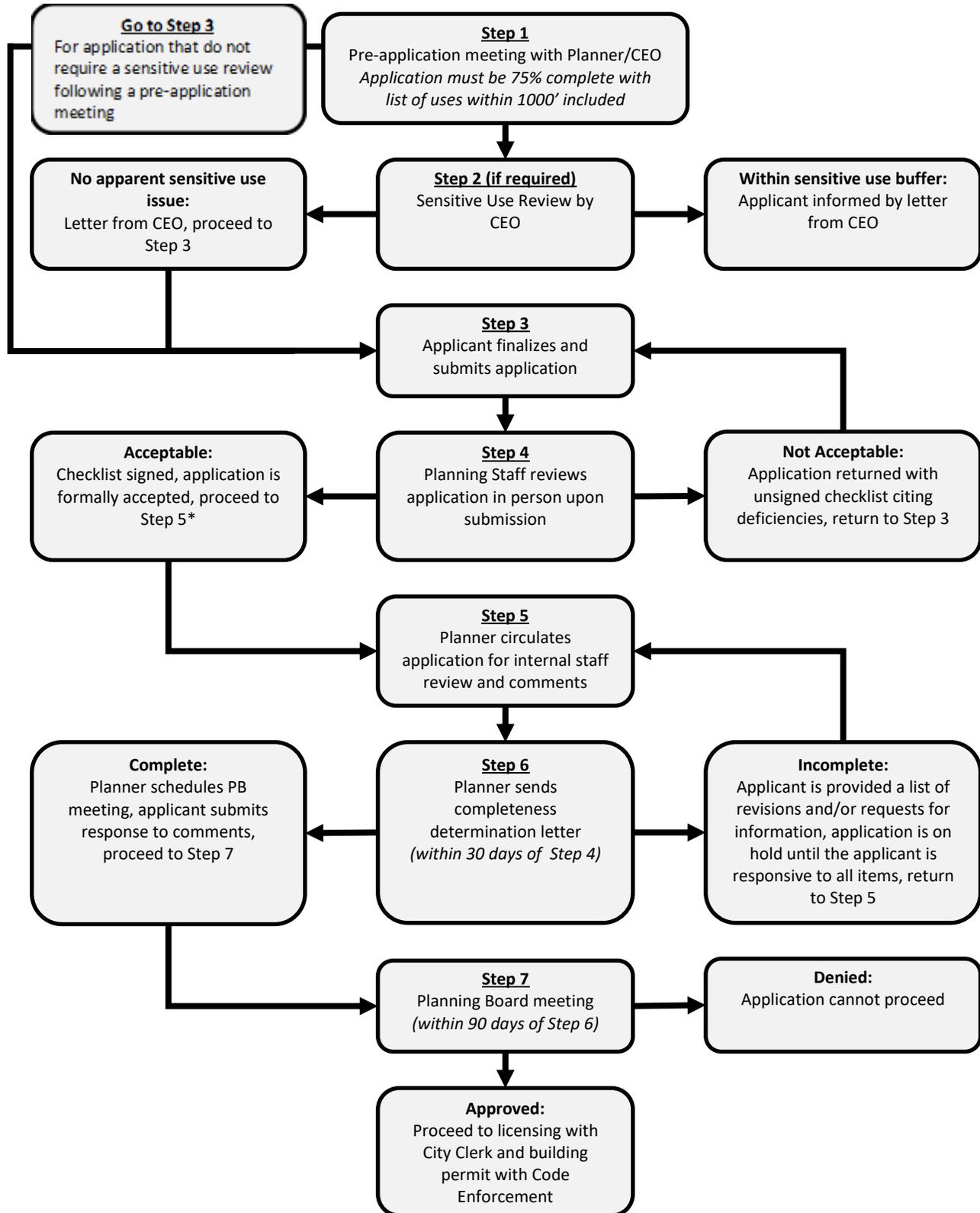
- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a “consent calendar” at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk’s office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

If there is an error in the ad placed in the newspaper, for any reason, it is the applicant’s responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

**Public Notice Instructions:**

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500’ of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500’ of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor’s Office or the GIS Web Viewer on the City website, [www.southportland.org](http://www.southportland.org)**

Please call 207-767-7648 or 767-7633, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.



**New Application Applicable For Submission Checklist**

APPLICANT INFORMATION		
Applicant or agent name/ Company name:		
Project Address:		
Telephone number:		
Email address:		
Administrator Signature:	<b>Fee Total:</b> _____	<b>For Office Use:</b> Date and Time stamp:
Date:	<b>Application:</b> _____	
	<b>Escrows:</b> _____	
Applicant or agent:	<b>Eng.:</b> _____	
	<b>Legal.:</b> _____	
Date:	<b>Arch.:</b> _____	
	<b>PN:</b> _____	

CHECKLIST		
<input type="checkbox"/>	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
<input type="checkbox"/>	Date of the Pre-application meeting w/Community Planner and CEO:	
<input type="checkbox"/>	Signed application form (in BLUE Ink)	
<input type="checkbox"/>	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
<input type="checkbox"/>	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
<input type="checkbox"/>	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
<input type="checkbox"/>	Four(4) bound and folded plan sets not larger than 24" x 36"	
<input type="checkbox"/>	Electronic files of application and plan sets	
<b>FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY)</b>		
<input type="checkbox"/>	300' and 1000' Buffer Analysis from sensitive uses — verified by the Code Enforcement Officer.	
<input type="checkbox"/>	300' Buffer Analysis another Marijuana stores or dispensaries — verified by the Code Enforcement Officer.	
	<i><b>Disclaimer:</b> In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.</i>	

ACCEPTABLE FOR SUBMISSION

NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)