

SOUTH PORTLAND CITY COUNCIL

POSITION PAPER OF THE CITY CLERK

SUBJECT:

ORDINANCE #17-13/14 – Amending Chapter 27, “Zoning,” regarding district representation for Board of Appeals members. First reading. Passage requires majority vote.

POSITION:

As outlined in the previous Position Paper, Ordinance #17-13/14 is being brought forward to eliminate the voting district residency requirement for the Board of Appeals.

The amendment to Chapter 27 has been separated out because it must be referred to the Planning Board for a public hearing prior to adoption. In addition, final passage of this ordinance will also require five affirmative Council votes.

REQUESTED ACTION:

Council passage of first reading; referral of the ordinance to the Planning Board so it can conduct its public hearing; and set June 16, 2014 as the date for the City Council’s public hearing and action on the ordinance.


CITY CLERK



CITY OF SOUTH PORTLAND

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City Manager

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City Clerk

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District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

IN CITY COUNCIL

ORDINANCE #17-13/14

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended as follows (additions are underlined; deletions are ~~struck out~~):

Chapter 27

ZONING

ARTICLE I. Administrative Provisions

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BOARD OF APPEALS

Sec. 27-151. Appointment and composition.

There shall be a Board of Appeals of **seven** (7) members, all of whom shall be residents of the City of South Portland. The members of the board shall be appointed by the City Council of the City of South Portland, ~~who shall appoint one member from each of the five (5) voting districts of the city and two (2) members at large. There shall be no more than three (3) members from any one voting district.~~

Terms of members shall be for three (3) years, except that initial appointments after the date of this amendment shall be such that the terms of office of no more than three (3) members shall expire in any single year. Vacancies shall be governed by Sec. 2-121 of the Code of Ordinances (hereinafter "the Code"). The members of the Board shall annually elect one of its members Chairman to preside at all meetings of the Board. The members of the Board shall annually appoint a secretary who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals. All minutes of the Board shall be public records. A quorum shall consist of four

(4) members. Municipal Officers and their spouses are hereby disqualified from and shall not be appointed to membership on the Board of Appeals. A member of the Board may be dismissed for cause by the Municipal Officers before the expiration of his term. In addition to zoning matters under this Chapter, the Board of Appeals shall have the authority to hear such other cases as provided for under Sec. 2-96 of Chapter 2.

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Fiscal Note: Less than \$1,000

Dated: May 5, 2014