



GARDINER CITY COUNCIL AGENDA ITEM INFORMATION SHEET



Meeting Date		Department	
Agenda Item			
Est. Cost			

Background Information

Requested Action	
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

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

CITY OF GARDINER CODE

CHAPTER 13 Quarrying Ordinance

SECTION

13.10.1 Purpose

13.10.2 Applicability

13.10.3 Permit Required

13.10.4 Standards and Requirements

13.10.5 Definitions

Section 13.10.1 Purpose

The purpose of this chapter is to protect the public's health, safety, and general welfare by assuring that City staff and officials, property owners in the vicinity of the Quarry site, and the general public are aware of blasting operations within the Quarry, without causing undue financial and administrative hardship to Quarry operators and to minimize-local disturbances due to noise and other activities on site.

Section 13.10.2 Applicability

This chapter shall apply to all temporary and long-term activities within the City which fit the definition of Quarrying as contained in this ordinance.

Section 13.10.3 Permit Required

13.9.3.1 Blasting Permit required: When blasting occurs at a quarry site, a Blasting Permit must be obtained every 12 months. The process for abutter and public notification is found in the Blasting Ordinance must be followed. In addition to the normal public notification process found in the Blasting Ordinance, the public shall be given the option to be placed on a recurring notification list.

Section 13.9.4 Standards and requirements

All Quarrying activities shall be conducted in accordance with the following standards and requirements:

13.9.4.1 Noise All loud processes such as rock crushing, hammering, or the use of other machinery producing more than 100 decibels at a distance of 100 feet, may only be performed between the hours of 8:00 am and 5:00pm Monday through Friday.

13.9.4.2 Recurring Notification list: A Recurring Notification list must be maintained by the blasting company or quarry owner. This list must offer either an email, phone call, or text message not more than 24 hours prior to each blast. This message must give an estimated time of the blast accurate to at least a 2-hour window.

13.9.5 Definitions

Quarrying: The extraction or processing of in situ rock repetitively from a single site using heavy machinery or blasting which lasts for a period of more than 60 days in any one-year period.

Recurring Notification list: A list of property owners or residents who wish to be notified prior to each blast set off in the quarry. The list may consist of phone numbers, email addresses or numbers for a text to be sent to.

USE CHART:

Quarries Allowed with review (P) as a Land Use in the Rural Zone only.

Temporary Quarrying activity would not constitute a Land Use, but the Ordinance would still apply.

Essential Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Flea Markets	N	N	N	C	N	N	N	C	N	C	N	N	N	N	C	N
Piers & Docks Permanent	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Piers & Docks Temporary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Facility less than 1,000 sq. Ft.	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Facility 1,000 sq. ft. or more	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P
Quarrying ¹⁸	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Signs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Activities if licensed by the city	C	C	C	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uses and structures similar to uses and structures requiring C Review	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Uses and structures similar to uses and structures permitted with review (P)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

See Notes at end of Section 7.6 charts.

NOTES:

- 1. Only for residential uses in existence as of April 1, 2016.**
- 2. Only as part of a mixed-use development.**

- 3. Only on a lot of record as of April 1, 2016.**
- 4. Only in single and two-family dwellings existing as of April 1, 2016.**
- 5. Only as a replacement of a modular/mobile less than twenty (20) feet wide existing as of April 1, 2016.**
- 6. Limited to a maximum of ten thousand (10,000) square feet of floor area per use.**
- 7. All operations and storage of equipment and material must occur within a building or a fully enclosed storage area.**
- 8. Only in a building in existence on April 1, 2016.**
- 9. Only on lots that have frontage on Brunswick Avenue.**
- 10. Only in a mixed-use building that is part of a residential subdivision developed using the alternative development standards of Section 7.8.12.**
- 11. Only on lots that have frontage on Brunswick Avenue, Church Street, Highland Avenue, or Water Street.**
- 12. The regulation of Timber Harvesting where permitted is administered by the State Forestry Bureau**
- 13. An applicant that has received a conditional license from the State of Maine for a cannabis establishment may apply for City approval of that category of establishment. Any approval based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals and permits are void.**
- 14. A Cannabis Products Manufacturing Facility in the Intown Commercial District is only allowed if conducted within a commercial kitchen setting of less than four thousand (4,000) square feet and not using any "inherently hazardous substances" as defined by Title 285B Section 102(20) M.R.S. Chapter 558-C.**
- 15. Cannabis establishments may be prohibited in some areas where they are otherwise allowed due to restrictions relating to the prior use of federal funding by the City. Consult with the Code Enforcement Officer to determine if this use is allowed at a particular location.**
- 16. The manufacturing of cannabis products that does not involve the use of inherently hazardous substances is allowed as an accessory use for a licensed cannabis cultivation facility.**
- 17. The Density Bonus is allowed in the annotated districts only if the project is connected to the municipal water supply (Gardiner Water District) and Gardiner's municipal sewer system (pumping and treatment, a special district, or equivalent centralized septic system).**
- 18. Temporary Quarrying activity would not constitute a Land Use, but the Ordinance would still apply.**