

SECTION 1 GENERAL PROVISIONS

1.1 Short Title

This Ordinance shall be known and cited as the “Land Use Ordinance of the City of Gardiner Maine”, and will be referred to herein as this “Ordinance”.

1.2 Statutory Authority

This Ordinance is enacted pursuant to Home Rule Authority granted in 30-A M.R.S.A. Section 3001 and Section 4352 and Article VIII, Part 2, of the Maine Constitution.

1.3 Purpose

1.3.1 To protect the public health and safety, environmental quality and economic well-being of the city while allowing a maximum diversity of uses by controlling building site, placement of structures and land uses, and by imposing minimum controls on those uses which, by virtue of their external effects, could otherwise create nuisances or unsafe or unhealthy conditions.

1.3.2 To provide for residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.

1.3.3 To provide for a variety of commercial and industrial uses in locations suited to the economical provision of essential community services and utilities and to avoid blight, congestion and inconvenience.

1.3.4 To prevent and control environmental pollution, to protect water quality, spawning grounds and wildlife habitat and to conserve shore cover and visual, as well as points of access to ponds, streams and rivers.

1.3.5 This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon, or injure the property of another.

1.3.6 This Ordinance does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.4 Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the City of Gardiner shall be in conformity with the provisions of this Ordinance. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements of **7.7 Dimensional Requirements**. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water area is located.

1.5 Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

1.6 Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.7 Conflict with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, building or structures, the provisions of the Ordinance shall control.

1.8 Amendment

1.8.1 Amendments may be proposed by any individual or group, by the Ordinance Review Committee, Planning Board, the City Council, by any landowner or his authorized agent or by a person having a written agreement to purchase the property. Amendment proposals shall be placed on the City Council agenda within 90 days for prioritization.

1.8.2 After drafting by the Ordinance Review Committee and before public hearing by the City Council, any proposed amendment or change shall be submitted to the Planning Board for public hearing and recommendations to the City Council; public notice of such hearing shall be given by publication in a newspaper of general circulation within the City at least 7-14 days prior to the date thereof. Advertising costs shall be borne by the initiating party at the Planning Board and City Council public hearings.

1.8.3 Amendments to the text or the Zoning Map shall be consistent with the adopted Comprehensive Plan and shall be consistent with the purpose of this section as stated in paragraph 1.3.

1.8.4 The Ordinance may be amended as follows:

1.8.4.1 By a majority vote of the City Council.

1.9 Repetitive Petitions

No proposed change in this Ordinance which has been unfavorably acted upon by the City Council shall be considered on its merits by the City Council until a new council is seated.

1.10 Effective Date

The effective date of this Ordinance is May 21, 2010.

1.10.1 Repeal of Municipal Timber Harvesting Regulation

The municipal regulation of timber harvesting activities is repealed on (August 19, 2015) and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection, at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in all Shoreland Zoning Districts.*(Adopted August 29, 2015/Effective September 19, 2015) (The Commissioner of the Department of Environmental Protection approves this ordinance as amended Aug 19, 2015 - dated at Augusta, ME Oct 20, 2015)*

1.11 Review of Ordinances

This Ordinance shall be reviewed by an Ordinance Review Committee to be established each January. The Ordinance Review Committee shall consist of at least two and no more than three members of the Planning Board, at least two and no more than three members of the Board of Appeals and at least two members from the general public, to be appointed by the mayor, with the advice and consent of the City Council. The Code Enforcement Officer shall also be a member of the Committee. The mayor shall appoint the Chairperson of the Committee.