



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	02/01/2017	Department	Planning/Economic Dev
Agenda Item	Public Hearing and First Read of Amendments to Land Use Ordinance		
Est. Cost	None		

Background Information	<p>Previously, the City Council requested a review and prioritization of work for the Ordinance Review Committee (ORC). Based on that request the ORC and Planning Board recommends the following:</p> <ol style="list-style-type: none"> 1.) Amend Gardiner's Land Use Table, Section 1.8 Amendment; and 2.) Amend Gardiner's Land Use Table, Section 1.11 Review of Ordinances.
-------------------------------	---

Requested Action	"I move to send the proposed amendments to a second reading on February 15, 2017."
City Manager and/or Finance Review	Manager recommends above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading <u>02/01/2017</u>	Advertised <u>01/25/2017</u>	EFFECTIVE DATE _____
	2 nd Reading <u>02/15/2017</u>	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

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. 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 ~~1.8.1~~ Amendments may be proposed by any individual or group, ~~and shall be sponsored by at least one member of the City Council or the mayor, except as noted in subsection 1.11.~~ 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~~ Proposals shall be submitted to the Planning Board for review 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 ~~1.8.2~~ The Ordinance may be amended as follows:

1.8.4.1 ~~1.8.2.1~~ 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 (Council Date) 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. ~~Any proposed amendments shall be submitted directly to the Planning Board for review and shall not require the sponsorship of a member of the Council or the Mayor.~~



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

PLANNING BOARD

The following proposed changes to Gardiner's Land Use Ordinance relative to Section 1, General Provisions were voted on and approved by a 6-0-0 vote at the December 13, 2016 meeting of the Planning Board. The recommended changes are being forwarded to the City Council for review and adoption. See attached for Ordinance sections showing amendments.

- 1) **Amend Section 1.8 Amendment; and**
- 2.) **Amend Section 1.11 Review of Ordinances**

Signed and dated this 4th Day of January, 2017

Debby L. Willis

Debby L. Willis, Chairperson
Planning Board
City of Gardiner, Maine

DLW/dnm



CITY OF GARDINER

PLANNING BOARD

Planning Board Meeting Minutes Tuesday, December 13, 2016 @ 6:00 PM

Members Present: Chair, Debby Willis Pam Mitchel Diane Morabito
Ron Condon Joel Alexander Zachary Hanley

Also Present: Barbara Skelton Code Enforcement Officer (CEO)/Assistant Planner
Robin Plourde, City Staff
Shawn Dolley

- 1.) **Call the Meeting to Order**
Chair Willis called the meeting to order and welcomed everyone.
- 2.) **Roll Call**
- 3.) **Review of Meeting Minutes of September 13, 2016,**
Pam Mitchel moved to approve the September 13, 2016 meeting minutes. Ron Condon seconded the motion.
Vote: 6 in favor. 0 opposed. Motion passed.

New Business

- 4.) **Public Hearing – Revision to an Approved Subdivision Plan Review**
Debra Stone, Owner Val Bolduc, Applicant is seeking approval to dissolve a previously approved subdivision named Stonie Acres, (Approved February 13, 2007, Filed March 22, 2007 Kennebec, ss Registry of Deeds, Book 2007 Page 0046). The properties located on Tax Map 010, Lots 012B 1 – 5 on Christine’s Way off from Costello Rd are in the Rural (R) Zoning District.

Public Hearing- Revision to an Approved Subdivision Plan Review. Tabled until January 2017.

5.) **Public Hearing –Proposed Land Use Ordinance Amendment**
The City of Gardiner, Ordinance Review has proposed changes to Section 1 of Gardiner’s Land Use Ordinance, Section 1.8 Amendment; and 1.11 Review of Ordinances.

Pam Mitchel: Can we make 1.8.1 Gender neutral? To Read: “by any landowner or an authorized agent.... Also can we combine 1.8.4 and 1.8.4.1? Board members unanimously agree. Chair Willis opened the Public Hearing for the Amendments to the Land Use Ordinance. No public comment and have received no calls regarding this. Chair Willis closes public hearing.

Pam Mitchel makes a motion to recommend passage of changes made tonight, 2nd by Diane Morabito. Motion passed by unanimous vote.

6.) **Shawn Dolley has requested a Sketch Plan Review by the Planning Board of his proposal to add guest rooms to his existing bed & breakfast, a roof-top deck and relocating 2 existing apartments at property at 17 Lincoln Av. The property identified as City Map 034 Lot 255 is in the High Density Residential (HDR) Zoning District.**

Pam asked is the roof Pitched. Shawn said yes, it is.

Ron asked if the owner apartment is on 2nd and 3rd floor too - 2 stories? Shawn said yes.

Diane asked if he is adding parking? Shawn said may be able to decrease parking spots.

Debby asked if there have been any parking issues? Shawn said not at all.

Pam said the parking needs to increase.

Ron asked why does jurisdiction go from the city to the state?

Barb Skelton (CEO) said we have to be State Certified 101 and our current fire chief does not have that.

Shawn said the construction would start in 12-18 months.

Other

CEO Skelton said next week we be looking at sign ordinance changes.

Ron said he is tired of what are considered temporary signs and they stay forever. CEO Skelton said certain signs have grandfathered rights. Some are very important to retailers. If they are obstructing traffic it can either be reported to the police or go to the retailer itself.

Chair Willis noted that we have a new member to the Ordinance Review Committee & Planning Board - Lester Young. He has a lot of experience and will be at the January meeting.

7.) ADJOURN

Pam Mitchel makes a motion to adjourn, 2nd by Zach Hanley. Motion passed by unanimous vote.

Adjourn 7:15



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

ORDINANCE REVIEW COMMITTEE

The following proposed changes to Section 1 of Gardiner's Land Use Ordinance relative to General Provisions were voted on and approved by a 6-0-0 vote at the September 26, 2016 meeting of the Ordinance Review Committee. The recommended changes are being forwarded to the Planning Board for review and recommendation to the City Council. See attached for Ordinance sections showing amendments.

- 1) **Amend Gardiner's Land Use Table, Section 1.8 Amendment ; and**
- 2.) **Amend Gardiner's Land Use Ordinance, Section 1.11 Review of Ordinances**

Signed and dated this 7th Day of November, 2016

Debby L. Willis

Debby L. Willis, Chairperson
Ordinance Review Committee
City of Gardiner, Maine

DLW/dnm

Ordinance Review Committee

Monday September 26, 2016 @ 3:00 pm

Meeting Notes

Members Present: Chair: Deb Willis, John Burgess, Joel Alexander, Pat Hart,
Christine Szigeti-Johnson, CEO/Assistant Planner : Barbara Skelton

Members Absent: Jonathan Stonier, Clare Marron

Also Present: Robin Plourde, Staff for Ordinance Review Committee
Mark Eyerman, Planner

- 1.) Welcome
Chair Willis opened the meeting and welcomed everyone.
- 2.) Roll Call
- 3.) Consideration of meeting notes of September 12, 2016
Item number 5 on Sept. 12 agenda not discussed.
John Burgess moved to accept the meeting notes as distributed. Joel Alexander seconded the motion.
Vote: 6 in favor. 0 opposed. Motion passed.

Member Pat Hart would like to discuss a few items brought to the attention of City Council:
The Economic Development Director (Patrick Wright) asked that the following be addressed.

1. Sign Ordinance : a business on outer Brunswick Ave. wants a Reader Board Sign
2. Where can medical marijuana be grown?

Council sent back to the Ordinance Review Committee to come up with a Good Process to follow.

Mark Eyerman advises the group to set priorities and stick to them.
Chair Deb Willis said we want to focus on the Comprehensive Plan and look at the Sign Ordinance sooner than later.
All other committee members present agree.

- 4.) Review of the amendment package for outer Brunswick Ave.
Planner Mark Eyerman: started last February, added all changes including matrix table form.
Member Joel Alexander asks: What happens if a property line is between 2 different zones?
Mark: I will research and get back to the committee.

3:40pm EDD Patrick Wright Enters the meeting.

Chair Willis thanks Planner Mark Eyerman and the Committee for all the hard work that has been done.

Member Joel Alexander makes a motion to send the Section One Amendments to the planning Board for review and recommendation to the City Council. 2nd by John Burgess, Vote: 6 in favor 0: opposed. Motion passed.

5.) Assignment from Mark, Think about the CB & Historic Districts standards, and merging them together for 1 plan.

Patrick Wright (Econ Dev. Director) said that he agrees with Mark about combining both the CB/Historic Districts.

- 1.) Some of the language is vague. Residential not on first floors.
- 2.) Rebuilding in the Historic District. Maybe do something modern beside an historic building.
- 3.) Downtown Fringe: Lot Coverage- proactively think about what we want to see there and transitions in neighborhoods.

Mark Eyerman: what kinds of developments do you push for.

Meeting adjourned: 4:45