

## DRAFT GRAVEL PROCESSING AND BULK STORAGE ORDINANCE

### 1. Zoning Ordinance §602, Schedule of district regulations - uses and districts:

Add new Principal Use under Manufacturing:

Gravel Processing, with or without Outdoor Storage of Bulk Materials. Permitted by Special Use Permit in Industrial Districts (LI<sup>1</sup> & LI<sup>2</sup>); prohibited in all other Districts.

Add new Principal Use under Wholesale Commercial:

Wholesale distribution establishments (no retail sales), with Outdoor Storage of Bulk Materials. Permitted by Special Use Permit only in GB, LB, LI<sup>1</sup> & LI<sup>2</sup> Districts; prohibited in all other Districts.

Add new Principal Use under Retail Commercial:

General merchandise retailing activities with Outdoor Storage of Bulk Materials. Permitted by Special Use Permit only in GB, LB, LI<sup>1</sup> & LI<sup>2</sup> Districts; prohibited in all other Districts.

Under Extractive and Industrial Non-Manufacturing, amend “Construction general contractors, including storage of materials” to read as follows:

Construction general contractors, including storage of materials and equipment, but excluding outdoor storage of bulk materials.

Add new Principal Use under Extractive and Industrial Non-Manufacturing:

Construction general contractors, including storage of materials and equipment, including outdoor storage of bulk materials. Permitted by Special Use Permit only in GB, LB, LI<sup>1</sup> & LI<sup>2</sup> Districts; prohibited in all other Districts.

Under Extractive and Industrial Non-Manufacturing, amend “Miscellaneous special trade contractors, including outdoor storage” to read as follows:

Miscellaneous special trade contractors, with outdoor storage, but excluding outdoor storage of bulk materials.

Add new Principal Use under Extractive and Industrial Non-Manufacturing:

Miscellaneous special trade contractors, with outdoor storage, including outdoor storage of bulk materials. Permitted by Special Use Permit only in GB, LB, LI<sup>1</sup> & LI<sup>2</sup> Districts; prohibited in all other Districts.

2. Zoning Ordinance Section §400, Definitions:

Add the following definitions:

***Bulk Materials*** means unpackaged inorganic or organic solid matter capable of releasing visible fugitive dust, including sand, gravel, stone, soil, aggregate, seashells, wood chips, mulch, reclaimed concrete, asphalt or road materials, or other like material.

***Outdoor Storage of Bulk Materials.*** Open storage of bulk materials with a height of three feet or more and a total surface area of three hundred (300) or more square feet for more than 24 hours; excluding the temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit.

***Gravel Processing*** shall mean any the processing of more than ten (10) cubic yards per day of soil, loam, sand, gravel, stone, clay, shale or other earth material and which utilizes primary mechanical equipment used for processing, screening, or washing of gravel or earth materials. Gravel Processing shall include, without limitation, the reprocessing of concrete, asphalt, road materials and other reclaimed or previously processed materials in order to use or re-use such materials. Gravel Processing does not include the manufacturing or chemical processing of materials into finished goods.

3. Zoning Ordinance, Article 27, Commercial and Industrial Performance Standards:

Add the following section:

**§ 2730 Gravel Processing and Outdoor Storage of Bulk Materials.**

The purpose of this section is to establish standards for gravel processing and the outdoor storage of bulk materials within the Town of Middletown, to protect and preserve the Town's valuable natural resources, groundwater and environment, and to protect abutting property owners from unreasonable noise, dust and other adverse impacts of such operations, and to protect and promote the public health, safety and general welfare.

(a) *Gravel Processing:* Gravel Processing as defined in § 400 of this Chapter, with or without outdoor storage of bulk materials, shall be permitted by Special Use Permit in Industrial and Traffic Sensitive Industrial Districts, but shall be prohibited in all other Zoning Districts. All Gravel Processing operations shall comply with the provisions of this Section.

(b) *Outdoor Storage of Bulk Materials:* Outdoor Storage of Bulk Materials as defined in § 400 of this Chapter, shall be permitted only as an accessory use to the primary uses specified in §

602 of this Chapter, and only upon issuance of a Special Use Permit by the Zoning Board of Review.

(c) *Hours of Operation:* Gravel Processing and Outdoor Bulk Storage operations shall not take place outside the hours of 7:00 a.m. to 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday. No Gravel Processing or Outdoor Bulk Storage operations shall be allowed on Sundays or legal holidays.

(d) *Noise:* Gravel Processing and Outdoor Bulk Storage operations shall comply at all times with the provisions of the Town's Noise Ordinance set forth in Chapter 130 of the Town Code, and provided further, that Gravel Processing and Outdoor Bulk Storage operations shall not be considered to constitute "permitted construction and demolition activities under § 130.78 (H) of the Town Code.

(e) *Setback Requirements:* Gravel Processing operations and Outdoor Storage of Bulk Materials shall comply with and shall not extend into the following setbacks:

(1) *Front Setback:* forty (40') feet.

(2) *Side Setback:* twenty (20') feet.

(3) *Rear Setback:* thirty (30') feet

(f) *Height Requirements:* Outdoor storage piles of Bulk Materials shall not exceed twenty (20') feet in height, measured as the vertical distance from grade immediately adjacent to an outdoor storage pile of Bulk Materials to the highest point of that pile.

(g) *Screening Requirements:* Where permitted, gravel processing operations and outdoor bulk storage areas shall be screened from adjacent public ways, residential districts or residential use by a landscaped buffer strip of not less than twenty (20') feet in width containing a double row of compact evergreen vegetative screening not less than six (6") feet in height, which shall be erected and maintained between such area and the adjoining residential district or use.

(h) *Dust Control:* The owner and operator of any property containing gravel processing operations and/or outdoor storage of bulk materials shall take adequate precautions to prevent dust or other airborne particulate matter from traveling beyond the property line, including without limitation, the use of water sprays or such alternative methods approved by the Rhode Island Department of Environmental Management.

(i) *Drainage and Sediment Control:* The owner and operator of any property containing gravel processing operations and/or outdoor storage of bulk materials shall take adequate steps to prevent the permanent collection and stagnation of surface or underground waters, and to prevent the flooding and erosion of surrounding property and the pollution of ponds and streams, and shall comply with all applicable provisions of Chapters 151 and 153 of the Town Code.