

## **SECTION 10 SPECIAL ACTIVITY PERFORMANCE STANDARDS** **(Amended May 18, 2022 /Effective June 17, 2022)**

### **10.1 Campgrounds**

#### **10.1.1 Applicability**

The following standards shall apply to campgrounds in all districts except the Shoreland and Resource Protection Districts, where they shall conform to the applicable standards contained in the Shoreland Zoning Section of this Ordinance.

#### **10.1.2 Campground Standards**

**10.1.2.1** Campgrounds shall conform to the state regulations imposed under state licensing requirements.

**10.1.2.2** Recreational vehicle and tenting sites containing approved, water-carried sewage facilities shall contain a minimum of 5,000 square feet per site, not including roads and driveways.

**10.1.2.3** Recreational vehicle and tenting sites without water-carried sewage facilities shall contain a minimum of 10,000 square feet per site, not including roads and driveways. A minimum of two privies, one for each sex, shall be provided for every four campsites and be within 75 feet of each site.

**10.1.2.4** Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in land area per site.

**10.1.2.5** A minimum of 200 square feet of off-street parking shall be provided for each site.

**10.1.2.6** Each site shall be provided with a stationary trash receptacle and stationary fireplace or fire pit.

**10.1.2.7** The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of 100 feet from the perimeter of the lot lines of the campground and the normal high-water line of a water body or upland edge of a wetland.

#### **10.1.3 Individual Private Campsites**

Individual private campsites not associated with a campground shall meet the following standards.

**10.1.3.1** The lot shall meet the lot size requirements for the district in which it is located unless it is a legally nonconforming lot of record. However, in no case shall a campsite be located on a parcel of land with less than 20,000 square feet of land area.

**10.1.3.2** Recreational vehicles, tents or other temporary structures shall not be located on any type of permanent foundation except for a gravel pad and no structures except canopies shall be attached to the recreational vehicle.

**10.1.3.3** The recreational vehicle, tent or other temporary structure shall not remain on a campsite for a period longer than 120 days per year.

**10.1.3.4** Any recreational vehicle, tent or other temporary structure which remains on a campsite for a period longer than 120 days per year shall meet all the provisions of this Ordinance for a permanent residential dwelling.

**10.1.3.5** A sewage disposal plan shall be submitted to the Code Enforcement Officer for review and approval.

## **10.2 Home Occupations and Accessory Business Uses**

### **10.2.1 Applicability**

A home occupation or an accessory business use may be allowed in a residential dwelling if the use is allowed in the zoning district and does not change the essential overall residential character of the dwelling and the neighborhood in which it is located. The home occupation or accessory business use shall be incidental and secondary to the use of the dwelling as a residence. A home occupation or accessory business use may be any occupation or profession which can be carried on within the home and meet the requirements of this Ordinance.

### **10.2.2 Home Occupation and Accessory Business Use Standards**

In order to protect the residential and/or rural character of the City of Gardiner, home occupations and accessory business uses shall meet the following requirements:

**10.2.2.1** The nonresidential activity shall be carried on wholly within the principal building or within a building or other structure accessory to it.

**10.2.2.2** The total area used for the nonresidential activity shall not exceed 50% of the square footage of the principal dwelling.

**10.2.2.3** The owner of a property used as a home occupation must live on the property and be the owner/operator of the nonresidential activity.. A home occupation permit shall be granted to an applicant for his/her sole use as long as the applicant permanently resides in the dwelling and shall not be transferable to another property owner or tenant.

**10.2.2.4** The owner of the property used as an accessory business use must either live on the property or be the owner/operator of the nonresidential activity. A permit for an accessory business use shall be valid only as long as the property owner permanently resides in the dwelling or operates the nonresidential activity.

**10.2.2.5** The number of people who work in the nonresidential activity shall be limited in accordance with the following:

**10.2.2.5.1** No more than two persons outside the immediate family of the property owner shall work on the premises at one time in the home occupation.

**10.2.2.5.2** No more than two persons outside the immediate family of the owner or operator of the nonresidential activity shall work on the premises at one time in the accessory business use.

**10.2.2.6** The nonresidential activity shall not create greater traffic than normal for the area in which it is located or generate no more than 20-one-way vehicle trips per day.

**10.2.2.7** There shall be no exterior display of goods or materials. There shall be no exterior storage of goods or materials or any other exterior indications of the nonresidential activity or variation from the residential character of the property.

**10.2.2.8** No nuisance, waste discharge not otherwise permitted, offensive noise, vibration, smoke, dust, odor, heat, glare or radiation shall be generated.

**10.2.2.9** There shall be no change in the residential appearance of the property.

**10.2.2.10** The on-site sale of products shall be limited to an area not to exceed 500 square feet in area.

**10.2.2.11** Any parking area for customers shall be off the street, and no parking shall be allowed in the front yard.

**10.2.2.12** The following uses are prohibited as home occupations or accessory business uses: veterinary services, welding machine shops using industrial or heavy machinery, auto body repair, auto/truck/recreational vehicle service or repair and the repair of marine craft engines.

**10.2.3** Home Occupation uses or accessory business uses which include building trades or similar fields that involve work or services performed away from the home are allowed under these conditions:

**10.2.3.1** The property shall be used primarily as an office.

**10.2.3.2** More than two non-family persons working in the business shall be allowed, provided they work exclusively away from the premises.

**10.2.3.3** The premises shall not be used to store or park any vehicle or equipment for employee's persons who work off the premises. (Adopted 06/18/2014, Effective 07/18/2014)

#### **10.2.4 Minor Home Occupations**

Certain home uses, because of their nature and scope, have a low impact on the residential nature of the dwelling and neighborhood. Such home occupation uses include but are not limited to artist, author, home crafts for off-site sale, office/typing, office tutoring, and off-site direct sales of goods and services and consulting.

**10.2.4.1** These home occupations shall be allowed without a permit provided they meet the following conditions:

**10.2.4.1.1** No more than one room of the dwelling or accessory structure shall be used exclusively for the home occupation.

**10.2.4.1.2** There shall be no advertising, display, or other indications of a home occupation on the premises.

**10.2.4.1.3** The home occupation shall not include any on-site sale of goods.

**10.2.4.1.4** No traffic shall be generated which is not otherwise normal for a residence.

**10.2.4.1.5** No deliveries shall be made other than package carrier services.

**10.2.4.1.6** Only family members permanently residing on the premises shall work in the home occupation.

### **10.3 Standards for Agricultural Activities (Adopted: 9/21/2016/Effective 10/21/2016)**

#### **10.3.1 Household Pets**

Unless their numbers qualify their keeping as a kennel, household pets such as dogs and cats may be kept in all zoning districts.

#### **10.3.2 Standards for Accessory Animal Husbandry**

The keeping of animals other than household pets such as horses, cattle, sheep, goats, pigs, bees, and fowl for personal purposes shall be subject to the following:

**10.3.2.1** The keeping and raising of large animals such as cattle, sheep, goats, horses, pigs and hogs, and llamas that typically weigh more than one hundred pounds at maturity, shall require a minimum of eighty thousand (80,000) square feet of land.

**10.3.2.2** The keeping and raising of small animals such as sheep, goats, bees, and fowl other than domestic chickens that typically weigh less than one hundred pounds at maturity, shall require a minimum of forty thousand (40,000) square feet of land.

**10.3.2.3** Buildings, sheds, feedlots and fenced pens used for the shelter of livestock (such as horses, cattle, sheep, goats and pigs) shall be located 50 feet from the property lines and 100 feet from any existing residences on an abutting lot.

**10.3.2.4** No manure shall be stored within 300 feet of the normal high-water line of a water body, wetland or wells used to supply water for human consumption.

**10.3.2.5** All accessory animal husbandry activities and structures including processing facilities and manure storage must be operated and maintained in accordance with Best Management

Practices (BMPs) for agriculture including the general BMPs identified in the latest edition of the Maine Department of Agriculture, Forestry and Conservation's Manual of Best Management Practices for Maine Agriculture and any other general or site specific BMPs approved by the Commissioner of the Maine Department of Agriculture, Forestry and Conservation.

**10.3.3 Standards for Chicken Keeping Residential** - The small-scale keeping of chickens for personal use is subject to the following limitations:

**10.3.3.1 General Standards**

**10.3.3.1.1** The keeping of chickens is only allowed in conjunction with single-family and two-family dwellings after the issuance of a permit by the Code Enforcement Officer.

**10.3.3.1.2** The keeping of chickens shall be solely for the personal use of the household.

**10.3.3.2 Permit Required** - The keeping of chickens – residential shall be allowed only after the property owner or tenant with the written permission of the property owner has obtained a permit from the Code Enforcement Officer (CEO). The CEO shall issue a permit only if all of the following standards are met. The property owner or tenant shall be responsible for demonstrating compliance with the standards both initially and on an ongoing basis. As a condition of granting the permit, the CEO shall be granted reasonable access to the property for the purposes of determining ongoing compliance with the standards or to investigate a complaint.

**10.3.3.3 Revocation of a Permit** – The CEO may revoke a permit for the keeping of chickens – residential if she/he finds that the property is not in compliance with the standards of this section. Prior to the revocation of a permit, the CEO shall provide the owner/tenant with a notice of violation specifying the specific violations and giving the owner/tenant fifteen (15) days to correct the violations. If the owner/tenant does not correct the violations within this period or if three or more notices of violation have been issued in any twelve (12) month period, the CEO may revoke the permit. A revocation of a permit may be appealed to the Board of Appeals within fifteen (15) days as an administrative appeal. If a permit is revoked, the chickens and all feed and wastes shall be removed from the property within fifteen (15) days.

**10.3.3.4 Standard for the number and gender of chickens** – Each permit holder is entitled to keep not more than six (6) female chickens. No roosters shall be permitted.

**10.3.3.5 Standards for the chicken coop or house** – The chickens must be housed in a coop or chicken house meeting the following standards:

**10.3.3.5.1** The coop/house must be located in the side or rear yard.

**10.3.3.5.2** The coop must be located at least fifteen (15) feet from any property line and at least seventy-five (75) feet from any residential building on a neighboring lot.

**10.3.3.5.3** The coop/house must be screened from view from a public street or a neighboring residential use by the placement of structure on the lot or by vegetation or a fence at least four (4) feet in height.

**10.3.3.5.4** The coop/house must be weather tight and have a lockable door that is large enough to allow access to the inside of the coop to permit the coop to be cleaned and maintained.

**10.3.3.5.5** The coop/house must provide four (4) square feet of area for each chicken.

**10.3.3.5.6** All windows, vents and other openings other than the door(s) must be screened with wire mesh with openings no larger than one (1) inch.

**10.3.3.5.7** The coop/house must be designed and constructed to be rodent-proof by either elevating it on posts a minimum of two (2) feet or by other methods including the installation of a wire screen with openings no larger than one (1) inch that extends a minimum of 1 foot below the ground surface to prevent the entry of rodents.

**10.3.3.6 Standards for the pen or outside enclosure** – When the chickens are not confined to the chicken coop/house, they must be contained in an outdoor enclosure that is attached to the chicken coop/house or that encompasses the chicken coop/house meeting the following standards:

**10.3.3.6.1** The pen shall be located in the side or rear yard.

**10.3.3.6.2** The pen must be located at least fifteen (15) feet from any property line and at least seventy-five (75) feet from any residential building on a neighboring lot.

**10.3.3.6.3** The pen shall be located in a yard space vegetated with grass or other ground cover and consisting of at least one thousand (1,000) square feet.

**10.3.3.6.4** The pen must be screened from view from a public street or a neighboring residential use by the placement of the enclosure on the lot or by vegetation or a fence at least four (4) feet in height.

**10.3.3.6.5** The pen or fenced enclosure shall provide a minimum of twenty (20) square feet of area per bird

**10.3.3.6.6** The perimeter fence for the pen or enclosed area must include a wire screen with openings no larger than one (1) inch that extends a minimum of one (1) foot below the ground surface.

**10.3.3.7 Control of Nuisances** – The keeping of chickens shall conform to the following standards:

**10.3.3.7.1** The coop and outside enclosure shall be maintained in a sanitary condition.

Droppings, excess food, soiled bedding and other materials shall be removed from the coop and enclosure and shall not be permitted to accumulate.

**10.3.3.7.2** All waste materials shall be stored in rodent-proof containers and either disposed of off-site or composted.

**10.3.3.7.3** Food shall be stored in rodent-proof containers.

**10.3.3.7.4** The chickens shall be fed using feeding containers. Food shall not be spread on the ground. Any excess food on the ground shall be cleaned up.

**10.3.3.7.5** All birds shall be confined in the coop/house at night and the door(s) locked to prevent entry by predators.

**10.3.3.7.6** If the premise harbors rodents or vermin, the property owner or tenant shall be responsible for taking measures to eradicate the pests including on neighboring properties.

### **10.3.4 Standards for Commercial Animal Husbandry**

The keeping of animals such as horses, cattle, sheep, goats, pigs, bees, and fowl for commercial purposes shall be subject to the following:

**10.3.4.1** The keeping and raising of large animals such as cattle, horses, sheep, goats, pigs and hogs, and llamas that typically weigh more than one hundred (100) pounds at maturity shall require a minimum of eighty thousand (80,000) square feet of land.

**10.3.4.2** The keeping and raising of small animals such as sheep, goats, bees, and fowl that typically weigh less than one hundred (100) pounds at maturity shall require a minimum of forty thousand (40,000) square feet of land.

**10.3.4.3** The processing of animal products to produce value-added products shall require a lot with a minimum area of two hundred thousand (200,000) square feet of land and shall comply with all applicable standards of the Maine Department of Agriculture, Forestry, and Conservation.

**10.3.4.4** Buildings, sheds, feedlots and fenced pens used for the shelter of livestock (such as horses, cattle, sheep, goats and pigs), bee hives, and facilities for the storage of manure or products containing manure shall conform to the setback requirements of the district in which they are located or a minimum of fifteen (15) feet whichever is greater. All facilities for the shelter of livestock or the storage of manure or products containing manure shall be located a minimum of seventy-five (75) feet from any existing residence on an abutting lot.

**10.3.4.5** All commercial animal husbandry activities and structures including processing facilities and manure storage must be operated and maintained in accordance with Best Management Practices (BMPs) for agriculture including the general BMPs identified in the latest edition of the Maine Department of Agriculture, Forestry and Conservation's Manual of Best Management Practices for Maine Agriculture and any other general or site specific BMPs approved by the Commissioner of the Maine Department of Agriculture, Forestry and Conservation.

**10.3.4.6** The keeping of bees shall conform to the applicable standards of section 10.3.6

### **10.3.5 Standards for Commercial Agriculture**

The raising of crops and other plants for commercial purposes shall be subject to the following:

**10.3.5.1** Commercial agricultural activities located in a zoning district other than the Rural District shall require a minimum of forty thousand (40,000) square feet of land.

**10.3.5.2** The processing of products to produce value-added products shall require a lot with a minimum area of forty thousand (40,000) square feet of land and shall comply with all applicable standards of the Maine Department of Agriculture, Forestry, and Conservation.

**10.3.5.3** Buildings, sheds, and other structures used for commercial agricultural activities shall conform to the setback requirements of the district in which they are located.

**10.3.5.4** All commercial agricultural activities and structures must be operated and maintained in accordance with Best Management Practices (BMPs) for agriculture including the general BMPs identified in the latest edition of the Maine Department of Agriculture, Forestry and Conservation's Manual of Best Management Practices for Maine Agriculture and any other

general or site specific BMPs approved by the Commissioner of the Maine Department of Agriculture, Forestry and Conservation.

**10.3.5.5** All buildings and structures used for the indoor cultivation of plants in the CC, PIC and TD Districts including greenhouses, indoor cultivation facilities and similar structures must be permanent structures designed and constructed to remain in place year-round. Temporary or seasonal structures for indoor cultivation are not permitted in the CC, PIC and TD Districts

**10.3.6 Standards for Beekeeping** The keeping of bees either as Commercial Animal Husbandry or as Accessory Beekeeping shall conform to the following standards:

**10.3.6.1 Permit Required** The keeping of bees shall be allowed only after the property owner or tenant with the written permission of the property owner has obtained a permit from the Code Enforcement Officer (CEO). The CEO shall issue a permit only if all of the following standards are met. The property owner or tenant shall be responsible for demonstrating compliance with the standards both initially and on an ongoing basis. As a condition of granting the permit, the CEO shall be granted reasonable access to the property for the purposes of determining ongoing compliance with the standards or to investigate a complaint.

**10.3.6.2 Revocation of a Permit** The CEO may revoke a permit for the keeping of bees if she/he finds that the property is not in compliance with the standards of this section. Prior to the revocation of a permit, the CEO shall provide the owner/tenant with a notice of violation specifying the specific violations and giving the owner/tenant fifteen (15) days to correct the violations. If the owner/tenant does not correct the violations within this period or if three or more notices of violation have been issued in any twelve month period, the CEO may revoke the permit. A revocation of a permit may be appealed to the Board of Appeals within fifteen (15) days as an administrative appeal. If a permit is revoked, the bees and all related facilities shall be removed from the property within fifteen (15) days.

**10.3.6.3 Number of Hives Permitted** The following limits on the number of hives located on a lot apply only to hives located within two hundred (200) feet of a property line. The lot on which the hives are located shall have a minimum lot area of five thousand (5,000) square feet per hive. Lots with less than ten thousand (10,000) square feet are permitted to have a maximum of two (2) hives provided that all of the standards of this section are met. Lots with more than forty-thousand (40,000) square feet are limited to a maximum of ten (10) hives unless all of the hives are more than two hundred (200) feet from a property line.

**10.3.6.4 Location of Hives on the Lot** All hives shall be located in a quiet area in the side or rear yard; no hives shall be located in the front yard. Each hive shall be located a minimum of ten (10) feet from any property line and a minimum of twenty-five (25) feet from any residential structure on an adjacent lot. No hive shall be located within one hundred fifty (150) feet of a property that has significant pedestrian or public activity such as but not limited to a park, playground, school, daycare center, or recreation center or where any animals are confined or tethered.

**10.3.6.5 Requirements for Hives** Hives shall be placed so that the entrance of the hive directs bees leaving the hive to fly over the lot on which the hive is located. If this is not possible, a



flyway barrier at least six (6) feet in height consisting of a fence or dense hedge shall be installed within five (5) feet of the hive entrance and shall extend at least five (5) feet in both directions. If any hive is located within twenty-five (25) feet of a property line of a lot in residential use, a fence or dense hedge at least six (6) feet high shall be installed or maintained along the property line and shall extend a minimum of twenty (20) feet beyond the hive in each direction.

**10.3.6.6 Water Supply** A supply of fresh water shall be provided and maintained in a location within fifty (50) feet that is accessible to all hives or group of hives.

**10.3.6.7 Disturbance of Hives** Hives shall not be opened, moved, or otherwise disturbed when there is human activity within one hundred fifty (150) feet of the hive on an adjacent lot or on public property.

## **10.4 Kennels and Pet Services**

### **10.4.1 Kennels**

**10.4.1.1** The permanent or temporary housing of dogs for any purpose, including but not limited to breeding, trials, or exhibition, training, grooming, or sheltering stray or lost dogs, shall be limited to enclosed structures constructed of masonry (to at least 4 feet above the finished floor level) to provide for cleanliness, ease of maintenance and noise control.

**10.4.1.2** If outdoor runs are provided, they shall be completely enclosed by a 6-foot fence and shall be paved with cement, asphalt or similar material to provide for cleanliness and ease of maintenance.

**10.4.1.3** Outdoor runs shall be located at least 100 feet from all property lines and at least 200 feet from the nearest dwelling existing or under construction on the date of the kennel's application. The setback shall not apply to the owner's own dwelling if it is located on the same lot as the kennel.

### **10.4.2 Animal Services**

Animal service care facilities shall comply with the following:

**10.4.2.1** The facility shall provide for the safe and sanitary storage, removal and disposal of solid waste generated on site.

**10.4.2.2** If outdoor runs are provided, they shall be completely enclosed by a 6-foot fence and shall be paved with cement, asphalt or similar material to provide for cleanliness and ease of maintenance. The outdoor run shall be completely screened from the view of abutting buildings.

## **10.5 Home Child Care and Day Care/Nursery Schools**

### **10.5.1 Home Child Care**

All home child care uses shall comply with applicable state regulations and the following:

**10.5.1.1** All outdoor play areas shall be enclosed by a fence of sufficient height and material to provide a safe barrier for children.

**10.5.1.2** An off-street parking area shall be provided for loading and unloading children. Sufficient off-street parking shall be provided for staff and customers.

**10.5.1.3** Any sign shall comply with the sign standards for a home occupation.

**10.5.1.4** Home child care shall be exempt from noise standards, non-residential standards and buffer and screening standards.

## **10.5.2 Child Care Facilities**

All child care facilities shall comply with applicable state regulations and the following:

**10.5.2.1** All outdoor play areas shall be enclosed by a fence of sufficient height and material to provide a safe barrier for children.

**10.5.2.2** Off-street parking and loading areas shall be provided for employees and customers.

## **10.6 Light Manufacturing**

Light manufacturing shall meet the following standards:

**10.6.1** All aspects of the industrial process shall be carried on within the structure.

**10.6.2** Exterior storage of materials shall be limited to an area of 2,000 square feet.

**10.6.3** There shall be no hazardous materials in quantities large enough to cause a public health hazard in case of accidental release.

## **10.7 Outdoor Recreation Facility Lighting**

### **10.7.1 Purpose**

The purpose of this subsection is to establish design and use criteria for all outdoor recreation facility lighting located within the city. This standard is designed to allow the placement of outdoor lighting for nighttime use and create performance requirements to reduce any lighting impacts upon neighboring properties.

### **10.7.2 General Lighting Requirements for Outdoor Recreation Facilities**

**10.7.2.1** All lighting installed for parking areas, buildings and security shall conform to the lighting standards contained in Section 8 of this Ordinance.

**10.7.2.2** All lighting installed to illuminate outdoor recreation facilities for nighttime use shall conform to the following requirements:

**10.7.2.2.1** The maximum height of exterior light fixtures shall be 40 feet, as measured from grade level to the top of the light fixture.

**10.7.2.2.2** All light fixtures shall be shielded and directed onto the recreation area.

### **10.7.3 Hoch Field Light Requirements**

The existing Hoch Field lights may be used and maintained in their present condition according to the following requirements:

**10.7.3.1** The Hoch Field lights shall have no more than 24 scheduled uses annually for Maine School Administrative District # 11 school events and activities or community youth sports activities. The lights shall be used only in the evening and shall be extinguished no later than 10:30 p.m. on Friday and Saturday evenings and shall not light later than 8:30 p.m. on other evenings of the week. Maine School Administrative District #11 shall transmit an approved schedule of uses planned for the school year which shall be in compliance with Title 9 of the Code of the United States and which shall be transmitted to the City Manager for distribution to the City Council and Mayor during the month of August each year.

**10.7.3.2** Additional uses for a special community event shall be permitted annually on the request of the Superintendent of the Maine School Administrative District #11 and the approval of at least 5 members of the City Council.

## **10.8 Resource Extraction and Exploration**

**10.8.1** Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

**10.8.2** Mineral extraction shall comply with the following requirements:

**10.8.2.1** A reclamation plan shall be filed with and approved by the Planning Board/Code Enforcement Officer before a permit is granted. Such plan shall describe in detail, procedures to be undertaken to fulfill the requirements of this Ordinance.

**10.8.2.2** No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 75 feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland

edge of a wetland. Extraction operations shall not be permitted within 75 feet, horizontal distance, of any property line.

**10.8.2.3** The applicant for mineral extraction shall provide written evidence that all applicable state and federal permits have been obtained.

**10.8.2.4** The Planning Board/Code Enforcement Officer may impose conditions as necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources and to ensure that the area is adequately reclaimed.

**10.8.2.5** Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period, ground levels and grades shall be established in accordance with the following:

**10.8.2.5.1** All debris, stumps, and similar materials shall be removed for disposal into an approved location, or shall be buried on-site. Only materials generated on-site shall be buried or covered on site.

**10.8.2.5.2** The final graded slope shall be two and one-half to one slope or flatter.

**10.8.2.5.3** Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

## **10.9 Overnight Accommodations**

The following requirements shall apply to hotels, motels, rental cottages and inns:

**10.9.1** No part of any building shall be closer than 60 feet to a property line

**10.9.2** All required off-street parking shall be located in the side or rear yards.

**10.9.3** Each rental unit shall contain not less than 200 square feet of habitable floor space. Each unit shall include a private bathroom facility.

**10.9.4** Adequate space shall be provided for a resident owner, manager or other responsible staff person.

**10.9.5** The facility shall conform to the applicable requirements of the building and safety codes adopted by the city.

**10.9.6** Any units in motels, hotels, and cottage units with individual kitchens and private bathroom facilities and intended to be rented on a monthly or longer basis, shall be considered to be dwelling units for the purposes of this Ordinance.

## **10.10 Bed and Breakfast Facilities**

**10.10.1** The facility shall conform to the applicable requirements of the building and safety codes adopted by the city.

**10.10.2** Each rental room shall have at least 120 square feet of habitable space.

**10.10.3** There shall be at least one bathroom facility provided for rental rooms, separate from the bathroom for the dwelling unit.

**10.10.4** All required parking spaces shall be located on the side or rear yards. In addition to the parking spaces required by this Ordinance, two spaces shall be reserved for the owners or operators of the business.

## **10.11 Roadside Stand/Farm Produce**

Farm stands at which at least 50% of the produce comes from the property where the stand is located shall be allowed in all districts. Any structures associated with the stand shall meet the required front setback for the district. All parking shall be located no closer than 10 feet from the edge of the traveled way. All signs shall conform to this Ordinance and state regulations.

## **10.12 Adult Business Establishments**

**10.12.1** Adult business establishments shall meet the requirements contained in the City Code Title 5 Chapter 10 Sections 501 through 504, and the applicable requirements of this Ordinance.

**10.12.2** An applicant for an adult business establishment shall obtain approval from the Planning Board prior to obtaining a license from the City Council. The Planning Board may condition its approval upon obtaining a license from the City Council.

## **10.13 Windmills**

### **10.13.1 Application Requirements**

Windmill applications shall contain all the applicable submissions required in this Ordinance and the following:

**10.13.1.1** Description of the project including specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system.

**10.13.1.2** Scaled drawing showing the height of the windmill and all structures within 300 feet of the structure.

**10.13.1.3** Structural drawings from the manufacturer or engineer showing foundation and anchor design.

**10.13.1.4** Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator.

### **10.13.2 Dimensional Requirements**

**10.13.2.1** The minimum site area for a small windmill shall be 20,000 square feet.

**10.13.2.2** The minimum site area for a mid-size windmill shall be 40,000 square feet.

**10.13.2.3** The minimum site area for a large windmill shall be 80,000 square feet.

**10.13.2.4** (*Amended 9/04/2019/ Effective 10/04/2019*) The maximum height of a windmill located in the Traditional Downtown District, High Density Residential District, Residential Growth District, and the Professional/Residential District shall be forty (40) feet.

**10.13.2.5** The windmill shall be set back a minimum of 110% of the system height from all adjoining property lines, and 150% of the system height from any structure on adjoining property.

### **10.13.3 Design Requirements**

**10.13.3.1** All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

**10.13.3.2** The minimum distance between the ground and any wind turbine blades of a free standing windmill shall be 25 feet as measured at the lowest arc of the blades.

**10.13.3.3** All onsite electrical wires associated with the windmill shall be installed underground except for connections to the utility transmission poles, towers and lines.

**10.13.3.4** The windmill shall not exceed 55 dBA as measured at the property line, except during short-term events such as severe wind storms.

**10.13.3.5** The windmill shall be equipped with over-speed controls.

**10.13.3.6** The tower shall be a monopole without guy wires.

**10.13.3.7** No tower shall be lighted unless required by the FAA.

**10.13.3.8** A windmill which is not generating electricity for 18 consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner within 120 days of receipt of notice from the Code Enforcement Officer.

## **10.14 Free-Standing Commercial Kiosks**

**10.14.1** All free-standing commercial kiosks less than 100 square feet in area may be located in existing parking areas and on lots without having to meet the minimum lot-size requirements for a primary building or use.

**10.14.2** All free-standing commercial kiosks having more than 100 square feet of area shall conform to all the applicable dimensional requirements for a principal building or use.

**10.14.3** Kiosks shall be designed to safely accommodate traffic and be incorporated into the traffic flow pattern of the area. Traffic entering and exiting the kiosk shall be directed through the use of signs, striping, raised islands, or similar features.

**10.14.4** The area dedicated for the kiosk, including all queuing areas, shall not reduce the required parking spaces necessary for adjacent uses.

**10.14.5** The kiosk shall not have a separate entrance or exit from the road. The existing entrances and exits to the area shall be used.

## **10.15 Automobile, Truck and Equipment Sales and Service**

**10.15.1** This section shall apply to all businesses engaged in sales or service of vehicles including boats, recreational vehicles, trucks, and heavy equipment.

**10.15.2** All repair and body work shall occur within an enclosed building.

**10.15.3** No inoperable vehicles or vehicle parts shall be stored or displayed within the front yard.

**10.15.4** No permit shall be granted within 300 feet of a well that serves as a private drinking water supply, and in the case of a well that serves as a public drinking water supply, within the greater of:

**10.15.4.1** 1,000 feet; and

**10.15.4.2** The source water protection area of the well if mapped by the Department of Health and Human Services as described under 30-A M.R.S.A. Section 2001, Subsection 20-A.

## **10.16 Two/Multi-Family Dwelling Units**

### **10.16.1 New Two-Family Dwellings**

New two-family dwellings shall meet all the lot and dimensional requirements of the zone in which they are located and the following criteria:

**10.16.1.1** Except in the Downtown Area as defined, and the Cobbossee Corridor District with Shoreland Overlay, the minimum road frontage shall not be less than 150 feet.

**10.16.1.2** Any two-family dwellings located on anything other than a designated local road shall provide on-site vehicle turn-around.

**10.16.1.3** Except in the Downtown Area as defined, or the Cobbossee Corridor, Mixed-Use Village, Intown Commercial, or Planned Highway Development Districts, a minimum of 2 parking spaces shall be provided for each dwelling unit. In the Downtown Area as defined and the Cobbossee Corridor District, the owner shall submit evidence that parking is available within a reasonable distance of the two-family dwelling. In the Mixed-Use Village, Intown Commercial, and Planned Highway Development Districts, parking for each unit shall be provided in accordance with Sec. **11.4**.

### **10.16.2 Two-Family Conversion**

Any existing structure to be converted or expanded into a two-family dwelling may be converted without meeting lot area or dimensional requirements for the zone in which they are located, but shall meet the following requirements:

**10.16.2.1** Except in the Downtown Area as defined, and the Cobbossee Corridor District with Shoreland Overlay, the minimum road frontage shall be 48 feet.

**10.16.2.2** Except in the Downtown Area as defined, and the Cobbossee Corridor, Intown Commercial, and Mixed-Use Village Districts, a minimum of 2 parking spaces per dwelling unit shall be required. In the Downtown Area as defined and the Cobbossee Corridor District, the owner shall submit evidence that parking is available within a reasonable distance of the two-family dwelling. In the Intown Commercial and Mixed-Use Village Districts parking for each unit shall be provided in accordance with Sec. **11.4**.

**10.16.2.3** Except in the Downtown Area as defined, and the Cobbossee Corridor District, no parking shall be located in the front yard.

**10.16.2.4** Except in the Downtown Area as defined, and the Cobbossee Corridor District with Shoreland Overlay, a minimum of 20% of the lot shall remain as open space to be used as a yard or garden.

### **10.16.3 New Multi-Family Dwellings**

All new multi-family dwellings shall meet the lot, dimensional, and density requirements for the zone in which they are located and the following criteria:

**10.16.3.1** Except in the Downtown Area as defined and the Cobbossee Corridor District with Shoreland Overlay, the minimum road frontage shall not be less than 200 feet.

**10.16.3.2** The minimum side setback shall not be less than 30 feet except in the Cobbossee Corridor, Intown Commercial, and Mixed-Use Village Districts. Refer to Section 7.7 for setback requirements.



**10.16.3.3** Except in the Downtown Area as defined, and the Cobbossee Corridor District with Shoreland Overlay, the minimum rear setback shall not be less than 30 feet.

**10.16.3.4** Multi-family developments involving more than one detached structure shall conform to the requirements for clusters except in the Cobbossee Corridor District.

**10.16.3.5** Except in the Downtown Area as defined, and the Cobbossee Corridor, Intown Commercial, Mixed-Use Village, or Planned Highway Development Districts, a minimum of 2 parking spaces shall be provided for each dwelling unit. In the Downtown Area as defined, and the Cobbossee Corridor District, the owner shall submit evidence that parking is available within a reasonable distance of the multi-family dwelling. In the Mixed-Use Village, Intown Commercial, and Planned Highway Development Districts, parking for each unit shall be provided in accordance with Sec. 11.4.

**10.16.3.6** Except in the Downtown Area as defined and the Cobbossee Corridor District, no accessory building or parking area shall be located in the front yard.

**10.16.3.7** All parking spaces, driveways and access ways shall be paved, except in the Cobbossee Corridor District where alternative porous pavements and structural grass systems are allowed with the approval of the city.

**10.16.3.8** Common trash receptacles shall be provided.

**10.16.3.9** Except in the Downtown Area as defined and the Cobbossee Corridor District, a minimum open space area of 1,000 square feet per dwelling unit consisting of a yard, garden or playground area shall be provided.

#### **10.16.4 Multi-Family Conversion**

Any existing structure to be converted or expanded into a multi-family dwelling shall meet all the dimensional, density and performance standards for new multi-family dwellings.

#### **10.16.5 Conversion to Single-Family Use or Multi-family Structures With Fewer Units**

Any existing two-family or multi-family structure may be converted to single family use in any district allowing single-family uses, or to a multi-family structure with fewer units, subject to the following criteria:

**10.16.5.1** The structure, including any modifications proposed as part of the conversion application, meets all applicable dimensional requirements, performance standards, building code and life safety code requirements for the new use; and

**10.16.5.2** The actual use of the structure, as of the approval date or upon completion of any proposed modifications, will be for the new use.

**10.16.5.3** The Code Enforcement Officer shall issue a permit to the property owner reflecting the approved change to the new use. A certificate reflecting the change in use shall be prepared by the Code Enforcement Officer in a form suitable for recording, and shall be recorded at the

Kennebec County Registry of Deeds within 30 days after approval. An approved application for conversion to the new use under this paragraph shall terminate the property owner's right to continue any existing nonconforming use of the property concerned for two-family or multi-family use. In districts allowing two-family or multi-family use, such uses may be resumed only upon approval of an application to the Code Enforcement Office or Planning Board under the provisions of this Section. A change in use to the new use under this paragraph shall constitute a change in use for purposes of the city's Land Use Ordinance, building codes and life safety codes only.

## **10.17 Manufactured Housing and Manufactured Housing Parks (Excluding Modular Housing)**

### **10.17.1 Manufactured Housing Not in a Manufactured Housing Park**

**10.17.1.1** Manufactured housing not in a manufactured housing park shall meet all of the requirements of this Ordinance for single-family dwellings.

**10.17.1.2** All manufactured housing shall be installed to the "Manufactured Home Installation Standard" developed by the State of Maine Manufactured Housing Board.

**10.17.1.3** All mobile homes shall comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

**10.17.1.3.1** Units constructed prior to enactment of these standards shall be made to conform to the standard. A written statement shall be required from a professional engineer indicating that the mobile home has been upgraded and is in compliance with this standard.

**10.17.1.4** No manufactured housing shall be located within the flood plain.

**10.17.1.5** Manufactured housing shall have at least 750 square feet of enclosed year-round living area.

**10.17.1.6** Manufactured housing shall be a minimum of 14 feet wide.

**10.17.1.7** Manufactured housing shall have a minimum roof pitch of 3 in 12 and covered with asphalt or fiberglass shingles or other materials used for residential roofing.

**10.17.1.8** Manufactured housing shall have siding that is residential in appearance (including clapboard siding in wood or vinyl, shingles or shakes, board and batten and other sidings commonly found on site-built buildings).

### **10.17.2 Manufactured Housing Parks**

Manufactured housing parks shall meet state requirements for mobile home parks and all of the following criteria:

**10.17.2.1** Manufactured housing parks shall meet all requirements for a residential subdivision, shall conform to all applicable provisions of this Ordinance, and shall be considered residential districts subject to all the restrictions applicable in a residential district as stated in this Ordinance.

**10.17.2.2** The minimum area of land within the park shall be five acres.

**10.17.2.3** The manufactured housing lot size shall meet the minimum lot size as required by the Manufactured Housing Board by rule under 10 M.R.S.A. Section 9005-A.

**10.17.2.4** The minimum road frontage for each lot shall be 65 feet. This requirement may be met by road frontage within the manufactured housing park.

**10.17.2.5** The minimum setbacks for each unit shall be a 20-foot front setback and a 10-foot side and rear setback.

**10.17.2.6** Each manufactured housing unit in a park shall conform to the requirements of 10.17.1.

**10.17.2.7** All manufactured housing in a manufactured housing park shall be connected to a public sewer system, if available, or to a central collection and treatment system, in accordance with the Maine State Plumbing Code.

**10.17.2.8** A continuous landscaped area, not less than fifty feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six feet in height, shall be located in all exterior lot lines in the park, where the per-acre density of homes within the manufactured housing park is at least two times greater than:

**10.17.2.8.1** The density of residential development on immediately adjacent parcels of land, or

**10.17.2.8.2** If the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by applicable municipal ordinances or State law.

**10.17.2.8.3** Driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

**10.17.2.9** All permanent additions (decks, garages, storage areas, etc.) shall be compatible in design, appearance and materials with the manufactured housing unit.

**10.17.2.10** Each manufactured housing lot shall be marked with a lot number that is positioned so as to be easily seen year-round from the street.

**10.17.2.11** No manufactured housing park shall be located within the flood plain.

## **10.18 Automobile Junkyard or Recycling Facility**

**10.18.1** No person or landowner shall allow any junkyard or recycling facility to be established, operated, maintained or suffered to exist without first obtaining a permit pursuant to this Ordinance and a non-transferable land use permit issued by the City Council in accordance with State licensing and local requirements, and complying with the following provisions:

**10.18.2** Junkyards shall be located a minimum of 100 feet from the edge of the right-of-ways; and shall be set back 100 feet from all side and rear lot lines.

**10.18.3** Junkyards shall be located a minimum of 300 feet from any public park, facility, or grounds, public bathing beach, school, church, or cemetery.

**10.18.4** No motor vehicles shall be located on a sand and gravel aquifer or wetland, as shown in the Comprehensive Plan, or within the 100-year flood plain as mapped by the Federal Emergency Management Agency.

**10.18.5** A motor vehicle with an intact engine or motor shall not be stored within 100 feet of any body of water or freshwater wetland, as defined by 38 M.R.S.A. Section 436-A, Subsection 5.

**10.18.6** No permit shall be granted within 300 feet of a well that serves as a private water supply, and in the case of a well that serves as a public drinking water supply, within the greater of:

**10.18.6.1** 1,000 feet; and

**10.18.6.2** The source water protection area of the well if mapped by the Department of Health and Human Services as described under 30-A M.R.S.A. Section 2001, Subsection 20-A.

This prohibition shall not include a private well that serves only the facility or the owner's or operator's abutting residence. This prohibition shall not apply to wells installed after the effective date of this Subsection if the facility has already received a permit under these regulations.

**10.18.7** The facility shall be screened from ordinary view of the adjoining public and/or private property. Such screening may be accomplished by natural or manmade objects, plantings, or properly constructed fences, any of which shall completely screen the facility from ordinary view throughout the entire calendar year. Such screening shall complement the colors, textures, and tones found in the surrounding area. Certain facilities may be required to provide internal screening because of size and topography.

**10.18.7.1** Ordinary view shall be based on line-of-sight determination of the public and adjoining property owners' buildings. Line-of-sight views from adjoining property buildings shall be taken from the highest vantage point in normal, everyday use by occupants of such buildings, not to exceed 18 feet from ground level.

**10.18.7.2** Where buildings and/or fences are employed as screening for distances of one hundred lineal feet or more, native evergreen plantings shall be used, as specified by the Maine Forest Service, which attain a height of 6 feet or greater at maturity. Such plantings shall be a minimum of 3 feet high at planting, and planted at a rate of 4 per 100 lineal feet, approximately 25 feet on center (with an allowance of 10 feet so as to allow an element of randomness over the course of the plantings).

**10.18.8** No motor vehicles or major parts may be stacked or piled on top of each other so as to protrude above the screening. In any event, stacking shall not exceed twelve feet above ground level.

**10.18.9** Stacking and/or parking of motor vehicles shall be arranged in a grid fashion which employs, at maximum, either a 70-foot square pattern or a 25-foot by 200-foot block pattern. Fourteen-foot aisle spaces shall be provided for fire fighting apparatus access to such squares or blocks. Parking along screening in a continuous manner shall be permitted.

**10.18.10** Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

**10.18.11** All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.

**10.18.12** No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner.

**10.18.13** The facility shall be at all times maintained in a sanitary condition. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the property; nor shall any refuse of any kind be kept in said premises.

**10.18.14** No junk shall be delivered to the facility on Sundays, legal holidays, or before the hour of 6:00 a.m. or after the hour of 9:00 p.m. on other days, except that special permission may be granted by a member of the Gardiner Police Department in the event of extenuating circumstances.

**10.18.15** Any equipment used to crush motor vehicles shall only be operated within the area enclosed by screening of junked motor vehicles. No such equipment shall be operated on Sundays, legal holidays, or before the hour of 6:00 a.m. or after the hour of 9:00 p.m. on other days, except that special permission may be granted by a member of the Gardiner Police Department in the event of extenuating circumstances.

## **10.19 Wireless Telecommunications Facilities**

**10.19.1** This subsection applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers, except as provided in 10.19.2.

**10.19.2** The following are exempt from the provisions of this Ordinance:

**10.19.2.1** Wireless communication facilities for telecommunications by public officials.

**10.19.2.2** Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

**10.19.2.3** Parabolic antennas less than 7 feet in diameter that are an accessory use of the property.

**10.19.2.4** Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

**10.19.2.5** Temporary wireless telecommunications facilities, in operation for a maximum period of 180 days.

**10.19.2.6** An antenna that is an accessory use to a residential dwelling unit.

### **10.19.3 Review Application**

Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of this Ordinance and shall include the following additional information:

**10.19.3.1** A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

**10.19.3.2** A USGS 7.5 minute topographic map showing the current location of all structures and wireless telecommunications facilities more than 150 feet in height above ground level, except antennas located on roof tops, within a 5-mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (i.e., within thirty days of the date the application is filed) from the FCC Tower Registration Database.

**10.19.3.3** A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access and setbacks from property lines. The site plan shall include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.

**10.19.3.4** Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

**10.19.3.5** A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure, and the proposed lighting method.

**10.19.3.6** Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or its designee, during the pre-application review. Each photo shall be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos shall show the color of the facility and method of screening.

**10.19.3.7** A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement shall not require disclosure of confidential business information.

**10.19.3.8** Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of any one or more of the following:

**10.19.3.8.1** Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

**10.19.3.8.2** Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

**10.19.3.8.3** Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

**10.19.3.8.3.1** Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

**10.19.3.8.4** The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

**10.19.3.8.5** Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

**10.19.3.9** For facilities existing prior to the effective date of this Ordinance, evidence that the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this Ordinance or amendment thereto.

**10.19.3.10** A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

**10.19.3.10.1** Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

**10.19.3.10.2** Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

**10.19.3.10.3** Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;

**10.19.3.10.4** Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

**10.19.3.11** A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

#### **10.19.4 Standards**

**10.19.4.1** If an applicant proposes to locate a new wireless telecommunications facility on municipal property, or expand an existing facility on municipal property, the applicant shall show the following:

**10.19.4.1.1** The proposed location complies with applicable municipal policies and ordinances.

**10.19.4.1.2** The proposed facility will not interfere with the intended purpose of the property.

**10.19.4.1.3** The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

**10.19.4.2** A new or expanded wireless telecommunications facility and related equipment shall be designed and constructed to accommodate future co-location of at least three additional wireless telecommunications facilities or providers. Co-location shall not be considered an expansion.

**10.19.4.3** The maximum height of new or expanded wireless telecommunications facilities shall be 195 feet. The facility shall be designed to collapse in a manner that does not harm other property.

**10.19.4.4** A new or expanded wireless telecommunications facility shall comply with the setback requirements set forth in the City of Gardiner Land Use Ordinance, or be set back 105% of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. An antenna shall be exempt from the setback requirement if it extends no more than 5 feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.



**10.19.4.5** The base of a new or expanded wireless telecommunications facility shall be screened, with plants, from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

**10.19.4.6** A new or expanded wireless telecommunications facility shall be fenced with a secured perimeter fence of a height of 8 feet to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

**10.19.4.7** A new or expanded wireless telecommunications facility shall be illuminated as necessary to comply with FAA or other applicable state, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

**10.19.4.8** A new or expanded wireless telecommunications facility shall be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

**10.19.4.9** A new or expanded wireless telecommunications facility shall comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

**10.19.4.10** Except during construction, repair, or replacement, operation of a backup power generator at any time during a power failure and testing of a back-up generator between 8 a.m. and 9 p.m. are exempt from existing municipal noise standards.

### **10.19.5 Standard Conditions of Approval**

**10.19.5.1** The following standard conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

**10.19.5.1.1** Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.

**10.19.5.1.2** Negotiate in good faith for shared use of the wireless telecommunications facility by third parties.

**10.19.5.1.3** Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.

**10.19.5.1.4** Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting

principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

#### **10.19.6 Abandonment**

**10.19.6.1** A wireless telecommunications facility that has not operated for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within 90 days of receipt of a written notice. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned.

**10.19.6.2** If the Owner fails to show that the facility has not been abandoned, the owner shall have 60 days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

**10.19.6.3** If a surety has been given to the municipality to ensure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

#### **10.20 Public Paths/Trails**

**10.20.1** A public path shall not be considered a principal use of land. All public paths shall be reviewed and approved in conformance with this Ordinance.

#### **10.20.2 Standards**

**10.20.2.1** Public paths shall be set back at least 75 feet from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the Planning Board may reduce the setback requirement to no less than 50 feet. Notwithstanding this paragraph, public paths may be located nearer than 50 feet to the normal high water line of a water body, tributary stream, or wetland in the following circumstances:

**10.20.2.1.1** A public path located within the Traditional Downtown District, Intown Commercial District, Cobbossee Corridor District, Shoreland Overlay or Shoreland Overlay Limited Residential shall be located a minimum of 25 feet from the normal high-water line of a water body or the upland edge of a wetland except for water crossings, and/or existing bases, such as discontinued railway bed corridors, berms, dikes, parking lots or industrial sites, where paths can be located less than 25 feet from the normal high-water line or the upland edge of a

wetland. In all other Shoreland districts, paths shall be a minimum of 75 feet from the normal high-water line of a water body or the upland edge of a wetland except for water crossings and/or existing bases, such as discontinued railway bed corridors, berms dikes, parking lots or industrial sites, where paths can be located less than 75 feet from the normal high-water line or the upland edge of a wetland. Applicants for path construction projects shall be required to obtain all applicable state and, if necessary, federal permits.

**10.20.2.1.2** When a path is permitted within the setback area, any significant areas of exposed mineral soil present between the path and the water body or wetland shall be planted with native vegetation or be otherwise stabilized to prevent erosion and protect water quality.

**10.20.2.1.3** Path spurs, no greater than 6 feet in width, may be established at distances no less than 500 linear feet apart. Clearing of vegetation for a path spur shall not exceed 250 square feet per 25 feet of spur length. Path spurs that extend to the shoreline shall not include any structural development except that necessary for shoreline stabilization or path hardening, and except for the placement of a bench or similar object for sitting purposes. No path spur shall be permitted on sustained ground slopes of greater than 15%.

**10.20.2.1.4** Path surfaces shall be paved, graveled, mulched or otherwise stabilized/surfaced to prevent erosion of surface materials. Path banks and side slopes steeper than a 50% slope, and retaining walls greater than 4 feet in height, shall be designed by a professional engineer, and shall be stabilized in accordance with the provisions for erosion and sedimentation control contained in state environmental regulations.

**10.20.2.2** Water access spurs from a public path shall be permitted, and may extend to boat ramps, docks, piers, marinas, or other water access facilities located within the setback area. No more than one such spur may be constructed per 500 linear feet of public path, as measured along the main route of the public path. No water access spur shall be constructed which requires clearing of more than 750 square feet of existing vegetation.

**10.20.2.3** All appurtenances and accessory structures to a public path shall be located outside of the setback area, provided that fences, benches, signs, waste receptacles and necessary lighting may be located on or adjacent to public path segments located within the setback area.

**10.20.2.4** Public paths shall not be constructed in a Resource Protection District established in order to protect high or moderate value waterfowl habitat, as identified by the Department of Inland Fisheries and Wildlife.

**10.20.2.5** Public paths shall not exceed 14 feet in width, provided that the Planning Board may approve a greater width based upon a demonstrated special need related to the intended use of the path.

**10.20.2.6** In constructing a public path, existing overhead tree canopies shall be maintained to the extent practicable.

**10.20.2.7** The grade of public paths shall not exceed 20% for more than 100 feet in length of continuous path. Within the setback area from a water body or wetland, the grade of public paths shall not exceed 10%.

**10.20.2.8** Public paths shall be constructed to prevent erosion and minimize sedimentation of water bodies and wetlands. The Planning Board may require planting and maintenance of vegetation that is necessary to prevent or minimize erosion or sedimentation.

**10.20.2.9** Earth-moving activities for construction, alteration or repair of public paths shall meet the requirements for earth moving activities of this Ordinance.

**10.20.2.10** Public paths shall be exempt from all off-street parking requirements.

**10.20.2.11** No motorized vehicles shall be permitted on public paths, except for wheelchairs, maintenance vehicles and emergency vehicles.

## **10.21 Ruins**

No owner or occupant of any land in any district shall permit ruins to be left. Within one year from the date of disaster, the owner or occupant shall remove the ruins to clear ground. However, subject to Planning Board approval, ruins within the Cobbossee Corridor District adding visual, historic and cultural value shall be exempt.

## **10.22 Nuclear Facilities**

The following uses shall be prohibited within all districts of the city: nuclear power generating facility, nuclear energy center, nuclear-powered facilities, nuclear fuel enrichment, reprocessing, waste storage or disposal facility, and use of recycled plutonium.

## **10.23 Open Space Design**

### **10.23.1 Purpose:**

The purpose of these provisions is to allow for new concepts of development where variations of design may be allowed, if the net residential density is no greater than is permitted in the area in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards:

### **10.23.2 Design Requirements**

**10.23.2.1** The open space design development shall meet all the requirements for a subdivision and other applicable provisions of this Ordinance.

**10.23.2.2** Each lot, proposed building site and building shall be an element of an overall plan for the site development. Only developments having a total site plan for structures shall be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, roads, services, and parking and in so doing, shall take into consideration all requirements of this Subsection and of other applicable sections of this Ordinance.

**10.23.2.3** The minimum land area necessary for an open space design is 5 acres of suitable land.

**10.23.2.4** Any reduction in lot size, density, setbacks or standards which are part of meeting the design criteria of this Ordinance shall be approved by the Planning Board and shall not require a variance.

**10.23.2.5** The area suitable for development shall be calculated by subtracting the following: wetlands, rivers, streams, brooks, stormwater drainage features, resource protection district areas, areas within the 100-year floodplain and areas within roads and other rights-of-way.

**10.23.2.6** To determine the maximum number of dwelling units or structures permitted on a tract of land, the land suitable for development shall be divided by the minimum lot size required in the district in which it is located.

**10.23.2.7** Lots served by a public sewer system and lots served by an individual or cluster subsurface waste water system may be reduced to 20,000 square feet.

**10.23.2.8** The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below minimum lot size requirements.

**10.23.2.9** Every building lot reduced in size below the amount required shall be within 1,000 feet of common land.

**10.23.2.10** No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

**10.23.2.11** Shore frontage shall not be reduced below the minimum required in the applicable Shoreland Zoning District.

**10.23.2.12** Where the development abuts a body of water, a usable portion of the shoreline, and reasonable access to it, shall be part of the common land.

**10.23.2.13** Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for the site development.

**10.23.2.14** The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve area shall be restricted so as not to be built upon.

### **10.23.3 Requirements for Open Space Areas**

**10.23.3.1** The areas selected for open space shall be based upon the requirements of this subsection and the overall design plan for the development. Open space areas shall be selected based upon the following priorities:

**10.23.3.1.1** Existing recreational areas or trails.

**10.23.3.1.2** Scenic areas as identified by the city and the Comprehensive Plan.

**10.23.3.1.3** Existing agricultural fields, pastures, or orchards.

**10.23.3.1.4** Significant wildlife and plant habitat areas.

**10.23.3.1.5** Archeological or historic sites.

**10.23.3.1.6** Existing undeveloped forest areas.

**10.23.3.2** All open space areas shall be designed as continuous tracts of land. Narrow strips of land or collections of small tracts shall not be permitted unless designed as part of a trail system connecting larger parcels.

**10.23.3.3** The open space land may utilize or feature areas designated as unsuitable for development; however, in no case shall land unsuitable for development; be counted as the required open space area.

### **10.23.4 Dedication and Maintenance of Common Open Spaces and Facilities**

**10.23.4.1** Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for noncommercial recreation, agriculture or conservation. However, easements for public utilities or utility structures may be permitted.

**10.23.4.2** The common open space shall be shown on the development plan with the notation on the face thereof to indicate:

**10.23.4.2.1** The common open space shall not be used for future building lots.

**10.23.4.2.2** Any part or all of the common open space proposed to be dedicated for acceptance by the city.

**10.23.4.3** If any or all of the common open space is to be reserved for use by the residents, the by-laws of the homeowners association shall specify maintenance responsibilities, which shall be submitted to the Planning Board for approval.

**10.23.4.4** Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

**10.23.4.5** The association may levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.

### **10.23.5 Density Bonus**

**10.23.5.1** The number of dwelling units may be increased by 20% over the number of units allowed in the district in which the development is located provided that at least one of the following conditions is met:

**10.23.5.1.1** At least 10% of the dwelling units are affordable housing as defined by 30-A M.R.S.A. Section 4301.

**10.23.5.1.2** Common shoreland with access to the water is available for the use of the general public.

**10.23.5.1.3** Common land which includes at least one of the following: parks, trails, recreation facilities or ponds in excess of 5 acres, is available for use by the general public.

**10.23.5.2** The Planning Board shall incorporate the applicant's proposal for the density bonus as a condition of the subdivision plan. The proposal shall be reviewed by the City Manager and revisions incorporated into the proposal based upon the manager's review. The city may set conditions on the density bonus proposal to ensure that the intent of this Ordinance is followed.

## **10.24 Signs**

### **10.24.1 Purpose**

The purpose of the sign standards is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way, provide more open space and curb the deterioration of natural beauty and community environment; and to promote Gardiner as a distinctive community.

### **10.24.2 Definitions**

**Alter/Alteration (of a sign):** Any activity that changes the appearance of a sign or the message on the sign.

**Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from readerboards and electronic message boards, include the following types:

**Environmentally Activated Signs:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

**Mechanically Activated Signs:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**Electrically Activated Signs:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

**Flashing:** An animated sign with an intermittent or flashing light source.

**Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Awning Sign:** A building sign that is located on the valance of an awning.

**Banner:** A sign of temporary construction made of vinyl, canvas, or similar flexible material.

**Banners Displayed in the Gardiner Common:** Banners displayed in the Gardiner Common to announce community events or notices.

**Building Sign:** A sign that is applied to a building or supported primarily by being attached to a building or structure.

**Canopy Sign:** A building sign that is painted directly on or applied to the vertical surfaces of a canopy including a sign that is attached to the surface that does not project more than six (6) inches from the surface.

**Changeable Copy Sign:** A sign on which the informational copy changes, or can be changed, by manual, electronic, or mechanical means.

**Channel Letter:** An individual letter or graphic symbol that is attached to a wall as part of a channel letter sign.

**Channel Letter Sign:** A building sign that is composed of individual channel letters or symbols that are attached directly to the exterior wall of a building.

**Construction/Maintenance Site Sign:** A temporary sign located at the site of a construction project.

**Effective Sign Area:** The area of a sign including the wall or other background that encompasses the area on which the message or copy and any related symbols or graphic elements of the sign are placed.

**Electronic Message Board:** An electronically activated changeable copy sign whose variable message capability can be electronically programmed, including liquid crystal display signs.

**Externally Illuminated Sign:** A sign with an exterior light source either attached or detached from the sign, whose purpose is to illuminate the sign board.

**Freestanding Sign:** A sign that is permanently affixed into the ground or placed on the ground and is in no way attached to a building.



**Garage or Yard Sale Sign:** A temporary sign announcing a garage or yard sale.

**Ground-Mounted Sign:** A freestanding sign in which the sign face is supported between posts, poles, or columns so there is an open area between the bottom of the sign face and the surface of the ground.

**Hanging Sign:** A freestanding or building sign in which the sign face is suspended beneath an element of a building or a supporting structure such as a cross arm that is supported by one or more posts, poles, or columns.

**Household Sign:** A sign that displays the street number, the last name of the occupant and/or the name given to a residential structure.

**Iconic Sign:** A three-dimensional building sign or structural element depicting traditionally accepted pictorial symbols conveying the nature of the business such as barber poles, eyeglasses, boots, etc.

**Illuminated Sign:** A sign that is either externally or internally illuminated.

**Internally Illuminated Sign:** A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

**Legally Nonconforming Sign:** Any sign that was legal prior to the effective date of Subsection 24 Signs and was made nonconforming by the adoption or amendment of the applicable sections of the City of Gardiner Land Use Ordinance.

**Maintain/Maintenance (of a sign):** Any activity that repairs a sign or its supporting elements or replaces elements of that sign that does not change the appearance of the sign or the message on the sign.

**Marquee Sign:** A building sign that is painted directly on or applied to the front or side vertical surfaces of a marquee including a sign that is attached to the surface of the marquee that does not project more than six (6) inches from the surface.

**Master Sign Plan:** A document or drawing prepared by a property owner or building manager and filed with the Code Enforcement Officer identifying the number, size and location of wall signs and/or projecting signs that the owner/manager will be allowed to be placed on a building that has multiple occupants.

**Monument Sign:** A freestanding sign in which the sign face is supported on a base located on the ground.

**Mural:** An image, with or without words, that is painted directly on a building and that has historic and community value and no commercial purpose.

**Nit:** A photometric unit of measurement used to describe the luminance of a light source or of an illuminated surface that reflects light that is equal to one candela per square meter (cd/m<sup>2</sup>).

**Nonresidential Project or Nonresidential Subdivision Sign:** A permanent sign identifying a nonresidential project or subdivision located at the entrance to the project or subdivision.

**Nonresidential Subdivision Sign:** See definition of Nonresidential Project or Nonresidential Subdivision Sign.

**Official Business Directional Sign:** An off-premise directional sign allowed under Maine Department of Transportation, 17 229 CMR 200.

**Off-Premise Sign:** A sign located off the premises indicated by said sign.

**Open Flag:** A flag indicating that a business is open.

**Overhanging Banner:** A banner overhanging a public street or way approved by the City of Gardiner.

**Path or Trail Sign:** A sign denoting a pedestrian/bicycle trail network.

**Pennant:** An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind

**Pole Sign:** A freestanding sign in which the sign face is supported by a single post, pole, or column in which the support is visible.

**Political Sign:** A sign bearing a political or ideological message.

**Portable Electronic Variable Message Sign:** An electronic sign used by the City of Gardiner to provide information for public service, City business or emergencies.

**Portable Sign:** A sign not designed or intended to be permanently affixed to the ground or to a structure.

**Projecting Sign:** A building sign that is attached to or suspended from a building that is perpendicular to the wall of the building.

**Public Information Sign:** A sign installed by the City or other governmental body providing information for the public. This does not include signs located on or in conjunction with a public building or facility identifying the building or facility.

**Public Safety Sign:** A sign installed by the City or other governmental body providing information about regulations or other standards including traffic control signs, parking control signs, postings, and emergency signs.

**Pylon or Sheathed Sign:** A freestanding sign in which the sign face or information is integrated into a larger structure so that the structural elements of the structure are not visible.

**Pylon Sign – Maximum Height:** The vertical distance from the average ground elevation adjacent to the base of the sign to the highest point on the pylon structure.

**Readerboard:** A changeable copy sign on which the informational copy can be changed by manual or mechanical means.

**Real Estate Sign:** A temporary building or freestanding sign advertising the sale, lease, or rental of the premises upon which the sign is located.

**Residential Project or Residential Subdivision Sign:** A permanent sign identifying a residential project or subdivision located at the entrance to the project or subdivision.

**Residential Subdivision Sign:** See definition of a Residential Project or Residential Subdivision Sign.

**Roof Sign:** A building sign that is attached to or supported by the roof of the building or that extends above the roof or eave line of the building. A sign located on the lower portion of a mansard roof is not a roof sign and shall be considered to be a wall sign.

**Sandwich Board Sign:** A two-sided portable sign, typically shaped like an “A” and hinged at the top, placed on the ground.

**Sheathed Sign:** See definition of a Pylon or Sheathed Sign.

**Sign:** An object, device, display or structure or part thereof that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image.

**Sign Area:** The area of the sign determined in accordance with **10.24.5.1**.

**Temporary Sign:** A sign intended to be displayed for a short period of time.

**Total Maximum Sign Area:** The combined sign area of all signs located on a lot or parcel.

**Trail Sign:** See definition of a Path or Trail Sign.

**Vehicle Sign:** A vehicle with graphics acting as signage and parked in a visible manner on a regular basis so as to circumvent the intentions of this Ordinance.

**Vision Triangle:** The area at an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than 30 inches in height that impair the vision of drivers of motor vehicles.

**Wall Sign:** A building sign that is painted directly on or applied to the exterior wall of a building including a sign that is attached to or supported by the wall of the building that does not project more than six (6) inches from the surface of the wall.

**Window Sign:** A sign that that is placed, painted, or attached to a window or the glazed portion of a door that is visible from the exterior of the building including signs that are located on the inside of a window.

**Yard Sale Sign:** See definition of Garage or Yard Sale Sign.

### 10.24.3 Applicability

**10.24.3.1 Signs Subject to These Requirements:** The requirements of this section apply to all signs located within the City of Gardiner except those signs that are specifically identified as exempt from these provisions in **10.24.3.2**.

**10.24.3.2 Exempt Signs:** The following signs are exempt from the provisions of this section: accessory signs, directional signs, farm stand signs, garage or yard sale signs, household signs, “open” flags, legal notices, memorial signs or tablets, political signs, public traffic and directional signs, public information signs, public safety signs, portable electronic variable message signs, real estate signs, sandwich signs, and trespassing and hunting signs.

**10.24.3.3 Legally Nonconforming Signs:** A legally nonconforming sign may continue to be used and may be maintained and altered in accordance with the following:

**10.24.3.3.1** Except in the case of prohibited signs, changes to the sign face of nonconforming signs, including names, words, logos or similar information, are permitted and shall not constitute an alteration requiring conformance with this Section, as long as the changes to the sign face do not make the sign more nonconforming and a permit is obtained for the changes from the Code Enforcement Officer. This provision shall not apply to situations where there is a change of ownership or a change of use of the property on which the sign is located.

**10.24.3.3.2** A sign loses its legally nonconforming status and shall not be altered unless it meets the requirements of a new sign if the business, establishment or institution to which the sign belongs is defunct for one year. This shall not apply to murals that receive approval from the Gardiner City Council and, if required, the Historic Preservation Commission.

**10.24.3.3.3** New signage may be proposed for a site that contains legally nonconforming signage, provided that all new signage is in compliance with this Section; that the total sign area is in compliance with the applicable total maximum sign area limitations; and that the signage plan for the entire site furthers the spirit and intent of this Section by reducing visual clutter or otherwise improving the aesthetic appearance of the signage on the site.

**10.24.3.4 Permit Required:** Any sign subject to these requirements shall be erected or altered only after obtaining a permit from the Code Enforcement Officer. In addition, signs within Gardiner’s Downtown Historic District must receive a Certificate of Appropriateness in accordance with the following:

**10.24.3.4.1** The Code Enforcement Officer may grant a Certificate of Appropriateness for all interior and window signs, as well as for projecting signs and wall signs with up to ten (10) square feet of sign area. Certificates of Appropriateness granted by the Code Enforcement Officer may be reviewed by the Historic Preservation Commission.

**10.24.3.4.2** Certificates of Appropriateness for all awning signs, iconic signs, marquee signs, murals, pole signs, and trail signs, as well as for projecting signs and wall signs that are larger than ten (10) square feet, shall be granted only by the Historic Preservation Commission.

**10.24.3.5 Abandoned Signs:** Any sign that identifies or advertises a defunct business or use shall be removed within 30 days of the termination of that business or use from that site. After the business or use has been terminated for a period of one year, all mountings, brackets, poles, sign faces and other signage material shall be removed except for projecting signs, unless the sign is being reused by another business occupying the same site.

#### **10.24.4 Prohibited Signs**

The following signs are prohibited in the City of Gardiner:

**10.24.4.1** Signs that imitate or can be confused for a public safety sign.

**10.24.4.2** Signs that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, use intermittent electrical pulsations or are otherwise animated except for barber poles.

**10.24.4.3** Signs or any part of a sign consisting of a balloon or other inflatable component.

**10.24.4.4** Signs attached to trees, fences, or utility poles, including temporary signs unless specifically allowed for certain types of signs.

**10.24.4.5.** Portable signs designed for and intended or originally intended to be moved from place to place and not be permanently affixed to land, buildings or other structures.

**10.24.4.6** Off-premise signs, unless the sign is an approved Official Business Directional Sign or a Banner Displayed in the Gardiner Common.

**10.24.4.7** Roof signs.

**10.24.4.8** Signs which incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.

**10.24.4.9** Signs with chemical (fluorescent)-type colors or that have a reflective surface.

**10.24.4.10** Neon and illuminated tube signs.

**10.24.4.11** Signs that prevent free egress from any door, window, or fire escape, or that interfere with pedestrian or vehicular movement.

**10.24.4.12** Signs of any kind attached to a standpipe or fire escape.

**10.24.4.13** Signs which obstruct free and clear vision, or which, at any location, by reason of the position, shape or color of the sign may interfere with, obstruct view of or be confused with any authorized traffic sign.

**10.24.4.14** Directional or advertising signs painted on or affixed to a vehicle that is not registered for operation in the State of Maine or another state and/or is incapable of operation without tow or other secondary assistance that is parked, unmoved on or within view of a public way for any period of time greater than five (5) consecutive calendar days in any month.

#### **10.24.5 General Sign Requirements**

**10.24.5.1 Calculation of the Sign Area:** The area of each sign shall be determined based on the following procedures depending on the type of sign (see Section 10.25 for examples of how sign area is calculated).

**10.24.5.1.1 General Standard:** The area of a sign shall include the effective sign area of the sign including all lettering, wording, and accompanying design symbols, together with the background whether open or enclosed, on which they are displayed, including sections between paneled signs. Minimal supporting bracing or framework shall be excluded from the calculation of the area of a sign, but any decorative structure shall be included in the area.

**10.24.5.1.2 Two-Sided Signs:** Only one side of a two-sided sign shall be counted when determining the sign area of such a sign.

**10.24.5.1.3 Signs with a Sign Board:** When a sign consists of a sign board in which the lettering, wording, graphics and similar features are on a separate sign board such as a wall sign attached to a building, a projecting sign, or a ground-mounted sign, the entire area of the sign board shall be counted in the area of the sign.

**10.24.5.1.4 Applied Signs:** When the lettering, wording, graphics and similar features are applied directly to a surface such as in an awning sign, canopy sign, channel letter sign, or a wall sign painted/applied directly on the wall surface and there is a distinctive background behind the features that sets it apart from the rest of the surface, the entire area within the distinctive background shall be counted in the area of the sign. When there are is no distinctive background behind the features such as in a channel letter sign, the area of the sign shall be calculated by the area of the smallest simple geometric shape - square, rectangle, circle, ellipse, or triangle that can enclose the effective sign area of the sign.

**10.24.5.1.5 Complex Signs:** When the lettering, wording, graphics and similar features are located on a larger surface such as in a pylon sign, only the area including the effective sign area that encompasses lettering, wording, graphics and similar features shall be included in the area of the sign. If these features are not located on a distinctive background that creates an identifiable sign face, the area of the sign shall be calculated by the area of the smallest simple geometric shape - square, rectangle, circle, ellipse, or triangle that can encompass enclose the effective sign area of the sign.

**10.24.5.1.6 Changeable Copy Signs:** When a sign incorporates a changeable copy sign, the entire area of the area that can display changeable copy shall be included in the area of the sign together with any border or framing.

**10.24.5.2 Illumination:** Signs may be illuminated only if the requirements of the district in which they are located allows for the illumination of the specific type of sign. An illuminated sign that is permitted by the district standards shall meet the requirements of **10.24.7.8** for illuminated signs.

**10.24.5.3 Location:** Signs shall meet the following standards:

**10.24.5.3.1 Freestanding Signs:** All freestanding signs except as provided in **10.24.5.3.2**, **10.24.5.3.3**, and **10.24.5.3.4** shall be located so that no portion of the sign is located within or overhangs the right-of-way of a public or private street.

**10.24.5.3.2 Development Related Signs:** Construction/Maintenance Site Signs, Nonresidential Project or Subdivision Signs, Real Estate Signs, and Residential Project or Subdivision Signs may be located within the right-of-way of a public or private street serving as the entrance to the development or subdivision provided that the location is approved by the CEO or Planning Board when Planning Board approval is required, is located outside of the vision triangle, and does not obstruct the sight-distance of vehicles using the street.

**10.24.5.3.3 Projecting Signs:** Projecting signs except as provided for below shall be located so that no portion of the sign is located within or overhangs the right-of-way of a public street. A projecting

sign in the Traditional Downtown District may extend over the right-of-way line of a public street by not more than three (3) feet.

**10.24.5.3.4 Sandwich Board Signs:** Sandwich board signs may be located on sidewalks provided they do not impede pedestrian, bicycle, or vehicular movement or obstruct vision. The CEO shall determine the allowed location for a sandwich board sign when there are questions about the suitability of the location.

**10.24.5.4 Overhead Utilities:** No sign shall be located so as to touch or otherwise interfere with overhead utilities, or so as to touch or interfere with such utilities in the event that the sign leans, falls, or otherwise becomes displaced.

**10.24.5.5 Maintenance:** All signs shall be maintained and shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and shall be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents. The Code Enforcement Officer shall cause to be removed any sign that endangers public safety, including signs which are materially, electrically or structurally defective; signs abandoned by reason of vacancy for a period of thirty (30) days or more except signs applicable to businesses temporarily suspended for less than six (6) months due to a change of ownership; and signs for which no permit has been issued.

**10.24.5.6 Materials:** Signs shall conform to the following standards:

**10.24.5.6.1** The use of traditional materials or contemporary materials that have the appearance of traditional materials, is encouraged. Signs constructed of exposed plywood or similar materials (such as oriented strand board) shall be prohibited in all districts. Signs shall have a professional appearance and shall fit in with the architectural and other characteristics of the surrounding area.

**10.24.5.6.2** In the Downtown Historic District, signs shall be made of traditional materials such as wood, brass, bronze, and slate, or of contemporary materials that have the appearance of traditional materials.

**10.24.5.6.3** The use of any material or surface coating that causes glare that impairs the safe driving of vehicles or adversely impacts abutting or proximate properties is prohibited.

## **10.24.6 Allowed Signs by Zoning District**

**10.24.6.1 Signs Allowed in All Districts:** The following signs are permitted in all zoning districts; Path and Trail Signs, Construction/Maintenance Site Signs, Garage or Yard Sale Signs, Official Business Directional Signs, Political Signs, and Real Estate Signs, subject to the standards and limitations of **10.24.7 Performance Standards for Specific Situations or Types of Signs**. These signs shall not count toward the maximum number of signs or the maximum total sign area allowed on the lot.

**10.24.6.2 Household Signs:** One (1) household sign shall be permitted for a residential lot in any zoning district where residential uses are allowed. Lots with a legal, non-conforming residential use in other zones shall also be permitted to have one (1) household sign.

**10.24.6.3 Open Flags and Signs:** One (1) Open Flag or one (1) Open Sign shall be permitted on any lot occupied by a legal nonresidential use or a legal, nonconforming nonresidential use in any zoning district. The flag or sign shall conform to the standards and limitations of **10.24.7 Performance Standards for Specific Situations or Types of Signs**. An Open Flag or Open Sign

shall not count toward the maximum number of signs or the maximum total sign area allowed on the lot.

**10.24.6.4 Banners Displayed in the Gardiner Common and Overhanging Banners:** These specific types of banners are permitted in any zoning district in a location approved by the City of Gardiner in conformance with the standards of **10.24.7** Performance Standards for Specific Situations or Types of Signs.

**10.24.6.5 Signs Allowed in Specific Districts:** The following sections specify the types of signs that are permitted in each zoning district together with the standards for the permitted signs. If a type of sign is not listed as permitted in a zone or permitted under **10.24.6.1**, **10.24.6.2**, **10.24.6.3**, or **10.24.6.4**, it is not allowed in that district. The types of signs allowed in each zone and the related standards apply to a lot. The standards are divided into three categories based on the uses located on the lot. The three categories are nonresidential uses, residential uses, and governmental uses. If a lot contains more than one category of use, the standards for each type of use shall apply to that use. The standards for the maximum number of signs and the maximum sign area apply to the lot not to the occupants or uses. In multi-tenant occupancies, the owner of the property is responsible for allocating the allowed signage among the occupants.

**10.24.6.5.1 Signs Allowed in the Resource Protection (RP), Shoreland Overlay Limited Residential (SLR), and Shoreland (SL) Districts**

<b>Resource Protection (RP), Shoreland Overlay Limited Residential (SLR), and Shoreland (SL) Districts</b>			
<b>Maximum Total Sign Area per Lot</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
		12 SF	2 SF per dwelling unit
<b>Permitted Signs</b>			
<b>Nonresidential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	8 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	12 SF
Pole signs	2 per street frontage with a vehicle access	3 feet	2 SF
<b>Residential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 12 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	8 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	12 SF
Pole signs	2 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	No	No	No
<b>Changeable Copy Signs</b>			



	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	No
Readerboard	No	No	No
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.2 Signs Allowed in the Rural (R) District

<b>Rural District</b>			
<b>Maximum Total Sign Area per Lot</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
		36 SF plus 12 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
<b>Permitted Signs</b>			
<b>Nonresidential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	16 SF
Projecting sign	1 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage with a primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	16 SF
Pole sign	4 per street frontage with a vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
<b>Residential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	8 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	12 SF
Pole signs	2 per street frontage	3 feet	2 SF

	with a vehicle access		
Illumination of Signs			
Type of Illumination	Nonresidential	Residential	Governmental
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
Changeable Copy Signs			
	Nonresidential	Residential	Governmental
Electronic Message Board	No	No	No
Readerboard	Yes	No	Yes
Project or Subdivision Signs			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

**10.24.6.5.3 Signs Allowed in the Residential Growth (RG) and Cobbossee Planned Development (CPD) District**

<b>Residential Growth and Cobbossee Planned Development Districts</b>			
<b>Maximum Total Sign Area per Lot</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
		24 SF plus 12 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
<b>Permitted Signs</b>			
<b>Nonresidential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	12 SF
Projecting sign	1 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage with a primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	16 SF
Pole sign	4 per street frontage with a vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
<b>Residential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	16 SF

Pole signs	2 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	No
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

#### 10.24.6.5.4 Signs Allowed in the High Density Residential (HDR) District

High Density Residential District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		12 SF plus 8 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	1 per building façade facing a street	NA	12 SF
Projecting sign	1 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign on the street frontage that is the primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 6 feet	12 SF
Pole sign	2 per street frontage with the primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
Governmental Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	1 per building façade facing a street	NA	16 SF

Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 6 feet	16 SF
Pole signs	2 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes between 6:00 AM and 8:00 PM	No	Yes between 6:00 AM and 8:00 PM or at the end of an event whichever is later
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	No
Readerboard	No	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.5 Signs Allowed in the Mixed-Use Village (MUV) District

Mixed-Use Village District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
	60 SF plus 20 SF for lots with frontage on two or more public streets	2 SF per dwelling unit	60 SF
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	2 per building façade facing a street	NA	24 SF per individual sign 36 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage that is the primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 12 feet	36 SF
Pole sign	4 per street frontage with the primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Window signs	No limit	NA	Not more than 20% of the window area
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
Governmental Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	1 per building façade	NA	36 SF



	facing a street		
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	36 SF
Pole signs	2 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	No
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.6 Signs Allowed in the Professional/Residential (PR) District

Professional/Residential District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		36 SF plus 12 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	2 per building façade facing a street	NA	16 SF per individual sign 24 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign on the street frontage with the primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 6 feet	24 SF
Pole sign	4 per street frontage with a vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
Governmental Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	1 per building façade facing a street	NA	24 SF
Monument sign or ground-mounted	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or	24 SF

sign or hanging sign		hanging sign – 8 feet	
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>		<b>Nonresidential</b>	<b>Residential</b>
Internally Illuminated		No	No
Externally Illuminated		Yes	Yes
<b>Changeable Copy Signs</b>			
		<b>Nonresidential</b>	<b>Residential</b>
Electronic Message Board		No	No
Readerboard		No	No
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.7 Signs Allowed in the Traditional Downtown (TD) District

Traditional Downtown District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
	None	6 SF per building	None
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign – First floor	1 per building façade facing a street plus 1 on the side or rear façade if there is a public entrance on the facade	NA	Not more than ten percent (10%) of the area of the wall on which it is located
Wall sign – Upper floors (see Note A)	1 per business located on an upper floor but only if there is no projecting sign located at the public entrance to the upper floors	NA	6 SF
Projecting sign – First floor	1 per public building entrance facing a street plus 1 on the side or rear façade if there is a public entrance on the facade	12 feet	12 SF
Projecting sign – Upper floors (see Note B)	1 per public building entrance that provides access to a nonresidential use on an upper floor	12 feet	6 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee	NA	Lettering or graphics shall not be more

	directly over an entrance		than 12" high
Window sign	No limit	NA	Not more than 20% of the window area
Iconic sign	1 per lot	8 feet	A maximum of 3 feet in any dimension
Monument sign	A total of 1 sign per street frontage that has a primary vehicle entrance	4 feet	36 SF
<b>Residential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign or projecting sign	1 sign per building façade facing a street	12 feet	6 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	60 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	36 SF
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	No
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street or to a parking lot serving one or more lots. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall have a maximum area of 24 SF. A monument sign shall have a maximum height of 4 feet and a ground mounted or hanging sign shall have a maximum height of 8 feet. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.
<b>Notes</b>	
<p>A. The property owner or manager shall be responsible for determining the number, size, and location of wall signs on each façade in accordance with a Master Sign Plan submitted to the Code Enforcement Officer with approval by the Historic District Commission if the property is located within the historic district.</p> <p>B. When there are multiple public entrances in a façade, the property owner or manager shall be responsible for determining the number, size and location of projecting signs. When entrances are close together, the signs shall be placed close to the entrances but shall be located to provide separation between signs to the extent feasible.</p> <p>C. Properties not in a Historic District, may use first floor Wall Sign dimensions for a second floor wall sign in lieu of a first floor sign and as long as the first floor commercial space occupies both floors.</p>	

### 10.24.6.5.8 Signs Allowed in the Intown Commercial (IT) District

Intown Commercial District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		100 SF plus 40 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign and/or channel letter sign	2 per building façade facing a street	NA	24 SF plus 1 SF for every six feet of the length of the wall facing the street for an individual sign 60 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or pylon sign	A total of 1 sign per street frontage that has a primary vehicle entrance	Monument sign – 6 feet Ground-mounted sign or pylon sign – 16 feet	36 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Window sign	No limit	NA	Not more than 20% of the window area
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	A total of 1 sign per building façade facing a street	NA	2 SF per dwelling unit to a maximum of 24 SF

Ground-mounted sign or monument sign	A total of 1 sign per primary vehicle entrance	6 feet	2 SF per dwelling unit to a maximum of 24 SF	
<b>Governmental Lots</b>				
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>	
Wall sign	1 per building façade facing a street	NA	60 SF	
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	36 SF	
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF	
<b>Illumination of Signs</b>				
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>	
Internally Illuminated	Yes	No	Yes	
Externally Illuminated	Yes	Yes	Yes	
<b>Changeable Copy Signs</b>				
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>	
Electronic Message Board	No (See Note A)	No	No	
Readerboard	Yes	No	Yes	
<b>Project or Subdivision Signs</b>				
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.			
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall have a maximum area of 24 SF. A monument sign shall have a maximum height of 4 feet and a ground mounted or hanging sign shall have a maximum height of 6 feet. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.			
Notes				
NOTE A: Electronic message boards are permitted on lots that abut Bridge Street north of the Cobbossee Stream.				



### 10.24.6.5.9 Signs Allowed in the Cobbossee Corridor (CC) District

Cobbossee Corridor District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		120 SF plus 20 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign (see Note A)	4 per building façade	NA	24 SF per individual sign 48 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage that has a primary vehicle entrance	Monument sign – 6 feet Ground-mounted sign or pylon sign – 16 feet	36 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Window sign	No limit	NA	Not more than 20% of the window area
Iconic sign	1 per lot	8 feet	A maximum of 3 feet in any dimension
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign or projecting sign	A total of 2 signs per building façade facing a street	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or monument	A total of 1 sign per	6 feet	2 SF per dwelling unit to a maximum of 24

sign or hanging sign	lot		SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	60 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	36 SF
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No (see Note B)	No	No
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall have a maximum area of 24 SF. A monument sign shall have a maximum height of 4 feet and a ground mounted or hanging sign shall have a maximum height of 8 feet. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Notes</b>			
<p>A. The property owner or manager shall be responsible for determining the number, size, and location of wall signs on each façade in accordance with a Master Sign Plan submitted to the Code Enforcement Officer with approval by the Historic District Commission if the property is located within the historic district.</p> <p>B. Electronic message boards are permitted on lots that abut Bridge Street north of the Cobbesee Stream.</p>			

### 10.24.6.5.10 Signs Allowed in the Planned Development (PD) District

Planned Development District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		60 SF plus 20 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall	2 per building façade facing a street	NA	24 SF per individual sign 36 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage that has a primary vehicle entrance	Monument sign – 4 feet Ground-mounted sign or hanging sign – 12 feet	36 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Window sign	No limit	NA	Not more than 20% of the window area
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	A total of 1 sign per building façade facing a street	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or monument sign	A total of 1 sign per primary vehicle entrance	6 feet	2 SF per dwelling unit to a maximum of 24 SF

<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	36 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 12 feet	36 SF
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	No
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	Yes but only if there are no lots in residential use next to the lot on the same side of the street or directly across the street	No	Yes
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall have a maximum area of 24 SF. A monument sign shall have a maximum height of 4 feet and a ground mounted or hanging sign shall have a maximum height of 6 feet. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.11 Signs Allowed in the Education/Community Recreation (ECR) District

Education/Community Recreation District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
	48 SF plus 12 SF for lots with frontage on two or more public streets	2 SF per dwelling unit	60 SF
<b>Permitted Signs</b>			
<b>Nonresidential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	24 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per street frontage with a primary vehicle entrance	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	24 SF
Pole sign	4 per street frontage with a vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
<b>Residential Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign or projecting sign	A total of 1 sign per lot	NA	2 SF per dwelling unit to a maximum of 24 SF
Ground-mounted sign or hanging sign	A total of 1 sign per lot	6 feet	2 SF per dwelling unit to a maximum of 24 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	60 SF
Monument sign or ground-mounted	A total of 1 sign per	Monument sign – 4 feet	36 SF

sign or hanging sign	lot	Ground-mounted or hanging sign – 8 feet	
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	No	No	Yes
Externally Illuminated	Yes	No	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	No	No	Yes
Readerboard	Yes	No	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall conform to the requirements for the type of sign. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.6.5.12 Signs Allowed in the Planned Highway Development (PHD) District

Planned Highway Development District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		200 SF plus 120 SF for lots with frontage on two or more public streets	2 SF per dwelling unit
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign and/or channel letter sign	2 per building façade facing a street	NA	24 SF plus 1 SF for every four feet of the length of the wall facing the street for an individual sign 80 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or pylon sign	A total of 1 sign per street frontage that has a primary vehicle entrance	Monument sign – 6 feet Ground-mounted sign – 16 feet Pylon sign – 20 feet	60 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Window sign	No limit	NA	Not more than 20% of the window area
Residential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	A total of 1 sign per building façade facing a street	NA	2 SF per dwelling unit to a maximum of 36 SF

Ground-mounted sign or monument sign	A total of 1 sign per primary vehicle entrance	6 feet	2 SF per dwelling unit to a maximum of 36 SF
<b>Governmental Lots</b>			
<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Height</b>	<b>Maximum Size</b>
Wall sign	1 per building façade facing a street	NA	60 SF
Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	60 SF
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Internally Illuminated	Yes	No	Yes
Externally Illuminated	Yes	Yes	Yes
<b>Changeable Copy Signs</b>			
	<b>Nonresidential</b>	<b>Residential</b>	<b>Governmental</b>
Electronic Message Board	Yes	No	Yes
Readerboard	Yes	Yes	Yes
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or pylon sign and shall conform to the requirements for the type of sign. The project sign may incorporate an electronic message board with an area of not more than 24 square feet. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		
<b>Residential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or hanging sign and shall have a maximum area of 24 SF. A monument sign shall have a maximum height of 4 feet and a ground mounted or hanging sign shall have a maximum height of 6 feet. The Maximum Total Sign Area for a lot located within a residential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		



### 10.24.6.5.13 Signs Allowed in the Planned Industrial/Commercial (PIC) District

Planned Industrial/Commercial District			
Maximum Total Sign Area per Lot	Nonresidential	Residential	Governmental
		200 SF plus 120 SF for lots with frontage on two or more public streets	NA
Permitted Signs			
Nonresidential Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign and/or channel letter sign	2 per building façade facing a street	NA	60 SF per individual sign 100 SF total area per facade
Projecting sign	2 per lot	12 feet	12 SF
Monument sign or ground-mounted sign or pylon sign	A total of 1 sign per street frontage that has a primary vehicle entrance	Monument sign – 6 feet Ground-mounted sign – 16 feet Pylon sign – 20 feet	60 SF
Hanging sign	1 sign per street frontage that has a primary vehicle entrance per lot	16 feet	12 SF
Pole sign	4 per street frontage with a primary vehicle access	3 feet	2 SF
Awning sign	Only on the valance directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Marquee sign	Only on the front and sides of a marquee directly over an entrance	NA	Lettering or graphics shall not be more than 12" high
Iconic sign	1 per lot	NA	Not more than 3 feet in any dimension
Governmental Lots			
Sign Type	Maximum Number	Maximum Height	Maximum Size
Wall sign	1 per building façade facing a street	NA	60 SF

Monument sign or ground-mounted sign or hanging sign	A total of 1 sign per lot	Monument sign – 4 feet Ground-mounted or hanging sign – 8 feet	60 SF
Pole signs	4 per street frontage with a vehicle access	3 feet	2 SF
<b>Illumination of Signs</b>			
<b>Type of Illumination</b>		<b>Nonresidential</b>	<b>Residential</b>
Internally Illuminated		Yes	NA
Externally Illuminated		Yes	NA
<b>Changeable Copy Signs</b>			
		<b>Nonresidential</b>	<b>Residential</b>
Electronic Message Board		Yes	NA
Readerboard		Yes	NA
<b>Project or Subdivision Signs</b>			
<b>Nonresidential</b>	One project sign is permitted at each vehicle entrance to the development or subdivision from a street. The project sign may be a monument sign, ground mounted sign or pylon sign and shall conform to the requirements for the type of sign. The size of a ground mounted directory sign that lists the individual nonresidential occupants of a development or subdivision may be increased to a maximum of one hundred sixty (160) square feet with a maximum height of twelve (12) feet provided that the sign for any individual occupant shall not exceed eight (8) square feet. The project sign may incorporate an electronic message board with an area of not more than 24 square feet. The Maximum Total Sign Area for a lot located within a nonresidential subdivision or development that has a project or subdivision sign shall be reduced by 20%.		

### 10.24.7 Performance Standards for Specific Situations or Types of Signs

**10.24.7.1 Signs in the Downtown Historic District:** All signs within the Downtown Historic District shall conform to the following standards:

**10.24.7.1.1** Signs shall be permitted only on the front and the rear of a building or structure. Signs shall not alter or obscure an architectural feature, component or detail of a structure or building. Interior and window signs shall not result in permanent alteration of any glass surface.

**10.24.7.1.2** For buildings with adjacent entrances, projecting signs shall be placed on the side furthest from the adjacent door.

**10.24.7.1.3** Projecting signs shall be mounted on black iron mounts using black iron fasteners. Wall signs shall be mounted with black iron fasteners only. Mounting shall be into mortar or other appropriate materials and shall not damage the surrounding brick, granite, or other building components.

**10.24.7.2 Awning Signs:** Awnings which are used as signs shall conform to the following standards:

**10.24.7.2.1** The awning shall be made from a solid color, opaque material and shall not be back lit.

**10.24.7.2.2** The copy and related graphics shall only be located on the valence at the bottom of the canopy. The valence shall be a maximum of twelve (12) inches wide.

**10.24.7.2.3** The copy and related graphics shall be located on the portion of the awning over the primary entrance to the building.

**10.24.7.2.4** The awning on which the sign is located shall not extend over more than two-thirds of the width of the sidewalk or eight (8) feet from the building face, whichever is greater. The awning shall not interfere with or touch any streetlights or trees.

**10.24.7.2.5** An awning located over a sidewalk or other area with pedestrian use shall be mounted to maintain a minimum of eight (8) feet of clearance between the lowest point on the awning or its supporting structure and the sidewalk or ground beneath it for pedestrian safety.

**10.24.7.3 Banners:** Overhanging Banners and Banners Displayed in the Gardiner Common shall conform to the following requirements:

**10.24.7.3.1 Overhanging Banner:** A non-profit organization may place an overhanging banner over a public street or way.

**10.24.7.3.1.1** The non-profit must obtain approval from the City before any banner is placed over any public street or way. As a condition of such approval, the applicant must provide the City with proof of liability insurance naming the City as a named insured in an amount not less than three hundred thousand dollars (\$300,000.00) to cover any claims for damages and/or injuries which might result from the placement of the banner over a public street or way. The applicant shall provide proof of status as a nonprofit organization. The City may also place an overhanging banner over a public street or way.

**10.24.7.3.1.2** A fee for such a permit shall be set from time to time and a schedule of such fees shall be filed in the City Clerk's office. Banners shall be displayed no more than twenty-one (21) calendar days prior to an event and shall be removed no later than five (5) days after an event. The City may remove any overhanging banner left after five days.

**10.24.7.3.1.3** There is limited space available within the City to hang a banner. Availability shall be on a first come first served basis. A non-profit may inform the City up to one year in advance of the wish to hang an overhanging banner. The banner shall be 34 inches by 20 feet with wind holes. The banner needs to conform to MDOT standards. If there is a product sponsor, the logo shall be no more than 10% of the banner.

**10.24.7.3.2 Banners on the Common:** A non-profit organization may apply for a permit to hang a banner on the banner-hanging location at the Gardiner Common for the purposes of announcing community events or notices.

**10.24.7.3.2.1** The non-profit must obtain approval and meet the conditions of this ordinance. As a condition of such approval, the applicant must provide the City with proof of liability insurance naming the City as a named insured in an amount not less than three hundred thousand dollars (\$300,000.00) to cover any claims for damages and/or injuries, which might result from the placement of the banner over a public street or way. The applicant shall provide proof of status as a nonprofit organization. The City may also place a banner at the banner-hanging location at the Gardiner Common.

**10.24.7.3.2.2** The banner hanging location shall be established by the City on the Lincoln Ave side of the Common. The City shall place two posts behind the fence to hold and display

the approved banners. The posts shall be at least 6 feet high and no more than 10 feet apart to support the banners.

**10.24.7.3.2.3** A fee for such a permit shall be set from time to time and a schedule of such fees shall be filed in the City Clerk's office. Banners shall be displayed no more than twenty-one (21) calendar days prior to an event and shall be removed no later than five (5) days after an event. The City may remove any overhanging banner left after five days.

**10.24.7.3.2.4** There is limited space available to hang a banner at the Gardiner Common. Availability shall be on a first come first served basis. A non-profit may inform the City up to one year in advance of the wish to hang a banner at the Common. The banner shall be 36 inches by 8 feet with wind holes. The banner needs to conform to MDOT standards. If there is a product sponsor(s), the logo(s) shall be no more than 30% of the banner.

**10.24.7.4 Changeable Copy Signs:** Changeable Copy Signs including Readerboards and Electronic Message Boards shall conform to the following requirements:

**10.24.7.4.1** Changeable copy signs are allowed only in those zones where they are expressly permitted by the provisions of **10.24.6**.

**10.24.7.4.2** A changeable copy sign must be incorporated into a larger sign. The sign area of the changeable copy sign shall be the lesser of twenty-four (24) square feet or fifty (50) percent of the total sign area of the sign that it is part of.

**10.24.7.4.3** An electronic message board shall conform to the following additional requirements:

**10.24.7.4.3.1** The message or display on the message board shall not change more than once in every twenty-four (24) hours.

**10.24.7.4.3.2** The message or display on the message board shall consist of not more than two colors at any time in addition to the background color.

**10.24.7.4.3.3** The message or display on the message board shall not constitute an animated sign.

**10.24.7.4.3.4** All electronic message boards shall have automatic dimming controls, either by photocell (hardwired) or via software settings, to maintain the light at night in compliance with the illumination standards.

**10.24.7.5 Construction/Maintenance Site Signs:** Not more than two (2) signs may be erected at the site of any construction, renovation, or other improvement project. Each sign shall have a maximum sign area of twenty-four (24) square feet for nonresidential projects and twelve (12) square feet for residential projects. The signs may be placed not more than ten (10) days prior to the start of work at the site and shall be removed with thirty (30) business days of the completion of work or the issuance of a Certificate of Occupancy. The signs may be attached to buildings, fences, or be freestanding but shall not obstruct the visibility of vehicles or pedestrians. The location of the signs shall be approved by the CEO.

**10.24.7.6 Garage or Yard Sale Signs:** Signs for one- or two-day sale events are allowed and may be placed forty-eight (48) hours before the sale and shall be removed within two (2) days of the end of the sale event. Garage and yard sale signs shall be limited in size to four (4) square feet.

**10.24.7.7 Household Signs:** A household sign may be a freestanding sign or a building sign. The total sign area shall not exceed two (2) square feet.

**10.24.7.8 Illumination of Signs:** Externally Illuminated Signs and Internally Illuminated Signs including Readerboards and Electronic Message Boards must conform to the following standards:

**10.24.7.8.1** Illuminated signs are allowed only in those zones where they are expressly permitted by the provisions of **10.24**.

**10.24.7.8.2** Externally illuminated signs shall be illuminated only by steady, stationary, fully shielded light sources that are directed solely on the sign and that do not cause glare in adjacent public ways or property for motorists, pedestrians, or neighboring premises.

**10.24.7.8.3** Internally illuminated signs including Readerboards and electronic message boards that are illuminated at night shall not exceed a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits between one-half hour before sunset to one-half hour after sunrise.

**10.24.7.8.4** Illuminated signs shall be turned off between ten (10) PM and six (6) AM unless the sign relates to a business that is open to the public outside of those hours. In that situation, the sign may be illuminated up to one-half hour before the business opens and may continue to be illuminated not more than one-half hour after the business closes.

**10.24.7.9 Murals:** A mural shall be limited to the sides and back of the building. Murals shall require approval from the Gardiner City Council. If such a mural will be located within the Downtown Historic District, a Certificate of Appropriateness in accordance with this Ordinance also shall be required.

**10.24.7.10 Nonresidential Project or Subdivision Signs:** A nonresidential project may have a permanent sign identifying the project or subdivision located at the entrance to the project or subdivision. The sign shall be limited to the types, maximum sign area, and maximum height of freestanding signs allowed for a nonresidential property for the zone in which it is located. The sign shall be located in close proximity to the primary vehicle entrance to the project or subdivision and may be located within the right-of-way of the street or access way provided that is located outside of the vision triangle and does not obstruct the visibility of drivers or pedestrians. The CEO or the Planning Board shall approve the location of the sign.

**10.24.7.11 Official Business Directional Signs (OBDS):** Official Business Directory Signs shall comply with Maine Department of Transportation, 17 229 CMR 200, except that no such sign shall be placed in any right-of-way directly abutting the Gardiner Common.

**10.24.7.12 Open Signs and Flags:** Any nonresidential property may display one “Open” flag or one “Open” sign during the hours such business is open for customers. An “Open” flag or sign shall not be counted when calculating the maximum number of signs or the total area of signs on the property.

**10.24.7.12.1** An open flag shall not exceed fifteen (15) square feet in area. An open sign shall not exceed two (2) square feet in area and may be illuminated only if illuminated signs are permitted in the zone in which it is located.

**10.24.7.12.2** An open flag shall not obstruct pedestrian movement. The flag shall be removed during snow events and shall not interfere with snow removal. The City is not responsible for any loss of or damage to flags.

**10.24.7.13 Path or Trail Signs:** Signs may be placed to direct users to paths and trails, at trailheads, and along the path or trail. A path or trail sign shall not exceed two (2) square feet in area.

**10.24.7.14 Pole Signs:** Pole signs shall conform to the following standards:

**10.24.7.14.1** Pole signs that are located with the required road setback or within fifteen feet of the right-of-way of a street if the required setback is less than fifteen (15) shall be a maximum of three (3) feet in height.

**10.24.7.14.2** Pole signs that are located within fifteen feet of the right-of-way of a street shall be located within fifteen (15) feet of a vehicle entrance to or exit from the property.

**10.24.7.14.3** A maximum of two (2) signs shall be located in proximity of each vehicle entrance or exit.

**10.24.7.14.4** Pole signs shall not obstruct the visibility of drivers or pedestrians. The CEO or the Planning Board shall approve the location of the signs.

**10.24.7.15 Political Signs:** Signs bearing political may be placed in any district. Political signs shall conform to the requirements of state and federal law.

**10.24.7.16 Projecting Signs:** A projecting sign located over a sidewalk or other area with pedestrian use shall be mounted to maintain a minimum of eight (8) feet of clearance between the lowest point on the sign or its supporting structure and the sidewalk or ground beneath it for pedestrian safety. The bottom of the projecting sign shall not be mounted above the level of the second story windowsill. Projecting signs for multiple businesses sharing the sign shall be attached with eye hooks.

**10.24.7.17 Real Estate Signs:** One temporary real estate sign, attached to a building or free-standing, may be erected to advertise the sale, lease, or rental of the premises upon which the sign is located. The real estate sign shall be removed within 2 days following the sale, lease or rental of the premises. Real estate signs shall be limited in size to eight (8) square feet in the Traditional Downtown, Cobbossee Corridor, Mixed-Use Village, Intown Commercial, and Educational/Community Recreation Districts; to four (4) square feet in the Professional/Residential, Rural, Residential Growth, and High Density Residential Districts; and to thirty-two (32) square feet in the Planned Development, Planned Highway Development, and Planned Industrial/Commercial Districts.

**10.24.7.18 Residential Project or Subdivision Signs:** A residential project may have a permanent sign identifying the project or subdivision located at the entrance to the project or subdivision. The sign shall be limited to the types, maximum sign area, and maximum height of signs allowed for a residential property for the zone in which it is located. The sign shall be located in close proximity to the primary entrance to the project or subdivision. A freestanding project sign may be located within the right-of-way of the street or access way provided that is located outside of the vision triangle and does not obstruct the visibility of drivers or pedestrians. The CEO or the Planning Board shall approve the location of the sign.

**10.24.7.19 Sandwich Board Signs:** A sandwich board sign shall be made of wood, materials that appear to be wood, or other natural materials. A sandwich sign may be displayed only when the premises it advertises are open for business. Such signs shall not impede pedestrian, bicycle or vehicular access. Any sandwich board sign that is found to impede the safe movement of pedestrians, bicycles or vehicles may be ordered removed or relocated by the Code Enforcement Officer. A sandwich board shall be anchored or weighted to prevent it from being blown or knocked over.

**10.24.7.20 Temporary Signs:** Temporary signs shall be made of durable materials and must be maintained in good condition. Any sign that becomes damaged, torn, or illegible shall be immediately removed. Temporary signs shall be located so that they do not obstruct vehicular or pedestrian movement or impair the vision of drivers or pedestrians. The CEO shall approve the location of a temporary sign if there is a concern about the suitability of the location.

## **10.25 Calculation of Sign Area**

Section 10.24.5.1 sets out the procedures for calculating the area of a sign to determine compliance with the maximum sign size and maximum sign area requirements. The following

examples demonstrate how those procedures apply to a sample of sign types. These examples are intended to provide guidance as to how the requirements of 10.24.5.1 should be applied.

### 10.25.1 Channel Letter Signs

When channel letters and logos are attached directly to the wall without a distinctive background that creates a virtual signboard, the area of the sign is the area of the basic geometric shape that encloses the informational elements of the sign.

**10.25.1.1 Single Sign** In this example, a rectangle encloses all of the informational elements of the sign.



**10.25.1.2 Multiple Signs** In this example, two geometric shapes, a rectangle for the name and a square for the logo, enclose all of the informational elements of the sign. The area of each sign is the area of the shape enclosing the informational elements. In this example, this method of calculating the sign area would result in this being counted as two signs.



## 10.25.2 Pylon Signs

The area of the sign is the area of the basic geometric shape that encloses the informational elements of the sign.

The blank area is of a pylon sign not counted as part of the sign area unless it is a distinct background for the informational element so that it creates a virtual sign board.

**10.25.2.1 Single Sign** In this example the logo and lettering are placed on a blue background creating a virtual sign board. The area of the sign would be the area of the smallest geometric shape that can encompass the entire blue background – in this example that would be a rectangle.





**10.25.2.2 Multiple Signs** In this example, two shapes, a rectangle for the text and a circle for the logo, enclose all of the informational elements of the sign. The area of each sign is the area of the shape enclosing the informational elements. Measuring the sign area in this way counts as two signs for purposes of the ordinance.



### 10.25.3 Complex Signs

The basic principle in calculating the area of a sign is that the area of the sign is the area of the smallest simple geometric shape (square, rectangle, circle, ellipse, or triangle) that can encompass all of the informational elements of the sign. The following example shows how this principle applies to a simple script sign using a rectangle. The area of this sign would be the area of the rectangle. In other situations, another shape or combination of shapes may be the better solution.



## **10.26 Fence Standards**

No fence shall be erected, constructed or re-constructed to a height of more than 6 feet when located in the required side, rear or front setback. In the RG, HDR, PR, PD and MUV Districts any fence located within a required front yard setback shall be limited to a height of not more than four (4) feet.

Within the RG, HDR, PR, PD, and MUV Districts any fence located within the required front yard setback shall be made of material that is not solid or opaque. The use of chain-link style fencing is not permitted within the required front yard setback in these districts.

The fence owner shall be responsible for locating the fence on his/her property.

The fence owner shall place all structural framing and posts facing towards his/her property.

No fence shall be erected, constructed or re-constructed so as to obstruct the sight lines at a driveway entrance/exit, street intersection or corner.

### **Electric Fences:**

No electric fence shall be erected, constructed or re-constructed within the required side, rear or front setbacks of a property.

No Electric Fences are allowed in PR and TD. Electric Fences are not allowed in the HDR District on properties that are less than 1 Acre.

## **10.27 Use of Sidewalks by Private Parties in Accordance with State Statutes when Applicable**

*(Adopted June 18, 2014, Effective July 18, 2014)*

### **10.27.1 Temporary Retail Displays**

Retail displays, including temporary signage may be displayed on public sidewalks provided they meet the following conditions:

**10.27.1.1** Temporary displays are limited to items for sale within the establishment directly adjacent to the frontage upon a sidewalk. This provision shall not apply to flower boxes, historic markers, or other decorative architectural items that are consistent with the historic character of surrounding buildings. Display of autos or parts for sale are prohibited on the sidewalk.

**10.27.1.2** At all times, displays must allow for a minimum of 3' of unoccupied and unobstructed space on sidewalk to allow for adequate pedestrian and handicap access and shall not block an egress. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, sign posts, light poles, flag poles, utility poles, and fire hydrants.

**10.27.1.3** Display must be kept in a neat, and orderly manner, and not create a nuisance or safety hazard.

**10.27.1.4** The City of Gardiner will not be responsible for any damage to or loss of any items placed on the sidewalks.

## **10.27.2 Sidewalk Cafés**

No person shall expand a food service establishment to the outside on any sidewalk in the City except under a duly authorized outdoor dining permit.

### **10.27.2.1 Regulations and Restrictions**

**10.27.2.1.1** Sidewalk cafés are only allowed for restaurants and food-serving establishments.

**10.27.2.1.2** Sidewalk cafés shall be contiguous with the establishment with which they are associated.

**10.27.2.1.3** Sidewalk cafes shall leave a minimum width of three (3) feet unoccupied and unobstructed in order to allow adequate pedestrian movement and handicap access. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, sign posts, light poles, flag poles, utility poles, and fire hydrants.

**10.27.2.1.4** Sidewalk Café Permits are valid from June 1st to May 31st of each year. Chairs, tables and appurtenances may remain on the sidewalk area, and shall not interfere with snow removal and maintenance.

**10.27.2.1.5** No permanent structure or device shall be erected or placed in, on, or about any public sidewalk.

**10.27.2.1.6** Any damage done to the public right-of-way by the applicant or by its patrons shall be repaired at the expense of the applicant.

**10.27.2.1.7** Litter emanating from the sidewalk café area, and from whatever area to which it may flow, shall be collected by the permittee as often as may be required to keep the sidewalk clear of litter and debris.

**10.27.2.1.8** Sidewalks shall be swept and cleaned at the close of business each day.

**10.27.2.1.9** Outdoor music associated with any eating establishment that is wholly or partially on municipal property shall abide by current noise standards.

**10.27.2.1.10** There shall be no additional signage for the outdoor dining.

**10.27.2.1.11** Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.

**10.27.2.1.12** These standards shall not apply to a restaurant, vendor, or other party participating in a duly approved event under the City of Gardiner's "Special Events" ordinance.

**10.27.2.1.13** The City of Gardiner will not be responsible for any damage to or loss of any items placed on the sidewalks.

Failure to adhere to these standards shall result in the revocation of the permit until such time that the violation has been corrected.

### **10.27.2.2 Permit Procedures**

**10.27.2.2.1** The applicant shall apply for a Sidewalk Café Permit from the City Clerk on an annual basis.

**10.27.2.2.2** The applicant shall provide a plan showing the area intended for outdoor dining, the proposed seating, the barrier fencing and the ingress and egress. In addition, the plan shall also include the dimensions of the seating area and the distance from the barrier fencing to any curbside obstacles. The Plan will be reviewed and approved by the Code Enforcement Officer, Fire Chief, Police Chief and Public Works Director.

**10.27.2.2.3** The applicant shall also provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$500,000. In addition, the City of Gardiner shall be named as an additional insured.

**10.27.2.2.4** In the event alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission shall be presented.

**10.27.2.2.5** Sidewalk Café Permits are subject to an annual application fee as set by the City Council.

### **10.28 Accessory Dwelling Units (ADUs)**

An owner-occupied single-family home may include an accessory dwelling unit (ADU) provided that all of the following are met. The ADU shall not count as a dwelling unit for minimum lot size or density requirements.

**10.28.1** The ADU shall be incidental and secondary to the use of the dwelling as a single-family residence.

**10.28.2** Either the primary dwelling unit or the ADU shall be occupied by the owner of the property. For the purposes of this provision, this condition will be deemed to be satisfied if one unit is occupied by the beneficiary of a trust, life estate, or similar legal arrangement.

**10.28.3** The ADU shall be provided with water supply and sewage disposal systems meeting the requirements of City and State ordinances and codes. If sewage disposal will be provided through a subsurface wastewater disposal system, the system shall be appropriately sized to handle the additional flow if any.

**10.28.4** The size of the ADU is limited to a maximum floor area of forty percent (40%) of the useable floor area of the principal dwelling unit or one thousand (1000) square feet whichever is greater with not more than one bedroom.

**10.28.5** The ADU may be located within the principal building or in an accessory building or structure. A Tiny Home may be used as an ADU provided that it meets all of the other standards of **10.28** and is located on a lot in a district that permits ADUs and that contains a minimum of twenty thousand (20,000) square feet of lot area.

**10.28.6** The inclusion of the ADU must maintain the residential character of the single-family home. If the ADU is located in the principal building, the entrance to the unit from the outside must be through an existing exterior door or through a door located on the side or rear of the building.

**10.28.7** If the ADU is located in a new or expanded accessory building, the exterior appearance of that structure shall be compatible with appearance of the principal building.

**10.28.8** One (1) off-street parking space shall be provided to serve the ADU. This space shall be in addition to the parking provided for the single-family home. If the home has less than the required off-street parking, only the one (1) additional space must be provided. If the single-family home has three or more existing parking spaces, no additional parking shall be required.

**10.28.9** The parking for the ADU shall not be located in the area between the front wall of the building and the front property line except on a driveway.

### **10.29 Cannabis Establishments (Amended February 16, 2022- Effective March 14, 2022)**

**10.29.1** Any property line of the lot upon which a cannabis establishment is located shall be a minimum of one thousand (1,000) feet from any property line of a lot upon which a public or private school, daycare center/nursery school, athletic field or playground is located. A “school” includes public school, private school, or public preschool program as defined in 20-A M.R.S §1, or any other educational facility including commercial schools that serve children that are less than eighteen (18) years old.

**10.29.2** A Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility shall not be open for consumer transactions or other public activity between the hours of 8:00 p.m. and 8:00 a.m. unless the City Council establishes other hours of operation as part of a City Cannabis Establishment License.

**10.29.3** Any property line of the lot upon which a Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility is located shall be a minimum of five hundred (500) feet from any property line of a lot upon which any other existing Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility is located. A legally existing medical cannabis establishment at the time of adoption of this provision or an establishment that has received a City Cannabis Establishment License shall be considered an existing facility for the purpose of this limit.

**10.29.4** A Cannabis Products Manufacturing Facility or a Cannabis Testing Facility shall not be located in a building or structure that contains one or more dwelling units or other residential uses. This limitation shall not apply to facilities located in a single-family home that is occupied by a Registered Medical Cannabis Caregiver.

**10.29.5** 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 or license 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, licenses and permits are void.

**10.29.6** 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 285BSection 102(20) M.R.S. Chapter 558-C.

**10.29.7** All cannabis establishments shall be designed and operated in a manner that prevents cannabis plant odors from significantly altering the environmental odor outside. Odor control can include the management of odor producing operations as well as provisions for ventilation and filtration systems.

**10.29.8** All cultivation of cannabis including but not limited to cultivation by a Licensed Cannabis Cultivation Facility, a Registered Medical Cannabis Caregiver, or an individual growing for personal use shall be conducted in accordance with the following requirements:

**10.29.8.1** All cultivation and processing of cannabis shall occur within a fully enclosed structure capable of containing odors.

**10.29.8.2** The structure within which the cultivation and/or processing occur shall be designed and operated to control odors in accordance with **10.29.7**.

**10.29.8.3** Any structure used for the cultivation and/or processing of cannabis shall comply with the setbacks for the district within which it is located.

**10.29.8.4** No freestanding accessory structure used for the cultivation and/or processing of cannabis shall be located where it can be seen from a public street unless the structure is more than one hundred (100) feet from any street right-of-way.

### **10.30 Standards for Tiny Homes**

A Tiny Home may be used as a dwelling unit provided that all of the following are met.

**10.30.1** The lot on which the tiny home is located is in a zoning district in which tiny homes are allowed as shown on the Land Use Table in **7.6**.

**10.30.2** The Tiny Home is located on a lot that conforms to the minimum lot area, minimum road frontage and minimum shore frontage requirements for the zoning district in which it is located as shown in the table of Dimensional Requirements in **7.7**.

**10.30.3** The Tiny Home is located on the lot so that it conforms to all setback requirements for the zoning district in which it is located as shown in the Table of Dimensional Requirements in **7.7**.

**10.30.4** The Tiny Home shall be served by a sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Subsurface Wastewater Disposal Rules if applicable.

**10.30.5** The Tiny Home shall be served by a potable water system capable of providing a supply of at least sixty (60) gallons per day.

**10.30.6** If the Tiny Home is constructed in accordance with the standards for Tiny houses' in the Maine Uniform Building and Energy Code (MUBEC), the home shall be located on a permanent foundation meeting the requirements of MUBEC.

**10.30.7** If the Tiny Home meets the definition of "Tiny home" as set forth in 29-A M.R.S. § 101(80-C), as amended, then such Tiny Home, whether temporarily or permanently placed, shall be installed on the lot in accordance with the provisions of the following subchapters of 02-385 C.F.R. Ch. 890, as amended: Subchapter B – Pre-Installation Considerations, Subchapter C – Site Preparation, Subchapter D – Foundations, and Subchapter E – Anchorage Against Wind (collectively, the "Installation Standards"). These standards shall apply to Tiny homes as defined under 29-A M.R.S. § 101(80-C) as though they are manufactured homes as that term is used in the Installation Standards, and the Installation Standards are hereby incorporated by reference in this manner. The Code Enforcement Officer is authorized to grant a waiver or partial waiver of these installation standards to reflect potential differences in the design and size between manufactured housing and a Tiny home, so long as such waiver or partial waiver is not inconsistent with the purpose and intent of the Installation Standards.

### **10.31 Accessory Solar Arrays**

**10.31.1** No part of an Accessory Solar Array that is mounted on the roof or exterior wall of a building shall project more than two (2) feet from the primary surface of the roof or wall.

**10.31.2** No part of an Accessory Solar Array that is mounted on the ground or a supporting structure that is not part of a building shall project more than twelve (12) feet above the average grade of the ground beneath the array if any part of the array is visible from a residential use.

**10.31.3** No part of a ground-mounted Accessory Solar Array shall be located within the required setbacks or within twenty-five (25) feet of the property line of a lot that is improved with a residential use.

**10.31.4** No part of a ground-mounted Accessory Solar Array shall be located between the front property line of the lot and the line of the front wall of the building extended to the side or other property lines. This restriction shall not apply in the PIC District or when the front wall of the building is located more than one hundred (100) feet from the front property line.

**10.31.5** A ground-mounted Accessory Solar Array shall be screened from view from public streets and all residential uses located within one hundred (100) feet of any portion of the solar array as measured from the closest part of the residential structure. The screening shall provide visual screening meeting the standards for Semi-Full Screen Options for property lines set out in **8.11.4.5.1**.



## **10.32 Solar Electric Production Facilities**

**10.32.1** No part of a Solar Electric Production Facility that is mounted on the roof or exterior wall of a building shall project more than two (2) feet from the primary surface of the roof or wall.

**10.32.2** No part of a Solar Electric Production Facility that is mounted on the ground or a supporting structure that is not part of a building shall project more than ten (10) feet above the average grade of the ground beneath the array if any part of the array is visible from a residential use. The Planning Board as part of the review and approval of the site plan for the facility may approve a ground-mounted installation that is higher than ten (10) feet if the applicant demonstrates that it will not have a negative visual impact when viewed from a public street or a residential use taking into account proposed screening of the array.

**10.32.3** No part of a ground-mounted Solar Electric Production Facility shall be located within one hundred (100) feet of the property line of a lot that is improved with a residential use. The Planning Board as part of the review and approval of the site plan for the facility may reduce the setback of the array from the property line of a lot if it finds that:

**10.32.3.1** No structural elements of the facility including the solar array will be visible from the residential lot considering the reduction in the setback, or

**10.32.3.2** All structural elements of the facility will be screened from view from the residential lot in accordance with the standards of 10.3.4.

**10.32.4** A ground-mounted Solar Electric Production Facility shall be screened from view from all residential uses located within one thousand (1000) feet of any portion of the solar array as measured from the closest part of the residential structure. The screening shall provide an opaque visual barrier at least eight (8) feet in height and may consist of one or more of the following:

**10.32.4.1** A solid vegetative buffer consisting of plant materials that will provide a year round visual screen; or

**10.32.4.2** A berm combined with a vegetative buffer consisting of plant materials that will provide a solid year-round visual screen; or

**10.32.4.3** A solid fence combined with plantings on the residential side of the fence in accordance with Option 3 for a Semi-Full Screen as set forth in **8.11.4.5**, or

**10.32.4.4** An alternative plan for screening the facility identified in the visual impact assessment and approved by the Planning Board.

## **10.33 Battery Energy Storage Systems**

### **10.33.1 Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

**ANSI:** American National Standards Institute

**Battery:** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the

purposes of this ordinance, batteries utilized in consumer products are excluded from these requirements.

**Battery Energy Storage Management System:** An electronic system that protects energy storage systems from operating outside their safe operating parameters.

**Battery Energy Storage System:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy, of any aggregate energy capacity, at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

**Dedicated-Use Building:** A building that is built for the primary intention of housing Battery Energy Storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only permitted primary use is for Battery Energy Storage System, energy generation, and other electrical grid-related operations.
- 2) Occupants in the rooms and areas containing Battery Energy Storage Systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 3) No other occupancy types are permitted in the building.
- 4) Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain Battery Energy Storage System, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

## **10.33.2 MUBEC: Maine Uniform Building and Energy Code**

### **10.33.2.1 General Requirements**

**10.32.2.1.1** Any structure built in accordance with this law will meet or comply with the following:

- A) The Applicant of any Battery Energy Storage System shall provide, at no cost to the City or fire department, fire department training related to potential fire issues that are site specific and could arise from the structure. This training shall be provided when requested by the fire department, but must at least be provided on an annual basis, or when any updated equipment is installed;
- B) If specialized equipment is needed by the fire department, the owner of any Battery Energy Storage System structures will pay for the costs of such equipment

or

reimburse the applicable fire department or applicable local government office or agency for the purchase of same. If there is more than one (1) owner, then such owners shall share in the costs on a pro-rata basis in proportion to the assessed value of the properties on which the structure owned by each co-owner is located.

#### **10.33.2.1.2 Utility Lines and Electrical Circuitry**

All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection within the utility company Right-Of-Way and any new interconnection equipment, including any poles.

#### **10.33.2.1.3 Minimum Lot Size**

A Battery Energy Storage System shall not be permitted on a lot less than 0.75 acres, regardless of the dimensional lot requirement of the Land Use Zone in which it is located.

#### **10.33.2.1.4 Fencing**

The Battery Energy Storage Systems and any associated interconnection equipment and dedicated use buildings shall be enclosed using at least six (6) foot fencing.

#### **10.33.2.1.5 Buffers and Screening**

Any Battery Energy Storage System must provide for the buffering and screening in accordance with the Land Use Ordinance Section 8.11 Buffer Area and Screening Standards.

#### **10.33.2.1.6 Special Signage**

A) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the Battery Energy Storage Systems, the type of battery energy storage system, any special hazards associated with the system, the type of fire suppression system installed in the area of Battery Energy Storage Systems, and 24-hour emergency contact information.

B) As required by the MUBEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

#### **10.33.2.1.7 Vegetation and Tree-Cutting**

Areas within 10 feet on each side of the Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery,

or cultivated ground cover such as green grass, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

#### **10.33.2.1.8 Decommissioning**

A) All applications for a Battery Energy Storage System shall be accompanied by a Decommissioning Plan detailing the process and estimated costs, to be implemented upon abandonment and/or in conjunction with removal of the installation. Prior to removal of the Battery Energy Storage System, a permit for removal activities shall be obtained from the Code Enforcement Officer. For all other Battery Energy Storage Systems subject to regulation under this Ordinance, the Decommissioning Plan shall include the following provisions:

1. The owner, operator, or their successors in interest shall remove any Battery Energy Storage System, Dedicated-Use Building and all other buildings or structures related thereto which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the City Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
2. Physical removal of all Battery Energy Storage System, Dedicated Use Building, all other buildings, or structures related thereto, equipment, security barriers, feeders, and branch circuit wiring from the site.
3. Disposal of all solid and hazardous waste in accordance with local, State, and Federal waste disposal regulations.
4. Stabilization or re-vegetation of the site as necessary to minimize erosion. The CEO may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
5. As part of the decommissioning plan, the owner or operator of a Battery Energy Storage System shall provide the City with an irrevocable standby letter of credit or other form of financial security reasonably acceptable to the City attorney, which shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restoration of the site subsequent to removal. The amount of the letter of credit or other security shall be in the amount of one hundred percent (100%) of the cost of removal (to be detailed and provided) of the Battery Energy Storage System and restoration of the property, which shall be renewed and updated every five (5) years. Delivery of the letter of credit or other security to the City shall occur prior to the commencement of operations.

6. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the Battery Energy Storage System shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board (“Abandonment”). If the owner or operator of the Battery Energy Storage System fails to remove the installation in accordance with the requirements of this section within one hundred and fifty (150) days of Abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation using the applicant’s financial security funds.
7. Upon the decommissioning of the project and removal of all equipment, the soils at the site shall be restored to the condition and classification that existed prior to the construction of the project, identified in the soil survey plan of the original application.
8. In the event of default of performance of such conditions, after proper notice, the letter of credit or other financial security shall be forfeited to the City, which shall be entitled to maintain an action thereon. The letter of credit or other financial security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

#### **B) Costs of Decommissioning/Removal**

The operator of an installation and the owner of the real property on which such installation is located shall be jointly liable for all costs and expenses of the City incurred during and relating to the removal of an installation under Section (I)(1). Notwithstanding the foregoing, the City shall first attempt to secure payment for such costs and expenses from the operator of the installation; however, in the event the City is not made whole following reasonable attempts to collect such costs and expenses from the operator of the installation, the City reserves all rights under this ordinance to pursue payment for such costs and expenses from the owner of the real property on which the installation in question is located.

#### **10.33.2.1.9 Additional Site Plan Application Materials**

A Battery Energy Storage System requires site plan approval. A site plan application shall include the following additional information:

- A. An electrical diagram detailing the Battery Energy Storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- B. A preliminary equipment specification sheet that documents the proposed Battery Energy Storage System components, inverters, and associated electrical equipment that are to be installed, to the extent those equipment specification sheets are available. A

final equipment specification sheet shall be submitted prior to the issuance of building permit.

C. Fire Safety Compliance and Emergency Operation Plan. Prior to issuance of the building permit, the plan shall document and verify that the system and its associated controls and safety systems are in compliance with MUBEC. A copy of the approved Emergency Operations Plan shall be given to the system owner and the local fire department. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The Emergency Operations Plan shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries.
2. For safe start-up following cessation of emergency conditions.
3. Procedures for inspection and testing of associated alarms, interlocks, and controls.
4. Procedures to be followed in response to notifications from the Battery Energy Storage System, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
5. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
6. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
7. Procedures for dealing with Battery Energy Storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage system equipment from the facility.
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

D. A letter from the electric distribution provider indicating suitability to connect to the grid.