

## **SECTION 7 ZONING DISTRICTS**

**(Amended May 18, 2022 /Effective June 17, 2022**

### **7.1 Establishment of Districts**

For the purposes of this Ordinance, the City of Gardiner is divided into the following districts:

Resource Protection District  
Shoreland District  
Rural District  
Residential Growth District  
High Density Residential District  
Cobbossee Planned Development District  
Traditional Downtown District  
Intown Commercial District  
Planned Industrial/Commercial District  
Planned Development District  
Shoreland Overlay  
Professional/Residential  
Educational/Community Recreation District  
Cobbossee Corridor District  
Shoreland Overlay Limited Residential District  
Mixed Use Village District  
Planned Highway Development District

### **7.2 Location of Districts**

Said districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of the City of Gardiner, Maine," dated October 4, 2019 or as most recently amended, and on file in the office of the City Clerk. The Official Map shall be signed by the City Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of the Official Map may be viewed in the office of the City Clerk.

### **7.3 Uncertainty of Boundary Location**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

**7.3.1** Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines;

**7.3.2** Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines;

**7.3.3** Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

**7.3.4** Boundaries indicated as following railroad lines shall be construed to follow such lines;

**7.3.5** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

**7.3.6** Boundaries indicated as being parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map or actual distances measured;

**7.3.7** Where natural or man-made features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Board of Appeals shall interpret the district boundaries.

#### **7.4 Division of Lots by District Boundaries**

**7.4.1** Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than fifty feet into the more restricted portion of the lot.

**7.4.2** Extension of use shall be considered a variance, subject to approval of the Board of Appeals if such extension will not adversely affect the neighborhood and abutting property.

#### **7.5 District Purpose**

##### **7.5.1 Resource Protection District**

Encompasses the land areas least able to sustain development due to physical site conditions involving topography, slopes, soil types and susceptibility to erosion, drainage and proximity to surface waters. Development of these areas has a significant potential to adversely affect water quality, productive wildlife habitat, biological systems or scenic and natural features. Such areas include, but are not limited to, wetlands, swamps, marshes, bogs and significant wildlife habitat. The district protects such vulnerable areas by severely restricting development.

##### **7.5.2 Shoreland District**

Covers land areas within 250 feet of major waterbodies which are not heavily developed yet and are capable of supporting limited development. Development in these Shoreland areas, due to their proximity to surface waters, require close scrutiny in order to prevent and control water pollution, protect drinking water supplies, minimize flood damage and conserve shore cover.

##### **7.5.3 Rural District**

Encompasses areas that have rural character and lack public water and sewer. This area is designed primarily for rural uses that include agriculture, timber operations, resource

extraction activities, open space, undeveloped land, low density residential, and some typical rural-based commercial activities.

#### **7.5.4 Residential Growth District**

Includes those areas within the city where new residential growth will be encouraged to locate. Includes land adjacent to the high-density residential district, areas of newer residential development, and areas which can take advantage of the present or future extension of city services. It incorporates many of the same land uses as the higher density residential districts, including educational, institutional and governmental uses. This area is designed primarily for residential use and contains areas served by both municipal services and subsurface wastewater disposal systems.

#### **7.5.5 High Density Residential District**

Includes land areas which are already predominantly residential in character. It incorporates many of the older and developed residential areas of the city with a mix of single and multifamily homes, schools, hospitals, and some existing commercial uses.

#### **7.5.6 Traditional Downtown District**

The Traditional Downtown District encompasses the more densely developed areas of the city including the Water Street, Mechanic Street, and Maine Avenue area south of the Cobbossee. A wide variety of commercial, industrial, residential, governmental and institutional uses exist here, offering convenient access to many kinds of activities and benefiting from the provision of community services and utilities. This district boasts a unique historical and architectural character as well as a vital mix of land uses and services. The zoning regulations seek to protect the existing character of the downtown and ensure that future development is compatible with the existing pattern of development.

#### **7.5.7 Planned Industrial/Commercial District**

Includes land areas in the city which are the locations of existing businesses as well as areas suited to such development due to access to transportation routes or proximity to community services. This district seeks to encourage economic development by providing locations appropriate for business development while setting minimal standards to control the external effects of such activities (noise, dust, fumes, odors, traffic, waste, discharges, etc.).

#### **7.5.8 Planned Development District**

Includes the portion of the outer Brunswick Avenue corridor from the four-way intersection with Old Brunswick Road to Blueberry Hill as well as part of Cobbossee Avenue. This district includes land to be used for both commercial and residential use. Allowed uses include a wide range of residential uses as well as many nonresidential uses. The development standards allow development that is appropriate for a busy corridor while ensuring that new buildings are attractive.

#### **7.5.9 Shoreland Overlay District**

Covers land areas within 250 feet of major water bodies which are heavily developed. These areas are primarily devoted to commercial, industrial or intensive recreational activities, or a mix of activities, including, but not limited to, the following: manufacturing, fabricating, wholesaling, warehousing, retail trade, service activities, amusement parks, and fairgrounds.

Portions of the Shoreland Overlay District also include existing, dense residential development. Development within this district must consider a combination of Shoreland Zoning Performance Standards and those standards of the underlying zoning district.

#### **7.5.10 Professional/Residential**

Includes land areas within the Downtown District that currently offer and are well suited to a combination of residential and professional business development. The district offers a unique opportunity to promote mixed-use development while maintaining the residential character of the existing neighborhood. This district seeks to maintain the existing neighborhood's residential appearance while allowing professional office development through creative planning, city oversight, and enhanced performance standards. This can result in livelier, more interesting and more convenient neighborhoods. The Professional/Residential Zoning District includes land uses such as multifamily residential, bed and breakfast, restaurant, retail, office, and service businesses.

#### **7.5.11 Educational/Community Recreation District**

Includes areas that are predominantly civic in character, including public educational institutions, non-profit community organizations and indoor and outdoor recreation facilities. Allowable uses are restricted to promote the long-term recreational and educational needs of the city while protecting the character and minimizing impacts on adjacent tight-knit neighborhoods. Dimensional standards allow for adequate buffering of new developments or expansions, while accommodating the space and bulk requirements of civic-scaled uses.

#### **7.5.12 Cobbossee Corridor**

The Cobbossee Corridor District includes areas suitable for development, redevelopment or open space preservation in a manner integrating the unique natural and cultural conditions of the area. The range of allowable uses and built forms should maximize the potential of each site, while providing for visual and physical connections to the Cobbossee Stream and a network of pedestrian trails. Development activities should not adversely impact the natural and visual resources, and should meet high standards for architectural quality, visual diversity and energy efficiency. Green stormwater and building technologies should be utilized to promote the Cobbossee Corridor as a place of innovation and sustainability. Dimensional standards allow for more dense developments, recognizing the restrictive natural conditions and the limited number of building sites. Parking should be carefully integrated into public and private streets, within buildings and shared arrangements, avoiding large surface lots that do not fit the character of the area. The Cobbossee Corridor District includes two overlay districts: The Shoreland Overlay District and the Shoreland Overlay Limited Residential District.

#### **7.5.13 Shoreland Overlay Limited Residential District**

Includes areas other than those in the Resource Protection District, Shoreland or Shoreland Overlay District. Development within this district must consider a combination of Shoreland Zoning Performance Standards and the uses and standards as required in the underlying district.

#### **7.5.14 Mixed Use Village District**

Includes the portion of the outer Brunswick Avenue corridor from the armory area to the four-way intersection with Old Brunswick Road. This district is intended to provide a transition between the built-up area of the City and the more highway oriented portion of the corridor to the west. A wide variety of residential and nonresidential uses are allowed in this district but retail, service, shopping center, and light manufacturing uses are limited to a maximum of 10,000 square feet per use. The development standards encourage new or expanded buildings to have an “urban village” character with buildings located close to the street.

#### **7.5.15 Planned Highway Development District**

Includes the portion of the outer Brunswick Avenue corridor close to the Interstate extending from Blueberry Hill to and across I-295. This district is intended to accommodate uses that benefit from a location adjacent to the Interstate. A wide range of nonresidential uses including uses that cater to traffic on I-295 are accommodated in the district while residential uses are limited to units that are part of a mixed-use development. The development standards allow “highway” style development subject to design standards.

#### **7.5.16 Intown Commercial District**

The Intown Commercial District includes the portion of the downtown area west and north of the Traditional Downtown District that is characterized by a post-World War II, auto-serviced development pattern including a portion of Water Street and the Bridge Street corridor. The zoning regulations are designed to allow a wide range of residential and non-residential uses while improving the visual environment and the management of traffic flow and safety.

#### **7.5.17 Cobbossee Planned Development District**

The Cobbossee Planned Development District includes areas between Old Brunswick Avenue and the Cobbossee west of West Street. This district is intended to accommodate residential development and to create the opportunity for residential developments that conform to a traditional neighborhood development pattern with lots and buildings developed in a pedestrian-focused manner.

## **7.6 Land Use Table**

The following table establishes the uses that are allowed in each zoning district.

### **Key for the Categories of Uses**

For each use, its status in a particular zone is indicated by one of the following designations:

- N means the use is not allowed in that zone
- Y means that the use is allowed and does not need a permit
- C means that the use is allowed and that it needs review and approval by the Code Enforcement Officer in accordance with Section 6
- P means that the use is allowed and that it needs review and approval. Based on the criteria set out in Section 6 and the specifics of a project, the review could be Site Plan Review, Planning Board Review, or Code Enforcement Officer Review
- SD means that the use requires review and approval by the Planning Board under the standards for subdivisions

**7.6.1 Rural Uses**

**Key to Land Use Table**

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

P = Permitted with Review

SD = Subdivision Review

**Legend**

The legend at the top of the columns identifies the various zoning districts as follows:

- |     |                               |     |                                       |
|-----|-------------------------------|-----|---------------------------------------|
| RP  | Resource Protection           | SLR | Shoreland Overlay Limited Residential |
| SL  | Shoreland                     | RG  | Residential Growth                    |
| R   | Rural                         | HDR | High Density Residential              |
| PR  | Professional/Residential      | TD  | Traditional Downtown                  |
| PIC | Planned Industrial/Commercial | PD  | Planned Development                   |
| CC  | Cobbossee Corridor            | ECR | Education/Community Recreation        |
| MUV | Mixed Use Village             | PHD | Planned Highway Development           |
| IT  | Intown Commercial             | CPD | Cobbossee Planned Development         |

<b>Rural Uses</b>																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Accessory Agricultural Activities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory Animal Husbandry	C	C	C	Y	C	N	N	N	N	C	N	N	C	C	N	C
Accessory Beekeeping	C	C	C	C	C	C	C	N	C	C	N	C	C	C	C	C
Campgrounds	N	P	P	SD	SD	N	N	N	N	SD	N	N	N	N	N	SD

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Chicken Keeping Residential	C	C	C	C	C	C	C	N	N	C	C	C	C <sup>1</sup>	C <sup>1</sup>	N	C
Commercial Agriculture	C	C	C	Y	P	P	P	N	N	C	N	N	P	P	N	P
Commercial Animal Husbandry	C	P	P	Y	P	N	N	N	N	P	N	N	N	P	N	P
Individual Private Campsite	C	C	C	C	C	N	N	N	N	C	N	C	N	C	N	C
Outdoor Recreation	P	P	P	P	P	N	N	P	N	P	P	P	P	P	P	P
Passive Recreation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Resource Extraction	N	N	N	C	N	N	N	N	C	P	N	N	N	N	N	N
Roadside Stands/Farm Produce	N	N	N	Y	C	C	C	C	C	C	C	C	C	C	C	C
Timber Harvesting <sup>12</sup>	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y

See Notes at end of Section 7.6 charts.



**7.6.2 Residential Uses**

**Key to Land Use Table**

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

P = Permitted with Review

SD = Subdivision Review

**Legend**

The legend at the top of the columns identifies the various zoning districts as follows:

- |     |                               |     |                                       |
|-----|-------------------------------|-----|---------------------------------------|
| RP  | Resource Protection           | SLR | Shoreland Overlay Limited Residential |
| SL  | Shoreland                     | RG  | Residential Growth                    |
| R   | Rural                         | HDR | High Density Residential              |
| PR  | Professional/Residential      | TD  | Traditional Downtown                  |
| PIC | Planned Industrial/Commercial | PD  | Planned Development                   |
| CC  | Cobbossee Corridor            | ECR | Education/Community Recreation        |
| MUV | Mixed Use Village             | PHD | Planned Highway Development           |
| IT  | Intown Commercial             | CPD | Cobbossee Planned Development         |

<b>Residential Uses</b>																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Accessory Dwelling Unit (ADU)	N	C	C	C	C	C	C	N	N	C	N	C	C	C <sup>3</sup>	C	C
Boarding Home	N	N	N	P	P	P	P	P	N	P	N	P	P	N	P	P
Community Living Facility	N	C	C	C	C	C	C	C	N	C	N	C	C	C	C	C
Congregate Care Facility	N	N	P	P	P	P	P	P	N	P	N	P	P	P <sup>2</sup>	P	P
Density Bonus (17)	N	P (17)	P (17)	P (17)	P	P (17)	P (17)	P (17)	N	P	N	P	P	P	P (17)	P

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Home Child Care	C	C	C	C	C	C	C	C	N	C	N	C	C	C	C	C
Home Occupation	P	P	P	C	P	P	C	C	N	C	N	C	C	C <sup>4</sup>	C	P
Home Occupation Minor	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y
Modular/Mobile less than 20 feet wide	N	N	C	C	C	N	N	N	N	C	N	N	C <sup>5</sup>	N	N	C
Modular/Mobile 20 feet wide or more	N	N	C	C	C	C	C	N	N	C	N	C	C	N	N	C
Manufactured Home Park	N	N	N	SD	SD	N	N	N	N	SD	N	N	SD	N	N	SD
Multi-Family Dwelling	N	P	P	P	P	P	P	P	N	P	N	P	P	P <sup>2</sup>	P	P
Open Space Development	N	SD	SD	SD	SD	SD	SD	N	N	SD	N	SD	SD	N	N	SD
Senior Housing Development	N	N	N	P	P	P	P	P	N	P	N	P	P	P <sup>2</sup>	P	P
Single & Two-Family Dwellings	N	C	C	C	C	C	C	N	N	C	N	C	C	C <sup>3</sup>	C	C
Attached Single-Family Dwelling (Townhouse)	N	P	P	P	P	P	P	P	N	P	N	P	P	P <sup>2</sup>	P	P
Tiny Home	N	C	C	C	N	N	N	N	N	N	N	N	N	N	N	C

See Notes at end of Section 7.6 charts.

### 7.6.3 Commercial Uses

#### Key to Land Use Table

Y = “Allowed”

N = Not Allowed

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P = Permitted with Review

SD = Subdivision Review

#### Legend

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RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional/Residential	TD	Traditional Downtown
PIC	Planned Industrial/Commercial	PD	Planned Development
CC	Cobbossee Corridor	ECR	Education/Community Recreation
MUV	Mixed Use Village	PHD	Planned Highway Development
IT	Intown Commercial	CPD	Cobbossee Planned Development

Commercial Uses																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Accessory Business Use	N	N	N	N	N	P <sup>11</sup>	P <sup>11</sup>	N	N	N	N	N	N	N	N	N
Adult Businesses	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Auction Barn	N	N	N	N	N	N	N	P	N	P	N	N	P <sup>8</sup>	P	N	N
Automobile Repair	N	N	N	P	N	N	N	N	P	P	N	N	P <sup>6</sup>	P	N	N
Automobile/Vehicle Sales & Service	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Bank	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Bed & Breakfast	N	P	P	P	P	P	P	P	P	P	N	P	P	N	P	P
Building Supply	N	N	N	N	N	N	N	P	N	P	N	N	N	P	P	N

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Cannabis Nursery Cultivation Facility <sup>13</sup>	N	N	N	P	N	N	N	N	N	N	N	N	P	P	P	N
Cannabis Retail Sales Establishment <sup>13, 16</sup>	N	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
Catering	N	N	N	P	P <sup>9</sup>	N	P	P	N	P	N	P	P	P	P	P
Communication Facility exclusive of towers	N	N	N	P	N	N	N	P	P	P	N	N	P	C	P	N
Communication Facility in alternative tower structure	N	N	N	P	P	P	P	P	P	P	N	P	P	C	P	P
Communication Tower	N	N	N	P	N	N	N	N	P	N	N	N	N	P	N	N
Construction Services	N	N	N	P	N	N	N	N	P	P	N	N	N	P <sup>7</sup>	N	N
Convenience Store including Retail Fuel Sales	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Crematory	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Funeral Home	N	N	N	P	N	N	P	P	N	P	N	N	P	P	P	N
Indoor Recreation Facility	N	N	N	N	N	N	N	P	P	P	N	P	P <sup>6</sup>	P	P	N
Junkyards & Auto Graveyards	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Kennels	N	N	N	P	N	N	N	N	P	P	N	N	N	N	N	N
Kiosks	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Laboratories /Research Facilities	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Laundromat	N	N	N	N	N	N	N	P	N	P	N	N	P	P	P	N
Marinas	N	N	P	P	N	N	N	P	N	P	N	P	N	N	P	N
Medical Facility	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Meeting Space Up to 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Meeting Space over 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Mobile Food Vending Unit	N	N	N	C	N	N	N	C	C	N	C	C	C	C	C	N
Offices up to 2,000 sq. ft.	N	N	N	P	P <sup>9</sup>	N	P	C	C	P	N	P	P	P	P	P <sup>9&amp;10</sup>
Offices 2,000 sq. ft. or larger	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Overnight Accommodation	N	N	N	N	N	N	N	P	P	P	N	P	P	P	P	N
Outdoor Storage Facility	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Parking Garage	N	N	N	N	N	N	N	P	P	N	N	P	N	P	P	N
Parking Lots	N	N	N	N	N	N	N	P	P	P	N	P	P	C	P	N
Pet Services	N	N	N	P	N	N	N	P	N	P	N	P	P	P	P	N
Restaurant	N	N	N	N	N	N	P	C	P	P	N	P	P	P	P	N
Restaurant with drive- through	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Retail up to 3,500 sq. ft.	N	N	N	P	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N
Retail 3,500 sq. ft. or larger	N	N	N	N	N	N	N	P	P	P	N	P	N	N	P	N
Self-Storage Buildings	N	N	N	N	N	N	N	N	P	P	N	N	P <sup>6</sup>	P	N	N
Service Business	N	N	N	N	P <sup>9</sup>	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	P <sup>9&amp;10</sup>
Shopping Center	N	N	N	N	N	N	N	N	P	P	N	P	N	P	P	N

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Theater	N	N	N	N	N	N	N	P	N	P	N	P	P	P	P	N
Tradesperson's Office	N	N	N	P	P	P	P	P	P	P	N	P	P	P	P	P
Vehicle Fueling Station	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N
Veterinary Clinic	N	N	N	P	N	N	N	P	N	P	N	P	N	P	P	N
Detached Canopy	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	N

See Notes at end of Section 7.6 charts.

## 7.6.4 Industrial, Wholesale & Transportation Uses

### Key to Land Use Table

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

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SD = Subdivision Review

### Legend

The legend at the top of the columns identifies the various zoning districts as follows:

RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional/Residential	TD	Traditional Downtown
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CC	Cobbossee Corridor	ECR	Education/Community Recreation
MUV	Mixed Use Village	PHD	Planned Highway Development
IT	Intown Commercial	CPD	Cobbossee Planned Development

Industrial, Wholesale & Transportation Uses																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Battery Storage Facilities	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Medical Cannabis Cultivation Facility – Tier 1 <sup>13, 15, 16</sup>	N	N	N	P	N	N	N	N	P	P	N	N	N	P	N	N
Medical Cannabis Cultivation Facility – Tier 2 <sup>13, 15, 16</sup>	N	N	N	P	N	N	N	N	P	P	N	N	N	P	N	N

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Cannabis Cultivation Facility – Tier 3 <sup>13, 15, 16</sup>	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Cannabis Cultivation Facility – Tier 4 <sup>13, 15, 16</sup>	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Cannabis Products Manufacturing Facility <sup>13, 15</sup>	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P <sup>14</sup>	N
Cannabis Testing Facility <sup>13, 15</sup>	N	N	N	N	N	N	N	N	P	P	N	N	P	P	N	N
Commercial Firewood	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Composting Facility	N	N	N	P	N	N	N	N	N	P <sup>6</sup>	N	N	N	N	N	N
Fuel Storage Facility	N	N	N	N	N	N	N	N	P	P <sup>6</sup>	N	N	N	P	N	N
Manufacturing Heavy	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Manufacturing Light	N	N	N	N	N	N	N	P	P	P <sup>6</sup>	N	P <sup>7</sup>	P <sup>6</sup>	P	P <sup>7</sup>	N
Passenger Transit Facility	N	N	N	N	N	N	N	P	P	P	N	P <sup>7</sup>	P	P	P	N
Recycling Facility	N	N	N	P	N	N	N	P	P	P <sup>6</sup>	N	N	N	N	N	N
Sawmill	N	N	N	P	N	N	N	N	C	P <sup>6</sup>	N	N	N	N	N	N
Solar Electric Production Facility-Building Mounted	N	N	N	P	P	N	P	P	P	P	P	P	P	P	P	P



	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Solar Electric Production Facility – Ground Mounted	N	N	N	P	P	N	N	N	N	P	N	N	P	P	P	P
Trucking & Freight Facility	N	N	N	N	N	N	N	N	C	P <sup>6</sup>	N	N	N	N	N	N
Waste Processing Facility	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Wholesale & Warehouse	N	N	N	N	N	N	N	P	C	P	N	P <sup>7</sup>	N	P	P	N
Windmill Small	N	P	P	C	P	P	P	P	C	C	P	P	P	P	P	P
Windmill Mid-size	N	N	N	P	N	N	N	N	P	P	P	N	N	P	N	N
Windmill Large	N	N	N	P	N	N	N	N	P	P	P	N	N	P	N	N

See Notes at end of Section 7.6 charts.

**7.6.5 Institutional, Educational & Government Uses**

**Key to Land Use Table**

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

P = Permitted with Review

SD = Subdivision Review

**Legend**

The legend at the top of the columns identifies the various zoning districts as follows:

- |     |                               |     |                                       |
|-----|-------------------------------|-----|---------------------------------------|
| RP  | Resource Protection           | SLR | Shoreland Overlay Limited Residential |
| SL  | Shoreland                     | RG  | Residential Growth                    |
| R   | Rural                         | HDR | High Density Residential              |
| PR  | Professional/Residential      | TD  | Traditional Downtown                  |
| PIC | Planned Industrial/Commercial | PD  | Planned Development                   |
| CC  | Cobbossee Corridor            | ECR | Education/Community Recreation        |
| MUV | Mixed Use Village             | PHD | Planned Highway Development           |
| IT  | Intown Commercial             | CPD | Cobbossee Planned Development         |

<b>Institutional, Educational &amp; Governmental Uses</b>																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Cemetery	N	N	N	P	N	N	N	N	N	P	N	N	P	P	N	N
Civic Center	N	N	N	N	N	N	N	P	P	P	N	N	N	P	N	N
Community Nonprofit Facility	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Day Care & Nursery School	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospitals	N	N	N	N	P	P	P	P	P	P	N	P	N	P	P	P
Museums	N	N	P	P	P	P	P	P	N	P	P	P	P	N	P	P

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Places of Worship	N	N	N	P	P	P	P	C	N	P	N	P	P	P	P	P
Public Buildings	N	N	P	P	P	P	P	P	N	P	P	P	P	P	P	P
Public Park & Playgrounds	N	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P
Public Paths	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P
Social & Fraternal Organizations	N	N	P	P	N	N	N	C	N	P	N	P	P	P	P	N

See Notes at end of Section 7.6 charts.

**7.6.6 Other Uses**

**Key to Land Use Table**

Y = “Allowed”

N = Not Allowed

C = Code Enforcement Officer Review

P = Permitted with Review

SD = Subdivision Review

**Legend**

The legend at the top of the columns identifies the various zoning districts as follows:

- |     |                               |     |                                       |
|-----|-------------------------------|-----|---------------------------------------|
| RP  | Resource Protection           | SLR | Shoreland Overlay Limited Residential |
| SL  | Shoreland                     | RG  | Residential Growth                    |
| R   | Rural                         | HDR | High Density Residential              |
| PR  | Professional/Residential      | TD  | Traditional Downtown                  |
| PIC | Planned Industrial/Commercial | PD  | Planned Development                   |
| CC  | Cobbossee Corridor            | ECR | Education/Community Recreation        |
| MUV | Mixed Use Village             | PHD | Planned Highway Development           |
| IT  | Intown Commercial             | CPD | Cobbossee Planned Development         |

<b>Other Uses</b>																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Accessory Solar Arrays- Building Mounted	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Accessory Solar Arrays - Ground Mounted	N	C	C	C	C	P	N	N	C	C	C	N	C	C	N	C
Accessory Uses & Structures	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Earth Moving >50 cubic yards	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Essential Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Flea Markets	N	N	N	C	N	N	N	C	N	C	N	N	N	N	C	N
Piers & Docks Permanent	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Piers & Docks Temporary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Facility less than 1,000 sq. Ft.	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Facility 1,000 sq. ft. or more	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P
Signs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Activities if licensed by the city	C	C	C	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uses and structures similar to uses and structures requiring C Review	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Uses and structures similar to uses and structures permitted with review (P)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

See Notes at end of Section 7.6 charts.

NOTES:

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

## 7.7 Dimensional Requirements

Lots in all districts shall meet or exceed the following minimum requirements except for lots located in an open space subdivision approved and developed in accordance with the provisions of 10.23 Open Space Design.

### Legend

The legend in the left-hand column identifies the various zoning districts as follows:

RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional/Residential	TD	Traditional Downtown
PIC	Planned Industrial/Commercial	PD	Planned Development
CC	Cobbossee Corridor	ECR	Education/Community Recreation
MUV	Mixed Use Village	PHD	Planned Highway Development
IT	Intown Commercial	CPD	Cobbossee Planned Development

District	Min. Lot with Sewer Sq. Ft. <sup>19</sup>	Min. Lot w/o Sewer Sq. Ft. <sup>19</sup>	Min. Road Front Feet <sup>19</sup>	Min. Shore Front Feet <sup>1</sup>	Min. Road Set-Back Feet <sup>2, 18, &amp; 20</sup>	Max. Road Set-Back Feet <sup>11</sup>	Min. Side Set-Back Feet <sup>20</sup>	Min. Rear Set-Back Feet <sup>20</sup>	Min. Shore Set-Back Feet <sup>20</sup>	Max. Hght. Feet	Max. Lot Cov. %	Multi-Family Density Sq. Ft.
RP	40,000	40,000	100	200	50/75	NA	20	20	100	35	5%	n/a
SLR	10,000	n/a	100	100	25/50	NA	10	10	75	45	35%	5,000 <sup>8</sup>
SL	60,000	60,000	200	200	75/100	NA	25	25	100	35	20%	60,000
R <sup>17 &amp; 21</sup>	60,000 <sup>15</sup>	80,000 <sup>15</sup>	200 <sup>16</sup>	200	50/75	NA	30	30	100	35	20%	80,000 <sup>6</sup>
RG	10,000	40,000	100 or 75 with sewer	125	25/50	NA	15	15	100	35	25%	7,500 <sup>9,10</sup>
HDR	10,000	20,000	75	125	25/50	NA	10	10	100	35	35%	5,000 <sup>5</sup>
PR	7,500	20,000	75	n/a	20/40	NA	10	10	n/a	35	40%	7,500 <sup>7,9</sup>
TD	None	20,000	None	50	15	10 <sup>13</sup>	0	0	25	75	80% <sup>4</sup>	See Note 12
PIC	40,000	80,000	200	125	50/75	NA	15	15	100	150	80%	n/a
PD	30,000	60,000	150	125	50/75	NA	25	25	100	75	50%	6,000 <sup>9,10</sup>
ECR	10,000	20,000	100	125	75/100	NA	20	20	n/a	45	60%	n/a
CC	5,000	n/a	50	50	15/5	NA	10	10	25	75	70%	1,200
MUV	30,000	60,000	150	125	25/50	50/75	25	25	100	75	50%	6,000 <sup>9,10</sup>

District	Min. Lot with Sewer Sq. Ft. <sup>19</sup>	Min. Lot w/o Sewer Sq. Ft. <sup>19</sup>	Min. Road Front Feet <sup>19</sup>	Min. Shore Front Feet <sup>1</sup>	Min. Road Set-Back Feet <sup>2, 18, &amp;20</sup>	Max. Road Set-Back Feet <sup>11</sup>	Min. Side Set-Back Feet <sup>20</sup>	Min. Rear Set-Back Feet <sup>20</sup>	Min. Shore Set-Back Feet <sup>20</sup>	Max. Hght. Feet	Max. Lot Cov. %	Multi-Family Density Sq. Ft.
PHD	10,000	40,000	150 or 100 with sewer	125	50/75	NA	25	25	100	75	50%	6,000 <sup>9,10</sup>
IT	5,000	20,000	50	50	0/25	NA	10	20	25	75	80%	600
CPD <sup>14</sup>	10,000	40,000	100 or 75 with sewer	125	25/50	NA	15	15	100	35	25%	7,500 <sup>9,10</sup>

**Notes:**

1. Shore Frontage shall be measured in a straight line between points of intersection of the side lot lines with the shoreline at normal high-water elevation.
2. Setbacks from streets or roads shall be the greater of two distances X/Y where X is measured from the right-of-way line and Y is measured from the center line.
3. Features of buildings and structures such as chimneys, towers, ventilators and spires and windmills may exceed the maximum height, but shall be set back from the nearest lot line a distance of not less than the height of the feature or structure, unless a greater setback is required by other provisions of this Ordinance.
4. All structures located in the Traditional Downtown and the Cobbossee Corridor within 100 feet of a public parking lot may have 100% lot coverage provided setbacks from front and rear lot lines are no less than those of adjacent buildings.
5. The multi-family dwelling density in the High Density Residential District is 5,000 square feet for the first unit and 5,000 square feet for each additional unit.
6. The multi-family dwelling density in the Rural District is 80,000 square feet for the first unit and 40,000 square feet for each additional unit.
7. The multi-family dwelling density in the Professional Residential District is 7,500 square feet for the first unit and 2,500 square feet for each additional unit.
8. The multi-family dwelling density in the Shoreland Overlay Limited Residential District is 5,000 square feet for the first unit and 2,500 square feet for each additional unit.
9. Small dwelling units in multifamily housing shall be counted as fractional units for the purposes of this requirement. Dwelling units with one bedroom and less than eight hundred (800) square feet of floor area shall count as one-half of a dwelling unit. Dwelling units with two bedrooms and less than one thousand (1,000) square feet of floor area shall count as two-thirds of a dwelling unit.



10. The multifamily density for congregate care facilities, senior housing, and other housing limited to occupancy primarily by people who are 62 years of age or older is two thousand (2,000) square feet per unit.
11. The maximum road setback requirement does not apply to single or two-family dwellings or to modular or mobile homes placed on a separate residential lot.
12. There is no minimum lot area per dwelling unit requirement. The entire gross useable floor area of an existing building may be utilized for uses allowed in the district subject to the district specific performance standards of Section 7.8. In new or expanded buildings, the entire gross floor area may be utilized for uses allowed in the district subject to the district specific performance standards of Section 7.8.
13. Up to forty percent (40%) of the front wall of the building may be setback up to twenty-five (25) feet from the front property line if the area between the property line and the front wall is developed and maintained as pedestrian space (see the performance standards in Section 7.8)
14. Residential subdivisions with more than five (5) lots or dwelling units may be developed in accordance with the alternative standards set out in section 7.8.12.
15. Individual lots in a subdivision may be as small as 40,000 square feet provided that the average lot size for all lots in the subdivision meets the applicable minimum lot size requirement.
16. The minimum road frontage requirement for a lot created after April 1, 2018 that fronts on a new interior road in a subdivision or on an existing road classified as a local road under the Maine Department of Transportation functional classification system shall be reduced to 150 feet.
17. Nonresidential uses and activities are subject to the additional requirements of Section 7.8.3.4.
18. See Section 8.1.5 for the minimum road setbacks for corner lots.
19. See Section 10.16.2 for the standards for the converting an existing structure into a two-family dwelling.
20. See Section 8.4 for the requirements for the setbacks and placement of accessory structures and swimming pools.
21. Section 7.8.3 requires all subdivisions conform to the Open Space Design Standards of Section 10.23. These standards modify the minimum lot size, frontage and setback requirements shown in this table.

## **7.8 District Performance Standards**

### **7.8.1 Applicability**

This Subsection contains specific performance standards which apply only in certain districts.

### **7.8.2 Traditional Downtown District**

**7.8.2.1** Multi-family units may not be located in the portion of a building that is at street level in buildings that front on Water Street or Maine Avenue.

**7.8.2.2** Area Between the Sidewalk and Building – If any portion of the front wall of the building is not located at the front property line, the area between that portion of the front wall of the building and the sidewalk shall be maintained as a vegetated area or as pedestrian amenity space. If the area is used as improved pedestrian space, it may be open for public use or it may be restricted for the private use of building occupants such as the outdoor dining area for a restaurant. No vehicle parking, driveways, or service or storage facilities shall be located within the area between the front wall of the building and the street right-of-way.

**7.8.2.3** Front Façade – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. A public entrance to the building must be provided on this façade or on a public park or plaza. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative.

**7.8.2.4** Building Height – The height of new or replacement buildings must be architecturally compatible with the height of existing adjacent buildings including buildings across a public street. Where the majority of existing buildings adjacent to the site have more than one story on the façade facing a public street, the new or replacement building must have more than one story on the street façade.

**7.8.2.5** Interior Space Utilization – The intention of the district provisions is to allow for the full utilization of the floor area of existing buildings for uses allowed in the district. Therefore there are no lot area requirements for residential uses in this district to allow for the reuse of these buildings as long as the other requirements of the City and State are met. Similarly, it is the intention of the district provisions to allow the utilization of the floor area created by the expansion of existing buildings or the construction of new or replacement buildings within the district for allowed residential uses with no lot area per dwelling unit requirements provided that all other City and State requirements are met.

**7.8.2.6** The interior space located on the ground floor of buildings that is at street level in buildings that front on Water Street or Maine Avenue must be occupied by uses that generate customer visits. This can include, but is not limited to, retail and service uses, business and professional offices, restaurants, entertainment and recreational facilities, community and government facilities, and similar uses.

**7.8.2.7** Much of the TD District is located within the Downtown Historic District. In addition to meeting the requirements of TD District, activities within the historic district must conform to the historic district standards.

### **7.8.3. Rural District**

**7.8.3.1** All subdivisions proposed in the Rural District shall be designed according to Open Space Standards.

**7.8.3.2** The division of any parcel of land existing as of April 1, 2018 that has more than three hundred (300) feet of frontage on a minor collector, major collector, or arterial identified in the most recent functional classification by the Maine Department of Transportation shall not create more than one new road or driveway intersection on the collector or arterial for each five hundred (500) feet of frontage or portion thereof.

**7.8.3.3** Any new lot created after April 1, 2018 that abuts a parcel in active use for commercial agriculture and/or commercial animal husbandry as of the date the lot is created shall include a buffer strip adjacent to any portion of the abutting parcel in use for these activities. The buffer strip shall be a minimum of fifty (50) feet in width and shall restrict the placement of structures including accessory structures and recreational equipment with a fixed location such as swimming pools, swing sets, climbers, play houses, and similar structures within the buffer strip. The buffer strip shall be created through covenants or deed restriction that are revocable if the adjacent commercial agricultural use ceases for a period of at least five (5) years.

**7.8.3.4** Notwithstanding the provisions of Section 7.7 allowed nonresidential uses and activities other than commercial agriculture and commercial animal husbandry shall conform to the following additional standards:

**7.8.3.4.1** The total gross floor area for all buildings and structures or portions thereof used for allowed nonresidential activities shall be limited to five (5) percent of the gross lot area.

**7.8.3.4.2** The total impervious surface area used by allowed nonresidential activities shall be limited to fifteen (15) percent of the gross lot area. When the use of impervious surface is shared by a residential use and a nonresidential use, fifty (50) percent of the shared impervious area shall be included in the calculation of the total nonresidential impervious surface area.

**7.8.3.4.3** No nonresidential buildings or structures, parking, service and storage areas or other nonresidential uses or activities shall be located in the required minimum road, side and rear setbacks.

**7.8.3.4.4** All nonresidential uses and activities shall conform to the buffer area and screening requirements of Section 8.11. If the height the building or structure containing the nonresidential use or activity exceeds twenty-five (25) feet, the width of the side and rear buffer areas shall be increased by two (2) feet for every one (1) foot of height exceeding twenty-five (25) feet.

## **7.8.4 High Density Residential District**

**7.8.4.1** Most developed areas within the High Density Residential District predate the City Zoning Ordinance, and often, existing structures are deemed nonconforming with respect to requirements for front, side and rear setbacks. To provide a reasonable remedy to address an unintended consequence of creating nonconforming structures, the following method shall be used to determine a setback which will be deemed in compliance with this Ordinance.

**7.8.4.2** A conforming setback standard for an existing nonconforming structure may be determined as follows:

**7.8.4.2.1** Obtain the average setback (front, side or rear) found next to both sides of the property along the same side of the road, for a distance of at least 200 feet in each direction as measured from the edge of the property line along the road right-of-way. The setback for the property shall be deemed conforming if it is within 10% of the average. The property owner shall submit this evidence to the Code Enforcement Officer, which, subject to verification, will be filed in the Map and Lot Property File.

**7.8.4.3** The construction of a new principal building or structure or the reconstruction of an existing principal building or structure must be compatible with the established character of the neighborhood in which it is located. The Planning Board shall review the application for the construction/reconstruction of a building to determine if it is compatible with the neighborhood based on the following criteria if they are applicable to the location. The property owner or applicant shall be responsible for providing information demonstrating that the proposal conforms to the criteria. This information shall clearly demonstrate the existing character of the surrounding neighborhood.

**7.8.4.3.1** If there is a predominate pattern of development in the immediate neighborhood with respect to the relationship of the principal building to the street, the principal building must be located on the lot so that it has a similar relationship to the street as other neighboring principal buildings on the same side of the street. If this requires the building to be closer to the front lot line than the required front yard setback, the setback is reduced and the building shall be located closer to the front lot line consistent with this section in accordance with **7.8.4.2.1**.

**7.8.4.3.2** If there is a predominate pattern in the width of buildings in relationship to the width of lots in the immediate neighborhood, the width of the front of the building must be similar to the relationship of neighboring lots on the same side of the street.

**7.8.4.3.3** If there is a predominate pattern in the style of the roof and its orientation with respect to the street in the immediate neighborhood, the roof of the building must be similar to the relationship of buildings on neighboring lots on the same side of the street. If the predominant pattern is for the ridgeline of the roof to be perpendicular to the front property line, the portion of the proposed building facing the street must maintain this relationship.

**7.8.4.3.4** If there is a predominate pattern in the height of buildings in the immediate neighborhood, the height of the building based upon existing grade must be consistent with the height of the buildings on neighboring lots on the same side of the street. If the predominant pattern is for buildings to have more than one story, the proposed building must have more than one story for the portion of the building facing the street.

**7.8.4.3.5** The appearance of the wall of the building facing the street must be consistent with buildings on neighboring lots on the same side of the street. If there is a predominant pattern in the immediate neighborhood for these walls to be treated as the front of the building with a front door and windows, the front wall of the proposed building must be treated as the front of the building. If there is a predominant pattern for neighboring buildings to have a front porch, the design of the proposed building must be consistent with this pattern.

### **7.8.5 Cobbossee Corridor District**

**7.8.5.1** All proposed development in the district shall utilize public sewer and water.

#### **7.8.5.2 Architectural Design Requirements**

**7.8.5.2.1** The architectural design of new or renovated structures shall reflect the character of the area, the innovative purpose of the district and the variety of forms, styles and scales of adjacent districts. The scale, form and relationship between buildings, the site, pedestrian circulation and views are more critical than a particular historic style.

**7.8.5.2.2** Two and three-story buildings are encouraged to increase density and reduce building footprints.

**7.8.5.2.3** Buildings and sites are encouraged to utilize green technologies or Energy Star approved materials to minimize stormwater impacts and increase energy efficiency.

**7.8.5.2.4** Parking for residential and non-residential uses shall be shared and integrated with the terrain and buildings when feasible. Suburban style garages are discouraged, particularly in areas where streetscapes and civic environment are strongly defined by the adjacent building facades.

**7.8.5.2.5** Parking areas shall not be located between the building and the stream unless the applicant provides evidence acceptable to the Planning Board and/or the Code Enforcement Officer which shows that no other location is feasible.

**7.8.5.2.6** The required number of parking spaces may be reduced or modified by the Planning Board and/or Code Enforcement Officer without a need for a variance when an applicant provides evidence that a proposed activity can be served with a reduced number of spaces.

**7.8.5.2.7** Public paths are a critical component of the district and connectivity within the district shall include locating paths between structures and the stream, establishing easements for future paths, creating trailheads, providing overlooks and making connections to existing or proposed sidewalks.

**7.8.5.3** All proposed development requiring Planning Board review shall have a preliminary meeting with the Planning Board and the Development Department.

**7.8.5.4** The minimum lot size for single-family houses shall be 5,000 square feet, and the minimum lot size for single-family houses within the Shoreland Overlay Limited Residential District shall be 10,000 square feet.

**7.8.5.5** A legally nonconforming use has a five-year discontinuance period.

**7.8.5.6** Existing structures may expand up to 30%, if the expansion meets all applicable standards in this Ordinance.

**7.8.5.7** Self-storage buildings are permitted in existing buildings only. No new buildings for this use are permitted.

#### **7.8.6 Educational/Community Recreation District**

**7.8.6.1** The following activities are only permitted as an accessory to a primary land use: recreation buildings, day care centers, nursery schools, and outdoor recreation.

**7.8.6.2** Indoor entertainment and recreation facilities are permitted only if operated by a non-profit and/or the City of Gardiner.

**7.8.6.3** Community non-profit activities shall exclude inpatient and outpatient medical facilities/treatment centers.

#### **7.8.7 Mixed Use Village District**

**7.8.7.1** Buffer Areas – All uses and principal structures shall provide for a buffer strip along any property line abutting the right-of-way of a public street in accordance with Section **8.11.4**. The buffer strip shall be a minimum of fifteen (15) feet in width.

**7.8.7.2** Location of Parking – All parking shall be located to the side or rear of the principal building. If there is more than one principal building on the site, this requirement shall apply to all buildings located within one hundred (100) feet of the property line with an abutting public street. In no case shall any parking be located in the required Road Setback set forth in 7.7 for the district in which the property is located.

**7.8.7.3** Area Between the Street and Building – The area between the front wall of the building and the street right-of-way shall be maintained as a vegetated area or as pedestrian amenity space. If the area is used as improved pedestrian space, the treatment

of this area shall be consistent with the buffer strip requirements of 7.8.7.1. No vehicle parking, driveways, or service or storage facilities shall be located within the area between the front wall of the building and the street right-of-way.

**7.8.7.4 Service Areas** – All storage and service facilities and areas shall be located to the side and/or rear of the principal building(s). No storage or service facilities or locations shall be located closer to the right-of-way of a public street than the closest point on the façade of the building. Service and storage facilities and locations shall be screened in accordance with Section 8.9. No overhead doors, loading docks or similar service entrances shall be located on the side of a building facing a public street. On corner lots, such service entrances may not be located on the façade of the building facing the primary street frontage but may be located on facades facing secondary streets.

**7.8.7.5 Front Façade** – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative. There must be a functional entrance located on this facade of the building or at the front corner of the building.

**7.8.7.6 Roof Form** – All principal buildings other than single-family homes shall conform to the following requirements for the design of the roof:

**7.8.7.6.1** Buildings that have one or two useable stories on the side of the building facing the street from which the lot has its primary vehicular access shall conform to the following standards:

**7.8.7.6.1.1** Buildings with a building footprint of less than four thousand (4,000) square feet shall be designed and constructed with a pitched roof having a minimum pitch of 4:12.

**7.8.7.6.1.2** Buildings with a building footprint of four thousand (4,000) or more square feet may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

**7.8.7.6.2** Buildings with three or more usable stories on the side of the building facing the street from which the lot has its primary vehicular access may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

## **7.8.8 Planned Highway Development District**

**7.8.8.1 Buffer Areas** – All uses and principal structures shall provide for a buffer strip along any property line abutting the right-of-way of a public street in accordance with Section 8.11.4. The buffer strip shall be a minimum of twenty-five (25) feet in width.

**7.8.8.2 Location of Parking** – A maximum of one double-loaded parking aisle shall be permitted between the front of the building and the street right-of-way. The aisle that

provides vehicular access to the individual parking spaces within this area must be oriented approximately parallel to the street right-of-way. No parking shall be located within the buffer strip required by **7.8.8.1**.

**7.8.8.3 Service Areas** – Service and storage facilities and locations shall be screened in accordance with Section **8.9**. No overhead doors, loading docks or similar service entrances shall be located on the side of a building facing a public street. On corner lots, such service entrances may not be located on the facade of the building facing the primary street frontage but may be located on sides facing secondary streets.

**7.8.8.4 Front Façade** – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative.

**7.8.8.5 Building Landscaping** – When a parking area or other large impervious surface is located close to the front façade of a principal building, a landscaped strip at least five (5) feet in width shall be located between the impervious surface and the foundation of the building. The landscaped strip shall be improved and maintained with appropriate plantings such as shrubbery or flower beds. This area can be used as a drip edge or as a stormwater management facility.

**7.8.8.6 Roof Form** – All principal buildings other than single-family homes shall conform to the following requirements for the design of the roof:

**7.8.8.6.1** Buildings that have one or two useable stories on the side of the building facing the street from which the lot has its primary vehicular access shall conform to the following standards:

**7.8.8.6.1.1** Buildings with a building footprint of less than four thousand (4,000) square feet shall be designed and constructed with a pitched roof having a minimum pitch of 4:12.

**7.8.8.6.1.2** Buildings with a building footprint of four thousand (4,000) or more square feet may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

**7.8.8.6.2** Buildings with three or more usable stories on the side of the building facing the street from which the lot has its primary vehicular access may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

## **7.8.9 Residential Growth District**

**7.8.9.1 Buffer Areas** – All nonresidential uses and nonresidential principal structures shall provide for a buffer strip along any property line abutting the right-of-way of a



public street in accordance with Section **8.11.4**. The buffer strip shall be a minimum of fifteen (15) feet in width.

**7.8.9.2** Location of Parking – All parking for nonresidential uses and buildings shall be located to the side or rear of the principal building. If there is more than one principal building on the site, this requirement shall apply to all nonresidential buildings located within one hundred (100) feet of the property line with an abutting public street. In no case shall any parking be located in the required Road Setback set forth in 7.7 for the district in which the property is located.

**7.8.9.3** Service Areas – All nonresidential storage and service facilities and areas shall be located to the side and/or rear of the principal building(s). No storage or service facilities or locations shall be located closer to the right-of-way of a public street than the closest point on the façade of the building. Service and storage facilities and locations shall be screened in accordance with Section **8.9**. No overhead doors, loading docks or similar nonresidential service entrances shall be located on the side of a building facing a public street. On corner lots, such service entrances may not be located on the facade of the building facing the primary street frontage but may be located on sides facing secondary streets.

**7.8.9.4** Front Façade – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative. There must be a functional entrance located on this side of a nonresidential building or at the front corner of the building.

**7.8.9.5** Building Landscaping – When a nonresidential parking area or other large impervious surface is located close to the front façade of a principal building, a landscaped strip at least five (5) feet in width shall be located between the impervious surface and the foundation of the building. The landscaped strip shall be improved and maintained with appropriate plantings such as shrubbery or flower beds. This area can be used as a drip edge or as a stormwater management facility.

**7.8.9.6** Roof Form – All principal buildings other than single-family homes shall conform to the following requirements for the design of the roof:

**7.8.9.6.1** Buildings that have one or two useable stories on the side of the building facing the street from which the lot has its primary vehicular access shall conform to the following standards:

**7.8.9.6.1.1** Buildings with a building footprint of less than four thousand (4,000) square feet shall be designed and constructed with a pitched roof having a minimum pitch of 4:12.

**7.8.9.6.1.2** Buildings with a building footprint of four thousand (4,000) or more square feet may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

**7.8.9.6.2** Buildings with three or more usable stories on the side of the building facing the street from which the lot has its primary vehicular access may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

## **7.8.10 Planned Development District**

**7.8.10.1** Buffer Areas – All nonresidential uses and nonresidential principal structures shall provide for a buffer strip along any property line abutting the right-of-way of a public street in accordance with Section **8.11.4**. The buffer strip shall be a minimum of fifteen (15) feet in width.

**7.8.10.2** Location of Parking – A maximum of one double-loaded parking aisle shall be permitted between the front of the building and the street right-of-way. The aisle that provides vehicular access to the individual parking spaces within this area must be oriented approximately parallel to the street right-of-way. No parking shall be located within the buffer strip required by **7.8.10.1**.

**7.8.10.3** Service Areas – All nonresidential storage and service facilities and areas shall be located to the side and/or rear of the principal building(s). No storage or service facilities or locations shall be located closer to the right-of-way of a public street than the closest point on the façade of the building. Service and storage facilities and locations shall be screened in accordance with Section **8.9**. No overhead doors, loading docks or similar nonresidential service entrances shall be located on the side of a building facing a public street. On corner lots, such service entrances may not be located on the facade of the building facing the primary street frontage but may be located on sides facing secondary streets.

**7.8.10.4** Front Façade – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative. There must be a functional entrance located on this side of a nonresidential building or at the front corner of the building.

**7.8.10.5** Building Landscaping – When a nonresidential parking area or other large impervious surface is located close to the front façade of a principal building, a landscaped strip at least five (5) feet in width shall be located between the impervious surface and the foundation of the building. The landscaped strip shall be improved and maintained with appropriate plantings such as shrubbery or flower beds. This area can be used as a drip edge or as a stormwater management facility.

**7.8.10.6** Roof Form – All principal buildings other than single-family homes shall conform to the following requirements for the design of the roof:

**7.8.10.6.1** Buildings that have one or two useable stories on the side of the building facing the street from which the lot has its primary vehicular access shall conform to the following standards:

**7.8.10.6.1.1** Buildings with a building footprint of less than four thousand (4,000) square feet shall be designed and constructed with a pitched roof having a minimum pitch of 4:12.

**7.8.10.6.1.2** Buildings with a building footprint of four thousand (4,000) or more square feet may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

**7.8.10.6.2** Buildings with three or more usable stories on the side of the building facing the street from which the lot has its primary vehicular access may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

### **7.8.11 Intown Commercial District**

**7.8.11.1** Buffer Areas – All uses and principal structures shall provide for a buffer strip along any property line abutting the right-of-way of a public street in accordance with Section **8.11.4**. The buffer strip shall be a minimum of ten (10) feet in width.

**7.8.11.2** Location of Parking – All parking shall be located to the side or rear of the principal building. In no case shall any parking be located in the required Road Setback set forth in 7.7 for the district in which the property is located.

**7.8.11.3** Area Between the Street and Building – The area between the front wall of the building and the street right-of-way shall be maintained as a vegetated area or as pedestrian amenity space. If the area is used as improved pedestrian space, the treatment of this area shall be consistent with the buffer strip requirements of **7.8.11.1**. No vehicle parking, driveways, or service or storage facilities shall be located within the area between the front wall of the building and the street right-of-way.

**7.8.11.4** Service Areas – All storage and service facilities and areas shall be located to the side and/or rear of the principal building(s). No storage or service facilities or locations shall be located closer to the right-of-way of a public street than the closest point on the façade of the building. Service and storage facilities and locations shall be screened in accordance with Section **8.9**. No overhead doors, loading docks or similar service entrances shall be located on the side of a building facing a public street. On corner lots, such service entrances may not be located on the façade of the building facing the primary street frontage but may be located on facades facing secondary streets.

**7.8.11.5** Front Façade – The side of the building facing the primary abutting street shall be treated architecturally as the front façade of the building with appropriate entrances, fenestration, and detailing. Service and utility facilities should not be located on this wall unless there is no other reasonable alternative.

**7.8.11.6 Roof Form** – All principal buildings other than single-family homes shall conform to the following requirements for the design of the roof:

**7.8.11.6.1** Buildings that have one or two useable stories on the side of the building facing the street from which the lot has its primary vehicular access shall conform to the following standards:

**7.8.11.6.1.1** Buildings with a building footprint of less than four thousand (4,000) square feet shall be designed and constructed with a pitched roof having a minimum pitch of 4:12.

**7.8.11.6.1.2** Buildings with a building footprint of four thousand (4,000) or more square feet may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

**7.8.11.6.2** Buildings with three or more usable stories on the side of the building facing the street from which the lot has its primary vehicular access may be designed and constructed with any roof form that is visually compatible with the overall design of the building.

## **7.8.12 Cobbossee Planned Development District**

**7.8.12.1** Residential subdivisions with more than five (5) lots or dwelling units may be designed and developed in accordance with the following standards rather than the standards of 7.7 Dimensional Requirements.

**7.8.12.2** Public Water and Sewer Service – To utilize the development standards of this section, the subdivision must be served by the public water system and the public sewer system.

**7.8.12.3** Subdivision Layout – The streets in the subdivision shall form an interconnected network of streets. The objective is to create a pattern that is similar to older residential neighborhoods in the HDR District. Dead ends or cul-de-sacs are permitted only when the specific characteristics of the site such as the shape of the parcel, topographic conditions, the presence of wetlands or other natural resource constraints do not allow for the creation of an interconnected network. A subdivision consisting of a single dead-end street does not meet this requirement unless there are provisions for the future interconnection of the street.

**7.8.12.4** Pedestrian Facilities – The objective of the alternate development standards is the creation of residential areas that provide for safe and convenient pedestrian movement within the development and where feasible to adjacent areas. To this end, the subdivision must provide appropriate pedestrian facilities within the subdivision such as sidewalks, trails or paths, or pedestrian lanes within minor streets. If there is an existing public sidewalk or trail within one thousand (1000) feet of the perimeter of the subdivision, the Planning Board may require that the subdivision be connected to that facility.

**7.8.12.5 Dimensional Standards** – The following development standards shall apply to the subdivision:

**7.8.12.5.1** Minimum Lot Area – 6,000 SF

**7.8.12.5.2** Minimum Road Frontage – 60 feet

**7.8.12.5.3** Minimum Road Setback – 15 feet

**7.8.12.5.4** Maximum Road Setback – 25 feet (The Planning Board may waive this requirement for unique situations in which the presence of development constraints created by natural features such as wetlands, steep slopes, or water bodies makes conformance with this requirement unreasonable)

**7.8.12.5.5** Minimum Side Setback – 10 feet

**7.8.12.5.6** Minimum Rear Setback – 10 feet

**7.8.12.5.7** Maximum Lot Coverage – 40%

**7.8.12.5.8** Maximum Multifamily Density – 5,000 SF per dwelling unit

**7.8.12.6 Small Units** – The provisions of footnote 9 in 7.7 Dimensional Requirements apply to subdivisions developed under this section.

**7.8.12.7 Senior Housing** – The provisions of footnote 10 in 7.7 Dimensional Requirements apply to subdivisions developed under this section.

**7.8.12.8 Streetscape** – The following standards apply to the development of lots within the subdivision:

**7.8.12.8.1** The portion of the lot between the front wall of the principal building and the front property line extending the entire width of the lot shall not be used for vehicle parking except for driveways serving individual dwelling units.

**7.8.12.8.2** If there is a garage that faces the front property line, the front wall of the garage or portion of the façade containing the garage doors must not be closer to the front property line than the front wall of the primary portion of the principal structure.

**7.8.12.8.3** No accessory buildings shall be located on the portion of the lot between the front wall of the principal building and the front property line extending the entire width of the lot.

### **7.8.13 Professional/Residential District**

**7.8.13.1 Location of Parking** – All parking shall be located to the side or rear of the principal building. In no case shall any parking be located in the required Road Setback set forth in 7.7 for the district in which the property is located.

**7.8.13.2 Area Between the Street and Building** – The area between the front wall of the building and the street right-of-way shall be maintained as a vegetated area

or as pedestrian amenity space. If the area is used as improved pedestrian space, the treatment of this area shall be consistent with the buffer strip requirements of **7.8.11.1**. No vehicle parking, driveways, or service or storage facilities shall be located within the area between the front wall of the building and the street right-of-way.

## **7.9 Adaptive Reuse Overlay District** (Adopted: 10/07/2015 / Effective: 11/07/2015)

### **7.9.1 Purpose**

The older, built-up areas of the City contain a number of larger, older non-residential structures that may no longer be economically viable for their prior or historic use. The purpose of the Adaptive Reuse Overlay District (AROD) is to allow for the reasonable reuse of these buildings and properties. The update of the City's Comprehensive Plan recognizes it is desirable that these properties be reused in a manner that preserves the character of the neighborhoods where these buildings are located while allowing for creative reuse of the properties. The City recognizes that reasonable reuse of these buildings and properties may help stimulate new business investment, stabilize and enhance property values in the vicinity of these properties, and allow for the long-term maintenance and upkeep of these properties.

The intention of the City in authorizing the adoption of ARODs is that they will be utilized when traditional land use and zoning are inadequate. ARODs are intended to preserve existing buildings that, due to their design, size, or functional obsolescence, are not economically viable or physically suitable for uses allowed in the zoning district in which they are located in accordance with the standards of that district. ARODs shall not be used to rezone property or land for new commercial construction.

### **7.9.2 AROD Adoption and Amendments**

#### **7.9.2.1 Process for Adopting an AROD**

The general procedure to adopt an AROD involves a two-step process:

**7.9.2.1.1 Step 1: AROD Petition; Planning Board Review.** A petition to amend the Land Use Ordinance designating a property or properties for inclusion in an AROD must be submitted to the Planning Board, which shall review said petition in accordance with this Section and forward the petition, as may be amended by the petitioner, and its written recommendation(s) to the City Council for consideration (including any recommendations that vary from the petitioner's petition, if any). A petition for an AROD shall not require sponsorship of the Mayor or a member of the City Council.

Prior to making a recommendation to the City Council, the Planning Board shall hold at least one public hearing on the petition.

The Planning Board's recommendation(s) to the City Council shall address, as applicable and in accordance with this Section, AROD eligibility criteria, the proposed use or use(s) for an AROD, modifications to standards of this Ordinance for an AROD, conditions for an AROD, and any other considerations the Planning Board deems necessary and proper to recommend to the City Council that are consistent with this Section.

The petition shall be submitted to the Gardiner Office of Planning and Development for processing, including an electronic copy if reasonably available, and shall include, at a minimum, information to address the following criteria:

1. The address or exact location of the request, including the Gardiner Assessor's map references for the property to be rezoned;
2. The name, address and telephone number of the property owner and of the petitioner, if the petitioner is not the owner;
3. Evidence of the petitioner's right, title or interest in the property;
4. A non-refundable application fee as specified in the Schedule of License, Permit and Application Fees established by order of the City Council;
5. A statement describing the existing and former uses of the property;
6. A detailed statement of the proposed use of the property;
7. A description of the property's unusual nature which requires the creation of an AROD;
8. A statement setting out the precise modifications to the Land Use Ordinance including the allowed uses and the zoning district and other standards requested to accommodate the proposed reuse;
9. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing buildings and structures;
10. A plan showing the location of existing streets and driveways within two hundred (200) feet of the property;
11. A development plan showing the layout of all buildings, structures, streets, driveways, parking areas, exterior lighting, signs, stormwater management provisions, and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development which would be required for a site plan, and
12. A neighborhood compatibility plan detailing the potential impacts of the reuse on the adjacent neighborhood, the actions taken to reduce these potential impacts, and steps that will be taken to mitigate the remaining impacts on the neighborhood. At a minimum, this plan shall address traffic, noise, exterior

lighting, hours of operation, material handling and storage, and stormwater. The plan shall address how the proposed reuse plan conforms to the standards for factors in the Land Use Ordinance.

**7.9.2.1.2 Step 2: AROD Petition; Consideration by City Council.** Upon receiving the petition, as may be amended by the petitioner, and the Planning Board's recommendation(s), the City Council shall, within 30 days of receipt or within a reasonable period of time, determine whether or not to adopt the petitioned AROD for the property or properties as an amendment to the Land Use Ordinance in a manner consistent with this Section and all applicable procedures of the Land Use Ordinance, City Charter, and state or federal laws. At any time prior to adoption by the City Council, the petitioner may elect to withdraw its petition for an AROD, which shall be in writing and duly executed by the petitioner or his or her duly authorized representative.

(1) Council Order; AROD Ordinance. In adoption of any AROD as an amendment to the Land Use Ordinance, the City Council shall issue a written Council Order that contains the following:

A. AROD Legislative Findings. The Council Order shall include legislative findings that adoption of the AROD:

- i. Is consistent with the Eligibility Criteria, Allowed Uses, Allowed Modifications, and Allowed Conditions for Adoption of an AROD as set forth in this Section;
- ii. Is consistent with the City of Gardiner Comprehensive Plan;
- iii. Is compatible with the existing uses and permitted uses within the adjacent neighborhood;
- iv. Provides for beneficial use and new investment in balance with protecting the essential character of the surrounding neighborhood;
- v. Is in the public interest; and
- vi. Will have beneficial effects on the city as a whole which would not result if the property were developed under the existing zoning district classification.

B. AROD Ordinance. The Council Order shall also state the AROD ordinance adopted as an amendment to the Land Use Ordinance, which shall include, as applicable:

- i. Allowed Use(s). The use or use(s) allowed in the adopted AROD.
- ii. AROD Modifications. Any modifications to the Land Use Ordinance standards applicable in the adopted AROD.
- iii. AROD Conditions. Any conditions applicable to uses or activities in the adopted AROD.



- (2) Record of AROD Adoption. Upon the effective date of an AROD ordinance, the City Clerk or his or her designee shall cause the language of the AROD ordinance to be incorporated in this Ordinance, which may be by reference to the Council Order. The City Clerk shall also cause the Council Order to be recorded in the Kennebec County Registry of Deeds, and shall retain copies of the Council Order, as adopted and as recorded, for City records. Upon the effective date of an AROD ordinance, the Office of Planning and Development shall cause the location of the AROD to be designated on the Official Zoning Map of the City of Gardiner.

Upon the effective date of an AROD, the provisions of the AROD shall become the zoning requirements for the property in conjunction with the unmodified provisions of the zoning district in which it is located and the other unmodified provisions of the Land Use Ordinance. These provisions shall govern all future use of the property regardless of the future ownership of the property until and unless the AROD or this Ordinance is amended by the City Council to change the allowed use, uses, or activities.

#### **7.9.2.2 Adoption of AROD; Eligibility Criteria**

Property owners are not guaranteed any right to any of the additional allowed uses, variations in the development standards, or other provisions of an AROD. To be eligible for consideration of an AROD, a property or properties must meet all of the following:

1. The property or portion thereof is located within the High Density Residential (HDR) District,
2. The original structure on the property or portion thereof within the HDR District was constructed prior to 1964 for a non-residential use,
3. Since 2000, the aforescribed original structure has been used primarily for non-residential uses when it was occupied,
4. The aforescribed original structure and any subsequent additions contains not less than 3,500 square feet in existing habitable floor area, and
5. The property has its primary vehicular access from a street that is functionally classified as a minor arterial or major/urban collector by the Maine Department of Transportation's functional classification system or is on a lot to which vehicular access can be provided without disrupting the character of the adjacent neighborhood based on the projected type and volume of traffic.

#### **7.9.2.3 Adoption of AROD; Allowed Modification of Requirements of the HDR District**

The AROD is intended to allow the City Council to modify the land use and zoning provisions that apply to the use and redevelopment of specified properties in the HDR District to allow the creative reuse of those properties. In adoption of any AROD to a property or properties, the City Council shall identify the specific uses of the property that will be permitted in addition to uses allowed in the HDR District, as well as any modifications to the development standards including maximum residential density (if applicable) that shall apply to the property or properties. The standards of the underlying HDR District and other performance standards and requirements of this Ordinance shall apply to the use and development of the property except as specifically modified by the City Council as part of its adoption of an AROD.

#### **7.9.2.4 Adoption of AROD; Additional Uses Allowed in the HDR District**

The City Council may authorize the following additional nonresidential uses that are not otherwise permitted in the HDR District in conjunction with the approval of an AROD; however, there shall be no provisions for drive-through or drive-up services in conjunction with any additional allowed use permitted on the property. In approving the creation of an AROD, the City Council shall specifically identify the additional use or uses to be allowed on the property, which may include any of the following use or uses:

1. Bank
2. Catering
3. Funeral Home
4. Laboratories/Research Facilities
5. Meeting Space up to 2000 square feet
6. Offices up to 2000 square feet
7. Offices 2,000 square feet or larger
8. Restaurant
9. Retail up to 3500 square feet
10. Service Business
11. Facility for the processing, distribution, and/or sale of agricultural products
12. Light Manufacturing in which all activity including material storage occurs within a building
13. Studios of artists and craftsmen
14. Community Nonprofit Facility
15. A use or uses substantially similar to those enumerated in this subsection.

#### **7.9.2.5 Adoption of AROD; Allowed Modification of Development Standards**

In approving the creation of an AROD, the City Council may modify the Minimum Dimensional Requirements for the HDR District as set out in Section 7.7 including the

density or lot size standards, the District Performance Standards set out in Section 7.8.4, the General Performance Standards set forth in Section 8, the Specific Activity Performance Standards of Section 10, and the traffic and parking standards of Section 11. In approving the creation of an AROD, the City Council shall specify exactly which standards are being modified and to what extent. Any modification of the applicable standards is intended to be consistent with the following limitations, as applicable:

1. All modifications of the development standards to facilitate the reuse of the property must be to accommodate existing nonconforming conditions of the property and the building(s) on the property (such as lot size or setbacks) or to allow enhancements which are not designed to increase the building capacity, but are required to make the building functional for the intended new use (i.e. reconfiguration of the existing floor area and/or accessibility and safety enhancements such as lighting, elevator, railings, ramps, etc.);
2. The modifications will be the minimum necessary to allow reasonable reuse of the property;
3. The converted premises will be adequately landscaped in a way promotes conformity and harmony with the neighborhood;
4. The primary vehicular access to the lot on which the use is located shall be from a public street that is functionally classified as a minor arterial or major/urban collector street or from another street from which vehicular access can be provided without disrupting the character of the adjacent neighborhood based on the projected type and volume of traffic;
5. The primary activity shall occur within the building(s). Any outside storage of materials, equipment, dumpsters, or products must not be located within required yard setbacks and must be screened from abutting streets and residential properties by landscaping, fencing, and/or berms in accordance with Section 8. General Performance Standards including the provisions of Sections 8.9. Exterior Material Storage and Section 8.11 Buffer and Screening Standards;
6. Parking associated with the use shall not be located in any required setback. Parking associated with the use shall not be located in the front yard of a residential property. If a building is located within 50 feet of the front lot line, no parking shall be permitted between the front lot line and the front wall of the building extending the full width of the lot unless an existing driveway is already in use. Parking must be screened from abutting properties in residential use through landscaping, fencing, or topography in accordance with Section 8.11. Buffer and Screening Standards. Parking must be sufficiently buffered and landscaped to reduce distraction on any sides facing public streets;
7. The use shall not produce sustained noise, odors, fumes, vibrations, or electrical interference at the boundaries of the parcel that significantly exceed the levels

- produced by typical single-family residential uses even if those levels are lower than those established by the performance standards of Section 8. General Performance Standards; and
8. The hours of operation of the use must be compatible with surrounding uses and may be limited by the Planning Board as part of any application review involving a property or properties subject to an AROD to assure compatibility.

#### **7.9.2.6 Adoption of AROD; Conditions of Approval**

The City Council may attach additional conditions and limitations to the approval of the AROD as may be necessary to protect the neighborhood and as may be necessary to encourage the most appropriate use of the land and building to be reused. Conditions and restrictions imposed under this section are intended to relate to the physical development and operation of the property and may include, by way of example:

1. Limitations on the number and types of uses permitted;
2. Conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions;
3. Specifications for the design and layout of buildings and other improvements;
4. Schedules for commencement and completion of construction;
5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
6. Preservation of open space and buffers, and protection of natural areas and historic sites;
7. Provision of municipal services required by the development;
8. Provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met; and
9. The dedication or conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

#### **7.9.2.7 Amendments to an Adopted AROD**

Subsequent to the adoption of an AROD by the City Council, the use of the property or properties shall be subject to the adopted AROD, including all modifications and conditions imposed by the City Council. The use of the property shall be limited to the allowed uses in the underlying zoning district and any additional uses specifically permitted through the AROD. Any petitioner-initiated amendment to an AROD adopted by the City Council shall be adopted in same manner as a new AROD as set forth in this Section. The City Council, on its own initiative, may also amend an AROD subject to

the general amendment procedures of this Ordinance, the City Charter, and any applicable state or federal laws.

### **7.9.2.8 Reversion of the Property to the Underlying Zoning**

If the original structure is removed or destroyed by action of the owner or his or her agent or designee, the AROD will cease, the property will return to its underlying zoning classification, and any use not allowed by the Land Use Ordinance for that zone must cease immediately. If the building is ever damaged by more than 50 percent of market value by any cause other than that of the owner or his or her agent or designee, a building may be rebuilt and the allowed use under the AROD may be resumed within the pre-destruction or pre-damaged dimensions, within two (2) years. An owner who fails to meet this deadline will be required to submit a new petition for a new AROD. Any other replacement, reconstruction, or relocation of the building(s) must be in compliance with the space and bulk regulations of the underlying zoning district.

### **7.9.3 General AROD Review Standards**

#### **7.9.3.1 General AROD Review Standards; Limitations on Expansion or Additional Structures**

The following additional restrictions shall apply to the reuse of property in an AROD approved by the City Council:

1. The reuse shall occur entirely within the building envelope of the existing buildings or structures except as provide for in the following sections.
2. Additions to the existing structure(s) may be allowed only for compliance with the Life Safety Code and the Americans with Disabilities Act, or as an operational necessity for the proposed reuse and then only after approval of the reuse plan by the Planning Board.
3. The total of all additions to the existing building(s) shall not exceed ten percent of the existing gross floor area of the building(s) or five hundred square feet whichever is less.
4. No additional buildings or structures may be constructed or located on the lot unless they are approved as part of the AROD proposal or as provided for in subparagraph 5 below.
5. Accessory structures may be placed on the lot subsequent to approval of the AROD by the City Council in accordance with an amended reuse plan approved by the Planning Board. All such structures must be consistent with the intent of the AROD and shall meet the dimensional and setback requirements of the HDR District, and the applicable performance standards of Section 8.

### **7.9.3.2 General AROD Review Standards; Additional Requirements**

The following additional requirements shall apply to any reuse of a property subject to an AROD:

1. Signage – Signs shall conform to the following requirements:
  - a. Signage must meet the standards for signs in the underlying zoning district unless a change in the type, size, and/or number of signs is specifically approved by the Planning Board.
  - b. One free standing sign and/or one directory sign may be permitted as part of the reuse proposal and the proposed sign location and sizes must be shown in the submission materials.
  - c. Only externally illuminated signs are permitted. Internally lit signs, back-lit signs, neon sign, and electronic signs are prohibited.
  - d. Lighted signs may not be illuminated between 8:00 PM and 7:00 AM or at such other times established by the Planning Board in the approval of the site plan.
  
2. Lighting -- Any additional lighting beyond that which exists on the building and/or lot on the date of adoption of AROD by the City Council shall be allowed only after approval by the Planning Board as part of the site plan approval. All new or revised lighting shall conform to the requirements of Section 8.7. Exterior Lighting but the Planning Board may require the intensity, height or orientation of luminaires to be less than established by 8.7 if such restriction is necessary to assure compatibility with the surrounding neighborhood.
  
3. Parking -- The number and location of off-street parking spaces located on the property shall allow the reuse to be compatible with the adjacent neighborhood while meeting the City's parking requirements. The reuse proposal shall provide off-street parking spaces and loading/unloading spaces that conform to the provisions of Section 11 unless the Planning Board grants a waiver to reduce the parking requirements as part of the site plan approval. The Board shall grant such a waiver only if it determines that the parking provisions proposed in the site plan adequately meet the needs of the proposed use of the property and will not be detrimental to the adjoining neighborhood.
  
4. Commercial Vehicle Traffic – The type and size of commercial vehicles servicing the property and the number of daily commercial trips shall be appropriate to the means of vehicular access to the property to allow the reuse to be compatible with the adjacent neighborhood. The Planning Board and/or the City Council may limit the

types and size of vehicles servicing the site, the number of commercial trips per day, and the hours within which commercial vehicle movement occurs.

5. Open Space for Residential Uses – If the reuse involves a residential use, the plan shall provide for open space of an appropriate type and amount for the anticipated occupancy of the building. The open space shall be improved with facilities that are appropriate to the family-type and age of the intended occupants.

#### **7.9.4 Planning Board Review**

If an AROD is adopted for a property or properties, any new use or uses authorized in an AROD must be approved by the Planning Board in accordance with the Site Plan Review provisions of Section 6 and all other applicable sections of the Land Use Ordinance or other applicable City ordinances in which the Planning Board is the reviewing authority.