

City of Gardiner
Proposed Amendments to Land Development Code

I. Section 10-1 of the City of Gardiner Land Use Code, definition of “Dwelling Unit”, is hereby amended to read as follows:

“Dwelling Unit: A room or group of rooms designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles. *In determining whether a room or group of rooms in an existing structure constitute a separate dwelling unit under this Ordinance, the following factors shall also be considered: (a) historic occupancy and use of the property concerned; (b) design and layout of the room or rooms concerned in relation to other rooms in the same structure; and (c) compliance of the property with applicable building and life safety code requirements for two-family or multi-family use.”*

II. Section 3AA of the City of Gardiner Land Development Code is hereby amended by addition of paragraph 5, as follows:

“5. Conversion to Single-Family Use

“Any existing two-family or multi-family structure may be converted to single family use in any district allowing single family uses, upon application by the property owner to the Code Enforcement Officer. Such applications shall be approved by the Code Enforcement Officer if the Code Enforcement Officer determines that:

“(a) the structure, including any modifications proposed as part of the conversion application, meets all applicable dimensional requirements, performance standards, building code and life safety code requirements for use as a single family residence; and

“(b) the actual use of the structure, as of the approval date or upon completion of any proposed modifications, will be for single family use.

“The Code Enforcement Officer shall issue a permit to the property owner reflecting the approved change to single-family use. A certificate reflecting the change in use shall be prepared by the Code Enforcement Officer in a form suitable for recording, and shall be recorded at the Kennebec County Registry of Deeds within 30 days after approval.

“An application for conversion to single family use under this paragraph shall terminate the property owner’s right to continue any existing non-conforming use of the property concerned for two-family or multi-family use. In districts allowing two-family or multi-family use, such uses may be resumed only upon approval of an application to the Code Enforcement Office or Planning Board under 2 or 4 of this section.

“A change in use to single-family use under this paragraph shall constitute a change in use for purposes of the City’s Land Use Ordinance, building codes and life safety codes only.”