

SECTION 7 ZONING DISTRICTS

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
Central Business District
Planned Industrial/Commercial District
Planned Development District
Shoreland Overlay
Professional/Residential
Educational Community Recreation District
Cobbossee Corridor District
Shoreland Overlay Limited Residential 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 July 1, 1986 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 this may be seen 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;

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 will 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 Central Business District

Encompasses the more densely developed areas of the city. 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. The district boasts a unique historical and architectural character as well as a vital mix of land uses and services. It seeks to protect the existing character and to ensure that future development is compatible.

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. The 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

Encompasses land to be used for both commercial and residential use and requires that they occur on a planned basis according to performance standards. Planning Board or Site Review is required in many instances within this district to show the layout and use of the entire land holding.

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. The 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 The 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.

7.6 Land Use Table

Legend

RP	Resource Protection	SLR	Shoreland Overlay Limited Residential
SL	Shoreland	RG	Residential Growth
R	Rural	HDR	High Density Residential
PR	Professional Residential	CB	Central Business
PIC	Planned Industrial/Commercial	PD	Planned Development
CC	Cobbossee Corridor	ECR	Education Community Recreation

Rural Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Agriculture & Livestock	P	P	P	Y	P	N	N	N	N	P	N	N
Animal Keeping Residential	N	N	C	C	C	C	C	N	N	C	C	C
Campgrounds	N	P	P	Sd	Sd	N	N	N	N	Sd	N	N
Horticulture & Silviculture	P	P	P	Y	Y	N	N	N	N	Y	N	N
Individual Private Campsite	C	C	C	C	C	N	N	N	N	C	N	C
Livestock Keeping	P	P	P	Y	P	N	N	N	N	P	N	N
Outdoor Recreation	P	P	P	P	P	N	N	P	N	P	P	P
Passive Recreation	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
Roadside Stands/Farm Produce	N	N	N	Y	C	C	C	C	C	C	C	C
Timber Harvesting	C	Y	C	Y	Y	Y	Y	Y	Y	Y	Y	Y

Residential Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Boarding Home	N	N	N	P	Sr	Sr	P	C	N	P	N	P
Community Living Facility	N	C	C	C	C	C	C	C	N	C	N	C
Congregate Care Facility	N	N	P	P	P	Sr	P	P	N	P	N	P
Home Child Care	N	C	C	C	C	C	C	C	N	C	N	C
Home Occupation	N	C	P	C	P	P	P	P	N	P	N	P
Home Occupation Minor	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y
Modular/Mobile less than 20 feet wide	N	N	C	C	C	N	N	N	N	C	N	N
Modular/Mobile 20 feet wide or more	N	N	C	C	C	C	C	C	N	C	N	C
Manufactured Home Park	N	N	N	Sd	Sd	N	N	N	N	Sd	N	N
Multi-Family Dwelling	N	P	P	P	P	P	P	P	N	P	N	P
Open Space Development	N	Sd	Sd	Sd	Sd	Sd	Sd	N	N	Sd	N	Sd
Senior Housing Development	N	N	N	P	P	P	P	Sr	N	P	N	Sr
Single & Two Family Dwellings	N	C	C	C	C	C	C	C	N	C	N	C

Key to Land Use Table

Y = Allowed

N = Not Allowed

C = Code Enforcement Officer Review

P = Planning Board Review

SR = Site Review

SD = Subdivision Review

Legend

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Commercial Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Adult Businesses	N	N	N	N	N	N	N	N	P	N	N	N
Auction Barn	N	N	N	N	N	N	N	Sr	N	P	N	N
Automobile Repair	N	N	N	P	N	N	N	Sr	C	P	N	N
Automobile/Vehicle Sales & Service	N	N	N	N	N	N	N	Sr	P	P	N	N
Bank	N	N	N	N	N	N	Sr	C	C	P	N	P
Bed & Breakfast	N	P	P	P	P	P	P	P	N	P	N	P
Building Supply	N	N	N	N	N	N	N	C	N	P	N	N
Commercial Farm	N	N	N	P	N	N	N	N	N	N	N	N
Communication facility exclusive of towers	N	N	N	P	N	N	N	P	P	P	N	N
Communication facility in alternative tower structure	N	N	N	P	P	P	P	P	P	P	N	P
Communication Tower	N	N	N	P	N	N	N	P	P	P	N	N
Construction Services	N	N	N	P	N	N	N	N	P	Sr	N	N
Convenience Store	N	N	N	N	N	N	N	C	C	P	N	P
Funeral Home	N	N	N	Sr	N	N	P	C	N	C	N	N
Funeral/ Crematories	N	N	N	Sr	N	N	N	N	P	N	N	N
Indoor Recreation Facility	N	N	N	N	N	N	N	P	P	P	N	P
Junkyards & Auto Graveyards	N	N	N	Sr	N	N	N	N	N	N	N	N
Kennels	N	N	N	P	N	N	N	N	N	P	N	N
Kiosks	N	N	N	N	N	N	P	P	P	P	N	P
Laboratories /Research facilities	N	N	N	N	N	N	Sr	P	P	Sr	N	P
Laundromat	N	N	N	N	N	N	N	C	N	P	N	N
Marinas	N	N	P	P	N	N	N	P	N	P	N	P
Offices up to 2,000 sq. ft.	N	N	N	N	N	N	C	C	C	P	N	P
Offices 2,000 sq. ft or larger	N	N	N	N	N	N	P	P	P	P	N	P
Overnight Accommodation	N	N	N	N	N	N	N	P	P	P	N	P
Outdoor Storage Facility	N	N	N	N	N	N	N	N	C	P	N	N
Parking Garage	N	N	N	N	N	N	N	Sr	P	Sr	N	P
Parking Lots	N	N	N	N	N	N	N	P	P	P	N	P
Pet Services	N	N	N	P	N	N	N	P	N	P	N	P
Restaurant	N	N	N	N	N	N	Sr	C	N	Sr	N	P
Restaurant with drive- through	N	N	N	N	N	N	N	C	N	Sr	N	N
Retail up to 3,500 sq. ft.	N	N	N	Sr	N	N	Sr	C	P	Sr	N	P

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Commercial Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Retail 3,500 sq. ft. or larger	N	N	N	N	N	N	N	P	P	Sr	N	Sr
Self Storage Buildings	N	N	N	N	N	N	N	C	C	Sr	N	N
Service Business	N	N	N	N	N	N	P	C	C	P	N	P
Shopping Center	N	N	N	N	N	N	N	Sr	Sr	Sr	N	Sr
Theater	N	N	N	N	N	N	N	C	N	P	N	P
Veterinary Clinic	N	N	N	P	N	N	N	P	N	P	N	P
Detached Canopy	N	N	N	N	N	N	N	P	P	P	N	N

Industrial, Wholesale & Transportation Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Commercial Firewood	N	N	N	P	N	N	N	N	N	N	N	N
Composting Facility	N	N	N	Sr	N	N	N	N	N	Sr	N	N
Fuel Storage Facility	N	N	N	N	N	N	N	N	P	Sr	N	N
Manufacturing Heavy	N	N	N	N	N	N	N	N	P	N	N	N
Manufacturing Light	N	N	N	N	N	N	N	Sr	P	Sr	N	N
Passenger Transit Facility	N	N	N	N	N	N	N	P	P	P	N	N
Recycling Facility	N	N	N	Sr	N	N	N	P	C	P	N	N
Sawmill	N	N	N	Sr	N	N	N	N	C	Sr	N	N
Trucking & Freight Facility	N	N	N	N	N	N	N	N	C	Sr	N	N
Waste Processing Facility	N	N	N	N	N	N	N	N	Sr	N	N	N
Wholesale & Warehouse	N	N	N	N	N	N	N	P	C	P	N	N
Windmill Small	N	P	P	C	P	P	P	P	C	C	P	P
Windmill Mid-size	N	N	N	P	N	N	N	N	P	P	P	N
Windmill Large	N	N	N	P	N	N	N	N	P	P	P	N

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Institutional, Educational & Governmental Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Cemetery	N	N	N	P	N	N	N	N	N	P	N	N
Civic Center	N	N	N	N	N	N	N	Sr	Sr	Sr	N	N
Community Nonprofit Facility	N	N	P	P	P	N	P	P	P	P	P	P
Day Care & Nursery School	N	N	P	P	P	P	P	C	N	C	P	P
Hospitals	N	N	N	N	Sr	Sr	Sr	P	P	P	N	P
Nursing Homes	N	N	N	P	Sr	Sr	Sr	P	N	P	N	P
Places of Worship	N	N	N	P	P	P	P	C	N	P	N	P
Public Buildings	N	N	P	P	P	P	P	P	N	P	P	P
Public Park & Playgrounds	N	P	P	P	P	P	P	P	N	P	P	P
Public Paths	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
Social & Fraternal Organizations	N	N	P	P	N	N	N	C	N	P	N	P

Other Uses

	RP	SLR	SL	R	RG	HDR	PR	CB	PIC	PD	ECR	CC
Accessory Uses & Structures	P	P	C	C	C	C	C	C	C	C	C	C
Earth Moving < 50 cubic yards	C	C	C	Y	Y	Y	Y	Y	Y	Y	Y	Y
Earth Moving .>50 cubic yards	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
Flea Markets	N	N	N	C	N	N	N	C	N	C	N	N
Piers & Docks Permanent	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
Public Utility Facility less than 1,000 sq. Ft.	P	P	P	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
Signs	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
Uses and structures similar to uses and structures requiring C, P or Sr Review	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr	C P Sr

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7.7 Minimum Dimensional Requirements

Lots in all districts shall meet or exceed the following minimum requirements:

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District	Lot with Sewer sq. ft.	Lot w/o Sewer Sq. Ft	Road Front Feet	Shore Front feet	Road Set-Back Feet	Side set-Back Feet	Rear set-back feet	Shore Set-Back Feet	Max. Hght. feet	Max. Lot Cov. %	Multi-Family Density Sq. ft.
RP	40,000	40,000	100	200	50/75	20	20	100	35	5%	n/a
SLR	10,000	n/a	100	100	25/50	10	10	75	45	35	5,000
SL	60,000	60,000	200	200	75/100	25	25	100	35	20%	n/a
R	60,000	80,000	200	200	75/100	30	30	100	35	20%	80,000
RG	15,000	40,000	100	125	25/50	15	15	100	35	25%	7,500
HDR	10,000	20,000	100	125	25/50	10	10	100	35	35%	10,000
PR	7,500	20,000	75	n/a	20/40	10	10	n/a	35	40%	7,500
CB	7,500	20,000	50	50	15/5	20	20	25	75	80%	1,200
PIC	40,000	80,000	200	125	75/100	30	30	100	150	80%	n/a
PD	30,000	60,000	150	125	75/100	25	25	100	75	50%	10,000
ECR	10,000	20,000	100	125	75/100	20	20	n/a	45	60%	n/a
CC	5,000	n/a	50	50	15/5	10	10	25	75	70%	1,200

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 minimum height, but shall be setback 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 Central Business and the Cobbossee Corridor within 100 feet of a public parking lot can 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 I District is 10,000 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 for the first unit and 40,000 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 for each additional unit.
8. The multi-family dwelling density in the Shoreland Overlay L.R District is 5,000 square feet for the first unit and 2,500 for each additional unit.

7.8 District Performance Standards

7.8.1 Applicability

This sub-section contains specific performance standards which apply only in certain districts.

7.8.2 Central Business

7.8.2.1 Multi-family units may not be located on the ground floor of buildings.

7.8.2.2 One and two family dwellings are permitted provided the building is a minimum of 1 1/2 to 2 stories.

7.8.3. Rural District

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

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, and height. 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 or height standard for an existing nonconforming structure can 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 is 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.

7.8.5 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 should 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 Residential use is not permitted on the ground floor at the following locations: Corners of Summer and Bridge Street and the Corner (western) of Route 126 and Winter Street.

7.8.5.5 The minimum lot size for single-family houses shall be 5,000 square feet and the minimum lot size for single-family houses with SOLR shall be 10,000 square feet.

7.8.5.6 A legally non-conforming use has a five-year discontinuance period.

7.8.5.7 Existing structures can expand up to 30%, if the expansion meets all applicable standards in this Ordinance.

7.8.5.8 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 building, day care centers and 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.