

SECTION 8 GENERAL PERFORMANCE STANDARDS

8.1 General Lot Requirements

8.1.1 If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

8.1.2 No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

8.1.3 Whenever possible, new lots shall have side lot-lines perpendicular to the road.

8.1.4 Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot-size requirements are prohibited.

8.1.5 Only one road frontage of a corner lot shall be considered the front lot-line. The other road frontage shall be considered a side lot-line.

8.1.6 Only one road frontage of a through-lot which has frontage on one or more roads shall be designated as the front yard. The other lot lines shall comprise the side and rear lot areas. Through-lots with adequate lot area may be divided if each lot division has frontage on a road.

8.2 Access to Lots

All lots shall be provided with an access to the property by means of a driveway, common driveway or road. Refer to Section 11 of this Ordinance for road traffic and parking requirements.

8.3 Rear-Lot Access and Frontage

8.3.1 New rear lots proposed to be placed behind a legally conforming lot that has existing road frontage shall be deemed to comply with the minimum road frontage requirements if they meet all of the following:

8.3.1.1 The lot conforms to all dimensional requirements for the district in which it is located except for road frontage.

8.3.1.2 The lot has access which conforms to the applicable requirements of Section 11 of this Ordinance.

8.3.1.3 The necessary right-of-way to access the rear lot does not reduce the road frontage of the existing road lot below the minimum established for the district in which it is located.

8.3.1.4 The front yard for the purposes of conforming to the front structure setback requirements for the rear lot shall be measured from the rear lot-line of the existing road frontage lot.

8.4 Accessory Structures and Swimming Pools

8.4.1 No garage or other permanent accessory structure or in-ground swimming pool shall be located in the required front yard area except as provided below. When located to the side or rear of the principal structure the accessory structure shall be set back a minimum of 10 feet from the side and rear property lines. All accessory structures shall be set back 100 feet from the normal high-water line of a water body and upland edge of a wetland.

8.4.2 Accessory structures, including above-ground swimming pools, may be located within a required front yard and may be closer than 5 feet to a side or rear lot-line if the following conditions are met:

8.4.2.1 The principal use of the property is a single or two-family dwelling.

8.4.2.2 The accessory structure does not exceed 15 feet in height or is greater than 144 square feet in floor area.

8.4.2.3 The accessory structure or above-ground swimming pool is not permanently attached to the ground.

8.4.3 A fence shall be erected and maintained around every swimming pool. A structure or building may be used as part of this enclosure. All gates or doors opening through the enclosure shall be capable of being securely fastened at all times when not in use. The term “fence” shall mean a good quality fence or wall not less than 4 feet in height above the ground surface and of a design to exclude children. The fence shall be constructed so as not to have openings, holes or gaps larger than 4 square inches, except for fences constructed of vertical posts or louvers, in which case the openings shall not be greater than 4 inches in width and shall have no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimensional requirements.

8.4.4 A single building, for persons awaiting roadside pickup, less than 32 square feet in floor area, when located in the Rural District, is exempt from the road, side and rear setback and placement requirements of this Ordinance.

8.5 Temporary Structures

8.5.1 Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a 6-month period.

8.5.2 Temporary structures used as an accessory structure to a residential or commercial use may be used for a period not to exceed 7 months in any calendar year, if all setback and other dimensional requirements are met.

8.6 Essential Services and Utilities

8.6.1 Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

8.6.2 Whenever possible, water, sewer and other utility lines shall be laid outside of the paved surface and clear of any present or designated sidewalks. Utility poles shall be placed so that any present or designated sidewalks may be contained within the boundaries of the road right-of-way without obstruction by poles or appurtenances.

8.6.3 Underground utilities shall be installed prior to the installation of the final gravel base of the road.

8.6.4 The size, type and location of street lights, electric, water, sewer and telephone lines and other utilities shall be shown on the required permit application.

8.6.5 All new proposed utilities shall be reviewed by the appropriate city official, including but not limited to Public Works Director, City Sanitary District, and Gardiner Water District.

8.6.6 Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

8.6.7 The installation of essential services other than roadside distribution lines is not allowed in a Resource Protection District except to provide services for a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

8.7 Exterior Lighting

8.7.1 General

Any exterior luminaries with a lamp or lamps rated at a total of 1800 lumens or less and all flood or spot luminaries with a lamp or lamps rated at a total of 900 lumens or less may be used without restriction on light distribution or mounting height, except that if any spot or flood luminary rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminary shall be redirected or its light output controlled as necessary to eliminate such conditions.

NOTE: Some examples of luminaries that are less than 1800 lumens or flood luminaries with less than 900 lumens include 100-watt incandescent bulb, 13-watt compact fluorescent bulb and 120-watt incandescent flood bulb.

8.7.2 Exterior Lighting Requirements

8.7.2.1 All exterior luminaries shall be shielded or hooded to avoid glare, adverse impact on neighboring properties and rights-of-way. No exterior lighting shall produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties. The light level at lot lines shall not exceed 0.5 foot-candles measured at ground level.

8.7.2.2 All commercial, institutional and other similar activities shall provide adequate exterior lighting for occupants, customers and employees.

8.7.2.3 The maximum height of all free-standing exterior lighting fixtures shall be 32 feet as measured from ground level.

8.7.2.4 All exterior lighting except security lights shall turn off between 11 p.m. and 6 a.m. unless the activity is open for business.

8.8 Noise

8.8.1 All development activities shall comply with the following requirements so as not to create noise to the extent that abutting properties are adversely affected:

8.8.1.1 The maximum permissible sound level of any continuous, regular, frequent or intermittent source of sound produced by an activity shall be limited according to the time of day and the land use which abuts it as listed in the following table:

Abutting Use	Sound Level Limits (dBA)	
	7:00 a.m. – 7:00 p.m.	7:00 p.m. – 7:00 a.m.
Residential	55	45
Commercial	65	55
Industrial	70	60
Institutional	55	45

8.8.1.2 Where the abutting property is undeveloped, the sound level shall be equal to or less than the most restrictive abutting use allowed by this Ordinance.

8.8.2 Sound levels shall be measured at least 4 feet above the ground at the property line of the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of the American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past calendar year.

8.8.3 The applicant for a permit shall design the development as necessary to ensure that the noise emanating from the property conforms to the noise limits set forth in this subsection. Upon request from the Code Enforcement Officer or the Planning Board, the applicant shall provide a written certification from a professional engineer that the noise measurements are accurate and the noise from the completed development will conform to this subsection.

8.8.4 The applicant for a permit is responsible for measuring sound levels and providing all necessary information to show that the proposal will conform to this Subsection.

8.8.5 The following uses and activities shall be exempt from the requirements of this Subsection:

8.8.5.1 Noises created by construction and temporary maintenance activities between 7:00 a.m. and 7:00 p.m.

8.8.5.2 Single-family, two-family and multi-family housing.

8.8.5.3 The noise from safety signals, warning devices, and emergency pressure relief valves and other emergency activities.

8.8.5.4 Traffic noise on roads.

8.8.5.5 Resource use in rural areas.

8.8.5.6 Agricultural and forestry activities.

8.9 Exterior Material Storage

8.9.1 All dumpsters and similar large collection containers shall be completely screened from the view of all property lines.

8.9.2 All outdoor storage areas, including areas used for the storage or collection of solid waste, junk automobiles or parts, building materials, machinery or other such items, shall be screened from view according to the screening requirements contained in this Ordinance.

8.9.3 Where a potential safety hazard to children is identified by the Code Enforcement Officer, a physical barrier sufficient to deter children from entering the area shall be provided and maintained in good condition.

8.9.4 All above-ground and below-ground tanks containing fuel, explosive liquids or solids, gases or chemicals shall be constructed and located according to applicable state and federal regulations.

8.10. Performance Guarantee

8.10.1 These standards for a performance guarantee shall be followed whenever required by this Ordinance. When required, the applicant shall submit the appropriate performance guarantee to the Code Enforcement Officer or the Planning Board as applicable. A permit application review shall not be conducted until the performance guarantee is submitted and conforms to these requirements.

8.10.2 The performance guarantee shall include one of the following:

8.10.2.1 A certified check, in an amount equal to the expense of installing the public improvements, made payable to the city.

8.10.2.2 A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the city, issued by a surety company.

8.10.2.3 A conditional agreement with the city, whereby no lot in the subdivision may be sold or no building permit issued until the applicant installs all public improvements. A phased development plan may be incorporated into the conditional agreement.

8.10.2.4 An irrevocable letter of credit from a bank or other lending institution that indicates that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

8.10.3 The Planning Board or the Code Enforcement Officer as applicable, prior to approval of the application, shall consult with the City Manager on the terms proposed by the applicant for the performance guarantee. The City Manager may determine that the amount of the certified check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board or the Code Enforcement Officer shall require that any determination made by the City Manager be incorporated into the performance guarantee.

8.10.4 Prior to the release of the performance guarantee, the Code Enforcement Officer and the City Manager shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the development plans.

8.10.5 If the Code Enforcement Officer or the City Manager finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall take any steps necessary to preserve the city's rights.

8.11 Buffer and Screening Standards

8.11.1 Applicability

The buffer and screening requirements shall apply to all non-residential structures and uses, multi-family structures, campgrounds, and parking areas.

8.11.2 Purposes

The purposes of these requirements are to:

8.11.2.1 Separate different land use activities from one another.

8.11.2.2 Create visual barriers which obscure structures, dumpsters, headlights, lighting, glare, vehicles or other elements of a site.

8.11.2.3 Reduce the impact of noise and odors.

8.11.2.4 Reduce air pollution, wind, dust, and litter and contribute to healthy air and water quality.

8.11.2.5 Respect the character of different places within the city.

8.11.3 General Requirements

8.11.3.1 A buffer area shall be the minimum required width and shall contain vegetation and screening materials. The buffer area shall not contain buildings, structures or other forms of development except for any necessary road, driveway or entrances, necessary traffic signs, and essential services.

8.11.3.2 No portion of the road right-of-way may be used to satisfy buffer requirements.

8.11.3.3 Whenever feasible, natural features such as trees, rocks, and shrubs shall be maintained within the buffer areas.

8.11.3.4 All buffer areas and required screening shall be maintained by the property owner. The screen shall be maintained in such a manner as to provide an effective visual barrier as specified by these requirements.

8.11.3.5 Any required vegetation including trees and shrubs shall be replaced by the property owner if the species dies or is damaged.

8.11.4 Buffer and Screening Requirements

Buffer and screening for specific districts and activities are as follows:

8.11.4.1 Planned Industrial/Commercial District

A buffer strip at least 25 feet wide shall be placed along the side, rear and front property lines of the development. A full screen shall be installed along all side and rear property lines. A semi-full screen shall be installed along the front property line if the development is located on a public road. A partial screen shall be installed along the front property line if the development is located along a private road or public or private commercial/industrial subdivision road.

8.11.4.2 Central Business District

A buffer strip at least 5 feet wide shall be placed along the side, rear and front of any parking area. A semi-full screen shall be placed along the side and rear of the parking area. A partial screen shall be placed along the front property line of the parking area.

8.11.4.3 Requirements for All Other Districts

8.11.4.3.1 A buffer strip at least 10 feet wide shall be placed along the side, rear and front property lines whenever the development abuts another non-residential building. A partial screen shall be placed along the side, rear and front property lines.

8.11.4.3.2 A buffer strip at least 25 feet wide shall be placed along the side, rear and front property lines whenever the development abuts a residential building or open space. A full screen shall be placed along the side and rear property lines. A semi-full screen shall be placed along the front property lines.

8.11.4.4 Buffer and Screening Adjustments

The Planning Board may increase the width of any buffer or upgrade the screen category whenever the Board determines that the proposed development, due to its size, intensity, scale, hours of operation or type of activity, may create negative impacts upon neighboring properties. The Planning Board and/or the Code Enforcement Officer may allow alternative designs for the buffer widths and screen requirements when designed by a landscape architect without the need for a variance when it determines that the alternative meets or exceeds the requirements of this Ordinance.

8.11.4.5 Screen Categories

The following tables show design options for a full screen, semi-full screen and a partial screen for placement along property lines and parking areas.

8.11.4.5.1 Screen Category Table for Property Lines

Full-Screen Options	
Option 1	An 8-foot-high fence, with solid face without opening
Option 2	A berm at least 4 feet high with the following: 3 canopy trees and 3 understory trees per 100 feet of length.
Option 3	6 canopy trees, 10 understory trees and 20 shrubs per 100 feet of length.
Option 4	A 4-foot-high fence with vertical or horizontal spacing of no more than 4 inches between members, and 6 canopy trees and 10 understory trees per 100 feet of length.
Semi-Full Screen Options	
Option 1	A 6-foot-high fence with a solid face without openings
Option 2	A berm at least 4 feet high with the following: 3 understory trees and 9 shrubs per 100 feet of length
Option 3	3 canopy trees, 6 understory trees and 12 shrubs per 100 feet of length
Option 4	A 4-foot-high fence with vertical or horizontal spacing of not more than 4 inches between members, and 3 canopy trees and 6 understory trees per 100 feet of length
Partial-Screen Options	
Option 1	A 3-foot-high fence with vertical or horizontal spacing of not more than 4 inches between members.
Option 2	A berm at least 3 feet in height with 9 shrubs per 100 feet of length
Option 3	6 understory trees and 6 shrubs per 100 feet of length

8.11.4.5.2 Screen Category Table for Parking Areas

Full-Screen Options	
Option 1	A 4-foot-high fence with a solid fence without openings
Option 2	A berm at least 4 feet high
Option 3	3 understory trees and 36 shrubs per 100 feet of length
Semi-Full Screen Options	
Option 1	A 4-foot-high fence with vertical or horizontal opening between members of no more than 4 inches
Option 2	A berm at least 3 feet high
Option 3	36 shrubs per 100 feet of length
Partial-Screen Options	
Option 1	A 3-foot-high fence
Option 2	A berm at least 2 feet high with 9 shrubs per 100 feet of length
Option 3	24 shrubs per 100 feet of length

8.11.5 Parking Lot Landscaping Requirements.

8.11.5.1 Landscaped areas within parking areas containing more than 50 spaces, except for parking garages, are required to provide visual and climatic relief from broad expanses of pavement and reduce surface runoff, and separate areas for pedestrian and vehicular circulation. The following standards shall be met:

8.11.5.1.1 At least 5% of the gross area of all parking shall be landscaped. Where parking areas contain more than 100 spaces, landscape islands shall be located to break up parking areas into smaller cells of no more than 80 parking spaces.

8.11.5.1.2 Internal landscaping shall include a minimum of 2 trees and 7 shrubs for every full increment of 25 parking spaces. Planting areas shall be sufficient to accommodate canopy and/or understory trees.

8.11.5.1.3 Planting areas shall be located to demarcate the ends of parking rows, to avoid long rows of parked vehicles, and to channel pedestrian circulation. Where feasible, landscaped areas shall be oriented at right angles to the main entrance of the principal building.

8.11.5.1.4 A portion of the required landscape area may be provided between parking areas and buildings to enhance the appearance of the site.

8.11.5.1.5 All landscape areas shall be sufficient in size to accommodate healthy long-term plant growth.

8.11.5.1.6 Alternative plans which differ from these requirements for the landscaped area, prepared by a registered landscape architect, may be approved by the Code Enforcement Officer and/or the Planning Board, as long as the total landscape area is not reduced.

8.11.6 Vegetation Requirements

8.11.6.1 Plant varieties shall be selected for the soil type at the site, appearance, durability, tolerance to air and water pollution and the climatic conditions of the area. Native species shall be selected whenever possible. Trees located beneath overhead utility lines shall be selected so their mature height will not reach the utility lines.

8.11.6.2 Canopy and evergreen trees are those species which are expected to reach at least 35 feet or more in height at maturity. An understory tree will reach 15 to 20 feet at maturity. Shrubs have a mature height of 2 to 10 feet. Miscellaneous plantings include ground covers, vines, perennials, annuals, bulbs, and other herbaceous material.

8.11.6.3 All plant materials shall meet the following minimum size standards at the time of planting:

8.11.6.3.1 Canopy trees shall be 1 ½ inches diameter.

8.11.6.3.2 Evergreen trees shall be 4 feet in height.

8.11.6.3.3 Understory trees shall be 1 inch in diameter.

8.11.6.3.4 Shrubs shall be between 10 and 24 inches in height.

8.11.6.4 All required canopy trees, understory trees and shrubs shall be placed equally spaced along the length of the buffer to provide a continuous screen.

8.11.7 Requirements for Berms and Other Landscape Features

8.11.7.1 A maximum slope of three horizontal to one vertical shall be established for hills and berms. A flat area at least 3 feet in width shall separate the front and rear slopes.

8.11.7.2 Fence material shall complement the architectural style of the buildings and surrounding area

8.12 Non-Residential Development Design Standards

8.12.1 Purpose

The purposes of this section are:

8.12.1.1 To establish design criteria for all commercial, industrial and other non-residential uses.

8.12.1.2 To integrate commercial and industrial uses into Gardiner's character as an urban riverfront and rural community.

8.12.1.3 To enhance the streetscape visual appearance and to avoid incompatible and adverse impacts along the road.

8.12.1.4 To encourage a diversity of architectural styles that draw their inspiration from traditional New England.

8.12.2 Applicability

8.12.2.1 These standards shall apply to all districts except the Planned Industrial/Commercial District.

8.12.2.2 Whenever these standards conflict with the design requirements for site review, the site review standards shall be followed.

8.12.3 General Standards

8.12.3.1 Visual Harmony with the Environment

The proposed development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the parcel and the surrounding area. Structures shall impede as little as reasonably practical, scenic views from the public road or from existing structures and the natural environment.

8.12.3.2 Visual Harmony with Gardiner

The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the city, with natural land forms and existing vegetation, and with other development plans already approved by the city.

8.12.3.3 Landscape Preservation

The landscape, existing terrain, and any significant trees and vegetation shall be preserved in their natural state insofar as practicable. Tree and soil removal shall be minimized and grade changes shall be in keeping with the general appearance of neighboring developed areas. If natural features and existing landscaping are proposed to be removed, attention shall be accorded to plans to replace such features and landscaping.

8.12.3.4 Streetscape

The arrangement and design of buildings and structures shall relate to the site access ways, parking and both vehicle and pedestrian circulation in a manner that respects the existing landscape, environmental features, and the existing streetscape.

8.12.3.5 Advertising Features

The size, location, design, texture, lighting and materials of all exterior signs and advertising features shall respect the site and neighboring properties.

8.12.3.6 Height

The height of a new or expanded structure shall be compatible with neighboring buildings. As a general guideline, structures shall be constructed to a height roughly equal to the average height of existing buildings on the same side of the road and across the road.

8.12.3.7 Proportion and Articulation

To reduce the apparent size of the buildings and to give them more visual interest, single monolithic forms that are not relieved by variations in the mass or bulk of the buildings shall be prohibited. Boxlike facades, forms and shapes placed near older buildings that have varied mass and façade articulation shall be prohibited.

8.12.3.8 Setback

The front line setback from the road shall be maintained whenever practical considering the use and design of the new development. New buildings are encouraged to be located in the same setback as the façade of neighboring buildings. Whenever the existing pattern cannot be followed, buildings shall be set back into the lot rather than closer to the road. New buildings shall not be placed at odd angles to the road unless the area already contains diverse building sites.

8.12.3.9 Texture, Color and Type of Materials

The materials, texture and color of the façade shall be visually compatible with the predominant materials and colors used for the buildings in the vicinity. Highly reflective surfaces or processed materials such as plastic panels, concrete block, grooved paneling and plywood are prohibited.

8.12.3.10 Roof Shapes

The roof shape, pitch and material shall be visually compatible with the buildings in the vicinity. A pitched roof or an appearance of a pitched roof with a minimum slope of 5/12 shall be required. The following roof types shall be prohibited: flat roofs, A-frame roofs and mansard roofs. Roof storage or equipment shall be screened from public view.

8.12.3.11 Scale of Buildings

The height, size or mass and proportion of the building shall be consistent with the scale of the neighboring buildings.

8.12.3.12 Facing

The vertical and horizontal exterior façade material of the building shall be the predominant directional exterior material facing of the neighboring buildings.

8.12.3.13 Building Materials

Exterior siding that is common to New England such as wood, brick, masonry veneers, wood shingles, aluminum and vinyl and other contemporary materials that have the same visual look as traditional materials shall be allowed.

8.12.3.13.1 All sides of the building shall have a finished look with materials similar to those used on the front façade. Two compatible façade materials shall be allowed when one façade material is not normally visible from the road.

8.12.3.14 Awnings and Canopies

Awnings and canopies shall complement the design, materials, color and appearance of the building. Materials shall not be reflective materials such as metal or plastic. Backlit awnings and canopies shall be prohibited. Awnings and canopies may be used over windows and doors, except if they are not in keeping with the building's architecture.

8.12.4 Renovations and Additions

Renovations and additions shall be required to conform to these design standards to the greatest practical extent. Since some existing buildings do not already comply with these standards, the property owner is encouraged to upgrade the front façade of an existing building facing the road when renovating or adding to the building.

8.12.5 Linear Commercial Structures

8.12.5.1 Linear commercial structures shall be designed with façade and roofline elements that reduce their scale and add architectural interest. No wall shall extend for a length of 25 feet without an architectural feature designed to break up the large mass of the wall.

8.12.5.2 Buildings with multiple fronts shall be visually unified by a complementary architectural form, similar materials and colors, consistent details and uniform sign size and mounting system.

8.12.5.3 The building shall be oriented whenever practical with the narrow side facing the road.

8.12.5.4 Variations in the front setbacks shall be used to add visual interest and create space for common entries, outdoor spaces, gardens and similar landscape features.

8.12.5.5 A focal point such as a raised entry, clock tower, or other architectural element shall be included to help reduce the scale of the building.