

§ 220-11. Density and dimensional regulations.

- A. Purpose. The regulations in this section are intended to encourage the preservation of Gardiner's open space, while providing opportunities for needed housing and business uses. This is accomplished by clustering development in nodes surrounded by open space and, where practical, in the traditional compact pattern found in the Town's hamlets. This chapter contains flexible regulations for density and lot dimensions and encourages the use of open space development as an alternative to conventional subdivision to preserve significant amounts of open space. See Article V for standards for open space development.
- B. Dimensional Table.
- (1) The following table is hereby adopted and will be referred to as the "Dimensional Table." Dimensional regulations for the SP-2 and SP-3 Subdistricts are contained in § 220-16.
 - (2) As used in the Dimensional Table, "n/a" means "not applicable."
 - (3) All dimensions are in feet unless otherwise indicated.
 - (4) Where there are two numbers separated by a slash mark (/), they indicate a minimum and maximum dimension, respectively.
 - (5) For purposes of density calculations in this chapter, a studio dwelling unit shall be counted as 0.5 dwelling unit, a one-bedroom dwelling unit shall be counted as 0.67 dwelling unit, a two-bedroom unit shall be counted as 0.75 dwelling unit, and a three-bedroom or larger dwelling unit shall be counted as one dwelling unit.

Dimensional Table

(Dimensional regulations for the SP-2 and SP-3 Subdistricts are contained in § 220-16.)

	District					
	RA	HM	HR	CLI	HC	SP-1
Minimum lot size (acres)	5 ¹	⁴	⁴	2	2	5
Minimum lot size (open space development) ²	See § 220-11D	n/a	n/a	n/a	n/a	See § 220-11D
Maximum base density (open space) ³ (acres/du)	2	n/a	n/a	n/a	n/a	5
Minimum road frontage for conventional subdivision ⁵ (feet)						
Town road	250	40	40	200	200	250
County/ State road	300	50	50	200	300	300
Minimum/ Maximum front yard setback						
Town/ private road ⁶ (feet)	30 ¹	10/25	10/25	40	30	75
County/ State road ⁶ (feet)	50 ¹	15/35	15/40	125	40	75
Minimum side yard setback (feet)	30 ¹	10 ¹¹	15 ¹¹	20 ⁷	20 ⁷	50

Dimensional Table

(Dimensional regulations for the SP-2 and SP-3 Subdistricts are contained in § 220-16.)

	District					
	RA	HM	HR	CLI	HC	SP-1
Minimum rear yard setback (feet)	50 ¹	15	15	50 ⁷	50 ⁷	100
Setback in open space development	See § 220-20E	n/a	n/a	n/a	n/a	See § 220-20E
Maximum impervious surface coverage ⁸	10%	70%	50%	70%	60%	10%
Maximum height ⁹ (feet)	35	45	40	35	35	35
Maximum footprint for nonresidential structures ¹⁰ (square feet)	6,000	10,000 ¹²	1,000	200,000	60,000	6,000

Notes:

All dimensions in feet unless otherwise indicated.

¹ For conventional development as defined in § 220-74.

² Open space development is described in § 220-19B.

³ Not including bonuses, which may increase density. See Article V. "ac/du" means "acres per dwelling unit."

⁴ Varies between 80,000 square feet and 5,000 square feet based upon district and availability of infrastructure; see § 220-11D.

⁵ Lots in open space developments may have shorter frontages per § 220-20E.

⁶ Measured from right-of-way of road. Front yard setbacks may be adjusted to the average of adjoining setbacks; a "build-to line" may be established to maintain the "street wall" in the HM and HR Districts. Setbacks do not apply to open space development.

Notes:

⁷ If the lot abuts a residential district, a setback of 100 feet with a wooded buffer is required for all structures, driveways, parking lots, and other paved areas.

⁸ See definition in § 220-74; applies to each lot and to an entire subdivision, including new roads and other public areas (see § 220-20F); in open space developments, applies to entire subdivision only. This requirement may be waived by the Planning Board for lots in the HM District and shall not apply to preexisting nonconforming lots. For flexibility provisions, see § 220-11C below. Does not apply to agricultural uses.

⁹ Above average grade. For height exceptions, see § 220-30E.

¹⁰ Excluding agricultural structures and all structures legally completed or granted a building permit, special permit, site plan approval, or variance prior to the adoption of this chapter. The purpose of this requirement is to maintain the historic scale and character of development in Gardiner. The intent of this provision shall not be evaded through the placement of multiple large buildings on the same site or otherwise in a pattern that is inconsistent with the scale and character of the Town. This limitation shall not apply in the RDF District or to any educational, religious, or institutional use.

¹¹ May be 0 for party-wall or zero-lot-line building and may be reduced by Planning Board consistent with hamlet context.

¹² May be enlarged up to 60,000 square feet for a supermarket, movie theater, or other destination use that attracts a substantial number of customers, provided that all special permit impact criteria are satisfied.

- C. Impervious surface flexibility. In the course of site plan, special permit, area variance, or subdivision approval, an applicant may request permission to exceed the maximum impervious surface requirements through the use of partially permeable materials that allow for some infiltration of water into the ground. Such permission may be granted by the reviewing board only if the applicant demonstrates that the use of such materials will result in at least as much groundwater infiltration and no more stormwater run-off from the site than would occur if the applicant complied with the limitations in the Dimensional Table using impervious materials.

- D. Minimum lot sizes in the HM and HR Districts and in open space developments. Minimum lot sizes in the HM and HR Districts and in open space developments shall be as shown below, provided that such lots comply with all applicable public health requirements and that all common water and sewage disposal facilities are owned and managed by the Town, county, or a duly constituted public authority or municipal district. Minimum lot sizes for such lots shall be:
- (1) With common or municipal water supply but no common or municipal sewage disposal services: 40,000 square feet.
 - (2) With common or municipal sewage disposal services only: 20,000 square feet. This dimension may be reduced by the Planning Board to 7,500 square feet within the Town Center hamlet area shown on the Zoning Map if the applicant can demonstrate through well tests that a smaller lot area will not adversely affect wells in the surrounding area. Such demonstration shall be made to the satisfaction of a professional hydrologist retained by the Town at the applicant's expense.
 - (3) With common or municipal water supply and sewage disposal: no minimum in open space developments and 10,000 square feet in the HM and HR Districts. This number may be reduced in the Planning Board's discretion in consideration of an applicant's provision of inclusionary housing, infrastructure for an area greater than that served by the development, or other municipal support services (fire station, school, park, etc.), or the applicant's use of transfer of development rights (see § 220-22). The minimum lot size in the HM and HR Districts shall not be reduced to less than 6,000 square feet.
 - (4) Without common or municipal water supply or sewage disposal services: 80,000 square feet in the HM and HR Districts and 40,000 square feet in an open space development.
- E. Maximum density in the HM and HR Districts. The minimum lot size provisions in Subsection D above, when combined with the density allowances for two-family and multifamily housing in §§ 220-12 and 220-12.1 and the inclusionary housing provisions of § 220-42, shall not result in a more than eight dwelling units per acre of buildable land in the HM and HR Districts (excluding accessory apartments from this calculation). For purposes of

density calculations, a studio dwelling unit shall be counted as 0.5 dwelling unit, a one-bedroom dwelling unit shall be counted as 0.67 dwelling unit, a two-bedroom unit shall be counted as 0.75 dwelling unit, and a three-bedroom or larger dwelling unit shall be counted as one dwelling unit.