

**City of Bath, Maine**  
**Land Use Code**  
**Table of Contents**

[As amended through January 24, 2024]

<b>Article 1: General Provisions</b>		<b>page</b>
Section 1.01	Short Title	1-1
Section 1.02	Authority	1-1
Section 1.03	Purposes	1-1
Section 1.04	Applicability of the Code	1-1
Section 1.05	Conflict with Other Ordinances	1-2
Section 1.06	Severability	1-2
Section 1.07	Amendments	1-2
 <b>Article 2: Definitions</b>		
Section 2.01	Meaning of Words	2-1
Section 2.02	Definitions	2-1
 <b>Article 3: Permit Administration and Approval Process</b>		
Section 3.01	General	3-1
Section 3.02	Role of the Codes Enforcement Officer	3-1
Section 3.03	Approvals Required	3-1
Section 3.04	Building Permits	3-2
Section 3.05	Certificate of Occupancy Required	3-4
Section 3.06	Enforcement	3-4
Section 3.07	Penalties	3-5
Section 3.08	Informal Adjustment of Land Use Code Violations	3-5
Section 3.09	Coordination of Multiple Approvals	3-6
Section 3.10	Coordination with State and Federal Approvals	3-7
Section 3.11	Fees	3-7
 <b>Article 4: Zoning Board of Appeals, Variances, and Appeals</b>		
Section 4.01	Composition	4-1
Section 4.02	Appointments	4-1
Section 4.03	Qualifications	4-1
Section 4.04	Terms of Office	4-1
Section 4.05	Dismissal of Members	4-1
Section 4.06	Officers	4-2
Section 4.07	Meetings of the Board	4-2
Section 4.08	Quorum	4-2
Section 4.09	Conflict of Interest	4-2
Section 4.10	Voting	4-3
Section 4.11	Powers and Duties	4-3
Section 4.12	Variances	4-4
Section 4.13	Appeals Procedures	4-7
Section 4.14	Procedures When Property Is In The Shoreland Zone	4-8

<b>Article 5: Planning Board</b>	<b>page</b>
Section 5.01 Planning Board Established	5-1
Section 5.02 Composition	5-1
Section 5.03 Appointments	5-1
Section 5.04 Qualifications	5-1
Section 5.05 Terms of Office	5-1
Section 5.06 Dismissal of Members	5-1
Section 5.07 Officers	5-2
Section 5.08 Meetings of the Board	5-2
Section 5.09 Quorum, Voting, and Rules of Procedure	5-2
Section 5.10 Conflict of Interest	5-3
Section 5.11 Powers and Duties	5-3
 <b>Article 6: Nonconformities</b>	
Section 6.01 Intent	6-1
Section 6.02 General Provisions	6-1
Section 6.03 Nonconforming Uses	6-2
Section 6.04 Nonconforming Lots	6-4
Section 6.05 Nonconforming Structures	6-7
 <b>Article 7: The Establishment of Districts and the Zoning Map</b>	
Section 7.01 Districts Created	7-1
Section 7.02 Establishment of District Boundaries and Zoning Map	7-1
Section 7.03 Interpretation of District Boundary Lines	7-2
Section 7.04 Location of Documents	7-2
Section 7.05 Water Bodies and Wetlands Incorrectly Delineated	7-2
Section 7.06 Land Within Street Lines	7-3
Section 7.07 Lots Located in Two Districts	7-3
Section 7.08 Lots Partially Within Another Municipality	7-4
Section 7.09 Compliance by Principal Buildings	7-4
 <b>Article 8: District Regulations</b>	
Section 8.01 High-density Residential District - R1	8-1
Section 8.02 Medium-density Residential District - R2	8-3
Section 8.03 Low-density Residential District - R3	8-6
Section 8.04 Waterfront High-density Residential District - R4	8-8
Section 8.05 Waterfront Activity District - R5	8-10
Section 8.06 Waterfront Medium-density Residential District – R6	8-11
Section 8.07 Downtown Commercial District - C1	8-12
Section 8.08 Mixed Commercial and Residential District - C2	8-14
Section 8.09 Business Park District - C3	8-15
Section 8.10 Route 1 Commercial Contract District - C4	8-16
Section 8.11 Marine Business District - C5	8-17
Section 8.12 Historic Overlay District - HO	8-18

<b>Section 8 continued</b>	<b>page</b>
Section 8.13 Special Purpose Commercial Contract Overlay District - SPCCO	8-22
Section 8.14 Industrial/Shipyards District - I	8-24
Section 8.15 Golf Course District - GC	8-25
Section 8.16 Park and Open Space District – P & O	8-26
Section 8.17 Resource Protection District - RP	8-27
Section 8.18 Natural Resource Preservation Overlay District – NRPO	8-28
Section 8.19 Trufant Marsh Contract District - TMC	8-32
Section 8.20 Contract Rezoning	8-33
Section 8.21 Shoreland Zone	8-37
Section 8.22 Plant Home Zone	8-39
Section 8.23 Neighborhood Commercial Zone	8-41
Section 8.24 Museum District	8-42
Section 8.25 School District – S	8-43
Section 8.26 Housing Density Allowances	8-44
 <b>Article 9: Uses</b>	
Section 9.01 Compliance Required	9-1
Section 9.02 Land Use Table	9-2
Section 9.03 Mobile Home Park	9-16
Section 9.04 Uses Allowed in the Park and Open Space District	9-16
Section 9.05 Provisional Use Permits	9-16
Section 9.06 Prohibited Uses	9-16
 <b>Article 10: General Performance Standards</b>	
Section 10.01 Applicability and Purpose	10-1
 <b>Part A Public Facility and Safety Protection</b>	
Section 10.02 Access Control and Traffic Impacts	10-1
Section 10.03 Access Drive Construction	10-3
Section 10.04 Corner Clearances	10-6
Section 10.05 Multiple Principal Buildings on a Lot	10-6
Section 10.06 Parking and Loading	10-6
Section 10.07 Pedestrian Circulation	10-15
Section 10.08 Setbacks from Future Streets	10-15
<b>Section 10.09-10.13 reserved</b>	

<b>Article 10 continued</b>	<b>page</b>
<b>Part B Environmental and Health Protection</b>	
Section 10.14 Erosion and Sedimentation Control	10-16
Section 10.15 Hazardous or Dangerous Wastes and Materials	10-17
Section 10.16 Refuse Disposal	10-17
Section 10.17 Sewage Disposal	10-18
Section 10.18 Stormwater Management	10-18
Section 10.19 Water Quality Protection	10-19
Section 10.20 Adequate Water Supply	10-19
<b>Section 10.21-10.25 reserved</b>	
<b>Part C Neighborhood Protection</b>	
Section 10.26 Access to Back Lots	10-19
Section 10.27 Exterior Lighting	10-21
Section 10.28 Historic and Archeological Resources	10-21
Section 10.29 Landscaping and Screening	10-21
Section 10.30 Noise	10-25
Section 10.31 Setback Reduction Plan	10-25
Section 10.32 Exception to Space and Bulk Regulations	10-26
Section 10.33 Viewshed Protection Plan	10-27
Section 10.34 R1 Setback Plan	10-27
<b>Section 10.34-10.38 reserved</b>	
<b>Article 11: Performance Standards, Specific Activities and Land Uses</b>	
Section 11.01 Applicability	11-1
Section 11.02 Agricultural Practices	11-1
Section 11.03 The Keeping of Animals	11-2
Section 11.04 Campgrounds	11-3
Section 11.05 Clearing of Vegetation in the Shoreland Zone	11-4
Section 11.06 Cluster Developments	11-6
Section 11.07 Commercial Vehicle Parking	11-9
Section 11.08 Congregate Housing	11-9
Section 11.09 Day-care Homes and Day-care Facilities for Children or Adults	11-10
Section 11.10 Farmstand	11-12
Section 11.11 Fences and Walls	11-12
Section 11.12 Garage and Yard Sales	11-13
Section 11.13 Home Occupations	11-13
Section 11.14 In-home Lodging	11-14
Section 11.15 Individual Private Campsites	11-15
Section 11.16 Kennels	11-15
Section 11.17 Deleted	11-16
Section 11.18 Manufactured Housing and Mobile Homes	11-17
Section 11.19 Minor Earthmoving Activities	11-17

<b>Article 11: continued</b>		<b>page</b>
Section 11.20	Mobile Home Parks	11-18
Section 11.21	Parabolic Dish Antennas	11-23
Section 11.22	Parking and Use of Motor Vehicles and Trailers	11-23
Section 11.23	Piers, Docks, and Other Marine Structures	11-24
Section 11.24	Provisional Use Permits	11-25
Section 11.25	Recreational Facility	11-25
Section 11.26	Seasonal Sale of Home Produce	11-25
Section 11.27	Single-family Dwelling in Resource Protection District	11-25
Section 11.28	Small Utility Structures	11-26
Section 11.29	Storage of Boats	11-27
Section 11.30	Transit Shelters	11-27
Section 11.31	Temporary Uses	11-27
Section 11.32	Timber-harvesting	11-28
Section 11.33	Use of Recreational Camping Vehicles and Tents	11-30
Section 11.34	Shared Parking	11-30
Section 11.35	Accessory Uses Not on the Same Lot as the Principal Building or Use	11-30
Section 11.36	Manufacturing, Processing, Creating, Renovating, or Assembling of Goods, Merchandise, or Equipment in the Downtown Commercial District	11-31
Section 11.37	The Sale of Motor Scooters and Small ATVS	11-31
Section 11.38	Essential Services In The Shoreland Zone	11-32
Section 11.39	Septic Waste Disposal In The Shoreland Zone	11-32
Section 11.40	Accessory Dwelling Unit	11-32
Section 11.41	Mobile Food Vending	11-35
Section 11.42	Supportive Housing	11-36
 <b>Article 12: Site Plan Review</b>		
Section 12.01	Purpose	12-1
Section 12.02	Applicability	12-1
Section 12.03	Review and Approval Authority	12-2
Section 12.04	Pre-review Procedures	12-2
Section 12.05	Planning Board Review	12-4
Section 12.06	Staff Review Committee Review	12-6
Section 12.07	Approval Void	12-7
Section 12.08	Submission Requirements	12-8
Section 12.09	Approval Criteria	12-9
Section 12.10	Site Plan Approval with Conditions	12-10
Section 12.11	Approval Subject to Additional Information	12-10
Section 12.12	Change in Ownership	12-10
Section 12.13	Amendments	12-10
Section 12.14	Conditional Certificate of Occupancy for Any Use That Has Received Site Plan Approval	12-11
Section 12.15	Appeals	12-12

## **Article 13: Subdivisions**

Section 13.01	Title	13-1
Section 13.02	Authority and Purpose	13-1
Section 13.03	Notices	13-1
Section 13.04	Administration and Enforcement Prior to Approval	13-2
Section 13.05	Developmental Subdivision	13-2
Section 13.06	Pre-application Workshop	13-3
Section 13.07	Sketch Plan Review	13-3
Section 13.08	Submission of Applications for Subdivision Approval	13-4
Section 13.09	Planning Office Processing of Applications for Subdivision Approval	13-4
Section 13.10	Planning Board's Processing of Applications for Subdivision Approval	13-5
Section 13.11	Submission Requirements for Applications for Subdivision Approval	13-7
Section 13.12	Approval and Filing	13-11
Section 13.13	Performance Standards	13-12
	A. Applicability and Purpose	13-12
	B. Pollution	13-13
	C. Sufficient Water	13-13
	1. Water Supply	13-13
	2. Water Quality	13-14
	D. Soil Erosion	13-14
	E. Traffic Conditions	13-15
	F. Sewage Disposal	13-16
	1. Public System	13-16
	2. Private Systems	13-17
	G. Solid Waste	13-17
	H. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access To the Shoreline	13-18
	1. Preservation of Natural Beauty and Aesthetics	13-18
	2. Protection of Historic, or Prehistoric Features	13-18
	3. Protection of Unique Natural Areas and Sites	13-18
	4. Preservation of Open Spaces and the Creation of Recreation Areas	13-18
	5. Protection of Significant Wildlife Habitat	13-19
	6. Rights to the Shoreline	13-20
	I. Conformance with Ordinances and Plans	13-20
	J. Financial and Technical Capacity	13-21
	1. Financial Capacity	13-21
	2. Technical Ability	13-21
	K. Impact on Water Quality or Shoreline	13-21
	L. Impact on Groundwater Quality and Quantity	13-22
	1. Groundwater Quality	13-22

	2. Groundwater Quantity	13-23
<b>Article 13: Subdivisions continued</b>		<b>page</b>
	M. Floodplain Management	13-23
	N. Identification of Freshwater Wetlands	13-23
	O. Stormwater Management	13-23
	P. Spaghetti-lots Prohibited	13-24
	Q. Impact on Adjoining Municipalities	13-24
Section 13.14	Design and Construction Requirements	13-24
	A. Applicability	13-24
	B. Street Design Criteria	13-25
	1. General Requirements	13-25
	2. Specific Design Requirements	13-26
	C. Street Construction Criteria	13-29
	1. Preparation	13-29
	2. Street Bases and Pavement	13-30
	3. Curbing	13-30
	4. Clean-up	13-30
	D. Lot Numbering	13-30
	E. Street Names	13-31
	F. Street Signs	13-31
	G. Street Lighting	13-31
	H. Sidewalks	13-31
	I. Monumentation	13-31
Section 13.15	Amendments to Approved Plans	13-32
Section 13.16	Performance Guarantees	13-32
	A. Types of Guarantees	13-32
	B. Contents of Guarantee	13-33
	C. Interest from the Escrow Account	13-33
	D. Letter of Credit	13-33
	E. Conditional Agreement	13-33
	F. Phasing of Development	13-33
	G. Release of Guarantee	13-34
	H. Default	13-34
Section 13.17	Inspections and Enforcement	13-34
	A. Improvements Guaranteed	13-34
	B. Inspection of Required Improvements	13-34
	C. Violations and Enforcement	13-35
Section 13.18	Waivers	13-36
	A. Waivers Authorized	13-36
	B. Waivers to be shown on Subdivision Plan	13-36
Section 13.19	Appeals	13-36
<b>Article 14: Mining Activity</b>		
Section 14.01	Derivation and Findings	14-1
Section 14.02	Purpose	14-2
Section 14.03	Site Plan Approval Required	14-2

Section 14.04	Requirements and Limitations for Mining Activity	14-3
<b>Article 14: Mining Activity continued</b>		<b>page</b>
Section 14.05	Review Standards	14-4
Section 14.06	Mining Activity Phasing	14-8
Section 14.07	Mining Activity License	14-8
Section 14.08	Non-transfer of Permit	14-8
Section 14.09	Experts	14-9
Section 14.10	Financial Feasibility-Escrow	14-9
Section 14.11	Failure to Reclaim	14-9
<b>Article 15: Flood</b>		
Section 15.01	Purpose and Establishment	15-1
Section 15.02	Permit Required	15-1
Section 15.03	Application for Permit	15-2
Section 15.04	Application Fee and Expert's Fee	15-3
Section 15.05	Review Standards for Flood Hazard Development	
	Permit Applications	15-4
Section 15.06	Development Standards	15-5
Section 15.07	Conditional Use Review	15-11
Section 15.08	Certificate of Compliance	15-12
Section 15.09	Review of Subdivision and Development Proposals	15-13
Section 15.10	Appeals and Variances	15-13
Section 15.11	Enforcement and Penalties	15-15
Section 15.12	Validity and Severability	15-16
Section 15.13	Conflict with Other Ordinances	15-16
Section 15.14	Definitions	15-16
Section 15.15	Abrogation	15-22
<b>Article 16: Contract Zoning Districts</b>		
Section 16.01	Cahill Tire District	16-1
Section 16.02	Cumberland Farms District	16-2
Section 16.03	Global Filling Station District	16-3
Section 16.04	Cahill Tire District – II	16-4
Section 16.05	M. W. Sewall Co. District	16-5
Section 16.06	Former Bath Hospital and 2 Davenport Circle	16-7
Section 16.07	Bath Shopping Center	16-10
Section 16.08	Plant Memorial Home	16-11
Section 16.09	Maine Maritime Museum Contract Zone	16-13
Section 16.10	C.N. Brown – Route 1- Contract Zone	16-15
Section 16.11	Texas Steamship Contract Zone	16-16
Section 16.12	99 Commercial Street Contract Zone	16-17
Section 16.13	1065 Washington Street Contract Zone	16-19
Section 16.14	South PO2 Contract Zone	16-20
Section 16.15	832 Washington Street Contract Zone	16-22
Section 16.16	11 Elsinore Avenue Contract Zone	16-23
Section 16.17	619 High Street Contract Zone	16-24



Section 16.18	South PO2 Contract Zone, Number 2	16-26
<b>Article 16: Contract Zoning Districts continued</b>		<b>page</b>
Section 16.19	Plant Home Contract Zone, Number 2	16-28
Section 16.20	Winnegance Store Contract Zone	16-30
Section 16.21	Residence Inn District	16-32
Section 16.22	CVS Pharmacy Contract Zone	16-34
Section 16.23	Sewall Retail District	16-37
Section 16.24	Huse School District	16-39
Section 16.25	8 State Road District	16-41
Section 16.26	137 Leeman Highway Contract Zone	16-43
Section 16.27	Elwell Enterprise District	16-46
Section 16.28	Bath Iron Works Contract Zone, Number 3	16-48
Section 16.29	Winnegance Store Contract Zone, Number 2	16-50
Section 16.30	8 State Road Contract Zone, Number 2	16-52
Section 16.31	55 Congress Avenue Contract Zone	16-54
Section 16.32	520 Centre Street Contract Zone	16-56

#### **Article 17: Wireless Communications Facilities**

Section 17.01	Purpose	17-1
Section 17.02	Definitions	17-1
Section 17.03	Applicability	17-3
Section 17.04	Review Authority	17-4
Section 17.05	Application Process and Submission Requirements	17-4
Section 17.06	Performance Standards for WCF's	17-7
Section 17.07	Approval from State and Federal Agencies	17-10
Section 17.08	Abandonment	17-11
Section 17.09	Appeals	17-11

#### **Article 18 Adult Use and Medical Marijuana**

Section 18.01	Purpose	18-1
Section 18.02	Authority	18-1
Section 18.03	Definitions	18-1
Section 18.04	Marijuana Establishments	18-3
Section 18.05	Prohibited Activities	18-3
Section 18.06	License Required	18-3
Section 18.07	Performance Standards for Medical Marijuana	18-4
Section 18.08	Performance Standards for Adult Use Marijuana Establishments	18-6
Section 18.09	Violations and Penalties	18-9
Section 18.10	Severability	18-9
Section 18.11	Other Laws	18-9