

ARTICLE 8: DISTRICT REGULATIONS

SECTION 8.01 HIGH-DENSITY RESIDENTIAL DISTRICT - R1

A. Purpose

The High-density Residential District provides for the maintenance and increased livability of the existing densely built-up areas of the City, and areas where a limited amount of high-density housing can be constructed. The High-density Residential District provides areas of compact development that foster cohesive neighborhoods close to community services.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. Residential uses	6,000 square feet
2. Supportive Housing uses	6,000 square feet [added September 27, 2023]
3. Nonresidential uses	10,000 square feet
4. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	6,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACKS FOR SINGLE AND 2-FAMILY RESIDENTIAL USES	
1. Front	10 feet
2. Side	10 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	10 feet [amended May 16, 2001]
5. From waterbodies	25 feet
C. MINIMUM SETBACKS FOR SMALL⁽¹⁾ STORAGE BUILDINGS ACCESSORY TO RESIDENTIAL USES [added December 24, 2008]	
1. Front	10 feet
2. Side	5 feet
3. Rear	5 feet
4. From waterbodies	25 feet
MINIMUM SETBACKS FOR ALL OTHER BUILDINGS ACCESSORY TO RESIDENTIAL USES [added December 24, 2008]	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet
4. From waterbodies	25 feet

MINIMUM SETBACKS FOR ALL OTHER USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet
MINIMUM SETBACKS FOR OTHER THAN SINGLE AND 2-FAMILY RESIDENTIAL USES, WITH AN APPROVED R1 SETBACK REDUCTION PLAN	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet [amended December 1, 2004]
4. From waterbodies	25 feet
MINIMUM YARD AREAS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES	
1. Front	10 feet
2. Side	5 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	5 feet
5. From waterbodies	25 feet
MINIMUM YARD AREAS FOR ALL OTHER USES	
1. Front	10 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS FOR OTHER THAN SINGLE AND 2-FAMILY RESIDENTIAL USES, WITH AN APPROVED R1 SETBACK REDUCTION PLAN	
1. Front	10 feet
2. Side	5 feet
3. Rear	5 feet [amended December 1, 2004]
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
1. All uses	40 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	45 feet

(1)Small storage buildings are those buildings that are used only for storage, with a height no greater than 8 feet, with any side that is closer than 10 feet to a rear or side lot line no greater than 12 feet measured in a horizontal direction, and a total square footage no greater than 144 square feet. [added December 24, 2008]

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SECTION 8.02 MEDIUM-DENSITY RESIDENTIAL DISTRICT - R2

A. Purpose

The Medium-density Residential District is that part of the City that does not now but could in the future have municipal facilities such as public sewers and public water. It is also a residential area that is designed to encourage densities that are lower than the High-density Residential District. This is the transition area between the High-density Residential District and the Low-density Residential District. With the exception of mineral extraction, most other uses similar to the Low-density Residential District are allowed. Two sets of density standards are used in this district. Where there is no public sewer service, the densities are the same as the Low-density Residential District. A higher density is allowed where sewer lines service the site.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

[amended August 24, 2022]

MINIMUM LOT AREA, LOTS NOT SERVED BY PUBLIC SEWER	
1. All single uses	60,000 square feet
2. Mixed or multiple uses	60,000 square feet for the first use, plus 45,000 square feet for the second use, plus 30,000 square feet for each additional use
MINIMUM LOT AREA, LOTS SERVED BY PUBLIC SEWER	
1. All single uses	12,000 square feet
2. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. Lots served by public sewer	9,000 square feet
2. Lots not served by public sewer	60,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. Lots served by public sewer	80 feet
2. Lots not served by public sewer	200 feet

MINIMUM SETBACKS FOR SINGLE-FAMILY AND 2-FAMILY RESIDENTIAL USES CONNECTED TO THE PUBLIC SEWER

1. Front	10 feet
2. Side	10 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	15 feet [amended May 16, 2001]
5. From waterbodies	25 feet
6. From waterbodies for wharf, piers, docks, and structures for water dependent uses.	None

MINIMUM SETBACKS FOR ALL OTHER USES CONNECTED TO THE PUBLIC SEWER

1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet

MINIMUM YARD AREAS FOR SINGLE-FAMILY AND 2-FAMILY RESIDENTIAL USES CONNECTED TO THE PUBLIC SEWER

1. Front	10 feet
2. Side	5 feet
3. From the common lot line that separates the separately owned 2-family dwellings	0 feet
4. Rear	5 feet
5. From waterbodies	25 feet
6. From waterbodies for wharf, piers, docks, and structures for water dependent uses.	None

MINIMUM YARD AREAS FOR ALL OTHER USES CONNECTED TO THE PUBLIC SEWER

1. Front	10 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies	25 feet

MINIMUM SETBACKS FOR SINGLE-FAMILY AND 2-FAMILY RESIDENTIAL USES NOT CONNECTED TO THE PUBLIC SEWER

1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet
5. From waterbodies for wharf, piers, docks, and structures for water dependent uses.	None

MINIMUM SETBACKS FOR ALL OTHER USES NOT CONNECTED TO THE PUBLIC SEWER

1. Front	25 feet
2. Side	25 feet
3. Rear	25 feet
4. From waterbodies	25 feet

MINIMUM YARD AREAS FOR SINGLE-FAMILY AND 2-FAMILY RESIDENTIAL USES NOT CONNECTED TO THE PUBLIC SEWER

1. Front	20 feet
2. Side	10 feet
3. Rear	10 feet
4. From waterbodies	25 feet
5. From waterbodies for wharf, piers, docks, and structures for water dependent uses.	None

MINIMUM YARD AREAS FOR ALL OTHER USES NOT CONNECTED TO THE PUBLIC SEWER

1. Front	10 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies	25 feet

MAXIMUM LOT COVERAGE

1. All uses connected to the public sewer...	40 percent
2. All uses not connected to the public sewer	20 percent

MAXIMUM BUILDING HEIGHT

1. All uses	40 feet
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SECTION 8.03 LOW-DENSITY RESIDENTIAL DISTRICT - R3

A. Purpose

This district is the last country setting in Bath. It is geographically located next to many of the most important natural-resource areas that should be protected by the City. As a result, this district will permit rural residential activity as well as resource-use activities consistent with rural living, including light mineral extraction and farming. Low-intensity development of this district is allowed for residential and home-based businesses that are compatible with the physical capability of the land.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

[amended August 24, 2022]

MINIMUM LOT AREA	
1. Single-family dwelling, not part of a subdivision.....	60,000 square feet
2. Single-family dwelling, part of a non-clustered subdivision.....	60,000 square feet of net lot area
3. Single-family dwelling, part of a clustered subdivision.....	60,000 square feet
4. Other single uses.....	60,000 square feet
5. Mixed or multiple uses.....	60,000 square feet for the first use, plus 45,000 square feet for the second use, plus 30,000 square feet for each additional use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	Same as Minimum Lot Area
MINIMUM LOT WIDTH PER LOT	
1. All uses	200 feet
MINIMUM SETBACKS	
1. Front	25 feet
Side	25 feet
2. Rear	25 feet
3. From waterbody	75 feet [amended May 16, 2001]
4. From a waterbody for wharf, piers, docks, and structures for water dependent uses.	None

MINIMUM YARD WIDTHS	
1. Front	25 feet
2. Side	25 feet
3. Rear	25 feet
4. From waterbodies	75 feet [amended May 16, 2001]
5. From waterbodies for wharf, piers, docks, and structures for water dependent uses.....	None
MAXIMUM LOT COVERAGE	
1. All uses	20 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

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SECTION 8.04 WATERFRONT HIGH-DENSITY RESIDENTIAL DISTRICT - R4

[title of section amended May 16, 2001]

A. Purpose

The purpose of the Waterfront High-density Residential District is to allow appropriate use, maintenance, and redevelopment of this built-up residential neighborhood that sits along the Kennebec River, while at the same time protecting the integrity and natural qualities of this area. [amended May 16, 2001]

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

D. Space and Bulk Regulations

MINIMUM LOT AREA, LOTS NOT SERVED BY PUBLIC SEWER	
1. All single uses	20,000 square feet
2. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA, LOTS SERVED BY PUBLIC SEWER	
1. Residential uses	12,000 square feet
2. Nonresidential uses	10,000 square feet
3. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. Lots served by public sewer	7,500 square feet
2. Lots not served by public sewer	20,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. Lots served by public sewer	80 feet
2. Lots not served by public sewer	125 feet
MINIMUM SETBACKS FOR SINGLE AND 2-FAMILY RESIDENTIAL USES	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet
4. From a waterbody	25 feet
5. From a waterbody for wharf, piers, docks, and structures for water dependent uses.	None
MINIMUM SETBACKS FOR ALL OTHER USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet

MINIMUM YARD AREAS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES	
1. Front	5 feet
2. Side	5 feet
3. Rear	5 feet
4. From waterbodies	25 feet
5. From waterbodies for wharf, piers, docks, and structures for water-dependent uses.	None
MINIMUM YARD AREAS FOR ALL OTHER USES	
1. Front	10 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies	25 feet
5. From waterbodies for wharf, piers, docks, and structures for water-dependent uses.	None
MAXIMUM LOT COVERAGE	
1. All uses	40 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

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SECTION 8.05 WATERFRONT ACTIVITY DISTRICT - R5

A. Purpose

The Waterfront Activity District is a residential district along the Kennebec River that is designed to protect the shore front resource and the neighboring high-density residential neighborhoods while at the same time allowing small-scale commercial operations that are water-dependent.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. Residential uses	6,000 square feet
2. Nonresidential uses	10,000 square feet
3. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	6,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACKS	
1. Front	15 feet
2. Side	15 feet
3. Rear	15 feet
4. From waterbodies for non-water-dependent uses	25 feet
5. From waterbodies for water-dependent uses	None
MINIMUM YARD WIDTHS	
1. Front	10 feet
2. Side	5 feet
3. Rear	5 feet
4. From waterbodies for non-water-dependent uses	15 feet
5. From the waterbodies for water-dependent uses	None
MAXIMUM LOT COVERAGE	
1. All uses	40 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	45 feet

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SECTION 8.06 WATERFRONT MEDIUM-DENSITY RESIDENTIAL DISTRICT – R6

A. Purpose

The purpose of the Waterfront Medium-density Residential District is to conserve the integrity and natural qualities of the southern Kennebec River shorefront while allowing for medium density development compatible with the physical capability of the land.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA, LOTS NOT SERVED BY PUBLIC SEWER	
1. All single uses	20,000 square feet
2. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA, LOTS SERVED BY PUBLIC SEWER	
1. Residential uses	12,000 square feet
2. Nonresidential uses	10,000 square feet
3. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. Lots served by public sewer	7,500 square feet
2. Lots not served by public sewer	20,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. Lots served by public sewer	80 feet
2. Lots not served by public sewer	125 feet
MINIMUM SETBACKS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From a waterbody	75 feet
5. From a waterbody for wharf, piers, docks, and structures for water dependent uses.	None
MINIMUM YARD AREAS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From a waterbody	75 feet
MAXIMUM LOT COVERAGE	
1. All uses	40 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

[entire Section added May 16, 2001]

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SECTION 8.07 DOWNTOWN COMMERCIAL DISTRICT - C1 [Section number amended May 16, 2001]

A. Purpose

The Downtown Commercial District provides a location for the retail-, business-, and tourist-oriented activities of Bath and the Bath Region. The Downtown Commercial District will continue to be the year-round retail and business center of the City. The Downtown Commercial District also is the location of residential activity that is historically typical of urban centers' downtowns.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All uses	None
MINIMUM LOT AREA PER DWELLING UNIT	
1. All residential	None
MINIMUM LOT WIDTH PER LOT	
1. All uses	0 feet
MINIMUM SETBACKS	
1. Front	0 feet
2. Side	0 feet
3. Rear	0 feet
4. From the Kennebec River	None
MINIMUM YARD AREAS	
1. Front	0 feet
2. Side	0 feet
3. Rear	0 feet
4. From the Kennebec River	None
MAXIMUM LOT COVERAGE	
1. All uses	100 percent
MAXIMUM BUILDING HEIGHT	
1. On locations which are east of Commercial Street, south of Oak Street and a line due east of the center line of Oak Street to the Kennebec River, and north of Route One	35 feet
2. All other locations	No maximum height restriction

MAXIMUM FLOOR AREA RATIO	
1. Without an approved viewshed protection plan.....	5
2. With an approved viewshed protection plan.....	7 ¹

¹ Any buildings, which are no taller than 1 floor over mean grade level, the roofs of which are landscaped as open space and are usable by the public, do not count toward the gross floor area in calculating floor area ratio

D. Contract Rezoning [amended June 21, 2006]

Contract rezoning is allowed in the C1 District (see section 8.20)

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SECTION 8.08 MIXED COMMERCIAL AND RESIDENTIAL DISTRICT - C2 [Section number amended May 16, 2001]

A. Purpose

The Mixed Commercial and Residential District is a mix of high-density residential and small-scale business activities that are oriented primarily to neighborhood goods and services. The intent is that this district accommodate a mix of uses, both residential and commercial, at a neighborhood scale.

A. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

A. Space and Bulk Regulations [amended September 22, 2010]

MINIMUM LOT AREA	
1. All single uses	6,000 square feet
2. Mixed or multiple uses	6,000 square feet for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	6,000 square feet
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACK	
1. Front	15 feet
2. Side	10 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS	
1. Front	6 feet
2. Side	6 feet
3. Rear	6 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
All uses	60 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

D. Contract Rezoning [added August 26, 2015]

Contract rezoning is allowed in the C2 District (see section 8.20)

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SECTION 8.09 BUSINESS PARK DISTRICT - C3 [Section number amended May 16, 2001]

A. Purpose

The Business Park District provides an area that will encourage office, warehousing, high technology, communication, light industrial, research and development, marine-related construction, communications, and similar land uses. The purpose of this district is to develop high-quality jobs with reasonable salaries and help diversify the City's economic base.

E. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations [amended September 22, 2010]

MINIMUM LOT AREA	
1. All uses	20,000 square feet per use
MINIMUM LOT WIDTH PER LOT	
2. All uses	100 feet
MINIMUM SETBACKS ALL USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
All uses	60 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	75 feet

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SECTION 8.10 ROUTE 1 COMMERCIAL CONTRACT DISTRICT - C4 [Section number amended May 16, 2001]

A. Purpose

The Route 1 Commercial Contract District provides a location for the highway-oriented businesses needed by residents of the City, the region, and the traveling public. The goal of this district is to encourage better appearances and improved highway safety.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All uses	12,000 square feet per use
MINIMUM LOT WIDTH PER LOT	
2. All uses	125 feet
MINIMUM SETBACKS ALL USES	
1. Front	50 feet
2. Side	30 feet
3. Rear	30 feet
4. From a lot line abutting a residential zone	50 feet
5. From waterbodies	25 feet
MINIMUM YARD AREAS ALL USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From a lot line abutting a residential zone	35 feet
5. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
1. All uses	25 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

D. Contract Rezoning

Contract rezoning is allowed in the C4 District (see Section 8.20). [amended May 16, 2001]

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SECTION 8.11 MARINE BUSINESS DISTRICT - C5 [Section number amended May 16, 2001]

A. Purpose

The Marine Business District will provide a location for medium- to high-intensity marine-related industrial and commercial activities that are water-related or water-dependent.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All uses	20,000 square feet per use
MINIMUM LOT WIDTH PER LOT	
1. All uses	100 feet
MINIMUM SETBACKS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	25 feet, except none for wharves, piers, docks, and buildings and structures that are for water-dependent uses
MINIMUM YARD AREA	
1. Front	10 feet
2. Side	5 feet
1. Rear	5 feet
2. From any lot line abutting a residential zone	20 feet
3. From waterbodies	20 feet, except none for wharves, piers, docks, and buildings and structures that are for water-dependent uses
MAXIMUM LOT COVERAGE	
1. All uses	50 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

D. Contract Rezoning [added January 8, 2003]

Contract rezoning is allowed in the MM District (see section 8.20).

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SECTION 8.12 HISTORIC OVERLAY DISTRICT – HO [Section number amended May 16, 2001]

A. Purpose

It is the purpose of the Historic Overlay District to provide for the review of certain activities within this historic part of the City in order to prevent inappropriate alterations to buildings of historic or architectural value, to preserve the essential character of historic neighborhoods, and to ensure that new buildings or structures constructed in areas of architectural or historical significance are designed and built in a manner compatible with the character of the neighborhood.

B. Uses Allowed

Those of the underlying zone apply.

C. Space and Bulk Regulations [amended February 23, 2005 and December 24, 2008]

Those of the underlying zone apply.

D. Approval Required [amended February 7, 2007]

1. Historic District Approval must be obtained from the Historic District Approval Authority, which may be the Historic District Committee or the Planning Board as herein designated, for any of the following if located within the Historic Overlay District. For projects that require a building permit, Historic District Approval must be obtained prior to the issuance of the building permit.
 - (a) the construction of new buildings;
 - (b) any addition to a building;
 - (c) the addition, change, removal, or covering (other than with paint or stain) of any exterior architectural detail or decorative element of an existing building; or
 - (d) the demolition of any structure.

A building permit may not be issued until the plans and related documents have been reviewed and approved by the Historic District Approval Authority in accordance with the procedures and standards of this section. Buildings or structures deemed unsafe by the CEO may be demolished without approval from the Historic District Approval Authority. [amended May 16, 2001, October 3, 2001, May 5, 2004 and February 7, 2007]

2. The Historic District Approval Authority is the Historic District Committee except when the construction, addition, change, removal, covering, or demolition being applied for is deemed by any member of the Committee to have a significant impact to a historic structure or a significant impact on the Historic Overlay District or when the project also requires Site Plan Approval according to Section 12.02, A through E. In such cases the Historic District Approval Authority is the Planning Board. Projects that have a significant impact include, but are not limited to, the construction of a new building except the construction of an accessory building of

less than 100 square feet, a building addition larger than 200 square feet, or the demolition of all or a portion of a building that is older than 25 years. An approval by the Historic District Committee must be unanimous. Any member of the Committee may require that the application be placed on the next available agenda for Planning Board review.

3. Any decision of the Historic District Committee may be appealed to the Planning Board by either the applicant or by any person owning property within 200 feet of the applicant's property, by filing a written notice with the Planning Director within the time allowed for appeals of building permits.

E. Development in Accordance with an Approved Plan [amended February 7, 2007]

All construction must be carried out in compliance with the plans and other documents approved under this Section. Any substantial revision of the approved plan may occur only with the approval of the Historic District Approval Authority.

F. Administration [amended February 7, 2007]

1. If the decision of the Historic District Committee is not unanimous or if the decision of the Historic District Committee is appealed to the Planning Board within the required time, the application will be placed on the next available agenda of the Planning Board for its review and the processing, notification, and review procedures for Historic District Reviews are the same as those for Site Plan Reviews.
2. The approval of an application becomes void if substantial construction is not commenced within 6 months and substantial completion achieved within 1 year of the date of such approval, unless the time limit is extended by the Historic District Approval Authority.
3. Records of the actions of the Historic District Committee must be kept in the Planning Office and copies must be sent to the Planning Board.

G. Submission Requirements [amended February 7, 2007]

When the owner of the property or his/her authorized agent makes formal application for Historic District Review, the application must contain at least the following exhibits and information:

1. A fully executed application for Historic District Review signed by the applicant
2. 12 copies of plans or sketches of the building improvements, including the elevation drawing of any façade. The Planning Director may require fewer copies if the application is to be acted on by the Historic District Committee.
3. Photographs or sketches of the existing structure.
4. Other information and documentation as may be required by the Planning Board.

The Historic District Approval Authority under Subsection C, paragraph 2, above, may waive any of these requirements, upon written request from the applicant, when it determines that the scale of the project is of such limited size or the project is of a nature so as to make the information unnecessary.

H. Approval Criteria [amended February 7, 2007 and June 23, 2021]

Prior to approving any application for Historic District Review, the Historic District Approval Authority must find that the following criteria have been met:

1. The construction of the new building or the addition or change to the existing building is generally of such design, form, proportion, mass, configuration, building material, texture, color, and location on the lot as to be compatible with other buildings in the Historic Overlay District and with streets and open spaces to which it is visually related.
2. The construction of the new building or the addition or change to the existing building is visually related to the surrounding area in terms of the following factors. New buildings may vary from neighboring properties in architectural treatment, but the relative proportions should match those of surrounding properties.
 - (a) Height: The height of the proposed building is consistent with the Comprehensive Plan or supporting documents pertinent to the Plan.
 - (b) Width: The width of the proposed building is compatible with adjacent buildings and reflects the characteristic rhythm of facades along the street. If the site is large, the mass of the facade can be broken into a number of smaller bays.
 - (c) Window Proportions: The window proportions, height versus width, are visually compatible with those of other windows in the same building and in other adjacent historic buildings of the same period. In the case of large plate-glass “display windows” on the ground floor, the large surface of glass can be divided into a number of smaller “panes” consistent with shop-front windows of the historic period that the building represents or, in the case of new buildings, compatible with the window size of adjacent historic buildings, where appropriate. Also, the ratio of window area to solid wall should be similar to surrounding facades.
 - (d) Roof Forms: The roof pitch employed on new buildings is similar to those found on the adjacent buildings. If it is a gable-type roof, its orientation to the street should be the same as in neighboring buildings. Roofing materials should be harmonious with existing roofing material in the Historic Overlay District and roof colors should not dominate; dark, neutral colors and materials are best.
 - (e) Alternate-energy Devices:
 1. Wind generators; permanently installed heating, ventilation, and air conditioning equipment; solar arrays; and other appendages may be utilized

on buildings if they are not visible from a public way or if they are incorporated into the structural design of, or attached to, the building. Said equipment shall be screened with vegetation or suitable elements of a permanent nature. Where such screening is not feasible, the equipment shall be located to minimize its visibility.

2. In addition to the items in Article 8.12.H.e.1 solar arrays, whether photovoltaic or thermal, shall be installed flush with the roof and located on the same pitch as the roof. If a flush installation is not efficient, solar arrays should be set back from the roof edge sufficiently to minimize visibility from a public way. The solar array should be designed in a manner to blend into the existing roof. Framing, support, and construction of solar arrays should be designed to be black or the darkest value possible.
3. Solar panels, wind generators, and other alternate energy devices should be installed in a manner that does not damage the historic materials of the structure and is completely reversible. When possible, alternate energy devices should be located on non-historic buildings or on building additions
3. Before a structure may be removed or demolished or any exterior architectural detail or decorative element of an existing building may be removed or covered the applicant must demonstrate that the structure or exterior architectural detail or decorative element is not historically significant or that there is no alternative method of preserving the structure or the exterior architectural detail or decorative element.
4. It is the applicant's burden to prove that these criteria are met.
- I. [added November 5, 2003 and deleted December 24, 2008]

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SECTION 8.13 SPECIAL PURPOSE COMMERCIAL CONTRACT OVERLAY DISTRICT – SPCCO [Section number amended May 16, 2001]

A. Purpose

The purpose of this district is to preserve certain buildings in residential districts that are important to the fabric of the community, do not lend themselves to residential use, and are not allowed a wide-enough range of commercial uses by their current residential zoning regulations to make them economically viable. The Special Purpose Commercial Contract Overlay District allows a wide range of commercial uses to occur in these important buildings.

B. Uses Allowed

1. The uses allowed, according to the Land Use Table, in the underlying residential district (see Section 9.02), and
2. The uses allowed, according to the Land Use Table, in the C1 District. However, the number and type of C1 District uses may be limited by the contract rezoning procedure (see Section 8.20). [amended May 16, 2001]

C. Space and Bulk Regulations [amended February 23, 2005]

The space and bulk regulations of the C1 District apply; however, these regulations may be modified through the Contract Rezoning process. The underlying minimum lot area per dwelling unit requirements for residential uses may not be modified.

D. Additional Requirements

1. No additional buildings may be constructed or located on the lot unless they are allowed through the Contract Rezoning procedure contained in Section 8.20. [amended June 19, 2002]
2. If the building is ever removed or destroyed by action of the owner or agent, the Special Purpose Commercial Contract Overlay will cease, the lot will return to its underlying residential district classification, and any use not allowed by the underlying residential district must cease. If the building is ever damaged by more than 50 percent of market value by any cause other than that of the owner or agent, a building may be rebuilt within the predestruction or predamaged dimensions, within 1 year. Any other replacement, reconstruction, or relocation of the building(s) must be in compliance with the space and bulk regulations of the underlying residential district.
3. Additions to the building(s) may be allowed only for compliance with the Life Safety Code and the Americans with Disabilities Act, and then only after Site Plan Approval from the Planning Board in accordance with the standards of Article 12, unless they are allowed through the Contract Rezoning procedure contained in Section 8.20. [amended June 19, 2002]

4. Parking must meet the standards of Article 10.
5. Any additional lighting beyond that which exists on the building and/or lot on the date of adoption of this standard may be allowed only after approval by the Planning Board in accordance with the requirements and procedures for Site Plan Review, Article 12.
6. Signage must meet the standards for signs in the underlying residential district, unless, the square footage and the number of signs is increased by the contract rezoning procedure (see Section 8.20). [amended February 6, 2002]

E. Rezoning Procedure

Rezoning in the Special Purpose Commercial Contract Overlay District must be according to the applicable provisions of Sections 1.07 and 8.20) [amended May 16, 2001]

F. Contract Rezoning

Contract rezoning is allowed in the SPCCO District. (see Section 8.20) [amended May 16, 2001]

* *

SECTION 8.14 INDUSTRIAL/SHIPYARD DISTRICT - I [Section number amended May 16, 2001]

G. Purpose

The Industrial/Shipyard District provides the location for the main facilities of the Bath Iron Works (BIW) and for certain support facilities. This is an industrial district that must serve industrial needs, while also controlling impacts on surrounding residential and commercial neighborhoods.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All uses	None
MINIMUM LOT WIDTH PER LOT	
1. All uses	None
MINIMUM SETBACKS	
1. Front	50 feet
2. Side	25 feet
3. Rear	25 feet
4. From waterbodies	25 feet, except none for buildings and structures for water-dependent uses
MINIMUM YARD AREAS	
1. Front	25 feet
2. Side	5 feet
3. Rear	5 feet
4. From waterbodies	5 feet, except none for buildings and structures for water-dependent uses
MAXIMUM LOT COVERAGE	
1. All uses	75 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	75 feet

D. Contract Rezoning

Contract rezoning is allowed in the I District (see Section 8.20). [amended May 16, 2001]

* *

SECTION 8.15 GOLF COURSE DISTRICT – GC [Section number amended May 16, 2001]

F. Purpose

This district is designed to maintain the Bath Country Club Golf Course operation. It will protect the golf course from incompatible neighboring land uses and protect the surrounding Low-density Residential District from encroachment by incompatible uses at the golf course. This district allows the golf course to expand and allows accessory facilities at the golf course.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT NET AREA	
1. Single-family dwelling, not part of a subdivision	60,000 square feet
2. Single-family dwelling, part of a non-clustered subdivision	60,000 square feet of net lot area
3. Single-family dwelling, part of a clustered subdivision	60,000 square feet
4. Other single uses	60,000 square feet
5. Mixed or multiple uses	60,000 square feet for the first use, plus 45,000 square feet for the second use, plus 30,000 square feet for each additional use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	same as Minimum Lot Area
MINIMUM LOT WIDTH PER LOT	
1. All uses	200 feet
MINIMUM SETBACKS	
1. Front	35 feet
2. Side	25 feet
3. Rear	25 feet
4. From waterbodies	75 feet [amended May 16, 2001]
MINIMUM YARD WIDTHS	
1. Front	25 feet
2. Side	25 feet
3. Rear	25 feet
4. From waterbodies	75 feet [amended May 16, 2001]
MAXIMUM LOT COVERAGE	
1. All Uses	20 percent
MAXIMUM BUILDING HEIGHT	
1. All Uses	40 feet

SECTION 8.16 PARK AND OPEN SPACE DISTRICT – P & O [Section number amended May 16, 2001]

A. Purpose

The Park and Open Space District is established to preserve parks, park land, and open space land. Such zoning will protect the public and private interests in these areas by limiting the uses to those intended in the owner's adopted management plan. Only lands that are publicly owned, owned by a non-profit land trust, or lands the development rights of which are owned by a public entity or a non-profit land trust may be included in this district.

B. Uses Allowed

The district will only allow parks and other open space areas. Only buildings and other structures that are compatible with the natural surroundings and used for educational or scientific purposes are allowed, and only after Site Plan Approval.

C. Space and Bulk Regulations

Structures may not be built within 150 feet of any waterbody. Parking lots must be set back at least 150 feet from any waterbody and are allowed only after Site Plan Approval.

**

SECTION 8.17 RESOURCE PROTECTION DISTRICT – RP [Section number amended May 16, 2001]

A. Purpose

The Resource Protection District will protect the environmental integrity of those areas of the City of Bath that have severe physical-development limitations or that have extremely high natural-resource value. Within the Resource Protection District, development or use of the land is restricted. Only activities that do not adversely affect the environment or natural-resource value are allowed.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA PER USE	
1. All uses	1 acre, or the largest minimum lot area of the abutting district, whichever is larger
MINIMUM LOT WIDTH PER LOT	
1. All uses	200 feet
MINIMUM WATER-BODY FRONTAGE	
1. All uses	200 feet
MINIMUM SETBACKS	
ALL USES	
1. Front	50 feet
2. Side	25 feet
3. Rear	25 feet
4. From water bodies	100 feet
MINIMUM YARD AREAS	
ALL USES	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From water bodies, and wetlands indicated on MDIFW maps dated 1983 or any revisions thereof	75 feet
MAXIMUM LOT COVERAGE	
1. All uses	20 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	35 feet

* *

SECTION 8.18 NATURAL RESOURCE PRESERVATION OVERLAY DISTRICT-NRPO
 [Section number amended May 16, 2001]

A. Purpose

The Natural Resource Preservation Overlay District permits limited residential development while protecting fragile shoreline ecological systems that, if developed, would adversely affect water quality, wildlife and aquatic habitat and biotic systems, or ecological relationships. This overlay area is established along natural corridors and boundary areas associated with water bodies, wetlands, significant wildlife habitat, and unique natural and environmentally sensitive features.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations
 [amended August 24, 2022]

MINIMUM LOT AREA	
1. Single-family dwelling, not part of a subdivision	2 acres per use
2. Single-family dwelling, part of a non-clustered subdivision	2 acres of net lot area per use
3. Single-family dwelling, part of a clustered subdivision	2 acres per use
4. All other uses	2 acres of net lot area per use
MINIMUM LOT WIDTH PER LOT	
All uses	200 feet
MINIMUM FRONTAGE ON A WATER BODY	
All uses	100 feet
MINIMUM SETBACKS ALL USES	
Without a Waterfront Setback Reduction Plan¹	
1. Front	50 feet
2. Side	25 feet
3. Rear	25 feet
4. From water bodies, critical natural areas, and significant wildlife habitat	150 feet
5. From waterbodies for wharfs, piers, docks, and structures for water dependent uses.	None
With an Approved Waterfront Setback Reduction Plan¹	
1. Front	Underlying zone
2. Side	Underlying zone
3. Rear	Underlying zone
4. From water bodies, critical natural areas, and significant wildlife habitat	75 feet

5. From waterbodies for wharfs, piers, docks, and structures for water dependent uses.	None
MINIMUM YARD AREAS ALL USES	
Without a Waterfront Setback Reduction Plan¹	
1. Front	35 feet
2. Side	25 feet
3. Rear	25 feet
4. From water bodies, critical natural areas, and significant wildlife habitat	100 feet
5. From waterbodies for wharfs, piers, docks, and structures for water dependent uses.	None
With an Approved Waterfront Setback Reduction Plan¹	
1. Front	Underlying zone
2. Side	Underlying zone
3. Rear	Underlying zone
4. From water bodies, critical natural areas, and significant wildlife habitat	Not less than 75 feet
5. From waterbodies for wharfs, piers, docks, and structures for water dependent uses.	None
MAXIMUM LOT COVERAGE ALL USES	
1. Without a Waterfront Setback Reduction Plan ¹	10 percent
2. With a Waterfront Setback Reduction Plan ¹	Underlying zone
MAXIMUM BUILDING HEIGHT ALL USES	
1. Without a Waterfront Setback Reduction Plan ¹	35 feet
2. With a Waterfront Setback Reduction Plan ¹	Underlying zone

D. ¹Waterfront Setback Reduction Plan

1. Applicability

With respect to new single-family dwellings, additions to single family-dwellings, and structures accessory to such dwellings, the Planning Board has the authority to reduce the Setback and Yard Area requirements in Item C regarding water-body setbacks but to not less than 75 feet. The Planning Board will determine whether a reduction is appropriate in accordance with the following criteria. The burden of proof is with the party requesting the reduction. Adequate information must be provided that will allow the Planning Board to offer findings of fact supporting the conclusion that all applicable criteria have been met.

The Planning Board may waive the necessity for any of the Minimal Submission Requirements provided the applicant requests the waiver, in writing, and the Planning Board finds that the criteria in Section 8.18, D, 2 have been met. [amended August 6, 2003]

2. Criteria

- (a) The proposed development will not adversely impact the natural features of the landscape, and does not occur within or cause harm to any land that is not suitable for development.
- (b) The proposed development will not adversely affect any water body or its shoreline when the property is located in part or in whole in the water body's watershed. The proposed development will not adversely affect the water quality of Merrymeeting Bay, the Kennebec River, or their tributaries.
- (c) The proposed development activity will not occur within a floodplain.
- (d) The proposed development will satisfy the recommended stormwater quality standards described in *Stormwater Management for Maine: Best Management Practices*, published by the MEDEP (November 1995), as amended.
- (e) The proposed development will not alone or in conjunction with existing activities adversely affect the quality or quantity of groundwater.
- (f) The proposed development will be constructed in accordance with Best Management Practices and will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.
- (g) The proposed development either will be served by municipal sewer or, where on-site disposal is proposed, designed and constructed in accordance with all applicable local, state, and federal requirements.
- (h) The proposed development will not have an adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitat identified by the MEDEP or the City of Bath, or rare and irreplaceable natural areas.

3. Minimal Submission Requirements

Where a reduction is requested, the minimal submission requirements are as follows:

- (a) A map of slopes greater than 25 percent, wetlands, water courses and water bodies, and significant wildlife habitats; a plan to protect these features
- (b) Reports from a hydrogeologist, the MEDEP, the Maine Department of Marine Resources, and/or other qualified persons deemed appropriate by the Planning Board

- (c) A report or statement from a licensed surveyor indicating that the development will not occur in a flood-hazard area
- (d) A statement by a registered professional civil engineer ensuring that the development will be built in accordance with *Stormwater Management for Maine: Best Management Practices* (November 1995)
- (e) A hydrogeologic evaluation conducted by a hydrogeologist certified in the state of Maine
- (f) An erosion and sedimentation control plan developed by a registered professional civil engineer in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the MEDEP (March 1991), as amended
- (g) Connection to the municipal sewage system or an on-site subsurface wastewater disposal system approved by the Local Plumbing Inspector
- (h) Plans or reports prepared by qualified individuals indicating that:
 - (i) The building location may not be in open fields, and may be located only within forested portions of the lot. When the lot contains no forest or insufficient forested portions to include all buildings, the development must be designed to minimize the appearance of buildings when viewed from the water.
 - (ii) The proposed development will not affect any historic or prehistoric site, as determined by the Maine Historic Preservation Commission.
 - (iii) Within the Shoreland Zone, there will be no cutting of vegetation for any purpose other than the principal and accessory structures, driveways, and sewage-disposal areas, or for safety purposes.
 - (iv) All proposed restrictions placed on the land to protect important wildlife habitat identified by the MDIFW or rare or irreplaceable habitat identified by the Maine Natural Areas Program must be reviewed by either MDIFW or the Maine Natural Areas Program, with their comments presented in writing to the Planning Board.

* *

SECTION 8.19 TRUFANT MARSH CONTRACT DISTRICT – TMC [Section number amended May 16, 2001]

A. Purpose

The Trufant Marsh Contract District addresses uncertainties related to any expansion of BIW and the potential need to use the Trufant Marsh for additional space. Resource Protection is the designation of this district until any rezoning by the City Council. This rezoning process will allow open dialogue among the City, neighbors, and BIW on what might happen to Trufant Marsh in the future. If rezoned from the Resource Protection District, this district will allow only water-dependent uses for an expansion of industrial uses on the adjacent property.

B. Uses Allowed

Prior to any rezoning, uses allowed as indicated in the Land Use Table for the Trufant Marsh District. After any rezoning uses allowed as indicated for the Industrial/Ship Yard District. (see Section 9.02).

C. Space and Bulk Regulations

Prior to any rezoning, the space and bulk regulations of the Resource Protection District apply. After any rezoning, the space and bulk regulations of the contract, apply.

D. Contract Rezoning

Contract rezoning is allowed in the TMC District (see Section 8.20). [amended May 16, 2001]

* *

SECTION 8.20 CONTRACT REZONING [Section number amended May 16, 2001]

A. Authority and Purpose [amended June 21, 2006]

Pursuant to the authority delegated to municipalities under 30-A M.R.S.A. Section 4352(8), contract rezoning is hereby authorized to permit rezoning of the property defined in Item B following, when projects can better meet certain community objectives contained in the Comprehensive Plan due to additional flexibility being allowed, to encourage innovative design, or where it has been determined that there exists an unusual nature, condition, or location relative to the property being considered for rezoning. In these circumstances, the City Council may find it necessary and appropriate to impose, by agreement with the applicant, certain conditions or restrictions relating to the physical development and/or operation of the property that are generally not applicable under conventional zoning regulations.

B. Description of Property

This Section applies only to properties located in the following Zoning Districts: [amended December 24, 2008]

1. Route 1 Commercial Contract District,
2. Special Purpose Commercial Contract Overlay District,
3. Industrial/Shipyard District,
4. Downtown Commercial District, and [added June 21, 2006]
5. Trufant Marsh Contract District,
6. Marine Business District, and [added January 8, 2003]
7. Museum District [added September 22, 2010]
8. Plant Home Zone [added December 28, 2011]
9. Mixed Commercial and Residential District [added August 26, 2015]

C. Contract Rezoning Process [amended June 21, 2006 and June 22, 2016]

1. Application

An application for contract rezoning must be submitted to the Bath Planning Office on forms provided for that purpose. The application must be reviewed by the Planning Board in accordance with the provisions for Site Plan Review and other sections of this Code as may be applicable to the proposed development. An application is deemed formally approved upon completion of the following:

- (a) a public hearing is held by the Planning Board
- (b) Historic District, Site Plan, or Subdivision approval, as applicable, by the Planning Board with or without conditions.

- (c) the applicant accepts conditions of approval imposed by the Planning Board in accordance with the Discretionary Conditions, as in Item D (2), following, and with the Site Plan Approval criteria of this Code, and other review criteria as may be found applicable to the proposed development
- (d) the Discretionary Conditions contained in D, 2, following, are approved by the Bath City Council, and
- (e) evidence of the approval is recorded in the Sagadahoc County Registry of Deeds prior to the issuance of any building permit by the code enforcement officer, on forms adopted by the Planning Board for that purpose. The responsibility for recording evidence of the approval is on the applicant. No recordation of evidence of the approval is required for contract zoning approvals granted by the Bath City Council prior to July 1, 2016.

2. Administration [amended June 21, 2006]

The public hearing posting and notification requirements for contract rezoning, as well as the Planning Board Action requirements and the City Council Action requirements, are the same as those for zoning amendments defined in Section 1.07. The time period at the end of which a Site Plan Approval is considered void according to Section 12.07 begins 21 days following final approval of the contract rezoning by the City Council.

D. Conditions for Granting Contract Rezoning Approval

1. Mandatory Conditions

All rezoning under this Section must:

- (a) be consistent with the Comprehensive Plan of the City of Bath and any other supporting documents pertinent to the Plan
- (b) includes only conditions and/or restrictions that relate to the physical development or operation of the property

2. Discretionary Conditions

The approval by the Planning Board may include conditions affecting all or any of the following:

- (a) the number and type of authorized uses of the property
- (b) the space and bulk regulations of any structure or structures built on the property
- (c) the installation, operation, and maintenance of physical improvements relating to pedestrian and vehicular access for the convenience and safety of the general public, including but not limited to off-street parking lots, traffic control

devices, ingress and egress, and impact on off-site traffic directly attributable to the contract rezoning proposal

- (d) limitations on the number of ingress and/or egress points
- (e) the implementation of a landscaping plan designed to improve or protect the neighborhood by improving aesthetics or providing a buffer from surrounding properties
- (f) the location and buffering of exterior storage, parking, and loading areas
- (g) limitations on the type and style of lighting
- (h) requirements for the installation of underground utilities
- (i) innovative design for new construction, alterations, or expansions that provide a smooth transition between streetscape, the Route 1 corridor (if applicable), the Downtown (if applicable), driveway entrances, and structures (Height, scale, and treatment of new and altered structures must endeavor to assist in buffering Route 1 traffic (if applicable) from residential neighborhoods and to provide an attractive gateway to the City and an attractive Downtown.)
- (j) the design and facade treatment of any new building, additions, or existing structures
- (k) the dedication or conveyance of property for public purposes, including but not limited to streets, scenic and conservation easements, and utility systems

E. Planning Board Recommendation to the City Council and Findings of Fact
[amended June 21, 2006]

In recommending contract rezoning approval to the City Council, the Planning Board must make findings of fact consistent with Site Plan, Historic District, and Subdivision Approval criteria of this Code, as applicable, and that the following criteria are met:

1. The approval is consistent with the mandatory conditions set forth in Paragraph D 1 herein above.
2. The applicant is willing to meet certain community objectives contained in the Comprehensive Plan due to additional flexibility being allowed, the applicant has employed innovative design, or that there exists an unusual nature, condition, or location relative to the property being considered for rezoning.
3. In addition to compatibility with the neighborhood, the building must be consistent in terms of colors, materials, and other design items with the Gateway or Downtown goals of the City, if applicable.

4. In the C1 District the Discretionary Conditions must meet one or more of the following downtown goals: to encourage additional people to be downtown and downtown in the evening, to advance the pedestrian-friendliness of the downtown, to add public parking, or to promote the City's history and maritime heritage.

F. City Council Approval of Contract Rezoning [amended June 21, 2006]

1. The scope of the review by the City Council in granting contract rezoning is limited to the Conditions contained in D, herein above, and only if these conditions are not otherwise required for Historic District Approval, Site Plan Approval, or Subdivision Approval.
2. If the City Council votes to recommend modifying any of the Discretionary Conditions in D, 2, herein above, and if any of these recommended modifications affect the Historic District, Site Plan, or Subdivision approvals granted by the Planning Board, the modifications to the Discretionary Conditions must be referred back to the Planning Board for its review and approval prior to final approval of the contract rezoning being granted by the City Council.

G. Costs

Any administrative costs incurred by the City for drafting the contract-rezoning provisions will be paid for by the applicant whether or not the project/conditions of approval are approved by City Council.

H. Amendments

Any site plan and conditions, which have been approved by the City Council by means of the Contract Rezoning process, may be amended. An amendment to the site plan that qualifies to be approved according to Section 12.13, B, 1 through 6, may be approved per that minor revision process. All other amendments require approval by the Planning Board. If an amendment proposes to alter any of the Conditions for Granting Contract Rezoning Approval contained in item D, above, the amendment requires approval from the Planning Board and the City Council as per Section 8.20, C through G, above. [added May 16, 2001] [amended October 28, 2009]

* * *

SECTION 8.21 SHORELAND ZONE [entire section added May 16, 2001]

A. Lot Coverage

In addition to other lot coverage requirements of this Article, lot coverage may not exceed 20 percent of the lot or portion thereof, located within the Shoreland Zone, including land area previously developed, except when the underlying district is the R4, R5, C1, C5, M, or I District, where lot coverage may not exceed 70 percent and the percent of the lot covered by buildings may not exceed that of the underlying zone. [amended October 28, 2009 and August 25, 2010]

B. Structure Height

In addition to other building or structure height requirements of this Article, structure height may not exceed 35 feet for any portion of a structure located within the Shoreland Zone, except when the underlying district is the R4, R5, C1, C5, M, or I District, where structure height may not exceed the building height requirement of the underlying district. [amended August 25, 2010]

C. Minimum Shore Frontage

Except when the underlying district is the R4, R5, C1, C5, M, or I District, minimum shore frontage is 200 feet per dwelling unit on non-tidal areas within the shoreland zone, 150 feet per dwelling unit on tidal areas within the shoreland zone overlay district, and 200 feet per lot for non-residential uses within the shoreland zone overlay district. [amended August 25, 2010 and September 28, 2022]

D. Minimum Setback [added October 28, 2009]

For principal structures, water body setback measurements must be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the CEO are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the decision of the CEO to the ZBA.

In the Resource Protection Zone the minimum setback from any waterbody is 250 feet, horizontal distance, except for structures, roads, parking spaces, or other regulated objects specifically allowed in that zone in which case the minimum setback from any waterbody is 75 feet, horizontal distance.

E. Minimum Lot Standard [added October 28, 2009]

If more than one dwelling unit, principal structure, or use, or combination thereof, is constructed or established on a single lot, all dimensional requirements must be met for

each additional dwelling unit, principal structure, or use. The provisions contained in Section 10.05 do not apply in the Shoreland Zone.

F. Uses [added September 28, 2022]

The uses allowed in the underlying zoning district are allowed in the shoreland zone.

SECTION 8.22 PLANT HOME ZONE – PH [entire section added February 24, 2010]

A. Purpose

The Plant Home District is designed to protect and maintain the Plant Memorial Home by allowing the existing Assisted Residential facility and associated accessory uses, to permit reasonable expansions, to protect the abutting Kennebec River resource, to mitigate traffic impacts on Washington Street, and to protect the neighboring medium-density residential areas. Residential uses similar to those of the abutting residential area will also be allowed.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. Residential uses	12,000 square feet
2. Nonresidential uses	20,000 square feet
3. Mixed or multiple uses	minimum lot area for each use
MINIMUM LOT AREA PER DWELLING UNIT	
1. All uses	9,000 square feet
MINIMUM LOT AREA PER ASSISTED RESIDENTIAL UNIT	
1. All uses	4,500 square feet
MINIMUM LOT WIDTH PER LOT	
1. All uses	100 feet
MINIMUM SETBACKS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	75 feet
MINIMUM YARD WIDTHS	
1. Front	20 feet
2. Side	20 feet
3. Rear	20 feet
4. From waterbodies	75 feet
MAXIMUM LOT COVERAGE	
1. All uses	20 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	35 feet

BUILDING APPEARANCE	
1. All uses	To reduce the apparent size and scale of the building, a building constructed after the effective date of this Section must be constructed so that any façade with a horizontal measurement greater than 50 feet employs actual protrusions or recesses with a depth of at least 6 feet at least every 50 feet.
VIEWSHED PROTECTION	
1. All uses	To prevent the neighborhood's loss of visual connection to the Kennebec River, a building constructed, and any landscaping planted, after the effective date of this Section must be oriented or planted on the lot such that a view is maintained to the Kennebec River corridor from Washington Street.

D. Contract Rezoning [added December 28, 2011]

Contract rezoning is allowed in the PH District (see Section 8.20).

SECTION 8.23 NEIGHBORHOOD COMMERCIAL ZONE – NC [entire section added May 26, 2010]

A. Purpose

The purpose of the Neighborhood Commercial District is to allow commercial uses in close proximity to high-density residential neighborhoods in order to meet the shopping needs of residential neighborhoods. This district is not intended to serve regional shopping needs, or even city-wide shopping needs, therefore, stores will be small scale. Parking must be set behind the building and well screened and appropriate performance standards employed so as to prevent the commercial uses from negatively impacting the residential qualities of the neighborhood.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
All uses	6,000 square feet per use
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACKS	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet
4. From waterbodies	25 feet
MINIMUM YARD AREA	
1. Front	10 feet
2. Side	10 feet
3. Rear	10 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
1. All uses	60 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

D. Performance Standards

1. Hours of Operation

No business located in the NC Zone may be open to the public before 6:00 A.M. or later than 10:00 P.M.

SECTION 8.24 MUSEUM DISTRICT – M [entire section added August 25, 2010]

A. Purpose

The Museum District is designed to protect and maintain the Maine Maritime Museum by allowing the existing facility, associated accessory uses, and compatible marine uses; to permit reasonable expansions, to protect the abutting Kennebec River resource; to mitigate traffic impacts on Washington Street; and to protect the neighboring medium-density residential areas.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
5. All uses	20,000 square feet per use
MINIMUM LOT WIDTH PER LOT	
1. All uses	100 feet
MINIMUM SETBACKS	
1. Front	20 feet
6. Side	20 feet
7. Rear	20 feet
8. From waterbodies	25 feet, except none for wharves, piers, docks, and buildings and structures that are for water-dependent uses
MINIMUM YARD AREA	
1. Front	10 feet
2. Side	5 feet
3. Rear	5 feet
4. From any lot line abutting a residential zone	20 feet
9. From waterbodies	20 feet, except none for wharves, piers, docks, and buildings and structures that are for water-dependent uses
MAXIMUM LOT COVERAGE	
1. All uses	50 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	40 feet

D. Contract Rezoning

Contract rezoning is allowed in the M District (see Section 8.20).

SECTION 8.25 SCHOOL DISTRICT - S [entire section added May 24, 2017]

A. Purpose

The School District provides for the location and establishment of public and private school facilities and their ancillary needs.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All single uses	6,000 square feet
2. Mixed or multiple uses	6,000 square feet for each use
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACK	
1. Front	10 feet
2. Side	10 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS	
1. Front	6 feet
2. Side	6 feet
3. Rear	6 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
All uses	80 percent
MAXIMUM BUILDING HEIGHT	
2. All uses	75 feet

SECTION 8.26 HOUSING DENSITY ALLOWANCES [entire section added September 27, 2023]

Notwithstanding other requirements of this Code, the following requirements apply to certain housing projects.

A. Affordable housing density

1. **Definition.** For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

2. **Density bonus.** In the R-1, R-2, C-1, and C-2 zoning districts, an affordable housing development is allowed to have a unit density of 2 1/2 times the density that is otherwise allowed in that location, and the minimum on site parking requirement for affordable housing developments is 2/3 of a parking space per dwelling unit, rounded down to whole spaces. The development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A of the Maine Revised Statutes, as applicable.
3. **Long-term affordability.** Before approving an affordable housing development, the City shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the City, to ensure that for at least 30 years after completion of construction:
 - A. For rental housing, occupancy of all of the units designated affordable in the development must remain limited to households at or below 80% of the local area median income at the time of initial occupancy.
 - B. For owned housing, occupancy of all of the units designated affordable in the development must remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

4. **Shoreland zoning requirements.** An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 of the Maine Revised Statutes and municipal shoreland zoning ordinances
5. **Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with State subdivision law.

B. Extra Dwelling Units Allowance

1. A. On a property in any zoning district that allows housing and does not contain an existing dwelling unit on it, up to two dwelling units can be added to the property, except as follows:
 - a. Up to four dwelling units can be added to a property that does not contain an existing dwelling in the R1, R2, R4, R6, C1, and C2 zones, or if the property is served by public, special district, or other centrally managed water system, and public, special district, or other comparable sewer system.
2. Up to two dwelling units can be added to a property that has one dwelling unit on it. One of the new units can be within or attached to the original dwelling unit, and one of the new units can be detached from the original dwelling unit.
3. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or as an accessory dwelling unit (see section 11.40), the lot is not eligible for any additional increases in density not allowed by this Code.
4. If a dwelling unit that was in existence after July 1, 2023 is demolished, resulting in a vacant lot, the lot is eligible to be developed per this section of the Code.
5. Dwelling units created under this code section must meet the water and sewer requirements applicable to all development, including 12 M.R.S. §423-A (the minimum lot size law).
6. The setback requirements for dwelling units created under this section are the same as for single family houses.
7. For dwelling units created under this code section that are served by a well, the water must be documented to be potable, and acceptable for domestic use, either before or after being put through a water treatment system, prior to the unit being occupied.
8. A housing structure developed under this section must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

9. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.
