

ARTICLE 7: THE ESTABLISHMENT OF DISTRICTS AND THE ZONING MAP

SECTION 7.01 DISTRICTS CREATED

All land and water areas within the City of Bath are divided into zoning districts, also called *zones* or *districts*. These zoning districts are as follows:

High-density Residential District - R1
Medium-density Residential District - R2
Low-density Residential District - R3
Waterfront High-density Residential District- R4
Waterfront Activity District - R5
Waterfront Medium-density Residential District– R6
Downtown Commercial District - C1
Mixed Commercial and Residential District - C2
Neighborhood Commercial District - NC
Business Park District- C3
Route 1 Commercial Contract District - C4
Marine Business District - C5
Historic Overlay District - HO
Special Purpose Commercial Contract Overlay District - SPCCO
Mobile Home Park Overlay District - MHPO
Industrial/Shipyard District - I
Golf Course District – GC
Plant Home District – PH
Museum District - M
Park and Open Space District – P&O
Resource Protection District - RP
Natural Resource Preservation Overlay District - NRPO
Trufant Marsh Contract District – TMC
Shoreland Zone

[amended May 16, 2001, February 24, 2010, May 26, 2010, August 25, 2010 and September 22, 2010]

SECTION 7.02 ESTABLISHMENT OF DISTRICT BOUNDARIES AND ZONING MAP

For the purpose of this Code, the boundaries of all districts in the City of Bath are hereby established, as shown on the “Zoning Map of the City of Bath,” dated July 19, 2000 consisting of tax maps with district boundaries appended hereto, and made a part hereof. The zoning map may be referred to and is designated as the “Zoning Map of the City of Bath.” This zoning map, together with all notations, references, and other explanatory matter thereon, is deemed and declared to be part of this Code.

SECTION 7.03 INTERPRETATION OF DISTRICT BOUNDARY LINES

Where uncertainty exists with respect to the location of any district boundary lines of any of the aforesaid districts shown on the zoning map, the following rules apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys are construed to follow such streets, highways, or alleys.
- B. Boundaries indicated as approximately following established lot lines are construed as following such lot lines. If a lot line moves because of land transfer, the district boundary does not move.
- C. Boundaries indicated as following municipal limits are construed as following municipal limits.
- D. Boundaries indicated as following shorelines are construed to follow such shorelines and, in the event of natural change in the shoreline, are construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of other bodies of water are construed to follow such centerlines.
- E. Boundaries indicated as being parallel to or extensions of features indicated in Items A through D are so construed. Distances not specifically indicated on the zoning map must be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by Items A through E, the ZBA must interpret the district boundaries.
- G. Where parcels under the ownership of one entity are divided by zoning-district boundaries in such a manner as to apparently bisect principal-use structures, the use provision of the less restrictive district applies to the whole structure.

SECTION 7.04 LOCATION OF DOCUMENTS

This Code, together with all maps attached hereto, is located in the City Clerk's office and is the final authority as to the current status of the land and water areas, buildings, and other structures in the City. The zoning map and amendments thereto must be signed and attested to by the City Clerk.

SECTION 7.05 WATER BODIES AND WETLANDS INCORRECTLY DELINEATED

Where the owner of any parcel of land believes that the land or any portion thereof has been designated incorrectly as a water body, coastal or freshwater wetlands, or subcomponent of such, then the owner may appeal that designation to the Planning Board. In determining the appeal and the correctness of the designation, the Planning Board must consider testimony from a registered engineer, geologist, biologist, or similar

professional acceptable to the Planning Board. If the Planning Board finds in favor of the owner, the land is to be regulated by the land-use regulations of the primary land-use district in which the lot is located.

SECTION 7.06 LAND WITHIN STREET LINES

For purposes of calculating lot area and for meeting applicable Space and Bulk Regulations, land within the right-of-way of a street, or land that is within a City street whose title has been acquired by prescriptive use by the public, is not considered as part of the lot, even though title to such land may be included in the deed of an abutter. Land within the boundaries of a public street right-of-way is not subject to this Code.

SECTION 7.07 LOTS LOCATED IN TWO DISTRICTS

A. Zone Boundary May be Moved 50 Feet.

When a lot is divided by a zoning-district boundary, notwithstanding the boundaries of overlay districts, the use regulations of Article 9 and the Space and Bulk Regulations of Article 8 that are applicable to the larger portion of the lot may also be deemed to govern the smaller portion of the lot to a distance of up to 50 Feet beyond the zoning-district boundary. The entire lot is measured to determine lot area. [amended August 6, 2003]

B. Uses not Allowed by Land Use Table May be Permitted

An existing permitted use or uses accessory to an existing permitted use, located on a lot that is divided by a zone boundary, may be located on that portion of the lot where the use or accessory use is otherwise not permitted by Section 9.02, provided the following are met:

1. The lot, which is divided by the zone boundary, existed as a single lot of record on July 19, 2000,
2. The total cumulative area of land developed after the effective date of this provision for such use and any accessory uses in that portion of the lot where the use or accessory use would otherwise not be permitted, whether being developed at one time or over a period of time, may not exceed 20 percent of the total land area of the use and accessory uses on said lot as of July 19, 2000, and
3. The principal use was in existence as of July 19, 2000, on that portion of the lot where it is a permitted use.

This provision does not allow a use or accessory use, which is not otherwise permitted by Section 9.02, to be located in any overlay district, the Resource

Protection Zone, the Shoreland Zone, the Park and Open Space Zone, or any Residential Zone. [added December 5, 2001]

SECTION 7.08 LOTS PARTIALLY WITHIN ANOTHER MUNICIPALITY

When a lot is situated such that part is located in Bath and part in another municipality, the provisions of this Code apply to that portion of the lot located in Bath in the same manner as if the entire lot were located in Bath. The entire lot is measured to determine the lot's size. Space and Bulk Regulations do not apply to the municipal boundary if it is not a lot boundary.

SECTION 7.09 COMPLIANCE BY PRINCIPAL BUILDINGS

Each principal building or structure must comply with the Space and Bulk Regulations of the district in which it is located, unless the building or structure is part of an approved cluster development, and the land meets cluster space and bulk regulations or meets the standards of Section 10.05.

SECTION 7.10 DIVISION OF A FUNCTIONALLY DIVIDED LOT. [added March 24, 2010]

Where there exists on a single lot, multiple principal structures established prior to December 7, 1983, which are functionally independent, then the lot may be divided such that the division results in each principal structure being located on its own individual lot, without that individual lot having to meet the space and bulk requirements for the Zoning District in which it is located, provided that the following criteria are met:

- A. All uses of the principal structures are permitted uses under this Code.
- B. Each individual principal structure has been utilized on a separate basis with different occupancies.
- C. There are no common or shared utilities or easements serving the single lot and the division will not create any common or shared utilities or easements except for the access drive and/or parking.
- D. The division line(s) between structures must be drawn such that the structures meet the required space and bulk requirements of the District to the greatest extent practicable.
- E. All parking requirements for each principal structure and use must be met on each new lot created by the division or by a dedicated off-site easement for parking that will run with the land.

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