

the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - B. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.
43. Variance – means a grant of relief by a community from the terms of a floodplain management regulation.
44. Violation – means the failure of a structure or development to comply with a community's floodplain management regulations.

SECTION 9-544 ABROGATION (FM)

This Division B Ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

SECTIONS 9-545 THROUGH 9-550 (Reserved)

DIVISION C - HISTORIC DISTRICT (HD)

SECTION 9-551 PURPOSE (HD)

The purpose of the Historic District and the designation of Historic Landmarks is to preserve structures and areas of historic and architectural value and as declared by the City Council under the provisions of Sub-Chapter V of Chapter 8 of this Code.

SECTION 9-552 DESCRIPTION (HD)

1. Historic District:
- A. The Historic District (HD) shall generally include the land area bounded as follows: easterly by the Kennebec River; southerly by the south and west lines of Lot 26, Water Street, by the south and east lines of lot 29, by Bridge Street, and by the south line of lot 30 all as shown on Tax Map 10, by Second Street, and by Litchfield Road; westerly by the west line of the lots that front on the west side of Middle Street on Tax Map 11 and on Tax Map 9 from Litchfield Road to Academy Street, excepting lot 1 on Tax Map 11, and lot 10A on tax Map 9, by Academy Street, by the west line of the lots that front on the west line of Warren Street from Academy Street to Central

Street, by Central Street, by the west line of lot 66A, lot 66, and lot 41, by the south and west line of lot 44 all as shown on Tax Map 6, by Winthrop Street, and by the west line of lot 28, lot 32, lot 33, lot 34, and lot 35 all as shown on Tax Map 6; northerly by Getchell Place, by the north and east line of lot 125, by the east line of lot 126, by the north line of lot 82, all as shown on Tax Map 5, by the north line of the lots that front on the north line of Lincoln Street, by the north line of lot 95 on Tax Map 5, by Second Street, by the north line of Maine Central Railroad, by the east line of Water Street, by the north line of lot 172 and lot 182, as shown on Tax Map 5, and by the north line of lot 182 extended easterly.

- B. The Historic District (HD) shall specifically include the areas shown on Tax Map 10, except lots 27, 28, and 31; all of the lots shown on Tax Map 9, except lots 9A through 13, 16 through 24, 28, and 29; all of the lots shown on Tax Map 5, except lots 87, 96 through 124, 128 through 130, 158 through 159A, 160 through 165A, 166 through 170, 180, 181, and the Maine Central Railroad land east of the line of Water Street; only the lots designated as 2 through 18 on Tax Map 11; and only the lots designated as 28 through 35, 39 through 44, and 66 through 68 on Tax Map 6.

[Derivation: Ordinance No.: 06-01, Effective: 3./23/2006]

2. Historic Landmarks. Historic Landmarks are designated as follows:

- A. The Powder House located at High Street, and within lot 53 on Tax Map 6.

SECTION 9-553 DEFINITIONS (HD)

The following enumerated words and terms as used in this Division C shall have the meaning ascribed herein, unless the context otherwise indicates.

1. Addition. Any proposed change which increases the size of a building.
2. Alteration. Any proposed change to buildings or structures which would alter or affect any exterior architectural feature.
3. Exterior Architectural Features. Elements of a building's outside appearance including but not limited to, architectural character; general composition and general appearance of exterior siding; exterior trim; change in size of door and window openings; roofs; porches; signs; fire escapes and accessory buildings; and solar facilities.
4. Historic District. An explicitly delineated area within the City, designated by the City Council as a Historic District under the provision of Subchapter V of Chapter 8 of this Code and as described in Section 9-552.
5. Historic Landmark. A building, structure, or site officially designated as a Historic

Landmark by the City Council under the provisions of Subchapter V of Chapter 8 of this Code. A Historic Landmark may be located within a Historic District.

6. New Construction. Any construction requiring a building permit or sign permit.
7. Public Improvements. Works of governmental units and public utilities, including but not be limited to, lighting, sidewalks, street furniture, overhead utilities, buildings, tree planting programs, street signs, traffic lights, and bus stops and shelters.

[Derivation: Section 10.2, 1989 Zoning Ordinance]

SECTION 9-554 APPLICATION (HD)

1. Any owner or person in charge of property designated as a Historic Landmark or situated within a Historic District must apply for and receive a Historic District Certificate of Appropriateness on the relevant building permit, prior to undertaking of any construction, alteration, addition, relocation, demolition or other activity which would result in an exterior architectural change to any property, including any structure, public rights of way improvements, or street lighting, which is part of a designated Historic Landmark or located within a designated Historic District. Such certification must also be obtained prior to undertaking the construction of any new structure in a Historic District. Any such certification shall be obtained before any building, removal, demolition, or other similar City permit is issued.
2. This Division C shall apply to municipal, quasi-municipal and county governments and their agencies. This Division C also applies to private non-profit organizations and public-service corporations regardless of their exemption from any other municipal ordinance to the extent that general law permits.
3. No building permit or demolition permit shall be issued for any property designated as a Historic Landmark or any property located within a Historic District unless a Certification of Planning Board Approval has been previously issued with respect to same property and subject matter as the required permit.
4. The Code Enforcement Officer shall not approve any application for a building permit or demolition permit with respect to any property within a Historic District or to any Historic Landmark, that is materially different than the copy of the building or demolition permit application submitted with the application for Certificate of Planning Board Approval. All such building or demolition permits are conditioned upon compliance with any conditions set forth in the Certificate of Planning Board Approval and all plans and representations in the application approved by the Planning Board.

[Derivation: Sections 10.8(4) and 10.9, 1989 Zoning Ordinance]

5. The Historic District Certificate of Appropriateness Application Fee is \$25.00.

[Derivation: Ordinance No.: 05-10 Effective November 18, 2005]

6. The Planning Board may require that an engineer, attorney or consultant review one or more aspects of an application for compliance with this Ordinance or to conduct independent studies or testing, and to advise the Board. It is intended that such review shall be requested only where there may be serious questions concerning methodologies, practices, opinions, or scientific principles presented by the applicant or its experts to meet its burden of proof. The engineer, attorney or consultant shall first establish the maximum cost of such review by written agreement with the City. The applicant shall then deposit with the City an amount equal to the full maximum cost, which the City shall place in an escrow account. The City shall pay the engineer, attorney or consultant from the escrow account and reimburse any remaining balance to the applicant, after final payment. Any interest accrued shall remain with the City.

[Derivation: Ordinance 07-01; Effective March 22, 2007]

SECTION 9-555 APPLICATION FORM (HD)

All applications for a certification of Planning Board approval shall be made to the Planning Board. Where additional building permits are required, application will be made concurrently to the Code Enforcement Officer.

The application shall include the following information:

1. Applicant's name, address and interest in the subject property.
2. The owner's name, address, if different from applicant.
3. The address and location of the property.
4. A brief written description of the action desired to be undertaken with respect to the property.
5. A drawing or drawings indicating the design, texture, color and location of any proposed alteration or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans and exterior elevations drawn to scale, with sufficient detail to show as far as they relate to exterior appearances, the architectural design of the buildings, including materials, textures and colors, including samples of materials and colors.
6. Photographs of the property involved and adjacent property if requested by Planning Board or Code Enforcement Officer.
7. A copy of each completed and executed application for a building permit with respect to the property and the proposed construction, alteration, addition, relocation, demolition, or architectural change thereon. Such additional materials as the Board

may reasonably require.

[Derivation: Section 10.10, 1989 Zoning Ordinance; Ord. No. 00-2, effective 1/20/2000]

SECTION 9-556 APPROVAL OR DENIAL BY THE PLANNING BOARD (HD)

The Planning Board shall render its decision within sixty (60) days after the Planning Board accepts a complete application for certification. The Board shall render its decision in the form of a written statement either granting, denying, or granting with conditions, a certification of the Planning Board approval. Such a statement shall include findings of fact, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact which shall grant approval, conditional approval subject to expressly stated modifications or conditions, or shall deny approval. In the case of an approval, the Board shall specifically describe the particular exterior change which is authorized by the certification including a specific enumeration of any conditions imposed. In the case of a denial, the Board shall, if possible, make recommendations and suggest ways of satisfying its adopted standards. The City Manager shall mail notice of any decision of the Board to the appellant or the applicant and any designated interested parties within ten (10) business days of such decision.

[Derivation: Section 10.11, 1989 Zoning Ordinance]

SECTION 9-557 AMENDMENT OF APPLICATION (HD)

In the event of a denial, an applicant may amend the application to conform to the Planning Board's recommendations and resubmit it by the same procedure as the original submission.

[Derivation: Section 10.12, 1989 Zoning Ordinance]

SECTION 9-558 CRITERIA FOR CERTIFICATION OF PLANNING BOARD APPROVAL FOR NEW CONSTRUCTION IN HISTORIC DISTRICT (HD)

The following standards and requirements and the standards contained in the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used in review of applications for Certificates of Approval. Design considerations and structural factors related to maintaining historic structures in good condition shall be the Planning Board's primary area of focus.

1. General Recommendations:
 - A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided

when possible.

- C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
 - D. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
 - F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
 - I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - J. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
2. Visual Compatibility. New and existing buildings and structures, and appurtenances thereof, that are moved, reconstructed, materially altered, or repaired shall be visually compatible in terms of:
- A. Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

- B. Proportion of front facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
- C. Proportion of openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
- D. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
- E. Rhythm of spacing and buildings on streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- F. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually comparable with the buildings, public ways, and places to which it is visually related.
- G. Relationship of materials, texture, and color. The relationship of the materials, texture and color of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
- H. Roof shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
- I. Walls of continuity. Building facades and appurtenances, such as walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- J. Scale of a building. The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
- K. Directional expression of front elevation. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non directional character.
- L. Exterior lighting. (Reserved)

[Derivation: Section 10.13, 1989 Zoning Ordinance]

SECTION 9-559 (Reserved)

SECTION 9-560 CRITERIA FOR CERTIFICATION OF PLANNING BOARD APPROVAL FOR DEMOLITION OR REMOVAL OF HISTORIC LANDMARKS OR BUILDINGS IN HISTORIC DISTRICT (HD)

A certification of Planning Board approval shall not be issued for the whole or partial demolition or removal of an Historic Landmark or a structure which is located in an Historic District unless such is found by the Board to conform to one or more of the following criteria:

1. The structure is of limited architectural or historic value as part of the visual character of the street on which it is located.
2. The structure presents an immediate hazard and a possibility of harm to the neighborhood.

[Derivation: Section 10.14, 1989 Zoning Ordinance]

SECTION 9-561 CERTIFICATION OF PLANNING BOARD APPROVAL: TRANSFERABILITY AND LAPSE (HD)

Certification of Planning Board approval shall be non-transferable and shall lapse and be of no effect if the activity permitted shall not have commenced within one (1) year from the date of issuance.

[Derivation: Section 10.15, 1989 Zoning Ordinance]

SECTION 9-562 EXEMPTIONS (HD)

1. Ordinary Maintenance Permitted. Nothing in this Division C shall be construed to regulate or prevent the ordinary maintenance or repair of any exterior feature in an Historic District or of any City Landmark which does not involve a change in the design, material, or outer appearance.
2. Safety. Nothing in this Division C shall prevent the construction, reconstruction, alteration, restoration, or demolition of any feature which the Code Enforcement Officer shall certify is required by the public safety because of an unsafe or dangerous condition, but any such action shall be, where possible, in accordance with the criteria set forth in this Chapter.
3. Handicapped Accessibility. Nothing in this Division C shall be construed to prevent construction or reconstruction necessary to make a building accessible to handicapped persons, to the extent required by statute. Any such construction or reconstruction shall conform as closely as possible to the criteria and performance

standards set forth in this Chapter.

[Derivation: Section 10.16, 1989 Zoning Ordinance]

SECTION 9-563 ENFORCEMENT (HD)

Permits. No building, removal or demolition permit shall be issued for any property designated as an Historic Landmark or located within an Historic District unless a certification of Planning Board approval shall have been issued for the action for which the permit is required.

[Derivation: Section 10.17, 1989 Zoning Ordinance]

SECTION 9-564 MAINTENANCE AND REPAIR REQUIRED (HD)

1. PURPOSE: The purpose of this Section is to prevent the deterioration of all buildings that abut Water Street in the Historic District, hereinafter referred to as “designated area”, by requiring that such buildings be enclosed so that the interiors are protected from the elements of the weather.
2. REQUIREMENTS: An owner or the agent of the owner in charge of a building within the designated area shall protect the building from falling into a state of disrepair or deterioration so that the interior of the building is not protected from the elements of the weather.

Evidence of deterioration and disrepair include but is not limited to any or all of the following: holes, cracks and gaps in exterior walls, roofs, chimneys and foundations; and broken or missing windows and doors.

In evaluating a building for compliance with this Section, the Code Enforcement Officer shall use the definitions in Sections 9-151 and 9-553.

3. INSPECTION: The Code Enforcement Officer may visually inspect the building from the inside and the outside in order to ensure compliance with the ordinance.

[Derivation: Ord. No. 15-08, eff. 9/18/2015]