

§ 300-515 Setbacks; general requirements.

[Amended 1-21-1992 by Ord. No. 303; 8-3-1992 by Ord. No. 571; 5-6-2002 by Ord. No. 211; 8-4-2003 by Ord. No. 86]

A. Landscape elements, such as but not limited to retaining walls, fences, light poles and other ornamental structures used to signify entrance to a property, will be allowed to be installed adjacent to a property line, right-of-way line or utility easement, where one exists, without setback. Naming or identification signs (as opposed to advertising or promotional signs) may be placed on such entrance structures and need not meet the setback requirements for signs as listed in § **300-516D(2)** so long as the sign does not protrude into any part of the right-of-way.

(1) When such structures are to be placed adjacent to the street right-of-way, approval shall be obtained from the Director of Development Services-~~City Services~~. The property owner or any subsequent property owner of the land on which the street-fronting wall (or other above-noted structure) is located must agree to indemnify and save harmless the City against loss, cost, damage or expense occurring by reason of the erection or maintenance of such wall or structure.

(2) Where such structures are to be placed adjacent to private (abutting) property lines, the applicant shall obtain a construction, maintenance and repair easement from the affected abutting property owner(s) which shall be filed at the Registry of Deeds.

B. Signs shall be governed by the setback requirements of § **300-516**, Street graphics; signs.

C. Except where setbacks are specified in the dimensional requirements of a zoning district; or except where other provisions of this chapter impose stricter setback or yard or buffer yard requirements, or except for required egress structures, or except for structures within the KBD1 District (for which there shall be no setback requirements for any structure, including, but not limited to, any setback requirements for public pedestrian walkways and their structural elements proposed to be built over, adjacent to, or within a public right-of-way), no structure shall be located within the following limits:

(1) Within 10 feet of the right-of-way line or utility easement where one exists on any street within the City except as specified below or in zoning district regulations or by deed restrictions.

(2) Within 10 feet of any new right-of-way line made necessary by construction or reconstruction of any street or right-of-way or utility easement where one exists within the City.

(3) In the Capitol Planning Area, except in the Capitol-Commerce Districts [see § **300-314.2A(3)**], within 10 feet of the side and rear property lines in the Residential Zone; within 15 feet of the rear property lines and 20 feet of the side property lines in the Statehouse Zone.

- (4) Outside the Capitol Planning Area, within five feet of the lot line on the sides not abutting the streets; provided, however, that where commercial uses are located on adjacent lots, such setback may be reduced to zero feet, provided that the owners of such adjacent lots enter into a construction, maintenance and repair easement or agreement, binding on each such owners, recorded at the Kennebec County Registry of Deeds, and providing that such agreement may not be amended or modified without the agreement of both such owners and the City Engineer. Where residential accessory structures, such as sheds, pools, landscape retaining walls and garages, cannot meet the required side and/or rear setbacks due to lot size, topographic constraints, etc., the accessory structure may be built within the minimum yard area, provided that the property owner obtain a construction, maintenance and repair easement from the affected abutting property owners.
- (5) Within 20 feet of the right-of-way line of University and Community Drives; and within 10 feet of the side and rear lot lines of properties on University and Community Drives.
- (6) Within 15 feet of the right-of-way of the following streets in the Capitol Planning Area:

**Streets in Capitol Planning District Area**

Birchwood Road

Burleigh Street

Center Street

Chamberlain Street

Child Street

Columbia Street

Federal Street

Gage Street

Glendon Street

Glenwood Street (northerly side, three lots deep from State Street)<sup>1</sup>

Grand Street

Hichborn Street

Higgin Street

Jackson Street (northerly side)<sup>2</sup>

Manley Street (one lot deep from State Street)<sup>3</sup>

Page Street

Powhattan Street

~~South Grove Street<sup>4</sup>~~

Valley Street

Wade Street

**NOTES:**

- 1 Northerly side—3 lots deep.
- 2 Northerly side.
- 3 One lot deep from State Street.
- 4 South of Wade Street.

(7) Within 25 feet of the right-of-way of a collector street, namely:

**Collector Streets**

Airport Road

Alfond Connector

Bond Brook Road

Church Hill Road

Cony Road

~~Cony Street Extension~~<sup>2</sup>

Cony Street (Cony Circle to Cony Road)<sup>1</sup>

Hicks Road

~~Hospital Street~~

Leighton Road

Northern Avenue

~~Old Belgrade Road~~

~~Old Oakland Road~~

Old Winthrop Road

~~Route 105~~

Sewall Street

South Belfast Avenue

Stevens Road

Townsend Road Street<sup>3</sup>

Union Street

West River Road

Whitten Road

Winthrop Street

~~Worcester Street~~

**NOTES:**

- 1 ~~Circle to South Belfast Avenue.~~
- 2 ~~South Belfast Avenue to Cony Road.~~
- 3 ~~Northern Avenue to Civic Center Drive.~~

(8) Within 35 feet of the right-of-way of an arterial street, namely:

**Major and Minor Arterials**

Alfond Connector

Armory Street

Bangor Street

Bond Street

Capitol Street

Civic Center Drive

Cony Street — ~~River to Circle~~ (Kennebec River to Cony Circle)

Eastern Avenue

Hospital Street

I-95

Memorial Bridge Drive

Mount Vernon Avenue

~~New Belgrade Road~~

North Belfast Avenue

Old Belgrade Road

Riverside Drive

State Street

Stone Street

~~Union~~

Western Avenue