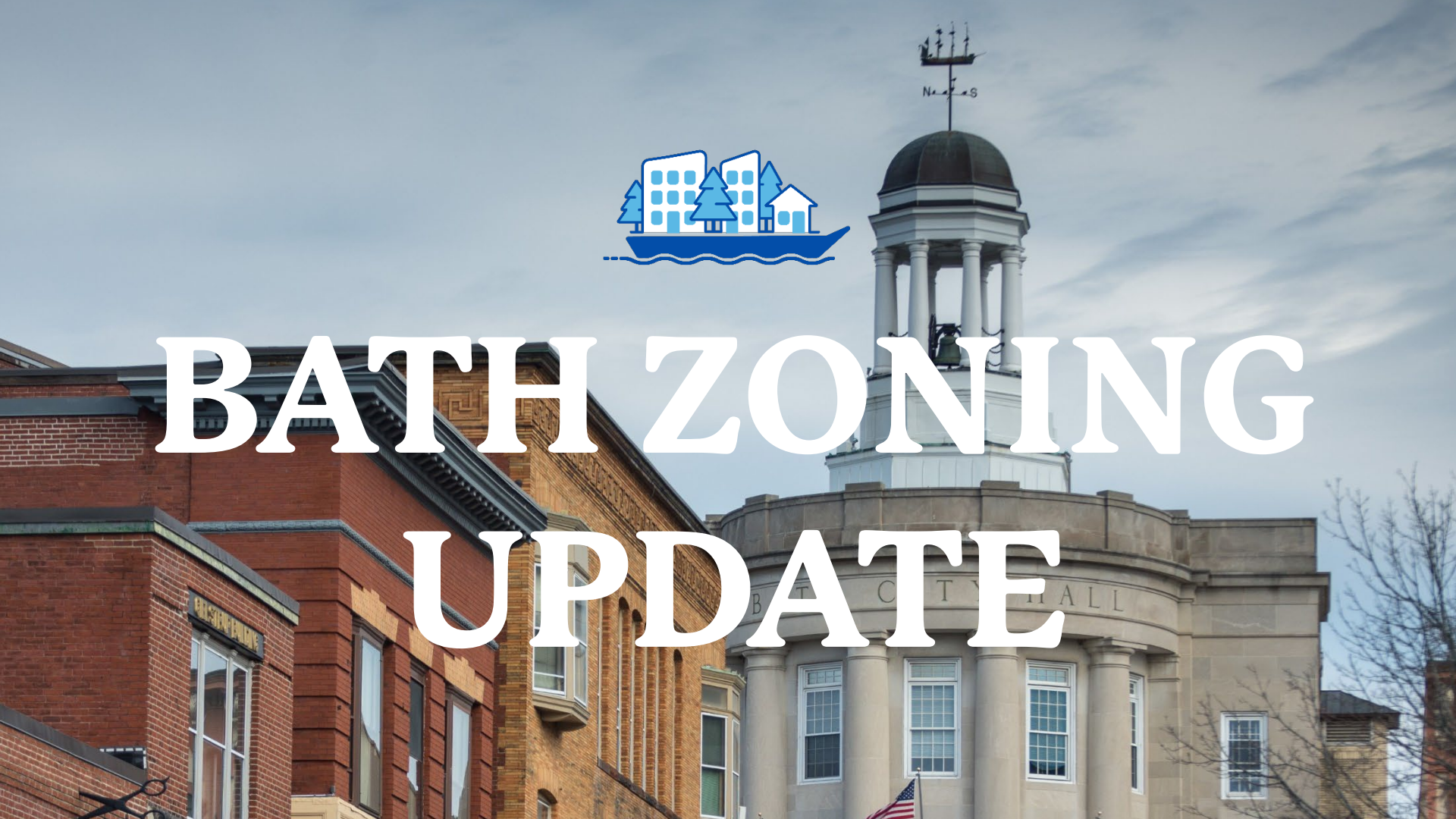





# BATH ZONING UPDATE





# Technical Review & Approaches Report



**City of Bath  
Zoning Update**

Technical Review & Approaches Report

camiros  
March 2024



# What we'll cover:

1. Goals of the Update
2. Key recommendations
3. Questions / Discussion



# Goals of the Update Process

**Implement** the policies of Bath's Comprehensive Plan

**Align** regulations with community & Council priorities

**Organize** the Code into a user-friendly document

**Simplify & clarify** controls & processes within the Code



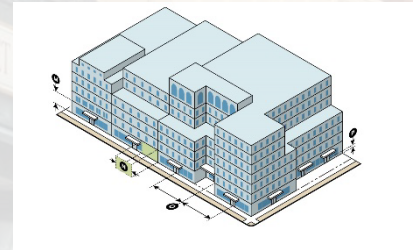
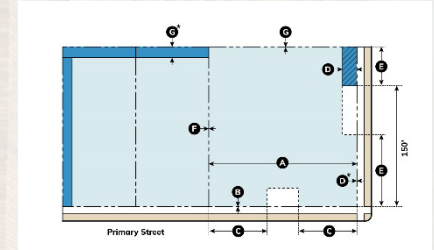
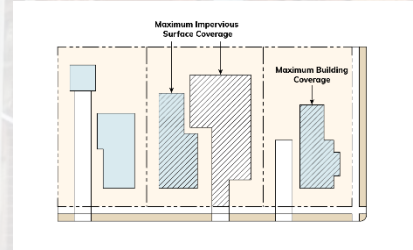
## Comprehensive Plan 2023





# Code Organizational Principles

- Reorganize controls into logical compartments
- Clearly define all terms used in the Code
- Standardize measurement methodologies
- Include illustrations & tables
- Ensure consistency in terminology and “voice”



# Code Organizational Principles

Category	Articles
<b>Introduction</b>	1. Title, Purpose & Intent 2. Definitions & Measurement Methodologies 3. Zoning Districts & Zoning Map
<b>Districts</b>	4. Residential Zoning Districts 5. Mixed-use & Commercial Zoning Districts 6. Industrial Zoning Districts 7. Special Purpose Zoning Districts
<b>Uses</b>	8. Uses & Use Standards
<b>Site Development Standards</b>	9. General Development Standards 10. Off-street Parking & Loading 11. Landscape
<b>Administration</b>	12. Code Administrators 13. Application Procedures 14. Zoning Applications and Approvals (Including Site Plan Review)
<b>Subdivision &amp; Public Realm</b>	15. Subdivision Approvals 16. Public Realm
<b>Mining &amp; Floodplain</b>	17. Mining Activity 18. Floodplain Management
<b>Application</b>	19. Nonconformities 20. Enforcement





# Modernized Use Approach

## Generic use approach

*Only pull out select uses to mitigate impacts*

*Each use is clearly defined*

## Revised approach to uses

*Uses tailored to purpose of each district*

*Uses organized into a simpler matrix*

## Clear use standards

*Standards control impacts of certain uses*

*Clearly referenced in the use matrix*

## Address principal, temporary, & accessory uses



# Modernized Use Approach

## EXAMPLE USE MATRIX – NOT DEVELOPED FOR BATH

P = Permitted Use | PC = Permitted with Conditions

	R-R	R-E	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	C-TR	C-NC	C-MU	C-G	C-R	CBD	I-L	I-H	I-MU	AFC	INST	Use Standards
<b>PRINCIPAL USES</b>																				
Agriculture	PC																	PC		Sec. 8.3.A
Airport															P	P				
Alternative Correctional Facility																			PC	Sec. 8.3.A
Amusement Facility - Indoor										P	P	P	P							
Amusement Facility - Outdoor												P	P				P			
Animal Care Facility - With Outdoor Area										PC	PC	PC	PC		PC		PC	PC		Sec. 8.3.B
Animal Care Facility - Fully Indoors									PC	PC	PC	P	PC	PC	P		P	P		Sec. 8.3.B
Animal Shelter													PC		P		PC	PC	PC	Sec. 8.3.B
Art Gallery									P	P	P	P	P	P			P			
Arts and Fitness Studio									P	P	P	P	P	P			P			
Banquet Hall											PC	PC	PC	PC				PC		Sec. 8.3.C
Bathhouse											P						P			
Bed and Breakfast – No Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P				PC		Sec. 8.3.D
Bed and Breakfast – With Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				PC		Sec. 8.3.D
Body Modification Establishment											P	P	P	P			P			
Broadcasting Facility - With Antennae												P	P	P	P	P	P		P	Sec. 8.3.D
Broadcasting Facility - No Antennae												P	P	P	P	P	P		P	
Campground/RV Park												PC	PC					PC		Sec. 8.3.E
Car Wash										PC	PC	PC	PC		PC	PC	PC			Sec. 8.3.F
Care Home – 8 or fewer residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.G
Care Home – 9 or more residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.G
Cemetery																			P	
Children's Home																			P	
Commercial Kitchen											P	P	P	C	P		P		P	
Community Center	P	P	P	P	P	P	P	P	P	P	P								P	
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 8.3.H

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<b>PRINCIPAL USES</b>																				
Agriculture	PC																	PC		Sec. 8.3.A
Airport															P	P			PC	Sec. 8.3.A
Amusement and Recreation										P	P	P	P							
Antique Store												P	P				P			
Apartment Building										PC	PC	PC	PC		PC		PC	PC		Sec. 8.3.B
Arbitration Area									PC	PC	PC	P	P	PC	P		P	P		Sec. 8.3.B
Art Studio													PC		P		PC	PC	PC	Sec. 8.3.B
Art Gallery									P	P	P	P	P	P			P			
Arts and Fitness Studio									P	P	P	P	P	P			P			
Banquet Hall											PC	PC	PC	PC				PC		Sec. 8.3.C
Bathhouse											P		P	P			P			
Bed and Breakfast – No Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P				PC		Sec. 8.3.D
Bed and Breakfast – With Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				PC		Sec. 8.3.D
Body Modification Establishment											P	P	P	P			P			
Broadcasting Facility - With Antennae												P	P	P	P	P	P		P	Sec. 8.3.D
Broadcasting Facility - No Antennae												P	P	P	P	P	P		P	
Campground/RV Park												PC	PC					PC		Sec. 8.3.E
Car Wash										PC	PC	PC	PC		PC	PC	PC			Sec. 8.3.F
Care Home – 8 or fewer residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.G
Care Home – 9 or more residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.G
Cemetery																			P	
Children's Home																			P	
Commercial Kitchen											P	P	P	C	P		P		P	
Community Center	P	P	P	P	P	P	P	P	P	P	P								P	
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 8.3.H

Permitted by-right = P  
 Allowed with conditions = PC  
 Blank = Prohibited

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Airport															P	P				Sec. 8.3.A
Animal Shelter												P	P						PC	
Art Gallery									P	P	P	P	P	P			P			
Arts and Fitness Studio									P	P	P	P	P	P			P			
Automotive Repair Shop											PC	PC	PC	PC						Sec. 8.3.B
Bar/Club									PC	PC	PC	P	PC	PC	P		P	P		Sec. 8.3.B
Bed and Breakfast – With Reception Facilities																			PC	Sec. 8.3.B
Body Modification Establishment											P	P	P	P			P			Sec. 8.3.B
Broadcasting Facility - With Antennae												P	P	P	P	P	P		P	Sec. 8.3.B
Broadcasting Facility - No Antennae												P	P	P	P	P	P		P	Sec. 8.3.B
Campground/RV Park												PC	PC					PC		Sec. 8.3.C
Car Wash										PC	PC	PC	PC		PC	PC				Sec. 8.3.C
Care Home – 8 or fewer residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.C
Care Home – 9 or more residents	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC					PC		Sec. 8.3.C
Cemetery																				P
Children's Home																				P
Commercial Kitchen											P	P	P	C	P		P		P	
Community Center	P	P	P	P	P	P	P	P	P	P	P									P
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 8.3.H

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Identify uses by district  
 (columns), or by use type (rows)

**EXAMPLE USE  
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# Modernized Use Approach

**EXAMPLE USE MATRIX - NOT DEVELOPED FOR BATH**  
 P = Permitted Use | PC = Permitted with Conditions

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Animal Shelter												P	P						PC	
Art Gallery									P	P	P	P	P	P			P			
Arts and Fitness Studio									P	P	P	P	P	P						
Automotive Sales											PC	PC	PC	PC						Sec. 8.3.B
Automotive Service									PC	PC	PC	P	PC	PC	P		P	P		Sec. 8.3.B
Automotive Wash													PC	PC	P		PC	PC	PC	Sec. 8.3.B
Bar											PC	PC	PC	PC						Sec. 8.3.C
Bed and Breakfast - With Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P					PC	Sec. 8.3.D
Bed and Breakfast - No Reception Facilities	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC					PC	Sec. 8.3.D
Body Modification Establishment											P	P	P	P			P			
Broadcasting Facility - With Antennae												P	P	P	P	P	P		P	Sec. 8.3.E
Broadcasting Facility - No Antennae												P	P	P	P	P	P		P	Sec. 8.3.E
Business Office											PC	PC	PC	PC					PC	Sec. 8.3.F
Child Care - 12 or more children	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC						PC	Sec. 8.3.G
Child Care - 6 or fewer children	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC						PC	Sec. 8.3.G
Care Home - 9 or more residents																				
Cemetery																				P
Children's Home																				P
Commercial Kitchen											P	P	P	C	P		P		P	
Community Center	P	P	P	P	P	P	P	P	P	P	P									P
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 8.3.H

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Identify uses by district (columns), or by use type (rows)

Simplification can help to reduce the bulk of the use table (14pgs)

**EXAMPLE USE MATRIX - NOT DEVELOPED FOR BATH**



# New (*and Old*) and Emerging Uses

## Neighborhood Commercial Establishments

*Corner stores*

## Emerging Uses

*Live/work dwellings*

*Artisan industrial*

*Specialty food service*

*Food truck parks*

*Commercial kitchens*

## Social Service Uses

*Children's homes*

*Domestic violence shelters*

*Food pantries / food banks*

*Social service centers*





# Temporary & Accessory Uses

## Address a broad range of temporary uses...

*Mobile food sales (food trucks)*

*Mobile retail sales*

*Real estate sales office/model unit*

*Temporary contractor's offices/contractor's yards*

*Temporary outdoor events (sales & entertainment)*

## ... and a broad range of accessory uses

*Accessory dwellings (ADUs)*

*Drive-through facilities*

*Event hosting*

*Home occupations*

*Outdoor sales & display*

*Outdoor storage*

*Outdoor seating and activity areas*



# Zoning Districts

## Revise the district structure

*Clarify purpose and intent of each district*

*Districts should reflect Bath's unique character / vision for the future*

## Refine dimensional controls

*Evaluate dimensional standards vs. "as built" conditions*

*Clarify counterintuitive terminology (setback vs. yard)*

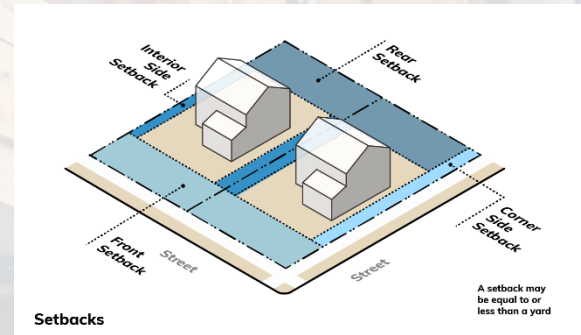
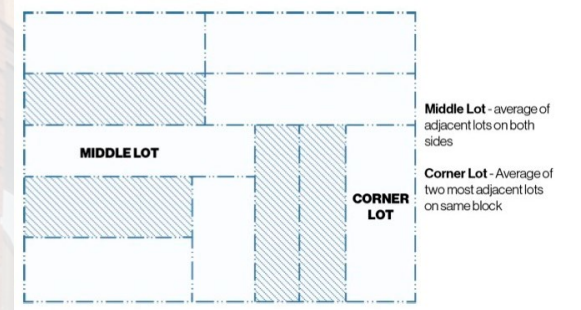
*Clarify permitted encroachments (decks/porches/bay windows, etc.)*

## Include modern standards

*Front setback averaging*

*Clarify "corner-side" setback vs. multiple front setbacks*

*Add landscaped open space ratio to complement existing building coverage*





# Residential Zoning Districts

## Ensure alignment with State legislation to increase housing opportunities in Maine, commonly referred to as “LD2003”

*Alignment of districts, uses, densities, and housing types with State and local goals for housing*

## Unlock options to address Bath’s housing needs

*New dwelling types  
“Housing-positive” zoning districts  
Innovative housing forms*

## Think bigger, think smaller, and think about the middle!

### Bigger

*Consider allowing more density/height in strategic locations*

### Smaller

*Updated approaches to ADUs  
New development forms (e.g. cottage court)*



# Residential Zoning Districts

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## Think bigger, think smaller, and think about the middle!

### Bigger

*Consider allowing more density/height in strategic locations*

### Middle

*Clarify forms – duplex, triplex, quadraplex, small-scale multi-family forms*

*Align with LD2003 to allow for more middle housing*

### Smaller

*Updated approaches to ADUs  
New development forms (e.g. cottage court)*





# Residential Zoning Districts

Proposed District	Current District	Summary
<b>R-R Rural Residential</b>	R-3 Low Density Residential	Maintain a focus on residential development in accordance with the capacity of these areas; allow typical rural activities (agriculture/forestry/etc.); encourage cluster & conservation development; target a one-acre minimum lot area (currently 60,000sf)
<b>R-T Transitional Residential</b>	R-2 Medium Density Residential	Accommodate areas of current R-2 served by water/sewer infrastructure and/or within the City's identified growth area; target a 10,000 square foot minimum lot area (currently 12,000sf)  Areas not served by water/sewer infrastructure, or outside of the growth area evaluated to determine if appropriate for R-R, or if another new district may be needed.
<b>R-C Central Residential</b>	R-1 High Density Residential	Accommodate residential development close to Bath's core exhibiting a dense pattern of relatively small lots and relatively high lot coverage. Recommend 5,000 square foot lot area minimum (currently 6,000sf)
<b>R-UC Urban Core Residential</b>	<i>New</i>	Accommodate a traditional compact development pattern in Bath's core neighborhoods, characterized by minimal front setbacks and relatively small lots. Target a 3,000 square foot lot area minimum.
<b>R-W Waterfront Residential</b>	R-4 & R6 Waterfront High Density & Waterfront Medium Density	Look at potential for consolidation; refinement of standards to address context sensitivity. Current standards are very close (uses are identical), may be able to address differentiation through context.
	R-5 Waterfront Activity District	Further evaluation to determine whether the vision for a waterfront activity district can be accommodated through a low-intensity mixed-use district vs. a residential district



# Commercial Zoning Districts

## Update Controls within Commercial Districts

### Incorporate Build-to Zones

*Select zoning districts may benefit from this type of control  
Reinforces current development pattern in places like Downtown Bath*

### Eliminate FAR Controls

*In downtown, controls like maximum heights and build-to zones create greater  
predictability in terms of outcomes, are easier to understand and administer*

### Include Design Standards

*Address building entries, articulation, transparency – basic building  
blocks of good design oriented toward district character*





# Commercial Zoning Districts

Proposed District	Current District	Summary
<b>NC</b> <b>Neighborhood Commercial</b>	NC Neighborhood Commercial	Currently only mapped to five parcels around Lincoln/North. Expand uses allowed, include design considerations and map more widely to encourage small scale commercial that complements existing neighborhood fabric
<b>CT</b> <b>Commercial Transitional</b>	C-2 Mixed Commercial + Resid.	Transition from more intense uses into a more low-intensity neighborhood or residential context; consider expanding mix of uses to achieve a truly transitional character; design controls that address context
<b>DB</b> <b>Downtown Bath</b>	C-1 Downtown Commercial	Standards should encourage a walkable, pedestrian character and support downtown as the mixed-use heart of the City of Bath
<b>CG</b> <b>Commercial Gateway</b>	C-4 Route 1 Comm. Contract	Develop standards based upon typical conditions implemented through contract zoning in the district. Combine dimensional, use and design standards to form a holistic approach to this area as a commercial gateway, rather than piecemeal contract zoning
<b>MC</b> <b>Marine Commercial</b>	C-5 Marine Business	Focus on marine commercial, consider other uses that may be compatible or complementary to the character of this area of Bath
<b>CX</b> <b>Commercial Flex</b>	C-3 Business Park	“Business Park” model may no longer be relevant; reorient to a flexible commercial district that accommodates a variety of office, warehousing, technology, and light industrial uses, + commercial and service uses to serve workers and nearby neighborhoods



# Industrial Zoning District

## Evaluate and Refine the Industrial/Shipyard District to Ensure it Continues to Meet the Needs of Users and the Community

*Continue to evaluate and test dimensional standards, e.g. building heights allowed within this district*

*Explore the possibility of allowing a broader use mix to support the needs of workers/nearby residents*

*Consider dimensional and design controls to enhance the public realm*





# Special Purpose and Overlay Zoning Districts

Proposed District	Recommendations
<b>HO</b> <b>Historic Overlay</b>	Standards often difficult to interpret & administer; evaluate and refine/clarify during draft development. Consider removing the requirement for new construction to be reviewed against HO standards; base zoning standards for residential and commercial development in these areas can address form and encourage compatibility
<b>SPCCO</b> <b>Special Purpose Commercial Contract Overlay</b>	Accommodates small-scale commercial nodes within a residential context in structures not suitable for residential use and that need a broader use palette to remain viable. With adjustments to the NC District & addition of “Neighborhood Commercial Establishment” use, this district may no longer be needed
<b>GC</b> <b>Golf Course</b>	Subject of ongoing community conversations; no recommendations made through this process at this time.
<b>P&amp;O</b> <b>Parks &amp; Open Space</b>	Evaluate and refine as needed; generally successful, however could consider modern accommodations for things like outdoor entertainment, cafes, special event spaces, etc. Dimensional standards should be considered for these areas in case structures are developed
<b>RP</b> <b>Resource Protection</b>	Protects those areas of the City that are severely physically limited or where development would threaten the critically high natural resource value. This district should be maintained.
<b>NRPO</b> <b>Natural Resource Protection Overlay</b>	Currently operates akin to a required buffer from the Kennebec and Whiskeag Creek shorelines; explore opportunities to simplify applicability and administration, avoid redundancy with other controls in the Code. Approach will also be informed by ongoing climate impact and coastal resiliency work.



# Special Purpose and Overlay Zoning Districts

Proposed District	Recommendations
<b>TMC</b> <b>Trufant Marsh Contract</b>	Evaluate continued utility during drafting process; no changes anticipated at this time
<b>Shoreland</b>	Maintain; clarify applicability and interaction with other standards, align with current State requirements
<b>Plant Home</b>	As a single-purpose district, the City should explore opportunities to consolidate into another district, understanding the intent to accommodate the Plant Home facility
<b>M</b> <b>Museum</b>	As a single-purpose district, the City should explore opportunities to consolidate into another district, understanding the intent to accommodate the Maine Maritime Museum
<b>S</b> <b>School</b>	As a single-purpose district, the City should explore opportunities to consolidate into another district, understanding the intent to accommodate public and private school facilities. Could also be reoriented into an institutional district with broader applicability for not only school campuses, but other campus-like institutional environments





# Development Standards: General Standards & Accessory Structures

## Generally applicable standards

*Consolidate controls such as sight triangles, number of structures on a lot, development on well/septic, performance standards*

## Exterior lighting

## Accessory structures

*Carports, decks, detached garages, greenhouses, sheds, solar, wind, etc.*

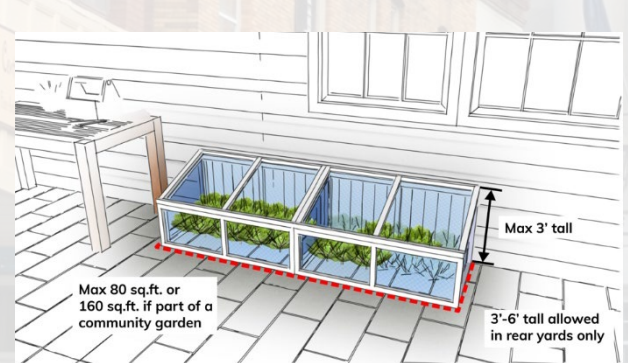
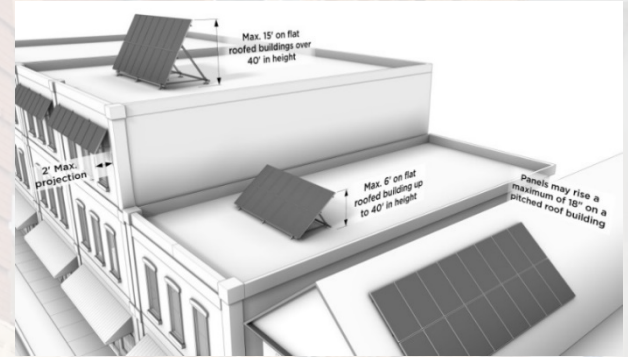
## Permitted encroachments

*Bay windows, balconies, eaves, etc.*

*Provides flexibility for designs incorporating these features*

## Development on steep slopes

*Clearly define what these are, limits on disturbance, etc.*



# Development Standards: Off-Street Parking & Loading

## Design of facilities

*Location and design and parking facilities*

*Parking configuration*

*Structure design*

## Access standards

*Driveway standards*

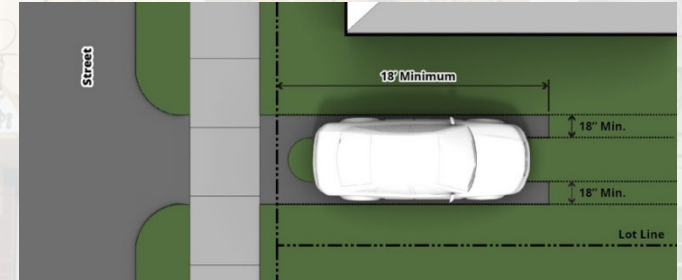
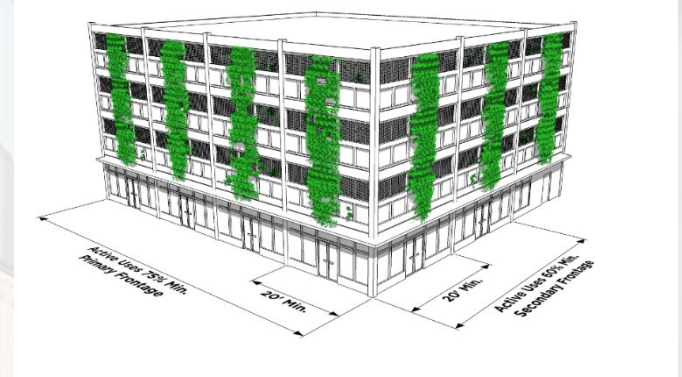
*Drive-throughs (stacking, etc.)*

*Pick-up/drop-off spaces*

## Loading

*Loading requirements, location, design*

## Storage of commercial vehicles





# Development Standards: Off-Street Parking & Loading

## Update parking ratios

*Modernized, tied to use structure, oriented to physical vs. operational characteristics (square feet vs. employees)*

## Implement parking maximums in key areas

## Address EV parking

*Encourage/require EV spaces*

## Parking flexibilities

*Consider expanding current downtown exemption*

*Provisions to incentivize reuse of existing structures*

*Square footage exemption (e.g. first 2,500 square feet)*

## Bicycle parking requirements

*Short term vs. long term spaces*



# Development Standards: Landscape

## Consolidate standards into a new article

### Parking lot landscaping requirements

*Parking lot perimeter (abutting right-of-way)*

*Parking lot interior*

### Buffer yards

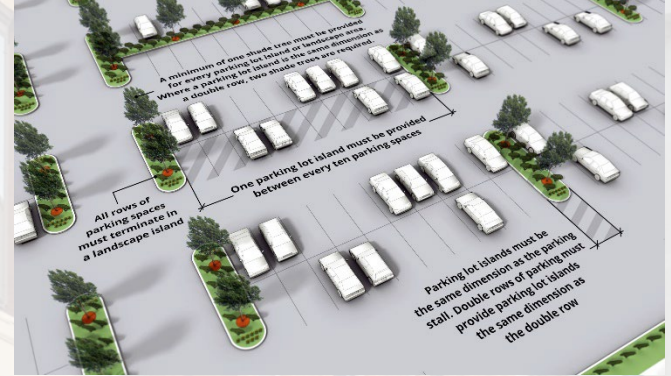
*Expand and enhance current standards (currently in R-1 setback reduction plan, as well as cluster development standards)*

### Tree preservation standards

*Trees over a certain size*

*Coordinate with City Arborist*

### Encourage stormwater management in landscape design





# Administration

## Reorganize

*Code Administrators (boards and officials)*

*Application procedures (notice, etc.)*

*Applications & approvals (including Site Plan Review)*

## Completeness review

*Currently referenced for Site Plan Review, expand/clarify*

## Move application requirements to packets

## Formalize zoning interpretations

## Create temporary use permit

## Review and evaluate SPR process

*Applicability of specific standards for SPR vs. general design/use/performance standards elsewhere in the Code.*

*Approval expirations should be extended to two years (current six months)*

## Clarify and refine subdivision standards

*Align with updates to zoning; clarify developmental subdivision (division of new/existing structures into 3+ units exempt when subject to site plan review)*

## Consider requiring conservation subdivision in rural areas within the City

*Clustered units / preserved open space*



# Public Realm Standards

## Implement goals for mobility & connectivity

*Complete streets principles*

## Right-of-way standards

*New construction, reconstruction of right-of-way*

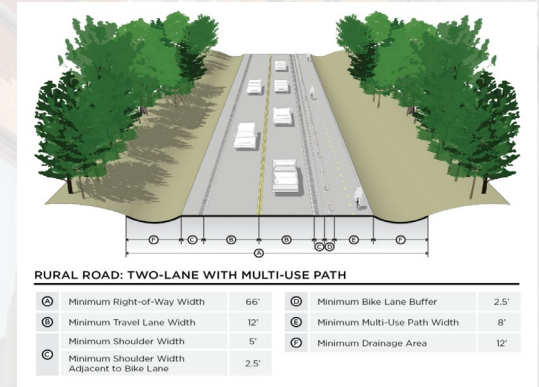
*Widths / design requirements (modifiable)*

## Sidewalk and block design

*Address components of the pedestrian way to enhance walkability and quality of the public realm; maximum block lengths*

## Connectivity standards

*Plan for connectivity within developments, and to adjacent areas*





# Nonconformities

## Nonconforming use

*Discontinuance or abandonment, change of use*

## Nonconforming structure

*Code is quite permissive in allowing reconstruction*

*Consider allowance for extensions*

## Nonconforming site characteristic

*Landscape, fencing, lighting, parking*

## Nonconforming lot

*Mergers, development*



# Nonconformities

## Allowance for expansion of nonconforming structures

*Nonconforming single-family and two-family structures,  
flexibility for side and rear wall additions (vertical or horizontal)*

*Cannot create any new nonconformity*

