

## 5.5. DIMENSIONAL REQUIREMENTS

### A. Lot Dimension Table

Lots and structures shall meet or exceed the following dimensional requirements:

<b>DIMENSION</b> ↓ <b>ZONING DISTRICT</b> →	<b>R</b>	<b>V-I</b>	<b>V-II</b>	<b>V-III</b>	<b>MA &amp; C</b>	<b>E</b>
Minimum lot area (sq. ft.) <sup>12</sup>	85,000	8,250	20,000 <sup>9</sup>	85,000 [Am 1]	7,500	N/A
Minimum lot width (ft.) <sup>10, 12</sup>	200 <sup>1</sup>	90	100	200 <sup>1</sup>	85	N/A
Setbacks (ft.) <sup>12</sup>						
Front yard	30 <sup>4</sup>	10	15	20	10 <sup>2</sup>	15 <sup>3</sup>
Rear yard	30 <sup>4</sup>	10	15	20	10 <sup>2</sup>	15 <sup>3</sup>
Side yard	30 <sup>4</sup>	10	15	20	10 <sup>2</sup>	15 <sup>3</sup>
Minimum shore frontage (ft.) <sup>10</sup>	200	100	150	200	100	N/A
Maximum percent lot coverage (%) <sup>12</sup>	20	50	30	20	65	60
Structure height (ft.) <sup>8</sup>	35 <sup>5, 6</sup>	35 <sup>7</sup>	35 <sup>7</sup>	35 <sup>7</sup>	35 <sup>7</sup>	50 <sup>7</sup>

<b>Footnotes</b>	
1.	A single backlot for development with a single-family dwelling may be created with its frontage along a fifty (50) foot wide right-of-way. That right-of-way will not be deducted from the lot width or lot area of the front lot.
2.	<del>Ten (10) feet or no less than the abutting property with the least setback.</del> Ten (10) feet or no less than the abutting property with the least setback. This setback reduction only applies to the side of the lot with the abutter encroachment.
3.	For lots that abut a lot located in another district, the setback shall be the greater of fifteen (15) feet or the abutting setback.
4.	The front yard setback for telecommunications towers located in the Telecommunication Tower Overlay District shall be one thousand (1,000) feet and the rear yard and side yard setbacks for telecommunications towers located in the Telecommunication Tower Overlay District shall be thirty (30) feet plus the height of the tower.
5.	Telecommunications towers located in the Telecommunication Tower Overlay District are not subject to the structure height limitation of this section, but are governed by Section 4.7.E.1.g.
6.	The Permitting Authority may increase the maximum height by up to ten (10) feet above the roof for cupolas, chimneys and appurtenances without floor area where the extension will not cause a hazard, and the feature does not occupy more than ten percent (10%) of the roof area. Religious structures may have features such as steeples which exceed ten (10) feet above the roof.

## **B. Exempted signs**

The following signs are exempt from the provisions of this Ordinance:

1. Customary holiday decorations.
2. Non-commercial signs not exceeding two (2) square feet in area (*e.g.* name signs, no trespassing signs, etc.).
3. Signs erected and maintained for public safety or welfare, or pursuant to and in discharge of any educational or other governmental function or required by law, ordinance or government regulation.
4. Historical information signs approved by the Selectboard.
5. Real estate signs, provided such sign shall not exceed five (5) square feet in area and shall be removed within one (1) week after the sale closing or rental.
6. Signs and banners announcing a specific event, such as a yard sale, public event or charitable activity may be erected not more than a week prior to the event and must be removed within forty-eight (48) hours of the conclusion of the event, except as the Selectboard may extend the announcement period on a case-by-case basis.
7. Temporary political or opinion signs shall be no more than five (5) square feet in area and shall be removed within five (5) days after the referendum, election or meeting.
8. Open/closed signs and signs announcing seasonal sales of produce, which shall be no more than five (5) square feet in area.
9. Signs identifying contractor(s) on a construction or landscaping site, provided such sign(s) shall not exceed five (5) square feet in area and shall be removed when the construction is complete.

## **C. Two-sided signs**

Each side of a two-sided sign may be as large as permitted for a one-sided sign for the activity.

## **D. Off-premise signs**

Off-premise signs are allowed only as permitted by State law.

## **E. On-premise signs**

1. No sign or notice board shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision and where by reason



ninety (190) gross square feet of floor area and no more than one thousand (1,000) gross square feet of floor area and shall consist of no more than two (2) sleeping rooms, one (1) full bathroom, one (1) half bathroom one (1) kitchen/eating area and one (1) living/sitting room.

#### **DEFINITION CHANGED TO THE BELOW;**

An accessory dwelling unit shall have no less than one hundred and ninety (190) gross square feet (GSF) of floor area and no more than: one thousand (1,000) gross square feet of floor area in the Village One (1) and Village Two (2) Districts; eleven hundred (1100) GSF in the Village Three (3) District and twelve hundred (1200) GSF in the Rural District. No ADU shall consist of more than two (2) sleeping rooms, one (1) full bathroom, one (1) half bathroom one (1) kitchen/eating area and one (1) living/sitting room.

2. The accessory dwelling unit and primary residential structure will be served by separate utility services.
3. No additional off-street parking space is required for an accessory dwelling unit. **ADDITION** -The Town of Castine Traffic Ordinance will govern street parking.
4. New construction of single-family dwelling with an accessory dwelling unit or construction of an accessory dwelling unit at an existing single-family dwelling requires a minimum lot size for a single-family dwelling in the district in which it is built and shall meet all required setbacks and other applicable dimensional requirements.

#### **ADDITION BELOW:**

5. New construction of an accessory dwelling unit(s) in the Castine Village I, II and III overlays (On Neck) require Utility Board technical review to ensure Castine's sewer and water system is adequate to meet the increased sewer and water demand.

### **6.34 AFFORDABLE HOUSING DEVELOPMENTS**

#### **A. Standards**

1. In all Districts where multifamily housing is allowed, an affordable housing development shall be permitted to have a dwelling unit density of at least 2-1/2 times the base density that is otherwise allowed in that location, provided one of the following requirements are met: (1) the proposed development is located in a Designated Growth Area; or (2) the proposed development is being served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

## ARTICLE 8: CODE ENFORCEMENT OFFICER PERMITS

### ALL ADDITIONS HIGHLIGHTED

#### 8.1. CODE ENFORCEMENT OFFICER PERMIT REQUIRED

A permit from the Code Enforcement Officer (CEO) shall be required before beginning or undertaking any of the following activities:

##### A. Building permit

1. New construction of buildings and structures unless the construction is designated in the Land Use Table as not requiring a permit.
2. Alteration of existing buildings, structures, or land, or parts thereof, including but not limited to:
  - a. Interior renovations for change in use.
  - b. Interior renovations which change the structure design.
  - c. Interior renovations exceeding 150 square feet in area or ten thousand dollars (\$10,000) in total project cost.
  - c. Finishing an unfinished room or space.
  - d. Enclosing of open frame porches and decks.
  - e. Construction of porches and decks.
  - f. Ground or roof mounted installations of solar power array.
  - g. Any activity, not otherwise requiring Site Plan Review by this Ordinance, requiring a permit under the Natural Resources Protection Act (NRPA), Title 38 M.R.S.A., § 480-A *et seq.*, including all Permit by Rule (PBR) activities described in CMR 06-096, Chapter 305, as amended.
3. Creation or expansion of roads, driveways or walkways, parking areas, retaining walls and patios.
4. The replacement of existing road culverts in the Shoreland Overlay District, unless the replacement culvert is:
  - a. Not more than twenty-five percent (25%) longer than the culvert being replaced.
  - b. Not longer than seventy-five (75) feet; provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that the crossing does not block fish passage in the water course.
5. The erection, hanging, placement or alteration of a sign or sign structure.
6. Stairways or similar structures to provide shoreline access in areas of steep slopes or unstable soils, in compliance with Section 7.8.D., above.



## ARTICLE 11: FEES

### 11.1. GENERAL PROVISIONS

#### A. Application incomplete until payment of required fees

Applications for any of the permits, approvals, or certificates specified below which are not accompanied by a check in the amount of the required fee shall be considered incomplete and no action will be taken on said application until a check for the required amount has been received by local officials.

#### B. Check, credit card or cash payment to Town

All fees shall be paid in the form of a check made payable to the Town of Castine and the purpose of the fee shall be clearly indicated on the check. Any check returned by a bank for non-payment will immediately void the application and any resultant permit.

#### CHANGE TO THE BELOW:

All fees may be paid in the form of a check / cash / credit card payable to the Town of Castine. The purpose of the fee shall be clearly indicated on the check if the applicant is using that form of payment. Any check returned by a bank for non-payment will immediately void the application and any resultant permit. Castine will accept credit card payments either in person or over the phone. There will be a credit card surcharge increase in the fee to defray the credit card processing cost.

### 11.2. BUILDING PERMIT FEES

#### A. Basic fees

1. A non-transferable, non-refundable base fee of ~~twenty-five~~ fifty dollars ~~(\$25.00 \$50.00)~~ plus a non-transferable, non-refundable additional fee must accompany the building permit application.
2. A non-transferable, non-refundable fee of ~~twenty-five~~ fifty dollars ~~(\$25.00 \$50.00)~~ must accompany the application for a permit extension pursuant to Section 8.2.J.2.
3. A non-transferable, non-refundable fee of ~~ten dollars~~ twenty dollars ~~(\$10.00 \$20.00)~~ must accompany the application for written approval by the Fire Chief pursuant to Section 6.9.

## **B. New building construction additional fee**

For new building construction there shall be a non-transferable, non-refundable base fee of ~~twenty-five-fifty dollars (\$25.00 \$50.00)~~ plus an additional non-transferable, non-refundable fee. The additional fee is based upon the greater of: 1) the square footage cost determined by using the New Construction Cost Table (§ 11.2.F. below) or 2) the actual cost. The additional fee for new construction is calculated as follows:

1. Determine the applicable construction type from Column One of the New Construction Cost Table.
2. Determine the Unit Cost for this type construction from Column Two of the New Construction Cost Table.
3. Multiply the Unit Cost by the square footage of the construction to determine the total cost of the project.
4. Determine the greater of the calculated cost or the actual cost and find the corresponding cost range in Column One of the Additional Fee Table (§ 11.2.G. below).
5. Determine the additional fee in Column Two that corresponds to the cost range determined above.

## **C. New construction additional fee**

For new construction other than new building construction, there shall be a non-transferable, non-refundable base fee of ~~twenty-five-fifty dollars (\$25.00 \$50.00)~~ plus an additional non-transferable, non-refundable fee based upon the estimated cost of the project. In the event the actual cost of the project exceeds the estimated cost, the fee corresponding to the actual cost must be paid to the Town. The applicant shall inform the CEO of the actual cost and the CEO shall verify this cost. The additional fee for new construction is calculated as follows:

1. The applicant shall inform the CEO of the estimated cost and state the estimated cost on the application.
2. Find the corresponding cost range in Column One of the Additional Fee Table (§ 11.2.G below).
3. Determine the additional fee in Column Two that corresponds to the cost range determined above.

## **D. Remodeling fees**

For remodeling there shall be a non-transferable, non-refundable base fee of ~~twenty-five fifty dollars (\$25.00 \$50.00)~~ plus an additional non-transferable,



non-refundable fee based upon the estimated cost of the remodeling. In the event the actual cost of the remodeling exceeds the estimated cost, the fee corresponding to the actual cost must be paid to the Town. The applicant shall inform the CEO of the actual cost and the CEO shall verify this cost. The additional fee for remodeling is calculated as follows:

1. The applicant shall inform the CEO of the estimated cost and state the estimated cost on the application.
2. Find the corresponding cost range in Column One of the Additional Fee Table (§ 11.2.G below).
3. Determine the additional fee in Column Two that corresponds to the cost range determined above.

#### **E. Demolition or change of use fees**

For demolition or change of use applications, there shall be a non-transferable, non-refundable base fee of ~~twenty-five~~ fifty dollars (\$~~25.00~~ \$50.00).

# ALL COST TABLE FEES INCREASE BY 50%

## F. New Building Construction Cost Table

1. Construction Type		2. Unit Cost per Square Foot
Commercial	All Floors, All Spaces	\$270.00 / s.f.
Industrial	All Floors, All Spaces	\$270.00 / s.f.
Institutional	All Floors, All Spaces	\$270.00 / s.f.
Municipal	All Floors, All Spaces	\$270.00 / s.f.
Residential	Basement, Unfinished	\$37.50 / s.f.
	Basement, Finished	\$135.00 / s.f.
	Main Living Floor	\$180.00 / s.f.
	Secondary Floor(s)	\$150.00 / s.f.
	Walk-Up, Unfinished Attic	\$37.50 / s.f.
Garage	Car Area	\$45.00 / s.f.
	Unfinished Room	\$37.50 / s.f.
	Finished Room	\$135.00 / s.f.
Finish an Unfinished Room		\$97.50 / s.f.
Deck		\$45.00 / s.f.
Covered Porch		\$90.00 / s.f.
Prefabricated/factory-built building 200 square feet or smaller, or temporary structure		\$12.00 / s.f.



#### G. Additional Fee Table

1. Cost Range of Project			2. Additional Fee
\$1	To	\$1,500	\$25.00
\$1,501	To	\$5,000	\$37.50
\$5,001	To	\$20,000	\$75.00
\$20,001	To	\$35,000	\$87.50
\$35,001	To	\$50,000	\$150.00
\$50,001	To	\$75,000	\$225.00
\$75,001	To	\$100,000	\$300.00
\$100,001	To	\$1,000,000	\$3.00 per \$1,000 of Cost
Costs Over \$1,000,000			\$1.50 per \$1,000 of Cost

#### 11.3. SITE PLAN REVIEW FEES

The fees required to cover the administrative costs associated with Site Plan Review under this Ordinance are as follows:

- A. The non-transferable, non-refundable fee to accompany an application for a General Project is ~~one hundred~~ two hundred dollars (~~\$100.00~~ \$200.00).
- B. The non-transferable, non-refundable fee to accompany an application for a Miscellaneous Projects is ~~twenty-five~~ fifty dollars (~~\$25.00~~ \$50.00).
- C. This Ordinance is available for ~~\$10.00~~ \$20.00 per copy and application forms are available at no cost.

#### 11.4. AFTER-THE-FACT APPLICATION FEE

Any Site Plan Review Application or Building & Use Application submitted after an activity, project or use has commenced shall be subject to an additional non-transferable, non-refundable fee, in addition to those required by Section 11.2 and Section 11.3 above, equal to twice the fee required by Section 11.2 and Section 11.3. This fee shall be paid prior to the review of any after-the-fact application by the Permitting Authority.

### **11.5. TECHNICAL REVIEW FEE**

In addition to the fees required by Section 11.2, Section 11.3 and Section 11.4 above, the applicant shall pay a separate fee of five hundred dollars (\$500) to be used to reimburse the time and expenses incurred by the Town's Planning Consultant, if the Town has retained the services of such a Consultant, and/or such other independent consultant(s) the Board may deem necessary to assist it with its review of the application. Such other consultants shall be fully qualified to provide the required assistance, and may include but are not limited to:

- An Attorney.
- A Registered Professional Engineer.
- A Registered Architect.
- A Registered Landscape Architect.
- A Registered Geologist.
- A Licensed Soil Scientist.
- A Registered Land Surveyor.
- Any other Registered/Licensed Professional or independent Expert Witness deemed fully qualified by the Planning Board.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of any application for Site Plan Review deemed by the Planning Board to require review by a consultant. This fee shall be paid in the form of a check made payable to the Town of Castine and the purpose of the fee shall be clearly indicated on the check.

If the balance of the unexpended funds is drawn down by fifty percent (50%) or more, the applicant shall be notified and required to pay an additional two hundred fifty dollars (\$250). The applicant shall continue to be notified and required to pay the appropriate additional amounts as necessary whenever the balance of the funds is drawn down by fifty percent (50%) of the original amount. Failure to pay the required amount within thirty (30) days shall also be a violation of this Ordinance and be cause to stop the review process. Any balance remaining, after the completion and inspection of required improvements, shall be returned to the applicant.

### **11.6. ZONING BOARD OF APPEALS ADMINISTRATION FEES**

All applications for administrative appeals and variances to the Zoning Board of Appeals under this Ordinance shall be accompanied by a non-transferable, non-refundable fee of ~~one hundred~~ two hundred dollars (~~\$100.00~~ \$200.00).



#### **11.7. CONTRACT ZONING APPLICATION FEES**

All applications to the Planning Board for contract zoning under this Ordinance shall be accompanied by non-transferable, non-refundable fee of ~~one hundred~~ two hundred dollars (~~\$100.00~~ \$200.00).

#### **11.8. ADJUSTMENT OF FEES BY SELECTBOARD**

Any or all of the foregoing cost schedules or fees may be adjusted from time to time as circumstances require by vote of the Selectboard, after notice and hearing. Fees shall at all times not exceed the reasonable cost of processing, review, regulation and supervision of the application by the Town and its consultants and the administration of any requirement for a Certificate of Compliance with any permit conditions. Fee adjustments shall take effect immediately upon approval and shall be inserted into this Ordinance and incorporated herein as though originally enacted as part hereof. Fee adjustments by the Selectboard shall be identified as such and include the date of adjustment.



**ENGINEER, TOWN:** Any Maine registered professional engineer employed or retained by the Town either as staff or as a consultant.

**ENGINEERED SUBSURFACE WASTEWATER DISPOSAL SYSTEM:** A subsurface wastewater disposal system designed, installed, and operated as a single wastewater unit to treat 2,000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater. All such systems shall be reviewed and approved by the Department of Health and Human Services prior to the issuance of a permit by the Local Plumbing Inspector.

**ENLARGEMENT:** An addition to the height, floor area or the volume of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

**ESSENTIAL SERVICES:** Gas, electrical or communication facilities; home generators; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**EXPANSION OF A STRUCTURE:** An increase in the height, floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches, and greenhouses. To be attached the extension must abut a common wall with the original structure.

**EXPANSION OF USE:** The use of more volume, floor area or ground area devoted to a particular use. In the Shoreland Overlay District, expansion of a use shall include the addition of four (4) or more weeks to the operating season of a use.

**FAMILY:** Two or more persons occupying a residence, who are related either by marriage, domestic partnership or consanguinity.

**FARMERS' MARKET:** A site or building used by two or more individual vendors, primarily farmers, for the direct sale to consumers of their products such as nursery products, natural products, fruits, vegetables, eggs, dairy products, meat, poultry, fish, grain, honey, maple products, beverages, prepared foods and crafts.

**FENCE:** An above-ground structure, including stone or brick walls, constructed for the purpose of dividing, defining or enclosing a lot or portion of a lot.

**FLOODPLAIN:** Either riverine or inland depression areas. Riverine floodplains are those areas contiguous to a river, stream, or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depression floodplains, not associated with a stream system, are low points to which surrounding lands drain.



which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**RESTAURANT:** An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or more of the following characteristics:

- a. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- b. A cafeteria type operation where food and beverages generally are consumed within the restaurant building; or
- c. A carry-out or delivery service, drive-in service, and service or consumption outside a fully enclosed structure, but excluding catering for off-premises consumption.

**RETAINING WALL:** A vertical or near vertical structure constructed of wood, concrete, masonry or rock designed to retain soil upgradient from the base of the wall.

**RIPRAP:** Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**RIVER:** A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth. **Note:** The portion of a river that is subject to tidal action is a coastal wetland.

**ROAD OR STREET:** A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding driveways as defined above.

- a. **Private Road or Street:** A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
- b. **Public Road or Street:** A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.
- c. **Collectors:** These roads handle internal traffic movements within a town or between a group of towns and are designed for moderate speed travel. The only collectors in Castine are State Highways, routes 166, 166A and 199.
- d. **Local:** These are lightly traveled streets whose primary purpose is to serve residential areas. They are designed for slow speed travel and to carry low volumes of traffic short distances.
- e. **Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.
- f. **Industrial or Commercial Street:** Streets servicing industrial or commercial uses.
- g. **Private Right-of-Way:** A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.



**TOWN:** The Town of Castine, Maine.

**TRACT OR PARCEL OF LAND:** All contiguous land in the same ownership whether or not the tract is separated at any point by an intermittent or non-navigable stream, tidal waters where there exists no flow at low tide, or a private road established by the land owners or the abutting land owners. Lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof. Private roads created before September 23, 1971 shall be considered the same as public roads.

**TRIBUTARY STREAM:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. This definition does not include rills or gullies forming because of accelerated erosion in disturbed soils where vegetation has been removed by human activity and does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Note:** Shoreline setback requirements apply to tributary streams within the Shoreland zone.

**UPLAND EDGE OF A WETLAND:** The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**USE:** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, ACCESSORY:** A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

**USE, NON- CONFORMING:** A use which is not a permitted use in the zoning district in which it is located. Other than the non-conforming use, all other standards of the Castine Ordinance shall apply to a lot with a non-conforming use.

**USE, PRINCIPAL:** A use other than one which is wholly incidental or accessory to another use on the same premises.

**VEGETATION:** All shrubs and other plants including all live trees of four and one-half (4½) feet or more in height, of whatever diameter.

**VELOCITY ZONE:** An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.