

ZONING ORDINANCE
OF THE
TOWN OF CASTINE, MAINE



ENACTED BY THE TOWN IN MEETING ASSEMBLED

THE 28TH DAY OF MARCH 2000

(AND AS THEREAFTER AMENDED)

ATTEST: THIS IS A TRUE DOCUMENT. THE *ZONING ORDINANCE OF THE TOWN OF CASTINE, MAINE*, HAS BEEN IN EFFECT WITHOUT CHANGE FROM 28 MARCH 2000 TO THE DATE HEREOF, EXCEPT AS AMENDED THROUGH ~~4 APRIL 2009~~ 27 MARCH 2010, AS SHOWN.

DATED: ~~4 APRIL 2009~~ 27 MARCH 2010

SIGNATURE: _____

AFFIX SEAL

SUSAN M. MACOMBER
CASTINE TOWN CLERK

TABULATION OF AMENDMENTS

Amendment 1 26 March 2001
Articles amended 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15.

Amendment 2 25 March 2002
Articles amended 1, 3, 4, 5, 6, 8, 9, 11, 14, 15 and Zoning Map.

Amendment 3 7 May 2002
Articles amended 4, 5, 6, 8, 11, 12 and 15

Amendment 4 4 April 2005
Articles amended 11 and 12

Amendment 5 26 March 2007
Articles amended 5, 6, 8, 9, 10, 13 and 15

Amendment 6 24 March 2008
Articles amended 1, 4, 5, 6, 8, 9, 11, 14 and 15

Amendment 7 4 April 2009
Articles amended 3, 5, 6, 7, 9, 11 and 15

Amendment 8 27 March 2010
Articles amended 3, 5, 6, 9, 13 and 15

ARTICLE 3: NON-CONFORMITY

3.2. GENERAL PROVISIONS

The following provisions apply to all non-conformities, ~~except signs~~, generally:

3.4. NON-CONFORMING STRUCTURES

The following provisions shall apply to lawful non-conforming structures, including, without limitation, signs.

~~3.7. NON-CONFORMING SIGNS~~

~~3.7.1. Any lawful non-conforming sign in existence at the time this Ordinance is enacted which is located in the Commercial or Institutional Development Districts may be repaired, replaced, maintained and continued subject to the provisions regarding non-conforming structures, above.~~

~~3.7.2. Any lawful non-conforming sign in existence at the time this Ordinance is enacted which is located in any district except the Commercial or Institutional Development Districts may continue for a period of two (2) years, after which it shall be removed. During the two (2) year amortization period such signs may be repaired, replaced, maintained and continued subject to the provisions regarding non-conformities, above.~~

ARTICLE 5: LAND USE TABLE AND DIMENSIONAL REQUIREMENTS

5.5. DIMENSIONAL REQUIREMENTS

5.5.1. Lot Dimension Table [\[Am. 1\]](#) [\[Am. 2\]](#) [\[Am. 3\]](#) [\[Am. 5\]](#)

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

DIMENSION ↓ ZONING DISTRICT →	R	V-I	V-II	V-III	MA & C	I
Minimum lot size (sq. ft.)	85,000	8,250	20,000 ⁹	100,000	7,500	N/A
Minimum lot width (ft.) ¹⁰	200 ¹	90	100	200 ¹	85	N/A
Setbacks (ft.)						
Front yard	30 ⁴	10	15	20	**2	15 ³
Rear yard	30 ⁴	10	15	20	**2	15 ³
Side yard	30 ⁴	10	15	20	**2	15 ³
Minimum shore frontage (ft.) ¹⁰	200	100	150	200	100	N/A
Maximum percent lot coverage (%)	20	50	30	20	65	60
Structure height (ft.) ⁸	35 ^{5,6}	35 ⁷	35 ⁷	35 ⁷	35 ⁷	50 ⁷

Footnotes	
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.	No less than the abutting property with the least setback.
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 <u>front yard setback setbacks</u> for telecommunications towers located in the Telecommunication Tower Overlay District shall be <u>one thousand (1,000) feet</u> and the <u>rear yard and side yard setbacks</u> for telecommunications towers located in the Telecommunications Tower Overlay District shall each be <u>thirty (30) feet plus the height of the tower.</u>
5.	Telecommunications towers located in the Telecommunication Tower Overlay District are limited to a height of <u>one three hundred (100) (300) feet.</u>
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.
7.	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 each element does not occupy more than two and one-half percent (2 ½ %) of the roof area and all elements do 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.
8.	For buildings in the Shoreland Overlay District, the vertical distance between the mean elevation of the original grade at the downhill side of the building and the highest point of the roof.
9.	Lots in Village District II located within the Shoreland Overlay District require a minimum lot size of 30,000 square feet.

Footnotes

10.	The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
-----	---

ARTICLE 6: PERFORMANCE STANDARDS

6.12. HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those businesses which are compatible with the districts in which they are allowed. ~~Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the property as a residence or of accessory structures;~~

6.12.1. Home occupations are limited to those uses which may be conducted without substantially changing the appearance or condition of the property as a residence or of the accessory structures on the property where the residential dwelling unit is located.

6.12.2. Home occupations shall be carried out wholly ~~within~~ in a residential dwelling unit or accessory structure to a residential dwelling unit or on a property where the residential dwelling unit is located.

6.29. SIGNS

6.29.5. On-premise signs

6.29.5.4. Subject to Section 6.29.3 above, no sign shall exceed the following display surface area:

6.29.5.4.2. Commercial District: ~~Eighteen square feet.~~ No single sign shall exceed eighteen (18) square feet. Each business shall display no more than two (2) signs. The maximum total display area of all signs for each business shall not exceed twenty-seven (27) square feet.

6.29.5.4.3. Commercial buildings in any other district: No single sign shall exceed eighteen (18) square feet. Each business shall display no more than two (2) signs. The maximum total display area of all signs for all businesses on the property shall not exceed thirty (30) square feet. ~~including attached and detached, on each commercial building (including principal structures in lawful non-conforming commercial use) shall not exceed twenty-seven (27) square feet for each business. Each business shall display no more than two (2) signs on or adjacent to each building.~~
[\[Am 2\]](#)

ARTICLE 9: SITE PLAN REVIEW BY PLANNING BOARD

9.8.3. Step 3: Planning Board review

At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall:

9.8.3.1. Determination of completeness

Determine whether or not the application is complete. For applications filed after March 27, 2010, if an abutter notifies the Planning Board at or prior to the first site plan review meeting of the Planning Board to consider the application that there is a boundary line dispute between the abutter and the applicant, which affects the applicant's ability to meet the setback requirements of the Ordinance, the Planning Board shall table the application for a period of one hundred twenty (120) days from the date of the meeting. Upon the expiration of such one hundred twenty (120) day period or such shorter period if the Planning Board has received evidence that the boundary line location has been resolved, at the next regular meeting of the Planning Board: (a) if only the applicant has submitted a Standard Boundary Survey prepared by a State of Maine Registered Land Surveyor, the Planning Board shall make its findings based upon such Survey; or (b) if both the applicant and the abutter have each submitted a Standard Boundary Survey prepared by a State of Maine Registered Land Surveyor, the Planning Board shall not review the application until the Planning Board has received evidence that the boundary line location has been resolved.

ARTICLE 13: PLANNING BOARD

13.2. ESTABLISHMENT AND ORGANIZATION OF PLANNING BOARD

There shall be a Planning Board of five (5) members and two (2) associate members appointed by the Board of Selectmen. Only residents of the Town of Castine are eligible to serve on the Planning Board. Neither a municipal officer nor a spouse of a municipal officer may be a member or associate member of the board.

The Planning Board in existence at the time of the enactment of this Ordinance is continued and its members are hereby appointed to serve under this Ordinance in that capacity and for the balance of their previously appointed terms.

Members shall be appointed by the Board of Selectmen for terms of five (5) years. The terms of the members shall be such that the term of at least one (1) member will expire each year. The term of the associate members shall be one (1) year, and they shall be designated First and Second Associate in the order of their seniority by appointment. The Board of Selectmen may dismiss a member or associate member of the Planning Board for cause, after notice and hearing, before the member's or associate member's term expires. [\[Am. 5\]](#)

In the absence or incapacity of members, the First and/or Second Associate shall act in the order of their seniority by appointment. The associate members may also act in place of any member who abstains or is unable to vote due to a conflict of interest or any other reason. In the case of resignation or dismissal of a member, and with the approval of the Board of Selectmen, the First Associate shall become a regular member for the remainder of the unexpired five (5) year term, the Second Associate shall become the First Associate, and the Board of Selectmen shall appoint a new Second Associate for the remainder of the unexpired one (1) year term. [\[Am. 5\]](#)

The Planning Board shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Planning Board. The minutes of the Planning Board and all correspondence shall be a public record. ~~Three (3) members of the Planning Board shall constitute a quorum for conducting a meeting and taking action, and the concurring vote of a majority of the voting members is necessary to act on any matter. A member who must abstain or is unable to vote shall not be counted in determining whether a quorum exists.~~ The presence of three (3) voting members of the Planning Board shall constitute a quorum for conducting a meeting and deliberating and voting on a particular matter. A member who abstains or is disqualified or recused from deliberation and voting on a particular matter shall not be counted in determining whether a quorum exists for such matter. The concurring opinion of a majority of the voting members present is necessary to act on any matter. The only action that can be taken in the absence of a quorum is to fix the time to which adjourn, recess or take measures to obtain a quorum. In addition, the Planning Board may adopt any procedural rules not in conflict with State law or this Ordinance, which it deems necessary or proper for the conduct of its business.

The question of whether a member has a conflict of interest sufficient to disqualify the member from participating in the consideration of a particular matter shall be decided by majority vote of the Planning Board, excluding the member being challenged. Any member so disqualified or who has recused himself must abstain entirely from the Planning Board's deliberation and voting on the matter giving rise to his disqualification or recusal. [\[Am. 1\]](#)

ARTICLE 15: DEFINITIONS.

For the purpose of interpreting this Ordinance, the following terms, phrases and words, unless their context requires otherwise, shall be defined as follows: first as set forth below, second in accordance with their generally accepted technical meaning within the involved scientific disciplines, third as defined by Maine Statutes, and fourth their common dictionary meaning. [\[Am. 6\]](#)

HOME OCCUPATION: An occupation or profession which is customarily conducted ~~on or in a residential structure or property~~ in a residential dwelling unit or accessory structure to the residential dwelling unit or on the property where the residential dwelling unit is located and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home. [\[Am. 5\]](#)

