

**Board of Selectmen & Assessors Meeting - Agenda**  
**August 17, 2020 @ 7:00p.m.**  
**Via Zoom Meeting/YouTube Live Streaming**

**1. Call to Order:**

**2. Amendments to the Agenda (Pending Approval)**

**3. Minutes**

3.1 August 10, 2020

**4. New Business**

**5. Unfinished Business**

5.1 Core Zoning Code Timetable Discussion (Vote Date, Vote Method, Public Engagement)

**6. Town Administrator Report and Communications**

**7. Fiscal Warrants**

7.1 Academy Hill Rec \$ 165,367.01

**8. Board of Assessors**

**9. Executive Session(s)**

**10. Adjournment**

*Public Comments Regarding Items On The Agenda Can Be Sent To The Town Manager's Email Prior To The Meeting For Circulation To The Rest Of The Board (townmanager@newcastlemaine.us)*

**Upcoming Events**

Office Closed – Labor Day – September 7<sup>th</sup>

For Updated Information Please Check The Town's Facebook/Twitter accounts and Town's Website: newcastlemaine.us

*Executive Session 1 M.R.S.A. Section 405 (6) A – Personnel, C – Real Estate, D - Labor Contracts, E – Legal, H – Consultation With CEO Concerning Enforcement Action*

**Board of Selectmen & Assessors Meeting - Minutes**  
**August 10, 2020 @ 7:00p.m.**  
**Via Zoom Meeting/YouTube Live Streaming**

**Attendees:** Brian Foote, Tor Glendinning, Joel Lind, Robert Nelson, Wanda Wilcox, Jonathan Duke (Town Manager), Core Code Committee Members: Charles (Rem) Briggs, Ellen McFarland, Ben Frey, Kevin Houghton

**1. Call to Order:** 7:05pm

**2. Amendments to the Agenda (Pending Approval)**

Foote: move 6 and 7.1 prior to Core Zoning

**3. Minutes**

3.1 July 27, 2020 – Motion to approved Lind, Seconded by Nelson. Comment by Tor: change Administrator to Manager. Motion passed 5-0.

**4. New Business**

4.1 Animal Shelter Agreement – Midcoast Humane Society – Motion by Lind to renew the agreement, Seconded by Wilcox. The agreement is unchanged other than cost from years before; now \$0.15 per resident per year. Duke to sign as BOS representative, Town Manager. Motion passed 5-0.

4.2 MMA Legislative Policy Committee Ballot – Duke would like to serve again. Is a good resource for the town and county. Lind motions nominating Harry Load from Bristol, Jonathan Duke from Newcastle. Nelson seconded. Motion passed 5-0.

**6. Town Manager Report and Communications**

County Commissioners need a volunteer for budget committee. Lind volunteered.

**7. Fiscal Warrants**

7.1 Town Warrant \$ 38,789.41 – Motion to approve by Nelson. Seconded by Glendinning.

Discussion: Wilcox asked to use Louis Doe, local supplier, when we can. Duke: Extension cord reimbursement was purchased at Damariscotta Hardware by the cleaning person. The cleaning person's extension cord went missing during the construction. Otherwise the town office does work to purchase in Newcastle where possible. Lind: Built cubicles in the office for the staff. Lind submitted invoices presented as would for customer, 10% mark up on labor and employee labor. Lind then removed his labor entirely, removed all the 10% mark ups. Lowered his employee's pay to what Lind paid them. In other words, project was at a loss for Lind. Motion Passed 4-0-1 Lind abstained.

**5. Unfinished Business**

5.1 Core Zoning Code Timetable Discussion (Vote Date, Vote Method, Public Engagement) –

Frey: Update re Formatting of Core Code: Due to the font change, 10-12 hours of work done on Core code format, plus creation of Table of Contents with active links to sections. Updates going forward will automatically update ToC. Word documents and resources were created for next work on this ordinance or additional ordinances to save time in the future. No substantive changes since the COVID shutdown. Document is 100 pages long plus Table of Contents.

*Executive Session 1 M.R.S.A. Section 405 (6) A – Personnel, C – Real Estate, D - Labor Contracts, E – Legal, H – Consultation With CEO Concerning Enforcement Action*

Proposal for Roads, Driveways and Entrances Ordinance: the zoning committee had worked on a proposal which was given to the BOS previously. Definitions remain to be completed.

Application process within the Core Code would need to be addressed prior to finalization. E.g. Residential Companion Permit process. BOS asked Frey to develop added language needed for clarification and bring to the BOS for review via red-line edit method.

Discussion focused on method of organizing the Core Code in relation to existing segments of the ordinance that have not been changed.

First consideration was with regard to the format of the documents. The discussion reviewed the question of whether to change format of the unaltered segments of the existing ordinance to look the same as the new Core Code or not. Frey reported that, except for the Shoreland Zoning segment, changing the format would take 10-12 hours more. BOS consensus was reached: Ideally, the long-term goal is for all ordinances to have similar or the same format as on another. At this time, because no substantive changes have been made to the additional segments of the LUO, the format should remain as it is. Going forward one segment at a time would be reviewed substantively and at that time be brought into the same format as the Core Code. The Shoreland Zoning section may need format plus updated in relation to changes that have been made to Chapter 1000 of the State Model Ordinance. Each town must have the zoning in line with the State's, or more strict. Briggs suggested a recent review may exist.

An additional topic explored how to structure the Core Code in relation to the existing Land Use Ordinance: Two paths were reviewed: (1) Should the Core Code replace the related segments of the existing code and become a segment of the single document currently the Land Use Ordinance or (2) should the Core Code become a stand alone ordinance, with the remaining unchanged segments of the current ordinance separated out into stand alone ordinances as well (e.g. Shoreland, Wind Towers, Mobile Homes, Subdivisions, Sign ordinance, Timber Harvesting etc.). BOS consensus was reached regarding the long-term goal to have the segments of the LUO become separate ordinances.

Mode and timing of town vote on the Core Code was a third topic:

1. Mode of vote: Choices discussed were outside town meeting (social distancing via drive-in movie-type set up, in a field, etc.) and written referendum ballot at the polls. The context of health and the pandemic create hardships to consider. In addition, not all residents have access to technology for Zoom-type meetings. Having a town meeting with give and take, questions and answers would be ideal, however hurdles and limitations exist. If a ballot referendum choice moved forward, a question remains regarding the capacity of the town's resources to accomplish the necessary outreach to at least 600 residents (potential number of people voting). This as compared to potential small size of in-person turnout for a town meeting (potentially 25-30 people).

2. Timing: Concerns were raised about voting in either mode too quickly, not providing enough time to accomplish outreach/education prior to the vote. The BOS reached consensus that September 29 does not work for a town meeting for voting on the Core Code.

Lind noted an example of need for the new code happening presently: current code does not provide for the ability to have an accessory building that could house an aging parent, grandparents, etc. The only current option in town is assisted living. A delay of a new code delays resolving existing issues residents are facing. In the creation of this Core Code, feedback from previous proposed code was heard substantial changes made in response to that feedback. Glendinning noted he is also seeing demand for other types of conversions of garages and barns for work space, etc, due to current needs. He also noted

the code is a 20-30 year investment, so having time to inform residents is very important. It is a solid code and works. Is not in favor of November 3 ballot date, prefers September 29<sup>th</sup>. Wilcox: this Core Code is too good of a product to be rejected due to lack of knowledge of the content of the code. Prefers the BOS take the necessary time to help residents be informed and ask questions. Houghton concurred. Briggs: putting the Core Code as a referendum on the November ballot would provide two and a half months to do outreach. Would also provide for good representation in numbers voting. Nelson: The proposed Core Code reflects a 6 year long learning and listening process leading to the present task. Nelson is leaning toward November ballot. Frey raised concern of risk of November 3 referendum on the code becoming a party issue. Frey noted that the way to lower taxes in the town is by having a land use ordinance that promotes growth - not development, not commercial, not residential growth, but increasing the value of each parcel in Newcastle. Once achieved, the less in taxes all residents have to pay. Frey: the Core Code provides that possibility. Foote: having an end date as deadline provides a clear goal. November 3 works for him. The Core Code would be on its own ballot. If reach printing deadline and need to postpone based upon outreach efforts, could do so. Would be effectively refusing the warrant. Briggs: need to have a final target to effectively meet goals.

Duke: To meet a goal for a November 3 referendum question for the Core Code, ballots must be printed and available in the office for absentee voters by October 2<sup>nd</sup>. Timeline for prior tasks to meet that deadline work back from there: 60 days prior to the vote (tonight, or August 24<sup>th</sup>), the BOS must order the Clerk to have the ballot written, the BOS would then agree upon the wording for the article, establishing the warrant (shortest 28<sup>th</sup> September or end of week before), ordering and receiving the ballots from the printer, public hearing at Planning Board Meeting on 17<sup>th</sup> of September. The timeline would result in having one month prior to mid-September for outreach, feedback and potential changes (even typos, etc.) to the document. Therefore, this next month (next 30 days) is key for outreach efforts for a November 3<sup>rd</sup> ballot or a Special Town Meeting.

Duke: Process: If order drafting of the question tonight or next meeting. Then, the public hearing at Planning Board on the 17<sup>th</sup> of September. Could wait until early to mid-September to decide whether to go the route of November 3 ballot or Special Town Meeting.

3. Outreach and Conversation with residents regarding the content of the proposed Core Code: Goal is for residents to have a chance to ask questions and learn more about the Core Code to be informed voters.

Referendum mode of voting would necessitate additional outreach and informing residents prior to the vote that a meeting would provide. Perhaps the outreach and conversation portions could be via Zoom-meetings combined with live questions from residents via telephone. Or TV station with call in. Not all residents have cable. Multiple modes of outreach seem necessary due to various limitations due to pandemic, technology and resources. BOS can also receive letters/emails with concerns from residents and respond during BOS meetings. Proposal of tents with tables at the town office on Saturdays, provide a self-guided tour through the code for residents, take turns volunteering to be present for feedback. Demonstrate how to find answers in the code document. Perhaps videos posted online, one per zone, to inform folks. Open meetings within COVID limitations. Lincoln County News pieces. Two efforts needed, specific reaching out to residents by board and committee members, and the broader educational outreach.

BOS reached consensus to order the Clerk to draft the question as of this meeting and ordinance segments are to be separated.

DRAFT

DRAFT

BOS will meet next Monday (September 17<sup>th</sup>) at 7pm to review the draft question for the ballot/meeting and outreach efforts (mechanics and methods). Duke tasked to list possibilities.

**8. Board of Assessors**

**9. Executive Session(s)**

**10. Adjournment** – Lind motioned to adjourn, Glendinning Seconded. Adjourned at 9:30pm.

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**Upcoming Events**

For Updated Information Please Check the Town's Facebook/Twitter accounts and Town's Website: [newcastlemaine.us](http://newcastlemaine.us)

Shall the Town enact the “Core Zoning Code” and “Road Driveway and Entrance Ordinance”, repeal Chapters 1, 3, 4, 5, 7, 9, 10 and 14 of the Newcastle Land Use Ordinance, convert Chapters 11 and 12 of the Newcastle Land Use Ordinance into the “Newcastle Shoreland Zoning Ordinance”, and convert Chapter 13 into the “General Standards Ordinance,” effective January 1, 2021?

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

STM Warrant Date for 9/29

30 Day Notice for STM 9/29

Notice to LCN for PB

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
	Notice to LCN for PB					
6	7	8	9	10	11	12
	Labor Day					
13	14	15	16	17	18	19
				Planning Board Meeting		
20	21	22	23	24	25	26
					Ballots Ordered	
27	28	29	30	1	2	3
	Warrant Date for	Special Town Meeting Date			Absentee Ballots Available	



Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	1	2	3
	Warrant Date for	Special Town Meeting Date			Absentee Ballots Available	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
	Columbus Day (regional)					
18	19	20	21	22	23	24
25	26	27	28	29	30	31
						Halloween

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Daylight Saving Time ends	2	3 Election Day (General)	4	5	6	7
8	9	10	11 Veterans Day	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26 Thanksgiving Day	27 Black Friday	28
29	30	1	2	3	4	5

# CORE ZONING CODE

**NEWCASTLE, MAINE**

ADOPTED: [DATE] - UPDATED: AUGUST 2020

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# ARTICLE 1

## GENERAL STANDARDS

### 1. CORE ZONING CODE

#### A. PURPOSE

1. To implement the Comprehensive Plan of the Town of Newcastle.
2. To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Newcastle.
3. To equitably balance the regulation of real property with the interests of the community as a whole.
4. To preserve and enhance the existing character of Newcastle's traditional walkable villages, to continue to promote neighborly activity, to respect the existing built form, and to honor the historic development pattern inherent in the villages.
5. To protect and enhance unique ecological habitats, including Damariscotta Lake, the rivers, Great Salt Bay, and Deer Meadow Brook.
6. To conserve and promote human access to Newcastle's greatest amenities, the rivers, marshes, forests, farmland, and other natural areas.
7. To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
8. To promote the adaptive reuse and preservation of existing buildings.
9. To permit redevelopment and infill construction that contributes to and preserves the character of Newcastle.
10. To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying particular attention to affordable housing to individuals and families with low and moderate incomes.
11. To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within walkable villages.
12. To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
13. To preserve and enhance the availability and design of Newcastle's public realm, including access to nature, parks, streets, and other civic space.
14. To allow for a range of business activity that supports the local interest in promoting Newcastle as a center for entrepreneurial activity, both in the villages and rural areas.

#### B. APPLICABILITY

1. Unless otherwise specified, this Code is applicable throughout the Town of Newcastle as shown on the Town of Newcastle Official District Map.
2. All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Code.
3. Real property used or occupied by the Town of Newcastle is exempt from the standards of this Code.
4. Real property used or occupied by the State of Maine is exempt from the standards of this Code.
5. This Code must apply to each new use, structure, activity, or to an alteration, enlargement, or discontinued use of a nonconforming use, structure, or activity on or after effective date of this Code.
6. If a permit or approval is required under this Code, no earth moving or construction may occur prior to obtaining that permit or approval.
7. No activity, use, or structure contemplated by this Code may be undertaken unless in conformity with this Code.

### 2. CODE INSTRUCTIONS

#### A. TITLE

1. This Code is known as the "Newcastle Core Zoning Code" and may also be cited and referred to as "the Code."

#### B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Code are defined in Article 8 Definitions or within the Articles that contain standards associated with the term.
2. Words, phrases, or terms not defined in this Code must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and

“thoroughfare” also refer to any portion thereof.

7. The word “description” is synonymous with “definition” when used in this Code.
8. The term “Permitted” describes the condition where a specific standard, use, or activity described in this Code is permissible. Acquisition of a permit is mandatory prior to enacting anything noted as “Permitted” in this Code.

### C. TEXT & GRAPHICS

1. Illustrations, graphics, pictures, and flowcharts are included in this Code to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Code and any illustration, graphic, picture, or flowchart, the text must govern.
2. All metrics included in tables must be interpreted as text under this Code and must govern.

### D. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Code.
2. All of the terms in this Code are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Code are considered to be definitions and are legally binding.

## 3. DISTRICT MAP

### A. GENERAL

1. The boundaries of districts are applied to real property as shown on the Official District Map of the Town of Newcastle, Maine.
2. This map may be cited and referred to as the “Official District Map” or “District Map.”
3. District boundary lines shown on the District Map should be interpreted to follow lot lines and centerlines of thoroughfares.
4. Where the District Map indicates a district boundary line that approximately coincides with a lot line, the lot line is the official boundary between districts.
5. Where the District Map indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the District Map.
6. Special Requirements are shown on the District Map as a line that applies to abutting parcels, which are regulated according to the standards contained in this Code.

## 4. AUTHORITY & COMPLIANCE

### A. AUTHORITY

1. This Code is adopted under the authority granted by Article [REFERENCE TO VOTE].

### B. COMPLIANCE

1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Code.
2. This Code allows waivers from the standards of this Code as explicitly authorized by the standards within this Code if the Permitting Authority determines that:
  - a. Allowance of the waiver is consistent with the purpose of this Code; and
  - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Code is considered an integral part of the application of this Code and is not considered the granting of a variance, as that term is defined under Maine law.

### C. RELATIONSHIP TO OTHER STANDARDS

1. This Code does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. Where the standards of this Code impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Code must apply.
3. The standards of this Code must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Code.
4. All development activity must comply with relevant Federal and State law and regulations. Where there is a conflict between this Ordinance and the standards of a Federal or State Law, Federal or State Law supersedes the standards of this Ordinance.

## 5. ADOPTION & EFFECT

### A. ADOPTION DATE

1. This Code is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187. Specific chapters of this Code are also adopted under specific statutory standards, including Mobile Home Parks, under 30-A MRSA Section 4358; Subdivisions, under 30-A MRSA Section 4404; Shoreland Standards, under 38 MRSA Sections 435449, and Floodplain Management, under PL. 90-488, the National Flood Insurance Act of 1968.

### B. IN EFFECT

1. This Code must take effect upon its passage and supersedes the Zoning Ordinance of the Town of Newcastle as enacted on March 27, 2001 and updated June 2013.

### C. PREVIOUS APPROVALS

1. All valid permits issued on or before the date of adoption of this Code will remain valid.

### D. SEVERABILITY & INVALIDITY

1. If any provision of this Code or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining standards of this Code and their application to any other person, partnership, corporation, or circumstance must not be affected.



EXHIBIT 1.1 DISTRICT MAP

NEWCASTLE  
ZONING MAP  
Revised February 7th 2020

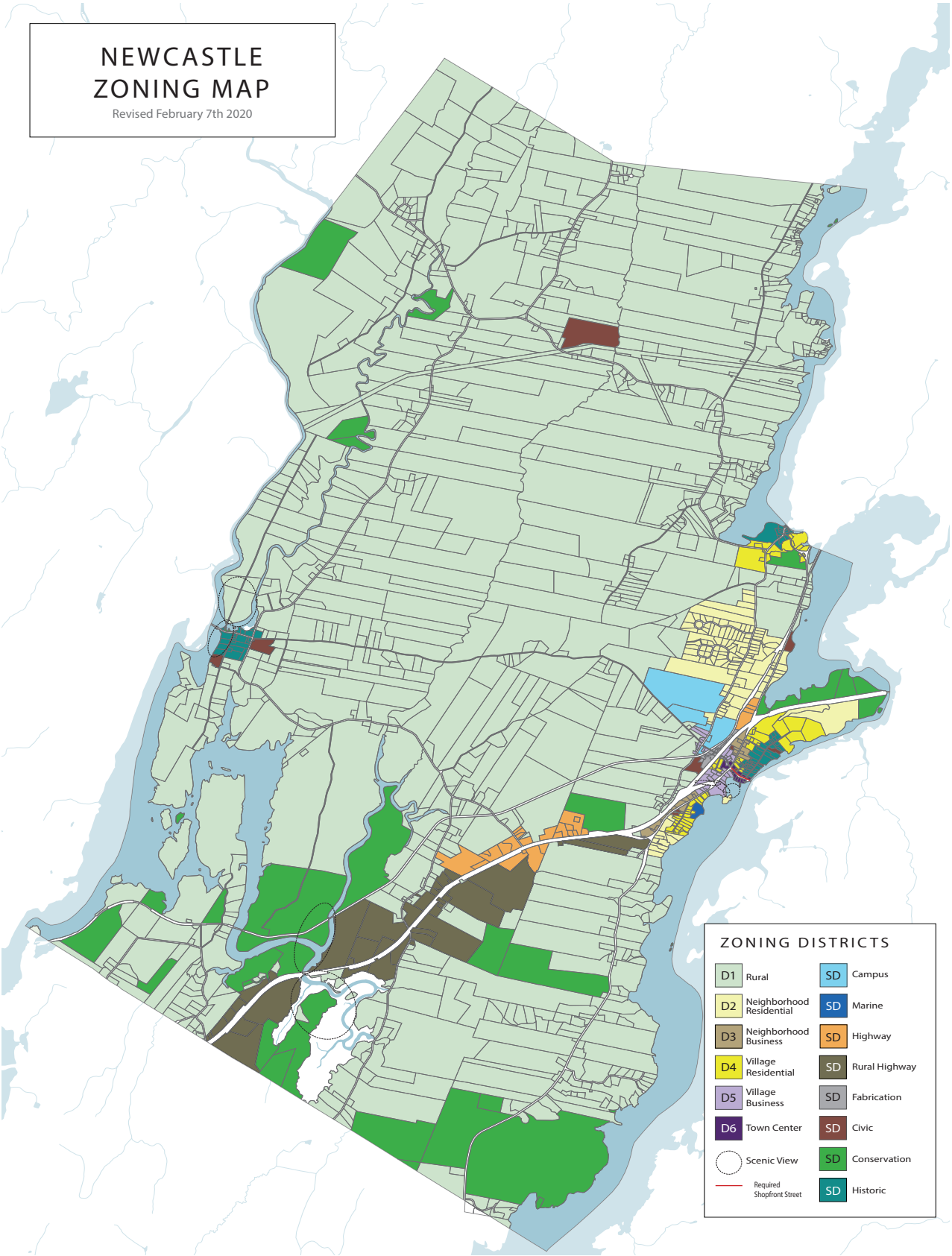


EXHIBIT 1.2 DISTRICT MAP INSET - NEWCASTLE TOWN CENTER

ARTICLE 1

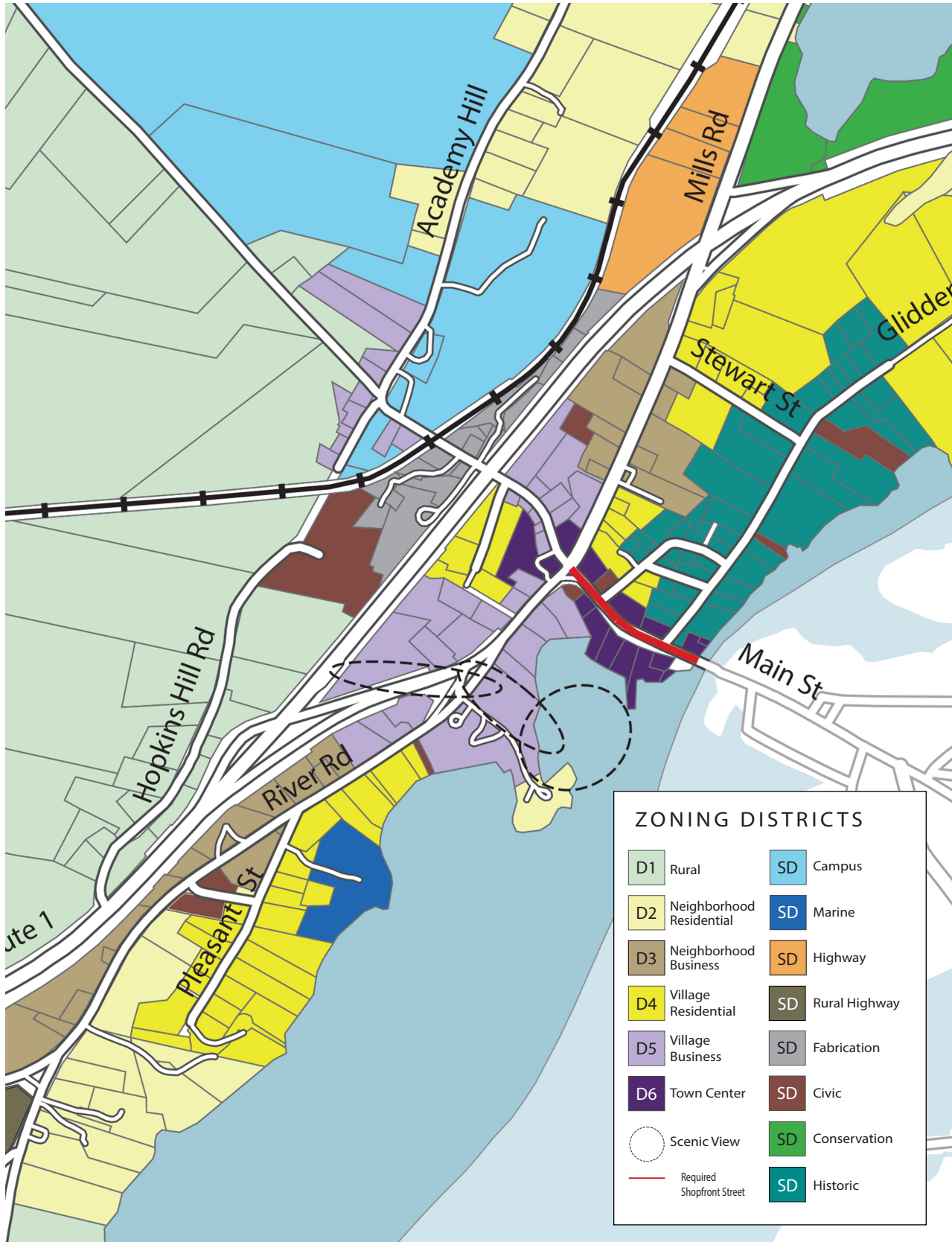
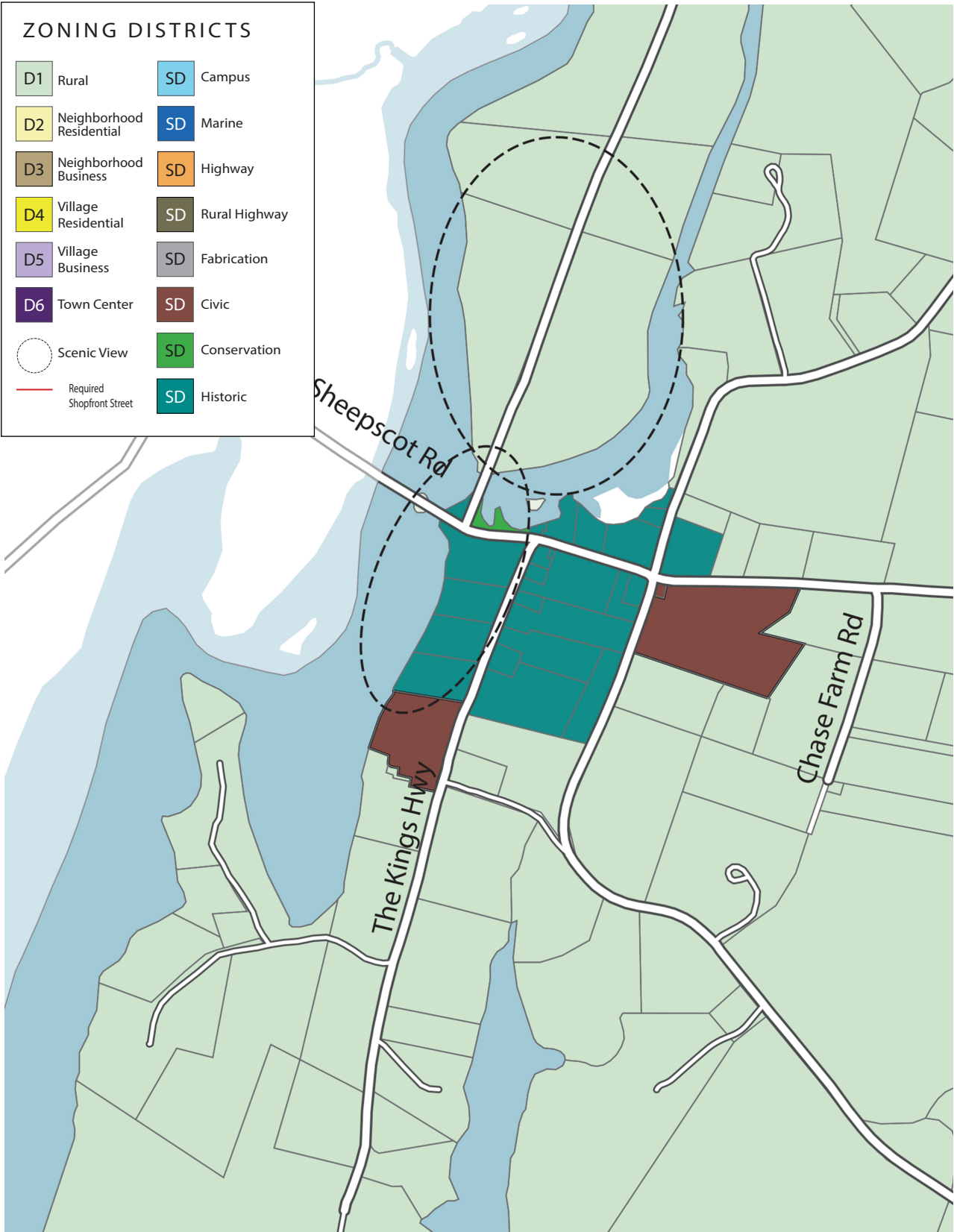


EXHIBIT 1.4 DISTRICT MAP INSET - SHEEPSCOT VILLAGE



# ARTICLE 2

## DISTRICT STANDARDS

### 1. DISTRICTS

#### A. PURPOSE

1. To support and protect the existing character of Newcastle's villages.
2. To provide for growth and investment within growth areas identified by the community.
3. To allow for rural areas that support working and natural landscapes.

#### B. APPLICABILITY

1. Applies to the land, improvements, development, construction, subdivision, re-subdivision, structures, buildings, and lots within each core districts or special district.
2. Core Districts and Special Districts are assigned on the District Map. Standards related to each district are located in Article 2 District Standards, Article 3 Site Standards, Article 4 Building Standards, and Article 5 Design Standards, and Article 6 Use Standards.
3. Properties that are designated on the District Map as having Special Requirements must comply with the Special Requirements standards found in this Article.

### 2. LOTS

#### A. PURPOSE

1. To provide a clear and flexible system for creating lots that reflect the character of a neighborhood.

#### B. APPLICABILITY

1. Applies to all projects that create new lots with actual or virtual lot lines.

#### C. GENERAL

1. All newly created lots must have a lot line abutting a Public Road or Private Road per the Newcastle Driveway, Road, and Entrance Ordinance.
  - a. Newly created lots shall retain the District designation of the original lot.
  - b. New insular lots are prohibited, unless created with a dedeed 50 ft wide right-of-way to a Public or Private Road.

- i. Newly created insular lots wholly held in a non-public conservation easement may reduce the right-of-way width access standard to 10 ft for non-vehicular access. Subsequent removal of the lot from the conservation easement shall create a legal non-conformity.

- c. New flag lots are prohibited.

2. Land may be platted to create new corner lots, insular lots, through lots, or waterfront lots.

3. Any lot type that has not been described by this Code may not be developed except by special permit.

4. Lots must be platted as follows:

- a. The front lot line must be located along the primary road, or water body.
  - b. For newly created corner lots or through lots that abut two roads, the primary frontage shall be along the Public or Private Road of greatest significance.

#### D. NONCONFORMING LOTS

1. Nonconforming lots may not be further subdivided.
2. A lot that is nonconforming due to insufficient lot width or insufficient lot area may be developed as long as any applicable setback standards are met.

#### E. VIRTUAL LOTS

1. Lots of record may be divided by virtual lot lines to create virtual lots.
  - a. Virtual lots shall conform to all applicable District, Lot, Site, Building, and Administration standards for the lot of record.
  - b. Virtual lot lines cannot be used to create a non-conformity.
  - c. Virtual lots shall conform to all applicable Subdivision regulations.

#### F. FRONTAGE

1. Lots must meet the building setback, windows and doors, parking placement, and all other standards of the code related to frontages.
2. Every lot and building lot has a primary frontage along a primary thoroughfare, civic space, or water body.
3. Corner lots, through lots, waterfront lots, and flag lots have more than one frontage. In this case, each frontage must be

evaluated to determine whether it qualifies as a primary or secondary frontage.

4. Shopfront streets must always be treated as a primary frontage.
5. No frontage that fronts onto a thoroughfare, except an alley, may be treated as a rear lot line.
6. The width of a lot at the frontage must meet the lot requirements of the district where it is located.

### 3. SETBACKS

#### A. PURPOSE

1. To enable and require building placement along a street that supports and reinforces the character of each District and to produce the desired character.

#### B. APPLICABILITY

1. Setback standards apply to Primary Buildings and Accessory Buildings. Massing Components and Additional Structures have unique setback standards.

#### C. GENERAL

1. Primary building setbacks are provided on District pages.
2. Accessory building setbacks are provided on District pages.
3. All primary buildings must comply with required front, side, and rear setback ranges.
4. Deviations to setbacks, including building articulation and encroachments, are specified in Article 4 Building Standards.
5. Standards related to setbacks for components are specified in Article 4 Building Components.
6. Where a lot has more than one side, front, or rear lot line, the setback must be observed in each instance.
7. When two lots of different districts share a lot line, the side setback standard of the less restrictive district may be used along the shared lot line.
8. For corner lots, the front setback is measured from the primary thoroughfare and the secondary setback is measured from the secondary thoroughfare.

### 4. SPECIAL MAP REQUIREMENTS

#### A. PURPOSE

1. To provide opportunities for standards that help reinforce or yield a specific character or condition.

#### B. APPLICABILITY

1. Shopfront street special requirements apply to all lots that abut thoroughfares designated as shopfront streets shown on the District Map.

2. Scenic view requirements apply to all lots that intersect with a scenic view designation.

#### C. REQUIRED SHOPFRONT STREETS

1. Lots subject to required shopfronts as shown on the District Map must comply with shopfront standards in Article 4.9 Shopfronts.

#### D. REQUIRED SCENIC VIEWS

1. Lots subject to required scenic views must be reviewed by the Planning Board and are subject to the standards below.
2. The following views are designated as scenic views on the District Map and require preservation and enhancement to the greatest extent possible:
  - a. The view from Route 1, the main exit ramp and the River Road to and of the Damariscotta River.
  - b. The views from Route 1 to and of the Marsh River and Sherman Estuary.
  - c. The views from The King's Highway and Sheepscot Road south and west of and across fields (the historical Village Common) toward Garrison Hill and the Sheepscot River, and north to and of the Dyer River and marsh.
  - d. The view from South Dyer Neck Road south of and across fields on South Dyer Neck toward The King's Highway and the historical Village Common.
3. In considering the issuing of a permit or approval under this Code, or approving any plan, plat, or use, the decision-maker must consider and reduce to the greatest extent practicable any adverse effect on the public's scenic view.
4. Prior to issuing a building permit or other permit or approval that may adversely affect a designated scenic view.
5. The Planning Board may determine if there is unnecessary adverse effect on a scenic view and direct the Code Enforcement Officer to issue or deny the permit.
6. The dashed lines on the District Map or District Map Insets define the boundaries of the scenic view.

### 5. CIVIC DISTRICT

#### A. PURPOSE

1. To define and display municipally owned land on the District Map.

#### B. APPLICABILITY

1. Lots designated on the Zoning Map as SD-Civic are municipally owned and not subject to the standards of this Ordinance.

D1

RURAL

**DESCRIPTION**

The Rural D1 district consists of forested lands, fields, rivers and streams with houses interspersed on lots ranging in size from 1 acre to 100 plus acres. Development flows along the rivers, and smaller rural town-owned roads with houses generally close to the road but sometimes set far back. Typical buildings include houses, farmhouses, agricultural buildings, cabins, and are frequently separated from the thoroughfare by natural features.

**PURPOSE**

1. To provide the community with a predictable outcome from development and redevelopment.
2. To protect and enhance rural character.
3. To provide opportunities for activities and development that support rural character, including agricultural uses, agrotourism, rural-based businesses, and residential uses.

**LOT DIMENSIONS**

Width	100 ft min
Depth	n/a
Lot Area	1 acre min
Road Frontage	250 ft min

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	15 ft min
Rear Setback	15 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	10 ft min
Secondary Front Setback	10 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

**LOT COVERAGE TABLE**

Frontage (linear ft)	Coverage (sq ft)	Frontage (linear ft)	Coverage (sq ft)
250	3000	650	4800
300	3300	700	5000
350	3500	750	5200
400	3800	800	5400
450	4000	850	5500
500	4200	900	5700
550	4400	950	5800
600	4600	1000	6000

**DISTRICT STANDARDS**

1. A single lot of record in this district shall be limited to two dwelling units with the exception of Expanded Use Building Groups.
2. Lots of record created before the date of adoption of this Code that have frontages along their primary thoroughfare less than the 250 ft minimum shall be treated as if they have 250 ft of frontage.
  - a. This shall include insular and flag lots of record before the date of adoption of this Code.
3. This provision shall not be interpreted by any permitting or enforcement authority as a non-conformity, a legal non-conformity, a variance, a special exception, a pre-existing non-conforming condition, a "grandfathering", or anything other than a legal lot that meets the minimum road frontage requirement.
4. Subdivisions and Subdivision lots created after the date of the adoption of this code shall be exempt from the minimum road frontage standard with the following conditions:
  - a. A Subdivision lot that has road frontages on both a subdivision road and a non-subdivision road must conform to the minimum road frontage along the non-subdivision road.

**BUILDINGS STANDARDS**

1. New buildings and accessory buildings that are set back 250 ft or more from the lot's primary thoroughfare (measured along a perpendicular angle at road height regardless of natural contours of the land) shall have no limit on the footprint of the new building. However, this shall not supersede or nullify any other setback, standard, or provision in this Code.
2. To determine the total permitted sq ft lot coverage:
  - a. Measure the length (in whole feet) of the primary thoroughfare along which the lot is located. Insular and flag lots must measure the depth of the right-of-way by which the lot is accessed.
  - b. Add together the product of the length and width (footprint) of each proposed or existing building and accessory building that exceed 150 sq ft.
  - c. Using the length measured in (a), find the number in the Frontage column that matches the length when rounded to the nearest number in the column. The corresponding number in the sq ft column is the maximum square feet of permitted impermeable surface area of the lot.
  - d. Buildings that are constructed to support an active agricultural use shall not be included in the Lot Coverage calculation.
  - e. Driveways and private roads shall not be included in the Lot Coverage calculation.

RURAL

D1

**TRANSPORTATION & UTILITIES**

Dispatch Service	★
District Energy System	②
Junk/Salvage Yard	★
Paid Parking Lot	
Recycling Facility	★
Utilities & Services	②

**RECREATION**

Amusement, Indoor	★
Amusement, Outdoor	★
Assembly	★
Campground	★
Cultural Facility	★
Health/Fitness Studio	①
Marina, Recreation	②
Private Club or Lodge	★
Stables/Riding Center	②

**RESIDENTIAL**

Bed & Breakfast	①
Dormitory	
Mobile Home Park	●
Residence	●
Rooming House	★
Tourist Rental	●

**AGRICULTURAL**

Animal Care, Outdoor	★
Aquaculture	②
Commercial Agriculture	●
Farm/Vendor Market	●

**INDUSTRIAL**

Industrial, Artisan	①
Industrial, General	★
Industrial, Heavy	
Resource Extraction	②

**COMMERCIAL GOODS**

Adult Establishment	★
Bar or Tavern	★
Car Wash	★
Drive-Through Facility	
Food Pantry	★
Gas Station	★
Live Entertainment	★
Marina, Dry Storage	★
Outdoor Storage	①
Packaged Liquor	★
Research Laboratory	★
Restaurant & Café	★
Retail & Service, General	★
Retail & Service, Heavy	★
Self-Storage Facility	★
Vehicle Rental or Sales	★
Vehicle Repair	①

**COMMERCIAL SERVICES**

Animal Care, Indoor	①
Banking Services	
College/University	★
Commercial School	★
Day Care Center	①
Day Care Facility	★
Funeral Services	②
Health Care Provider	①
Hospital	
Hotel & Hostel	★
Human Service Facility	★
Office, Large	
Office, Medium	★
Office, Small	①
Primary/Secondary School	
Residential Care Facility	★

**USE TABLE LEGEND**

● Use Permit Required	CEO
① Residential Companion Permit Required	CEO
② Special Permit Required	Planning Board
★ Expanded Use Permit Required	Planning Board

**USE STANDARDS FOR D1 - RURAL**

1. Gas stations are limited to a maximum of six individual filling pumps.
2. Vehicle repair uses that are not part of a building group may occur only in accessory buildings.
3. Any building used for vehicle repair must have a side setback of 50ft min
4. Bar or Tavern Use:
  - a. Cannot be the sole use on a lot.
  - b. Must be clearly incidental and subordinate to an Industrial or Hotel or Hostel use.
  - c. May provide Live Entertainment when it is clearly incidental and subordinate to the Bar or Tavern use.
5. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.

**DESIGN STANDARDS**

1. Article 5: Design Standards do not apply in the Rural D1 district.

D2

NEIGHBORHOOD RESIDENTIAL

**DESCRIPTION**

The D2 Neighborhood Residential district is characterized by low-to-medium density residential areas, adjacent to a higher density residential neighborhood. This district has narrow, interconnected streets and long, irregular blocks, with a mix of small and large homes, including homes with historic architectural significance. Many of the lots have generous side yards and rear yards, and accessory barns and carriage houses connected to the principal house and sometimes detached.

**PURPOSE**

1. To accommodate areas of detached, residential homes.
2. To provide opportunities for residential uses on medium-sized lots within walking distance of the Town Center.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable residential companion uses.

**LOT DIMENSIONS**

Width	80 ft min, 200 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	12 ft min
Rear Setback	10 ft min
Frontage Zone Setback	n/a

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

**BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Mixed-Use Building	Residential Accessory
Permitting Authority	CEO	CEO	Planning Board	CEO
Building Width	50 ft	75 ft	50 ft	30 ft
Building Depth	50 ft	50 ft	50 ft	40 ft
Total Stories	2	2	2	1
Floor Height	12 ft	12 ft	12 ft	16 ft
Number of Units	1	2	2	1

**DESIGN STANDARDS**

Front of buildings	Massing Components	
Side of buildings	Additions	
Rear of buildings	Additions	
Building Orientation	n/a	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
Flat	Not Permitted	

**BUILDINGS STANDARDS**

1. Unless otherwise noted, all measurements represent the maximum permitted values.
2. CEO may determine that the scope of the project requires Planning Board approval.
3. The total number of permitted stories within a building are counted starting at ground level and end at the eave of the roof. Living space contained under and within the roof system is not counted as a story.



# NEIGHBORHOOD RESIDENTIAL

# D2

### TRANSPORTATION & UTILITIES

Dispatch Service  
 District Energy System **2**  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

### COMMERCIAL GOODS

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage

### RECREATION

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly **2**  
 Campground  
 Cultural Facility  
 Health/Fitness Studio **1**  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center **2**

Outdoor Storage **1**  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

### USE TABLE LEGEND

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊗ Expanded Use Permit Required Planning Board

### USE STANDARDS FOR D2 - NEIGHBORHOOD RESIDENTIAL

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.

### RESIDENTIAL

Bed & Breakfast **1**  
 Dormitory  
 Mobile Home Park  
 Residence ●  
 Rooming House **2**  
 Tourist Rental ●

### COMMERCIAL SERVICES

Animal Care, Indoor **1**  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center **1**  
 Day Care Facility ●  
 Funeral Services **2**  
 Health Care Provider **1**  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small **1**  
 Primary/Secondary School **2**  
 Residential Care Facility ●

### AGRICULTURAL

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture ●  
 Farm/Vendor Market **1**

### INDUSTRIAL

Industrial, Artisan **1**  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction **2**



D3

NEIGHBORHOOD BUSINESS

**DESCRIPTION**

The D3 Neighborhood Business district is a medium-density residential area within walking distance of the Town Center that is transitioning from a strictly residential neighborhood to mixed-uses, including office and small boutique retail uses.

**PURPOSE**

1. To accommodate areas of detached, residential homes.
2. To provide opportunities for residential uses on medium-sized lots within walking distance of the Town Center.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable residential companion uses.

**LOT DIMENSIONS**

Width	60 ft min, 200 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	20 ft min, 75 ft max
Secondary Front Setback	20 ft min
Side Setback	12 ft min
Rear Setback	10 ft min
Frontage Zone Setback	4 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	12 ft min
Rear Setback	10 ft min

**DESIGN STANDARDS**

Front of buildings	Massing & Architectural Components	
Side of buildings	Massing & Architectural Components	
Rear of buildings	Additions	
Building Orientation	see Article 5 section 8	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

**BUILDINGS STANDARDS**

1. Unless otherwise noted, all measurements represent the maximum permitted values.
2. CEO may determine that the scope of the project requires Planning Board approval.
3. The total number of permitted stories within a building are counted starting at ground level and end at the eave of the roof. Living space contained under and within the roof system is not counted as a story.

**BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Mixed-Use Building	Residential Accessory	Commercial Accessory
Permitting Authority	CEO	Planning Board	Planning Board	CEO	Planning Board
Building Width	50 ft	75 ft	75 ft	30 ft	30 ft
Building Depth	50 ft	50 ft	50 ft	40 ft	40 ft
Total Stories	2	2	2	1	1
First Floor Height	12 ft	12 ft	12 ft	16 ft	16 ft
Upper Floor Height	8 ft	8 ft	10 ft	n/a	n/a
Number of Units	1	6	4	1	1



# NEIGHBORHOOD BUSINESS

# D3

ARTICLE 2

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

②

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

①

① ②

**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

②

①

**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR D3 - NEIGHBORHOOD BUSINESS**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.
2. General Retail & Service uses require both a residential companion use permit and a special permit.
3. General Retail & Service uses are limited to antique stores and galleries.

**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

①

●

●

**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

①

①

②

①

●

②

●

**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

②

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

①



D4

VILLAGE RESIDENTIAL

**DESCRIPTION**

The D4 Village Residential district has narrow, interconnected streets with a mix of small and large residential houses with barns and garages connected to the principal house and sometimes detached. Lots in this district are generally smaller, with shallower lot depths, narrower lot widths, and shallower setbacks, giving this district a more dense character than the adjacent neighborhood district.

**PURPOSE**

1. To accommodate areas of tight-knit detached and attached residential homes.
2. To promote a mix of housing options on small to medium sized lots within the villages of Newcastle.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable residential companion uses.

**LOT DIMENSIONS**

Width	50 ft min, 150 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	14 ft min, 35 ft max
Secondary Front Setback	14 ft min
Side Setback	8 ft min
Rear Setback	8 ft min
Frontage Zone Setback	4 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	14 ft min
Secondary Front Setback	14 ft min
Side Setback	8 ft min
Rear Setback	8 ft min

**BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Residential Accessory
Permitting Authority	CEO	Planning Board	CEO
Building Width	50 ft	75 ft	30 ft
Building Depth	50 ft	50 ft	40 ft
Total Stories	2	2	1
First Floor Height	12 ft	12 ft	16 ft
Upper Floor Height	8 ft	8 ft	n/a
Number of Units	1	5	1

**DESIGN STANDARDS**

Front of buildings	Massing & Architectural Components	
Side of buildings	Massing & Architectural Components	
Rear of buildings	Additions	
Building Orientation	see Article 5 section 8	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

**BUILDINGS STANDARDS**

1. Unless otherwise noted, all measurements represent the maximum permitted values.
2. CEO may determine that the scope of the project requires Planning Board approval.
3. The total number of permitted stories within a building are counted starting at ground level and end at the eave of the roof. Living space contained under and within the roof system is not counted as a story.

# VILLAGE RESIDENTIAL

# D4

**TRANSPORTATION & UTILITIES**

**UTILITIES**

Dispatch Service	
District Energy System	2
Junk/Salvage Yard	
Paid Parking Lot	
Recycling Facility	
Utilities & Services	

**RECREATION**

Amusement, Indoor	
Amusement, Outdoor	
Assembly	2
Campground	
Cultural Facility	
Health/Fitness Studio	1
Marina, Recreation	
Private Club or Lodge	
Stables/Riding Center	

**RESIDENTIAL**

Bed & Breakfast	1
Dormitory	
Mobile Home Park	
Residence	•
Rooming House	
Tourist Rental	•

**AGRICULTURAL**

Animal Care, Outdoor	
Aquaculture	
Commercial Agriculture	
Farm/Vendor Market	1

**INDUSTRIAL**

Industrial, Artisan	1
Industrial, General	
Industrial, Heavy	
Resource Extraction	

**COMMERCIAL GOODS**

Adult Establishment	
Bar or Tavern	
Car Wash	
Drive-Through Facility	
Food Pantry	
Gas Station	
Live Entertainment	
Marina, Dry Storage	
Outdoor Storage	1
Packaged Liquor	
Research Laboratory	
Restaurant & Café	
Retail & Service, General	
Retail & Service, Heavy	
Self-Storage Facility	
Vehicle Rental or Sales	
Vehicle Repair	

**COMMERCIAL SERVICES**

Animal Care, Indoor	1
Banking Services	
College/University	
Commercial School	
Day Care Center	1
Day Care Facility	
Funeral Services	2
Health Care Provider	1
Hospital	
Hotel & Hostel	
Human Service Facility	
Office, Large	
Office, Medium	
Office, Small	1
Primary/Secondary School	2
Residential Care Facility	•

**USE TABLE LEGEND**

• Use Permit Required	CEO
1 Residential Companion Permit Required	CEO
2 Special Permit Required	Planning Board
⊕ Expanded Use Permit Required	Planning Board

**USE STANDARDS FOR D4 - RESIDENTIAL VILLAGE**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.



D5

VILLAGE BUSINESS

**DESCRIPTION**

The D5 Village Business district allows greater density, larger buildings, and a wide range of building types and uses. Minimum lot sizes are relatively small, with minimal setbacks to encourage in-fill development.

**PURPOSE**

1. To accommodate fine-grained, diverse mixed-use areas that primarily occur in close proximity to the Village Center.
2. To address the need for missing-middle housing, including apartment buildings, stacked flats, single family homes, duplexes, live/works, and townhouses.
3. To promote a mix of housing options within the Village Center.
4. To provide the community with a predictable outcome from development and redevelopment.

**LOT DIMENSIONS**

Width	20 ft min, 100 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	0 ft min, 20 ft max
Secondary Front Setback	0 ft min, 15 ft max
Side Setback	0 ft min, 25 ft max
Rear Setback	5 ft min
Frontage Zone Setback	20 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	15 ft min
Side Setback	15 ft min
Rear Setback	5 ft min

**BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Mixed-Use Building	Multi-Unit Commercial	Residential Accessory	Commercial Accessory
Permitting Authority	CEO	CEO	CEO	Planning Board	CEO	Planning Board
Building Width	36 ft	60 ft	100 ft	80 ft	30 ft	30 ft
Building Depth	48 ft	75 ft	n/a	n/a	40 ft	30 ft
Max SQ FT	-	13,500	20,000	15,000	-	-
Total Stories (3)	2	2	2	2	2	1
First Floor Height	12 ft	12 ft	15 ft	15 ft	10 ft	16 ft
Upper Floor Height	10 ft	10 ft	10 ft	10 ft		
Number of Units	1	16	20	5	1	1

**DESIGN STANDARDS**

Front of buildings	Massing & Architectural Components	
Side of buildings	Massing & Architectural Components	
Rear of buildings	Massing Components	
Building Orientation	see Article 5 section 8	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

**BUILDINGS STANDARDS**

1. Unless otherwise noted, all measurements represent the maximum permitted values.
2. CEO may determine that the scope of the project requires Planning Board approval.
3. The total number of permitted stories within a building are counted starting at ground level and end at the eave of the roof. Living space contained under and within the roof system is not counted as a story.

# VILLAGE BUSINESS

# D5

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

③

③

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

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**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

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**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

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**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

●

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

●

**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

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**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR D5 - VILLAGE BUSINESS**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.

D6

TOWN CENTER

**DESCRIPTION**

The D6 Town Center district consists of a greater density of buildings that accommodate a mix of uses. It has a tight network of streets designed to enable multiple modes of travel, with wide sidewalks for street trees, on-street parking, and active ground-floor uses such as restaurants and cafes. Buildings are set close to the sidewalk.

**PURPOSE**

1. To accommodate attached, mixed use buildings within the Town Center that provide local and regional access to commercial uses.
2. To promote housing on the upper floors of mixed-use buildings.
3. To provide the community with a predictable outcome from development and redevelopment.

**LOT DIMENSIONS**

Width	20 ft min, 100 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	0 ft max
Secondary Front Setback	0 ft max
Side Setback	0 ft min (4) , 5 ft max (5)
Rear Setback	5 ft min
Frontage Zone Setback	20 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	25 ft min
Secondary Front Setback	25 ft min
Side Setback	0 ft min
Rear Setback	5 ft min

**BUILDINGS**

	Multi-unit Residential	Mixed-Use Building	Multi-Unit Commercial	Commercial Accessory
Permitting Authority	Planning Board	Planning Board	Planning Board	Planning Board
Building Width	120 ft	120 ft	120 ft	30 ft
Building Depth	120 ft	120 ft	120 ft	40 ft
SQ FT	20,000	20,000	20,000	-
Stories	3	4	3	1
First Floor Height	12 ft	15 ft	15 ft	15 ft
Upper Floor Height	10 ft	10 ft	10 ft	10 ft
Number of Units	40	40	20	1

**DESIGN STANDARDS**

Front of buildings	Massing & Architectural Components	
Side of buildings	Massing & Architectural Components	
Rear of buildings	Massing & Architectural Components	
Building Orientation	see Article 5 section 8	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

**BUILDINGS STANDARDS**

1. Unless otherwise noted, all measurements represent the maximum permitted values.
2. CEO may determine that the scope of the project requires Planning Board approval.
3. The total number of permitted stories within a building are counted starting at ground level and end at the eave of the roof. Living space contained under and within the roof system is not counted as a story.
4. One side of a new building is required to have a 0 ft side setback.
5. The Planning Board may increase the side setback to include vehicular and pedestrian access to the rear of the lot, but shall not increase the side setback beyond 15 ft.



# TOWN CENTER

# D6

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

②

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

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**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

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**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

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**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

●

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

●

**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

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**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR D6 - TOWN CENTER**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.
2. Outdoor Storage use areas that are visible from a thoroughfare (not including alleys), must be fully enclosed by a wall or a fence at least 6 feet in height, and constructed of natural materials or have the appearance of natural materials.



SD

HISTORIC

ARTICLE 2

**DESCRIPTION**

The Historic Special District has narrow, interconnected streets with a mix of small and large residential houses with barns and garages connected to the principal house and sometimes detached. Lots in this district are generally smaller, with shallower lot depths, narrower lot widths, and shallower setbacks. Many of the houses date to the 19th century and have a greater historical significance.

**PURPOSE**

1. To preserve areas that are identified as historically distinct.
2. To allow new development to proceed in an historically appropriate manner.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable residential companion uses.

**LOT DIMENSIONS**

Width	50 ft min, 150 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	14 ft min, 35 ft max
Secondary Front Setback	4 ft min
Side Setback	8 ft min
Rear Setback	8 ft min
Frontage Zone Setback	20 ft

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	14 ft min
Secondary Front Setback	4 ft min
Side Setback	8 ft min
Rear Setback	8 ft min

**BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Residential Accessory
Permitting Authority	CEO	Planning Board	CEO
Building Width	50 ft	75 ft	30 ft
Building Depth	50 ft	50 ft	40 ft
Total Stories	2	2	1
First Floor Height	12 ft	12 ft	16 ft
Upper Floor Height	8 ft	8 ft	n/a
Number of Units	1	5	1

**DESIGN STANDARDS**

Front of buildings	Massing & Architectural Components	
Side of buildings	Massing & Architectural Components	
Rear of buildings	Massing & Architectural Components	
Building Orientation	see Article 5 section 8	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

# HISTORIC

# SD

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

②

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

②

①

**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-H HISTORIC**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.
2. Tourist Rental uses as the sole use, within Single Unit Residential buildings that are not owner occupied, shall be limited to 6 months of a calendar year.

**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

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**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

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**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

①

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

①



**SD**

**CONSERVATION**

ARTICLE 2

**DESCRIPTION**

The Conservation Special District contains lots of record that are entirely held in conservation. No lot of record that is partially held in conservation may be included in the SD Conservation District.

**PURPOSE**

1. To identify areas permanently protected from development by law, conservation easement or fee, ownership by land trust, or other similar means.
2. To reinforce areas permanently protected for recreational use or resource protection.

**LOT DIMENSIONS**

Width	n/a
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	n/a
Secondary Front Setback	n/a
Side Setback	n/a
Rear Setback	n/a
Frontage Zone Setback	n/a

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	n/a
Secondary Front Setback	n/a
Side Setback	n/a
Rear Setback	n/a

**ADDITIONAL STANDARDS**

1. Newly created lots in the Conservation District shall be required to maintain a 50 ft right-of-way to a Public or Private Road.
  - a. The Planning Board may reduce the required right-of-way width for non-vehicular access.

# CONSERVATION

# SD

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

②

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

②

**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

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**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-CONSERVE**

**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

②

●

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

②

SD

HIGHWAY COMMERCIAL

**DESCRIPTION**

The Highway Commercial Special District accommodates the areas of Route 1 that have an auto-oriented pattern of development and allows future commercial activity through infill and redevelopment of underutilized and vacant sites.

**PURPOSE**

1. To allow large highway oriented buildings to develop in a predictable manner.
2. To enable the continuation of existing highway commercial uses, while allowing new development that enables buildings to be closer together and with opportunities for pedestrian access.

**LOT DIMENSIONS**

Width	50 ft min
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	n/a
Secondary Front Setback	n/a
Side Setback	5 ft min
Rear Setback	5 ft min
Frontage Zone Setback	20 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	50 ft min
Secondary Front Setback	50 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

**DESIGN STANDARDS**

Front of buildings	Additions	
Side of buildings	Additions	
Rear of buildings	n/a	
Building Orientation	Parallel within 200 of thoroughfare	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Permitted

**BUILDINGS STANDARDS**

1. Pre-existing Single Unit Residential and Residential Accessory buildings shall be allowed to continue until they are granted a change of use.
  - a. For alteration or expansion of pre-existing Single Unit Residential buildings see Article 4 Section 3 Nonconforming Buildings.
  - b. Lots with pre-existing Single Unit Residential buildings shall be allowed to construct new Residential Accessory buildings.
2. Construction of new Single Unit Residential buildings is not permitted.

**BUILDINGS**

	Single Unit Residential (1)	Single Unit Commercial	Mixed-Use Building	Multi-Unit Commercial	Commercial Accessory	Residential Accessory (1)
Permitting Authority	CEO	Planning Board	Planning Board	Planning Board	Planning Board	CEO
Building Width	50 ft	120 ft	150 ft	120 ft	30 ft	30 ft
Building Depth	50 ft	-	-	-	40 ft	40 ft
SQ FT	-	60,000	80,000	60,000	-	-
Stories	2	3	4	3	1	1
First Floor Height	12 ft	12 ft	15 ft	15 ft	15 ft	16 ft
Upper Floor Height	8 ft	10 ft	10 ft	10 ft	10 ft	n/a
Number of Units	1	1	40	20	1	1

# HIGHWAY COMMERCIAL

# SD

**TRANSPORTATION & UTILITIES**

- Dispatch Service ●
- District Energy System ②
- Junk/Salvage Yard ●
- Paid Parking Lot ②
- Recycling Facility ●
- Utilities & Services ②

**RECREATION**

- Amusement, Indoor ●
- Amusement, Outdoor ●
- Assembly ●
- Campground ●
- Cultural Facility ●
- Health/Fitness Studio ●
- Marina, Recreation ●
- Private Club or Lodge ●
- Stables/Riding Center ●

**RESIDENTIAL**

- Bed & Breakfast ●
- Dormitory ●
- Mobile Home Park ●
- Residence ●
- Rooming House ●
- Tourist Rental ●

**AGRICULTURAL**

- Animal Care, Outdoor ●
- Aquaculture ②
- Commercial Agriculture ●
- Farm/Vendor Market ●

**INDUSTRIAL**

- Industrial, Artisan ●
- Industrial, General ●
- Industrial, Heavy ●
- Resource Extraction ●

**COMMERCIAL GOODS**

- Adult Establishment ●
- Bar or Tavern ●
- Car Wash ●
- Drive-Through Facility ●
- Food Pantry ●
- Gas Station ●
- Live Entertainment ●
- Marina, Dry Storage ●
- Outdoor Storage ●
- Packaged Liquor ●
- Research Laboratory ●
- Restaurant & Café ●
- Retail & Service, General ●
- Retail & Service, Heavy ●
- Self-Storage Facility ●
- Vehicle Rental or Sales ●
- Vehicle Repair ●

**COMMERCIAL SERVICES**

- Animal Care, Indoor ●
- Banking Services ●
- College/University ●
- Commercial School ●
- Day Care Center ①
- Day Care Facility ●
- Funeral Services ●
- Health Care Provider ●
- Hospital ●
- Hotel & Hostel ●
- Human Service Facility ●
- Office, Large ●
- Office, Medium ●
- Office, Small ●
- Primary/Secondary School ●
- Residential Care Facility ●

**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-HWY**

1. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.
2. Outdoor Storage use areas that are visible from a thoroughfare (not including alleys), must be fully enclosed by a wall or a fence at least 6 feet in height, and constructed of natural materials or have the appearance of natural materials.
3. The display of vehicles for rental or sale may occur within the frontage zone in this district.



SD

RURAL HIGHWAY

ARTICLE 2

**DESCRIPTION**

The Rural Highway Commercial Special District includes areas along the Route 1 corridor outside the Special Highway Commercial District where commercial development exists, and where there is a desire to allow future commercial development to expand in a manner that preserves the rural character of the corridor.

**PURPOSE**

1. To enable commercial and residential uses along the highway corridor.
2. To allow new development along the highway in a manner that preserves the rural character.

**LOT DIMENSIONS**

Width	1000 ft min (1)
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	200 ft min
Secondary Front Setback	50 ft min
Side Setback	15 ft min
Rear Setback	15 ft min
Frontage Zone Setback	20 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	200 ft min
Secondary Front Setback	50 ft min
Side Setback	15 ft min
Rear Setback	15 ft min

**BUILDINGS**

	Single Unit Residential	Single Unit Commercial	Mixed-Use Building	Multi-Unit Commercial	Commercial Accessory	Residential Accessory
Permitting Authority	CEO	Planning Board	Planning Board	Planning Board	Planning Board	CEO
Building Width	50 ft	120 ft	150 ft	120 ft	30 ft	30 ft
Building Depth	50 ft	-	-	-	40 ft	40 ft
SQ FT	-	60,000	80,000	60,000	-	-
Stories	2	3	4	3	1	1
First Floor Height	12 ft	12 ft	15 ft	15 ft	15 ft	16 ft
Upper Floor Height	8 ft	10 ft	10 ft	10 ft	10 ft	n/a
Number of Units	1	1	40	20	1	1

**DESIGN STANDARDS**

Front of buildings	Additions	
Side of buildings	Additions	
Rear of buildings	n/a	
Architectural Style	n/a	
Architectural Elements	n/a	
Building Orientation	n/a	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	5/12 min
	Hipped	5/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	5/12 min
	Flat	Not Permitted

**LOT AND BUILDINGS STANDARDS**

1. A 200 ft deep Level 4 Natural Screen is required along the Primary Frontage.



# RURAL HIGHWAY

# SD

ARTICLE 2

**TRANSPORTATION & UTILITIES**

Dispatch Service	●
District Energy System	②
Junk/Salvage Yard	
Paid Parking Lot	
Recycling Facility	
Utilities & Services	②

**RECREATION**

Amusement, Indoor	●
Amusement, Outdoor	②
Assembly	
Campground	
Cultural Facility	
Health/Fitness Studio	●
Marina, Recreation	
Private Club or Lodge	●
Stables/Riding Center	●

**RESIDENTIAL**

Bed & Breakfast	
Dormitory	
Mobile Home Park	
Residence	●
Rooming House	
Tourist Rental	●

**AGRICULTURAL**

Animal Care, Outdoor	●
Aquaculture	②
Commercial Agriculture	●
Farm/Vendor Market	●

**INDUSTRIAL**

Industrial, Artisan	●
Industrial, General	●
Industrial, Heavy	
Resource Extraction	

**COMMERCIAL GOODS**

Adult Establishment	
Bar or Tavern	②
Car Wash	
Drive-Through Facility	
Food Pantry	
Gas Station	
Live Entertainment	●
Marina, Dry Storage	●
Outdoor Storage	●
Packaged Liquor	
Research Laboratory	●
Restaurant & Café	⊕
Retail & Service, General	
Retail & Service, Heavy	●
Self-Storage Facility	●
Vehicle Rental or Sales	
Vehicle Repair	

**COMMERCIAL SERVICES**

Animal Care, Indoor	●
Banking Services	
College/University	⊕
Commercial School	⊕
Day Care Center	①
Day Care Facility	●
Funeral Services	
Health Care Provider	●
Hospital	⊕
Hotel & Hostel	⊕
Human Service Facility	
Office, Large	●
Office, Medium	●
Office, Small	①
Primary/Secondary School	⊕
Residential Care Facility	

**USE TABLE LEGEND**

● Use Permit Required	CEO
① Residential Companion Permit Required	CEO
② Special Permit Required	Planning Board
⊕ Expanded Use Permit Required	Planning Board

**USE STANDARDS FOR SD-RHWY**

1. Bar or Tavern Use:
  - a. Cannot be the sole use on a lot.
  - b. Must be clearly incidental and subordinate to an Industrial or Hotel or Hostel use.
  - c. May provide Live Entertainment when it is clearly incidental and subordinate to the Bar or Tavern use.
2. Deliveries or pick-ups in connection with the Artisan Industrial uses are limited to parcel and small freight carriers.
3. Outdoor Storage use areas that are visible from a thoroughfare (not including alleys), must be fully enclosed by a wall or a fence at least 6 feet in height, and constructed of natural materials or have the appearance of natural materials.



SD

CAMPUS

**DESCRIPTION**

The Campus Special District accommodates the unique function and design of the Lincoln Academy campus. The campus has large detached buildings, buildings that face onto internal greens, large recreational spaces, lanes and access driveways, wayfinding and other unique qualities seen in a campus environment.

**PURPOSE**

1. To accommodate large detached buildings, buildings that face onto internal greens, large recreational spaces, lanes and access driveways, wayfinding and other unique qualities seen in a campus environment.
2. To enable large institutional uses to create campuses in a predictable fashion.

**LOT DIMENSIONS**

Width	100 ft min
Depth	n/a
Lot Area	n/a

**BUILDING PLACEMENT**

Primary Front Setback	0 ft min
Secondary Front Setback	0 ft min
Side Setback	5 ft min
Rear Setback	5 ft min
Frontage Zone Setback	20 ft min

**DESIGN STANDARDS**

Front of buildings	n/a
Side of buildings	n/a
Rear of buildings	n/a
Architectural Style	n/a
Architectural Elements	n/a
Building Orientation	n/a
Windows & Doors	n/a
Primary & Accessory Roofs	n/a

**BUILDINGS STANDARDS**

1. Buildings shall not exceed 40 ft in height
  - a. Maximum height shall be measured from the average existing grade at the adjacent public thoroughfare to the highest structural point.
  - ii. Maximum height measurements shall not include architectural components such as cupolas, towers, etc.
2. No single building or series of connected buildings shall exceed 180 linear feet facing a public thoroughfare.

CAMPUS

SD

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services

②

②

**COMMERCIAL GOODS**

Adult Establishment  
 Bar or Tavern  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station  
 Live Entertainment  
 Marina, Dry Storage  
 Outdoor Storage  
 Packaged Liquor  
 Research Laboratory  
 Restaurant & Café  
 Retail & Service, General  
 Retail & Service, Heavy  
 Self-Storage Facility  
 Vehicle Rental or Sales  
 Vehicle Repair

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**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility  
 Health/Fitness Studio  
 Marina, Recreation  
 Private Club or Lodge  
 Stables/Riding Center

●

●

●

**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence  
 Rooming House  
 Tourist Rental

①

●

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**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University  
 Commercial School  
 Day Care Center  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium  
 Office, Small  
 Primary/Secondary School  
 Residential Care Facility

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**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture  
 Commercial Agriculture  
 Farm/Vendor Market

②

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●

**INDUSTRIAL**

Industrial, Artisan  
 Industrial, General  
 Industrial, Heavy  
 Resource Extraction

●

**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-CAMPUS**

1. All lots, buildings, and uses within the Campus Special District must serve an educational function of Lincoln Academy.
  - a. Lots removed from the Campus Special District must seek a Zoning Change before applying for any building or use permit.



SD

MARINE

ARTICLE 2

**DESCRIPTION**

The Marine Special District includes sites with buildings and uses that are water-dependent or water-oriented. The Marine District accommodates applicable Shoreland zoning rules that requires a sensitive approach and use of best management practices to minimize to the greatest extent negative impacts to water resources.

**PURPOSE**

1. To accommodate uses that are functionally water dependent, except heavy manufacturing use.

**LOT DIMENSIONS**

Width	100 ft min
Depth	n/a
Lot Area	n/a

**BUILDING PLACEMENT**

Primary Front Setback	14 ft min, 35 ft max
Secondary Front Setback	4 ft min
Side Setback	8 ft min
Rear Setback	8 ft min
Frontage Zone Setback	20 ft

**DESIGN STANDARDS**

Front of buildings	Additions
Side of buildings	Additions
Rear of buildings	n/a
Architectural Style	n/a
Architectural Elements	n/a
Building Orientation	n/a
Windows & Doors	n/a
Primary & Accessory Roofs	n/a

**BUILDINGS STANDARDS**

1. Buildings shall not exceed 40 ft in height
  - a. Maximum height shall be measured from the average existing grade at the adjacent public thoroughfare to the highest structural point.
  - ii. Maximum height measurements shall not include architectural components such as cupolas, towers, etc.
2. No single building or series of connected buildings shall exceed 180 linear feet facing a public thoroughfare.

# MARINE

# SD

**TRANSPORTATION & UTILITIES**

Dispatch Service  
 District Energy System ●  
 Junk/Salvage Yard  
 Paid Parking Lot  
 Recycling Facility  
 Utilities & Services ●

**COMMERCIAL GOODS**

Adult Establishment ●  
 Bar or Tavern ●  
 Car Wash  
 Drive-Through Facility  
 Food Pantry  
 Gas Station ●  
 Live Entertainment ●  
 Marina, Dry Storage ●  
 Outdoor Storage ●  
 Packaged Liquor  
 Research Laboratory ●  
 Restaurant & Café ●  
 Retail & Service, General ●  
 Retail & Service, Heavy ●  
 Self-Storage Facility ●  
 Vehicle Rental or Sales ●  
 Vehicle Repair

**RECREATION**

Amusement, Indoor  
 Amusement, Outdoor  
 Assembly  
 Campground  
 Cultural Facility ●  
 Health/Fitness Studio  
 Marina, Recreation ●  
 Private Club or Lodge ●  
 Stables/Riding Center

**USE TABLE LEGEND**

● Use Permit Required CEO  
 ① Residential Companion Permit Required CEO  
 ② Special Permit Required Planning Board  
 ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-MARINE**

- Gas stations are limited to a maximum of 4 individual filling pumps.
- A gas station may be located in SD-Marine only with a special permit that finds the gas station use will not adversely affect the water quality of an abutting water body.

**RESIDENTIAL**

Bed & Breakfast  
 Dormitory  
 Mobile Home Park  
 Residence ●  
 Rooming House  
 Tourist Rental

**COMMERCIAL SERVICES**

Animal Care, Indoor  
 Banking Services  
 College/University ●  
 Commercial School ●  
 Day Care Center ①  
 Day Care Facility  
 Funeral Services  
 Health Care Provider  
 Hospital  
 Hotel & Hostel  
 Human Service Facility  
 Office, Large  
 Office, Medium ●  
 Office, Small ●  
 Primary/Secondary School  
 Residential Care Facility

**AGRICULTURAL**

Animal Care, Outdoor  
 Aquaculture ●  
 Commercial Agriculture  
 Farm/Vendor Market

**INDUSTRIAL**

Industrial, Artisan ●  
 Industrial, General ●  
 Industrial, Heavy  
 Resource Extraction

SD

FABRICATION

ARTICLE 2

**DESCRIPTION**

The Fabrication Special District allows a mix of industrial, office, retail, live-work flex spaces and other supporting development.

**PURPOSE**

1. To accommodate more intensive industrial uses in a way that is compatible with and in proximity to higher density residential areas.
2. To support existing industrial uses and provide an area for their expansion.
3. To allow for residential uses that are compatible with industrial activities.

**LOT DIMENSIONS**

Width	20 ft min, 100 ft max
Depth	n/a
Lot Area	n/a

**PRIMARY BUILDING PLACEMENT**

Primary Front Setback	0 ft min, 20 ft max
Secondary Front Setback	0 ft min, 20 ft max
Side Setback	5 ft min
Rear Setback	5 ft min
Frontage Zone Setback	4 ft min

**ACCESSORY BUILDING PLACEMENT**

Primary Front Setback	20 ft min
Secondary Front Setback	3 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

**DESIGN STANDARDS**

Front of buildings	Additions	
Side of buildings	Additions	
Rear of buildings	n/a	
Building Orientation	n/a	
Windows & Doors	20% min, 80% max	
Primary & Accessory Roofs	Gable	3/12 min
	Hipped	3/12 min
	Gambrel	Permitted
	Mansard	Permitted
	Shed	3/12 min
	Flat	Permitted

**BUILDINGS STANDARDS**

1. Pre-existing Single Unit Residential and Residential Accessory buildings shall be allowed to continue until they are granted a change of use.
  - a. For alteration or expansion of pre-existing Single Unit Residential buildings see Article 4 Section 3 Nonconforming Buildings.
  - b. Lots with pre-existing Single Unit Residential buildings shall be allowed to construct new Residential Accessory buildings.
2. Construction of new Single Unit Residential buildings is not permitted.

**BUILDINGS**

	Single Unit Residential (1)	Single Unit Commercial	Mixed-Use Building	Multi-Unit Commercial	Commercial Accessory	Residential Accessory (1)
Permitting Authority	CEO	Planning Board	Planning Board	Planning Board	Planning Board	CEO
Building Width	50 ft	120 ft	150 ft	120 ft	30 ft	30 ft
Building Depth	50 ft	-	-	-	40 ft	40 ft
SQ FT	-	60,000	80,000	60,000	-	-
Stories	2	3	4	3	1	1
First Floor Height	12 ft	12 ft	15 ft	15 ft	15 ft	16 ft
Upper Floor Height	8 ft	10 ft	10 ft	10 ft	10 ft	n/a
Number of Units	1	1	40	20	1	1

# FABRICATION

# SD

**TRANSPORTATION & UTILITIES**

- Dispatch Service
- District Energy System ②
- Junk/Salvage Yard
- Paid Parking Lot ②
- Recycling Facility ●
- Utilities & Services ②

**RECREATION**

- Amusement, Indoor
- Amusement, Outdoor
- Assembly
- Campground
- Cultural Facility
- Health/Fitness Studio ●
- Marina, Recreation
- Private Club or Lodge
- Stables/Riding Center

**RESIDENTIAL**

- Bed & Breakfast
- Dormitory
- Mobile Home Park
- Residence ●
- Rooming House
- Tourist Rental ●

**AGRICULTURAL**

- Animal Care, Outdoor
- Aquaculture ②
- Commercial Agriculture
- Farm/Vendor Market ●

**INDUSTRIAL**

- Industrial, Artisan ●
- Industrial, General ●
- Industrial, Heavy
- Resource Extraction

**COMMERCIAL GOODS**

- Adult Establishment
- Bar or Tavern ●
- Car Wash
- Drive-Through Facility
- Food Pantry ●
- Gas Station
- Live Entertainment
- Marina, Dry Storage ●
- Outdoor Storage ●
- Packaged Liquor ●
- Research Laboratory ●
- Restaurant & Café ●
- Retail & Service, General ●
- Retail & Service, Heavy ●
- Self-Storage Facility
- Vehicle Rental or Sales
- Vehicle Repair ●

**COMMERCIAL SERVICES**

- Animal Care, Indoor ●
- Banking Services
- College/University
- Commercial School ●
- Day Care Center ①
- Day Care Facility
- Funeral Services
- Health Care Provider ●
- Hospital
- Hotel & Hostel ●
- Human Service Facility
- Office, Large
- Office, Medium ●
- Office, Small ●
- Primary/Secondary School
- Residential Care Facility

**USE TABLE LEGEND**

- Use Permit Required CEO
- ① Residential Companion Permit Required CEO
- ② Special Permit Required Planning Board
- ⊕ Expanded Use Permit Required Planning Board

**USE STANDARDS FOR SD-FAB**

# ARTICLE 3

## SITE STANDARDS

### 1. SITE STANDARDS

#### A. PURPOSE

1. To provide standards for the development of a site.
2. To ensure that private development contributes to the character along a public street or civic space.

#### B. APPLICABILITY

1. This Article applies to alterations made to a site, including but not limited to parking, access to a site from a public thoroughfare, landscaping, buffers, loading, mechanical equipment, lighting, and signage.

### 2. DRIVEWAYS

#### A. PURPOSE

1. To provide vehicular access to lots.

#### B. APPLICABILITY

1. New driveways or driveway relocation.

#### C. GENERAL

1. Driveways may provide access for up to 2 dwelling units or 1 commercial unit.
2. Residential Companion uses may share a driveway with the primary dwelling unit.
3. Abutting lots may share a driveway subject to the conditions of item 1 above.
4. Driveways may pass through required front, side, and rear setbacks to access permitted parking locations.
5. One driveway is permitted per building or virtual lot.
6. In D1 and D2 more than 1 driveway per lot is permitted.

### 3. VEHICULAR PARKING

#### A. PURPOSE

1. To allow for parking that supports the function of abutting land uses while preserving the walk-ability and character of neighborhoods.
2. To provide standards for parking lots that enhance land values in the community.

#### B. APPLICABILITY

1. Parking lot standards apply to:
  - a. New parking lot construction, including expansion of an existing parking lot by 10 or more spaces.
    - i. Only the area of expansion must follow Parking Lot Standards.
2. Parking lot standards do not apply to sealing, striping, resurfacing, or replacement of the asphalt, concrete, or other surface paving material of existing parking lots.

#### C. REQUIRED SPACES

1. Off-street vehicle parking is not required in all districts. Where provided, off-street vehicle parking must comply with the standards of this section.

#### D. PARKING LOCATION

1. All off-street parking must be located behind the frontage zone, with the following exceptions:
  - a. Parking permitted inside accessory buildings that are located within the frontage zone.
  - b. Parking that serves a Single Unit Residential building.
  - c. Multi-unit Residential building with no more than two units.
  - d. Residential Accessory buildings.
  - e. On waterfront lots, where the water is the primary frontage and the street is the secondary frontage, parking may occur in accessory buildings permitted to front on the secondary thoroughfare.
2. Parking may not be located on a lot that does not contain a primary building, except:
  - a. A municipal lot that is authorized by special permit.
  - b. An otherwise un-buildable lot may contain parking provided it meets all other applicable Site Standards.



**E. PARKING LOT SCREENING**

1. Where any parking lot is visible or located within 50 feet of a civic space or a thoroughfare (other than an alley) the parking lot must be screened along the frontage line, by any of the following:
  - a. A dense evergreen hedge installed at the frontage line that is between two feet and three and one-half feet in height.
  - b. A solid wall installed at the frontage line that is between two feet and three and one-half feet in height.

**F. VEHICULAR ACCESS**

1. Off-street parking must be accessed from an alley or secondary thoroughfare. When there is no abutting alley or secondary thoroughfare, parking may be accessed from the primary thoroughfare.
2. Parking lots should connect with existing abutting parking lots.
3. Shared parking agreements with neighboring properties are encouraged.

**G. PEDESTRIAN ACCESS**

1. Sidewalks, footpaths, or crossweaves must be provided to connect parking areas to on-site buildings, adjacent buildings, thoroughfares, existing sidewalks, and trails, or when appropriate, to amenities such as parks or open space on or adjacent to the site.

**H. DESIGN**

1. Parking lots are required to plant 1 shade tree of a minimum caliper of 2 inches for every 8 parking spaces. Each parking space must be located within 40 feet of a tree.
2. An existing shade tree may satisfy a tree planting requirement in instances where the existing tree meets the spacing requirements, so long as the existing shade tree is located on the same property, is a minimum of four inches diameter at breast height, possesses a healthy and full canopy, has an unmolested critical root zone, and has incurred no damage that would undermine its long-term vitality and quality.
3. Loose surfacing materials, such as gravel and crushed stone, must be stabilized and compacted.
4. Vegetated surfacing material, such as vegetated grid pavers and lawn, must have proper maintenance and management to maintain healthy vegetation and root structure and to reduce exposure of bare soil.
5. Terminal islands, where provided, must be designed as follows:
  - a. Flush with the parking lot with no curbs and landscaped with evergreen hedges, other evergreen plantings, and trees to facilitate stormwater management.

- b. Depressed beds or swales with no curbs, designed as rain gardens with plantings to facilitate stormwater management.
- c. Raised, curbed beds designed as rain gardens with plantings to facilitate stormwater management.
- d. Parking lot landscaping must be integral, where possible, with on-site stormwater management facilities.

**I. MAINTENANCE**

1. All required plant materials must be maintained in a healthy growing condition over their lifetime and replaced as necessary.
2. All permeable surfacing materials should be maintained and tested periodically to ensure they are still functioning as intended.

**J. NONCONFORMING VEHICULAR PARKING**

1. Routine repair and maintenance of nonconforming parking lots is permitted, including grading, sealing, and repaving.
2. Substantial reconstruction may be permitted by waiver.
3. Nonconforming parking lots may be altered to eliminate or reduce a nonconformity or to create conforming parking lots that meet the standards of this Code.
4. If new parking lot area is added on a site that also contains nonconforming parking lots, the new parking lot area cannot increase the nonconformity.
5. New or modified entrance drives to access nonconforming parking lots must meet the standards of this Code.

**4. BICYCLE PARKING**

**A. PURPOSE**

1. To provide secure space for bicycle parking in order to support active lifestyles.

**B. APPLICABILITY**

1. Applies to projects in the D6 Town Center District that involve:
  - a. New construction, expansion, or substantial renovation of a primary building that results in a total of 4 or more dwelling units.
  - b. Creation of new shopfronts.
  - c. New construction of a civic building.

**C. GENERAL**

1. A single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.

## SITE STANDARDS

### D. REQUIRED SPACES

1. A minimum of 2 bicycle parking spaces must be provided for each building.
2. A minimum of 2 bicycle parking spaces is required for every 24 ft of shopfront.

### E. DESIGN

1. A bicycle rack may be erected on a public sidewalk in the furnishing zone.
2. All bicycle racks must be:
  - a. Securely anchored, able to support the bicycle frame in at least two places to prevent the bicycle from falling over.
  - b. Configured to allow locking of the frame and at least one wheel with a U-lock.
  - c. Constructed of materials that resist cutting, rusting, bending, or deformation.

## 5. NATURAL SCREENING

### A. PURPOSE

1. To provide a set of standards for visual, light, and noise barriers between uses, buildings, or activities on adjacent lots or on lots adjacent to a public way.

### B. APPLICABILITY

1. Applies to any application that requires a Special Permit or an Expanded Use Permit.
2. Applies to any use that may negatively impact the peaceful enjoyment of abutting lots.
3. When applied as a standard from any part of this Code.

### C. GENERAL

1. Screening may take the form of either natural vegetation or man-made structures such as berms or fences.
  - a. Man-made screening of any type may only be employed to satisfy the requirements of Level 4 - Complete visual opacity.
2. In all types of vegetative screening except Level 4 - Total visual opacity, selective cutting of trees is allowed, provided that a well distributed stand of trees and other natural vegetation is maintained as described in each of the Levels of Screening.
3. A screening area of vegetation shall be defined as maintaining a certain rating score, or more, in any 25 ft by 50 ft, non overlapping, rectangular area(s) within the screening area. See Table 3.1 Screening Formula
4. Screening areas may encroach onto front, side, or rear setbacks.

### D. LEVELS OF SCREENING

1. Level 1 - Total visual transparency.
  - a. No requirement for any form of visual, light, or noise screen or buffer.
2. Level 2 - Partial screening
  - a. Partial Screening shall be defined as maintaining a rating score of 16 or more within the screening area.
  - b. Trees may be limbed up to a height of 6 ft from ground level.
3. Level 3 - Full screening
  - a. Full Screening shall be defined as maintaining a rating score of 24 or more within the screening area.
  - b. Trees shall not be limbed.
  - c. Removal of dead or dangerous trees shall be permitted by the CEO.
4. Level 4 - Total visual opacity
  - a. Total visual opacity shall be defined as untouched vegetation. No cutting of trees, shrubs, or undergrowth shall be permitted.
    - i. Removal of dead or dangerous trees shall be permitted by the CEO.
    - ii. If total visual opacity cannot be provided by natural vegetation, the Planning Board may require a 100% opaque fence, or additional setbacks to fulfill this standard.

### E. RATING SCORE

1. The 25 ft by 50 ft rectangular plot of screening area or must be established where the landowner or lessee proposes clearing within the required buffer.
2. Each successive plot must be adjacent to, but not overlap a previous plot.
3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Code.
4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Code.
5. Where conditions permit, no more than 50% of the points on any 25 ft by 50 ft rectangular area may consist of trees greater than 12 inches in diameter.
6. The diameter of the tree shall be measured at a height of 4 ft 6 in from ground level.

**TABLE 3.1 SCREENING FORMULA**

DIAMETER OF TREE	POINTS
Greater than 2" and less than 4"	1
Greater than 4" and less than 8"	2
Greater than 8" and less than 12"	4
Greater than 12"	8

7. As an example, if a 25 ft by 50 ft plot contains 4 trees between 2" and 4" in diameter, 2 trees between 4" and 8" in diameter, 3 trees between 8" and 12" in diameter, and 2 trees over 12" in diameter, the rating score is calculated as follows:  $(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36$  points. Thus, the 25 ft by 50 ft plot contains trees worth 36 points. Trees totaling 12 points  $(36 - 24 = 12)$  may be removed from the plot.

## 6. LANDSCAPING

### A. PURPOSE

1. To ensure that landscaping supports a clear transition between the street and adjacent buildings.
2. To enable landscaping and hardscaping treatments that maintain the character of mixed-use neighborhoods.
3. To minimize soil erosion and protect water quality.
4. To minimize conflicts between landscaping and areas that require easy and safe human access.

### B. APPLICABILITY

1. Commercial properties.
2. Frontage zones in D3, D4, D5, and D6.
3. Parking lots.
4. Civic spaces.

### C. DESIGN & INSTALLATION

1. Plant materials installed adjacent to thoroughfares that are plowed and typically receive seasonal salt treatment should be non-woody and salt-tolerant to ensure survival.
2. Artificial plants and artificial turf are prohibited, excluding recreation fields.
3. All portions of a lot not occupied by a building or paved area shall be covered by either;
  - a. living vegetation, such as grass, ground cover, plants, shrubs, or trees.
  - b. ground cover materials including rock or gravel, wood chips, bark, or other non-living material typically used in landscaping.

## 7. FIELDS

### A. PURPOSE

1. To protect rural character by providing guidance for the development of fields.

### B. APPLICABILITY

1. Applies to any lot that contains a field of 5 acres or more.
2. Commercial Agricultural uses do not apply.

### C. GENERAL

1. Development within a field of 5 acres or more must be reviewed by the Planning Board.
2. Where possible, development should be located to preserve the view of the field from the thoroughfare to the greatest extent possible.
3. Where possible, development should be located to the sides and rear of the field.
4. Where possible, development should preserve the largest amount of contiguous field.

## 8. FENCES & WALLS

### A. PURPOSE

1. To ensure that fences allow for delineation of private yard space while allowing for a street that is visually transparent, safe, and interesting.
2. To allow for rear yard fences that provide privacy.

### B. APPLICABILITY

1. The standards of this Article apply to any new fences or walls, including those required per use standards in Article 6 Use Standards, to minimize the trespass of undue sound and light between abutting properties.

### C. FENCES & WALLS

1. Fences and walls shall have a minimum 6 inch setback from any lot line or virtual lot line.
2. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting property, thoroughfare, or civic space.
3. Fences and walls located within the frontage zone may be no more than 4 feet in height, and must be constructed of pickets or pickets set onto a low wall, where the pickets are no more than 50% opaque, except when fences are located within 4 feet of windows, then it must be a minimum of 70% opaque. Fence and gate posts may not be more than 4.5 feet in height.
4. Fences and walls located behind the frontage zone may be

## SITE STANDARDS

up to 8 feet in height. Fence and gate posts may not be more than 8.5 feet in height.

5. Fences and walls must be constructed of durable natural materials such as wood, brick, stone, or painted metal, or have the appearance of natural materials. Chain link fences are prohibited within the frontage zone, except when located behind a land type. Barbed wire and concertina wire are prohibited.
6. Fences and walls may not cross thoroughfares, driveways, or parking lots, except where lots on both sides of a thoroughfare or driveway are used for agricultural activities.
7. The following are exempt from the above standards:
  - a. An open fence enclosing a tennis, basketball, pickleball, or other recreational court may be erected to a maximum of 12 feet in height and may be constructed of chain link fencing.
  - b. Fences made of plastic mesh, electrified wire, galvanized steel mesh, chicken wire, metal rails, and PVC may be installed on lots used for agricultural activities.
  - c. Split rail fences are permitted along any lot line in D1.

### D. RETAINING WALLS

1. Projects should be designed in a way to reduce the need for retaining walls.
2. Retaining walls over 6 feet in height are prohibited, except in D1 or by special permit.

### E. NONCONFORMING FENCES & WALLS

1. Routine repair and maintenance of nonconforming fences and walls is permitted.
2. Nonconforming fences and walls may be altered to eliminate or reduce a nonconformity or to create conforming fences and walls that meet the standards of this Code.
3. When a nonconforming fence or wall is replaced in its entirety for any reason, the fence or wall may be rebuilt in the nonconforming location but must otherwise be rebuilt to meet the standards of this Code.
4. When any portion of a nonconforming fence or wall is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.

## 9. MECHANICAL EQUIPMENT

### A. PURPOSE

1. To allow for mechanical equipment while minimizing negative impacts of noise, blowing air, and smells on pedestrians and abutting properties.

### B. APPLICABILITY

1. Applies to all new buildings or substantial modifications to existing buildings.

### C. ROOF-MOUNTED

1. Mechanical equipment must be hidden from ground level view from the thoroughfare, and abutting properties by a structure at least one foot above the height of the mechanical equipment and be of durable, permanent materials.

### D. BUILDING OR GROUND MOUNTED

1. Mechanical equipment cannot be located within the frontage zone.
2. Mechanical equipment that is visible from a thoroughfare (not including alleys) must be screened by a fence, wall, or dense evergreen hedge.
3. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.
4. Screens must be of durable, permanent materials.

## 10. LOADING DOCKS

### A. PURPOSE

1. To provide design guidance for the design and orientation of loading docks.
2. To ensure loading docks are properly screened when necessary.

### B. APPLICABILITY

1. The following standards apply to loading docks.

### C. GENERAL

1. Loading docks are not permitted within the frontage zone.
2. In D5 or D6, where any loading dock is visible from a thoroughfare (not including alleys), loading facilities must be screened from view by a wall or fully enclosed fence between 6 and 12 feet in height.
3. Loading docks that are fully integrated into a building must be screened with a solid, opaque, self closing door or gate finished to coordinate with the materials and design of the building.
4. Loading dock doors are only permitted to be opened during loading and unloading activities.
5. Turning movements associated with loading docks may not impede the public right-of-way.

## 11. DRIVE-THROUGHS

### A. PURPOSE

1. To permit auto-oriented drive-through services in a predictable manner.
2. To reduce the negative impacts associated with drive-throughs on abutting properties, pedestrians, and bicycle traffic.

### B. APPLICABILITY

1. Applies to all new drive-throughs.
2. Drive-through standards apply to all businesses that service customers directly from their vehicles through a window or electronic interface.
3. Drive-through standards apply to all businesses where vehicles must queue in an on-site driveway while idling.
4. Drive-through standards apply to all businesses where a vehicle must pass under a roof covering or overhang in order to be serviced.

### C. GENERAL

1. Drive-throughs including incidental roof coverings, overhangs, ordering, point of sale and pick-up locations may not be located in the frontage zone.
2. Nonresidential projects that include drive-through services must be designed and have sufficient stacking capacity to avoid the queuing of vehicles on any public street.
3. Drive-throughs must be accessed from alleys or secondary thoroughfares, when available.
4. When necessary vehicular access and stacking may occur on driveways or private alleys.

## 12. LIGHTING

### A. PURPOSE

1. To allow adequate night time lighting that provides safety, utility and security
2. To prohibit excessive light trespass beyond property boundaries and preserve the night time character of neighborhoods.
3. To protect residential areas from the glare and ambient spillover of lighting in abutting commercial areas.
4. To protect drivers from the glare caused by lighting on properties fronting onto thoroughfares (not including alleys).
5. To reduce the consumption of electricity for lighting purposes.
6. To require lighting fixtures and layout patterns that contribute to unified exterior lighting design of development.

### B. APPLICABILITY

1. Applies to all outdoor lighting fixtures except for the following:
2. Sign lighting (see Sign Ordinance).
3. Holiday lighting.
4. Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare.
5. Ground mounted pedestrian lighting.

### C. GENERAL

1. Lighting levels are regulated by District according to total permitted lumens per square foot, a unit of measurement related to light intensity.
2. The average lumens per square foot of all outdoor lighting may not exceed the site lumen limit of Table 3.1 Site Lumens.
3. Light levels must be specified, calculated, and measured in lumens per square foot, as calculated by multiplying the square footage of the paved portion of the area to be lighted by the allowed lumens per district to determine a total maximum number of allowed lumens for that area.
4. Total allowed lighting for any given area should be evenly distributed across the paved portion of a site.
5. Lights may not have a color temperature in excess of 3,000 Kelvin.
6. All outdoor light fixtures must be energy efficient and produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
7. The use of sensors, timers, or other means to activate outdoor light fixtures on demand and only when it is needed is encouraged to conserve energy, provide safety, and promote compatibility between different land uses.
8. Motion sensor light fixtures must shut off after 10 minutes and must not be triggered by off-site activity.
9. Foot candles are measured at the lot line, with the light-reading sensor of a light meter held parallel to the ground and at ground level, facing up.
10. A special permit may be issued for lighting of sites with special requirements, such as hospitals and sports fields, which does not comply with the technical requirements of this Code, but is consistent with its intent. A special permit may be granted only where the lighting of such sites is found to be consistent with the general criteria of this Code, and the following additional criteria:
  - a. Every reasonable effort will be made to mitigate the effects of light on the environment and surrounding properties.
  - b. The proposed use or lighting will not create unnecessary glare, sky glow, or light trespass.

**TABLE 3.1 SITE LUMENS**

DISTRICT	AVERAGE LUMENS/SF
D1	0.5 max
D2	0.5 max
D3	0.5 max
D4	0.5 max
D5	1.5 max
D6	2.5 max
SD-HISTORIC	0.5 max
SD-CONSERVE	0 max
SD-HWY	5.0 max
SD-RHWY	1.0 max
SD-CAMPUS	1.25 max
SD-MARINE	2.5 max
SD-FAB	2.5 max
SD-CIVIC	1.25 max

**D. OFF-SITE IMPACTS**

1. Light levels measured at the front lot line exceeding 1.0 foot candles are prohibited except in D6.
2. Light levels measured at any side or rear lot line of any property abutting any D3 and D4 districts exceeding 1.0 foot candles are prohibited.

**E. NONCONFORMING LIGHTING**

1. Routine repair and maintenance of nonconforming lighting is permitted so long as any changes to bulbs and lighting intensity are brought into compliance with this Code.
2. Nonconforming lighting may be altered to eliminate or reduce a nonconformity or to create conforming lighting that meets the standards of this Code.
3. When nonconforming light fixtures are destroyed and require total replacement, new light fixtures must meet the standards of this Code.
4. If a nonconforming light fixture is damaged and does not require a replacement of the fixture, it may be repaired to its previous condition.
5. Any nonconforming lighting associated with an abandoned building or business located within D5, D6, or any special district must meet the lighting standards before any new permits or approvals may be issued.

**F. FIXTURE HEIGHT**

1. Lighting intended to illuminate areas for pedestrian travel and/or seating must be mounted between 12 and 15 feet in height.
2. Lighting intended to illuminate areas for vehicular travel and

parking are not permitted to be taller than 30 feet in height.

3. Light fixtures located within 50 feet of the side or rear lot line abutting any residential neighborhood are not permitted above 15 feet in height.

**G. SHIELDING**

1. All outdoor lighting fixtures must be placed and directed to prevent light trespass or glare onto abutting thoroughfares or properties in a manner that may distract or interfere with the vision of drivers or create a nuisance for abutting residential uses.
2. All outdoor light fixtures must be full cutoff or fully shielded to prevent light at or above horizontal 90° (above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°, as defined by the Illuminating Engineering Society of North America (IESNA, or IES).
3. All outdoor light fixtures must be fitted so that no portion of the light source or drop lens is visible below the fixture when viewed directly from the side.

**H. PROHIBITED LIGHTING**

1. The following is prohibited:
  - a. Lighting that unnecessarily illuminates and substantially interferes with the use or quiet enjoyment of any other property.
  - b. Lighting that emits light in excess of 45,000 lumens.
  - c. Low pressure sodium and all mercury vapor gas-discharge lamps.
  - d. Cobra-head fixtures having dished or drop lenses or refractors.
  - e. Searchlights and other high-intensity narrow-beam fixtures.
  - f. Strobe lights and rotating lights.

**I. SPECIFIC LIGHTING REQUIREMENTS**

1. Vehicular Canopies
  - a. Lighting for any canopy area over fuel sales, drive-through lanes, automated teller machines, or similar structures must use recessed luminaire fixtures and be designed and located so as to prevent glare onto abutting properties.
  - b. Highly reflective material installed on the underside of the canopy is prohibited.
  - c. An additional 8 lumens are allowed per square foot of total illuminated impervious and semi-pervious surface of a gas station, not including building footprints or areas under canopies.
  - d. An additional 4,000 lumens are allowed per drive-through window within 20 feet of the window.

2. Security Lighting
  - a. Building-mounted (wall pack) security light fixtures are not permitted to project above the fascia or roof line of a building.
  - b. Building-mounted (wall pack) security light fixtures are only permitted for loading, storage, or service areas and/or rear entrances to buildings and are not permitted as substitutes for appropriate lighting fixtures for parking areas or pedestrian walkways.
3. Accent Lighting
  - a. Only lighting used to accent architectural features, landscaping, or art may be directed upward, provided that light fixtures are located, aimed, or shielded to reflect the light off surfaces to emphasize form and texture and minimize light spill into the night sky.
  - b. Architectural accent lighting may use multiple light sources to emphasize important architectural features.
4. Entrances and Exits
  - a. All entrances and exits of non-residential buildings open to the general public and residential buildings with more than 6 dwelling units must be lit during nighttime hours to ensure the safety of persons and the security of the building.
  - b. An additional 2,000 lumens are allowed per door for building entrances or exits so long as the luminaries are within 20 feet of the door.
5. Parking Area Lighting
  - a. All commercial parking areas in D6 and Special Districts are required to provide lighting during night time hours of operation.

# ARTICLE 4

## BUILDING STANDARDS

### 1. BUILDING TYPES

#### A. PURPOSE

1. To provide descriptions of building types.

#### B. APPLICABILITY

1. Applies to all buildings.

#### C. GENERAL

1. Any single Primary Building type may serve as the Primary Building on a lot, subject to applicable District Standards.
2. Any Accessory Building type or types may serve as additional buildings on a lot, subject to applicable District Standards.
3. Primary Building types are as follows:
  - a. Single Unit Residential
    - i. A building that contains no more than one dwelling unit.
    - ii. A Mobile Home may be considered a Single Unit Residential Building Type in Districts D1, or in a Mobile Home Park as permitted per District.
  - b. Multi-unit Residential
    - i. A building that contains two or more dwelling units.
  - c. Single Unit Commercial
    - i. A building that contains no more than one commercial unit.
  - d. Multi-unit Commercial
    - i. A building that contains two or more commercial units.
  - e. Mixed Use
    - i. A building that contains one or more dwelling units and one or more commercial units.
4. Accessory Building types are as follows:
  - a. Residential Accessory
    - i. An additional building that may or may not contain a dwelling unit.
  - b. Commercial Accessory
    - i. An additional building that contains a commercial unit.

### 2. NUMBER OF BUILDINGS

#### A. PURPOSE

1. To be able to effectively regulate the number of buildings allowed on a lot.

#### B. APPLICABILITY

1. Applies to all buildings and accessory buildings.

#### C. GENERAL

1. Only one primary building may be built on each lot.
2. Only one accessory building may be built on each lot except:
  - a. Within permitted buildings groups.
  - b. On lots actively used for agricultural uses, additional non-residential accessory buildings that support agricultural activities are permitted.
  - c. When an Accessory Building is attached to the Primary Building, an additional detached Accessory Building is permitted.
3. An accessory building may not permanently occupy a lot without a primary building except:
  - a. On lots actively used for agricultural uses, the barn accessory building may occupy a lot without a primary building.
  - b. An accessory building may be built on a lot prior to a primary building only if both the primary and accessory buildings have been permitted according to the standards of this Code.

### 3. BUILDING ASSEMBLY

#### A. PURPOSE

1. To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings
2. To allow for a broad range of building designs.

#### B. APPLICABILITY

1. Applies to all buildings, including primary buildings (comprised of a main building mass and components) and accessory buildings (comprised of a main building mass and components).



**C. GENERAL**

1. All primary and accessory buildings must meet the standards for one of the building types provided within this Code.
2. Each primary building and accessory building must be comprised of a main building mass with a rectangular form and a single allowed roof type.
3. The following building types are not required to take a rectangular form but must meet standards for floor area, height, and setbacks: Mixed Use Building, Multi-unit Residential Building and Multi-unit Commercial Building.
4. The outer wall of a main building mass must be located entirely in a single plane. Deviations to the wall plane are allowed only through permitted articulations.
5. For the purpose of measurement, building length and width standards apply only to the main building mass of primary and accessory buildings. Components have unique dimensions and standards.
6. Integral components may be used to cut away space within the boundaries of the roof or main building mass provided the eaves and ridge beam of the roof are not affected.

**D. ATTACHMENTS**

1. Primary buildings may only attach to other primary buildings (or to their components).
2. Accessory buildings may only attach to primary buildings or other accessory buildings (or to their components).
3. Components may attach to primary and accessory buildings.
4. A building may not encroach on setbacks in order to attach to an adjacent building.
5. Primary buildings may attach to other primary buildings or to the components of other primary buildings on no more than two sides.
6. Primary buildings that are allowed to attach to other primary buildings may do so on side or rear walls only.
7. Where a building is allowed to attach to other buildings (or to its component), only one building or component may attach to each building face.
8. Permitted attachments may occur across a virtual or legal lot lines.
9. All attached buildings in a single grouping of attached buildings must maintain the same front setback, except when part of a connected farm.
10. Where two primary buildings attach, the division between buildings must be apparent on the building's exterior through seams in materials, downspouts, pilasters, buttresses, or other vertical structural elements that are less than 6 horizontal inches from the surface of a building's facade.

**E. NUMBER OF UNITS**

1. Buildings have a maximum number of units as regulated on the District pages.
2. If a permitted accessory building cannot be constructed due to site restrictions or other design related concerns, the accessory unit associated with the accessory building may be incorporated into the primary building, provided the total area of the accessory unit does not exceed either 30% the area devoted to the building's primary unit, or the maximum floor area of the permitted accessory building, whichever is smaller.

**4. BUILDING ELEVATION**

**A. PURPOSE**

1. To ensure that buildings with first floor residential uses are raised above the level of the ground as a way to protect privacy in neighborhoods where buildings are located close to the street.
2. To ensure that buildings with first floor commercial spaces are located at grade to the extent possible to provide accessible shopfronts.

**B. APPLICABILITY**

1. Applies to all new primary buildings and accessory buildings with residential first floor units.

**C. GENERAL**

1. Buildings must be elevated along their primary frontage to meet first floor elevation requirements of each primary and accessory building type.
2. Buildings that are located within 10 ft of a frontage line must have the first floor at the same grade or higher than the abutting sidewalk.
3. Primary buildings that contain dwelling units on the first floor must be elevated above grade a minimum of 2 ft along the frontage, except for the following which may be built at grade:
  - a. Any building located behind a Level 3 Natural Screen.
  - b. Accessory buildings.
4. First floor elevation is measured from the average ground level at the front of the building to the top of the finished floor of the first story of a building.

**5. BUILDING ARTICULATION**

**A. PURPOSE**

1. To enable buildings that contribute to the overall character of a street.
2. To minimize exaggerated building articulations that can interrupt pedestrian movement and result in a disorienting built environment.

**B. APPLICABILITY**

1. Applies to new buildings in District D6 Town Center.

**C. GENERAL**

1. Architectural features and small articulations less than 6 horizontal inches from the surface of a building’s facade are permitted.
2. Forecourts are permitted on Mixed Use Buildings, Multi-unit Residential Buildings, and Multi-unit Commercial Buildings, provided they meet the following standards:
  - a. Only one building facade may have a forecourt.
  - b. Forecourts must provide access to the first floor of a building with the same frequency of windows and doors as the facade it is associated with.
  - c. The width of a forecourt must be no greater than 1/3 of the building face to which it is associated.
  - d. The maximum depth of a forecourt must maintain a ratio of 1:1 with the height of the associated building face, measured from the surface of the forecourt to the base of the eaves or top of the parapet.
  - e. The average elevation of the floor of a forecourt must not exceed 1 ft above the abutting sidewalk.
  - f. Courtyards located away from the frontage are allowed for mixed-use buildings, apartment buildings, fabrication buildings, and civic buildings, but their dimensions, shape, and size are not regulated by this Code.
  - g. Arcades, may extend across the gap created by a forecourt to create a peristyle, provided they are not enclosed by glass, railings, or other physical obstructions.
3. Corner buildings with first floor shopfronts may have a chamfered corner, provided the length of the resulting chamfer face is less than 12 feet and that both edges of the chamfer are equidistant from the corner.
  - a. Chamfered corners must provide an entrance. This entrance may not be counted toward the primary entrance spacing requirement.
  - b. Mixed use buildings may extend the chamfer to upper stories as desired. All other building types must limit the chamfer to the first floor only.

**6. HEIGHT**

**A. PURPOSE**

1. To create a predictable and clear approach to measuring and regulating height of buildings.

**B. APPLICABILITY**

1. Applies to all new buildings or modifications to existing buildings that increase the overall height of the structure.

**C. STORY HEIGHT**

1. Building height in this Code is measured in stories.
2. Story height is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.
3. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a story.
4. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.
5. A habitable floor within a pitched roof must be counted as a story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 3 feet above the finished floor of the space.
6. Basements are counted as a story when 5 feet or more of an exterior wall located within the frontage zone is exposed above the average ground level.
7. In the event that floor heights vary in different parts of the same building, such that multiple stories in one area equate in height to one story in another, the shorter floor-to-floor height should be used to determine number of stories, provided that none of the floors is a mezzanine.

**D. HEIGHT EXCEPTIONS**

1. Maximum height standards do not apply to mechanical equipment; vents or exhausts; solar panels or skylights; flagpoles; chimneys; parapets; or other non-habitable architectural features.
2. The maximum heights of roof decks, towers, turrets, cupolas, and penthouses are regulated in Article 5.5 Architectural Components.

## 7. MATERIALS

### A. PURPOSE

1. To allow for a range of building materials that reflect local character.

### B. APPLICABILITY

1. Applies to new buildings or to substantially modified buildings.

### C. GENERAL

1. On building facades, the exterior finish material must be brick, wood clapboard, wood shingles, cement board siding, stone, or corrugated metal, and / or lime-based stucco or other materials that have the appearance of natural materials.
2. On building facades, building wall materials must be combined horizontally, with the heavier masonry materials on the lower portion of the facade.
3. Painted concrete is allowed on foundations only.
4. No more than 5 materials may be used to clad a building including the siding, trim, roof, and foundation.

## 8. ADDITIONAL STRUCTURES

### A. PURPOSE

1. To allow for additional structures that support activities associated with primary and accessory buildings.
2. To minimize visual impacts from private and public spaces.

### B. APPLICABILITY

1. Applies to any structure on a lot, not including primary or accessory buildings such as, but not limited to, garden sheds,
2. Does not apply to Temporary Structures. See section 9 Temporary Structures

### C. GENERAL

1. Additional structures shall not contain a dwelling unit.
2. Additional structures are permitted in conjunction with primary or accessory buildings and must be clearly incidental and subordinate in terms of area, size, use, and location. See Table 4.1 Additional Structures.
3. Shall be under the same ownership and on the same lot as the primary or accessory building.
4. Additional structures may be permitted on undeveloped lots in D1, D2, and SD-Conservation.

**TABLE 4.1 ADDITIONAL STRUCTURES**

DISTRICT	SIZE	SCREENING
D1	300 sq ft max	No
D2	300 sq ft max	No
D3	150 sq ft max	Yes
D4	150 sq ft max	Yes
D5	150 sq ft max	Yes
D6	Not Permitted	n/a
SD-Campus	n/a	n/a
SD-Marine	n/a	n/a
SD-HWY	300 sq ft max	Yes
SD-RHWY	300 sq ft max	Yes
SD-Fab	300 sq ft max	Yes
SD-Civic	n/a	n/a
SD-Conserve	150 sq ft max	No
SD-Historic	150 sq ft max	Yes

### D. SCREENING

1. Screening is required only when the additional structures are visible from a thoroughfare and noted in Table 4.1 Additional Structures.
2. Screening must be of a height equal to or greater than the height of the additional structure being screened.
3. Screening shall be a fence, wall, dense evergreen hedge, or a Level 4 Natural Screen.

### E. SETBACKS

1. Additional structures must follow the Accessory Building Placement Setbacks for their applicable District.

## 9. TEMPORARY STRUCTURES

### A. PURPOSE

1. To provide standards for the short term deployment of a structure to shelter people, products, equipment, or animals from the elements.

### B. APPLICABILITY

1. Applies to any structure not classified as a Primary, Accessory or Additional Structure, and is temporary in nature, including but not limited to tents, carports, storage containers, and moving equipment.

### C. GENERAL

1. Temporary Structures require a permit from the Code Enforcement Officer, unless:
  - a. The structure is no greater than 100 sq ft.
  - b. The structure is removed from the lot within one week of installation.

## BUILDING STANDARDS

2. All Temporary Structures shall be removed from the lot after no more than 3 months.
  - a. The Planning Board may grant an extension of up to one year, based on demonstrated need.

## 10. PRIMARY ENTRANCES

### A. PURPOSE

1. To ensure that buildings are accessible from thoroughfares as a way to encourage pedestrian activity.
2. To prevent long expanses of blank walls.

### B. APPLICABILITY

1. All new primary buildings and accessory buildings.
2. Modifications to existing buildings that include a change in use to a commercial use.

### C. GENERAL

1. At least one primary entrance must be located along the primary frontage of a primary building's main building mass.
2. Single Unit Residential, and Multi-unit Residential Buildings may have their primary entrance on the side of a primary building's main building mass, provided the side door is located within the frontage zone.
3. Primary entrances must provide both ingress and egress and be operable and permanently clear at all times.
4. On buildings that contain commercial uses, entrance doors must be provided at intervals of no greater than every 30 linear feet along first floor facades.
5. Primary entrance spacing requirements must be met for each building individually, in that doors on adjacent buildings may not be used to meet the spacing requirement.
6. Primary entrance spacing is measured as the distance between the center line of doors along a facade.

## 11. SHOPFRONTS

### A. PURPOSE

1. To ensure that areas intended for commercial activity have shopfront treatment that supports business vitality.

### B. APPLICABILITY

1. The first floor facade of buildings that front onto a road designated as a Shopfront Required on the Zoning Map.

### C. GENERAL

1. Shopfronts, where required, must provide doors and windows with a minimum of 70% glazing.
2. Shopfronts may include garage doors that meet the glazing requirements.

3. Dwelling units are not permitted along shopfront streets or within units that have shopfront glazing or permitted garage doors. Dwelling units may be located in portions of a building not directly facing onto a shopfront street.
4. Buildings on corner lots that require shopfronts must extend shopfront windows and doors a minimum of 12 feet along the secondary frontage.
5. On shopfront streets, entrance doors into publicly-accessible commercial units must be provided at intervals of no greater than every 25 linear feet along first floor facades
6. Glazing percentage requirements are based on the surface area of the shopfront. Shopfront surface area is the first floor height multiplied by the total width of the first floor of a building, measured at the frontage.
7. Where a shopfront does not extend across a building's entire facade, the area of the shopfront must be determined by the first floor height multiplied by the total width of the commercial unit.
8. The area of a commercial unit is determined by the first floor height multiplied by horizontal distance between the interior walls of the unit, measured at the frontage.

### D. NONCONFORMING SHOPFRONTS

1. Routine repair and maintenance of nonconforming shopfronts is permitted.
2. Nonconforming shopfronts may only expand along a frontage if primary entrance, door and window, and building type standards are met.

## 12. SLOPES & TERRACES

### A. PURPOSE

1. To ensure that buildings located in mixed-use areas meet the sidewalk.
2. To allow terraces as a way to provide pedestrian circulation adjacent to Shopfronts on streets with steep slopes.

### B. APPLICABILITY

1. Applies to new buildings or existing buildings onto which a terrace is added.

### C. GENERAL

1. Buildings with a 0 ft front setback must provide entrances at grade to the abutting sidewalk.
2. Shopfronts in D5 and D6 must step down entrances to meet the grade of the adjacent sidewalk along the frontage.
3. If a building with a 0 ft setback is located on a sloped frontage, the first floor of each commercial unit must match the average elevation of the abutting sidewalk along the frontage of each commercial unit.

4. When the grade of a thoroughfare at a primary or secondary frontage has a slope of 10% or greater, the adjacent buildings may provide a level terrace in their front setback.
5. The following standards apply to all buildings in D6 and to buildings in D5 that are set back less than 12 ft from the street:
  - a. The terrace must be paved to match the adjacent sidewalk.
  - b. A railing or low wall must be provided wherever the terrace is elevated more than 1 ft above grade.
  - c. Stairs may be provided between abutting terraces to promote pedestrian circulation along shopfronts.
  - d. When applied, terraces must extend along the entire frontage of the building.
6. The following standards apply to all buildings in D1 and D2, plus all buildings in D5 with a setback greater than 12 ft:
  - a. The terrace must be surfaced with grass or other vegetation with the exception of permitted patios, or driveways, sidewalks, or walkways that cross the terrace.
  - b. The lot may be terraced for all, or a portion, of its frontage.
  - c. The terrace may provide steps to the adjacent sidewalk anywhere along the frontage.

### **13. MEZZANINES**

#### **A. PURPOSE**

1. To allow additional flexibility within building envelopes.
2. To enable additional partial floors to encourage tall stories.

#### **B. APPLICABILITY**

1. Applies to new buildings or existing buildings in which a mezzanine is added.

#### **C. GENERAL**

1. Publicly accessible mezzanines may be provided within a building story with the following standards:
  - a. A building story must be at least 18 ft in height to accommodate a public mezzanine.
  - b. A public mezzanine must have a ceiling height of at least 8 ft measured from the finished floor of the mezzanine to the surface of the finished ceiling or underside of the structural members of an unfinished ceiling.
  - c. The area of a public mezzanine may be no greater than 50% the area of the main floor beneath it.
2. Utility or mechanical mezzanines, intended only for access by repair personnel, may be provided within a full building story with the following standards:
  - a. A building story must be at least 15 ft in height to

accommodate a mechanical mezzanine.

- b. Mechanical mezzanines may be designed as a crawlspace, and have a minimum ceiling height of 4 ft.
  - c. Mechanical mezzanines may be no greater than 75% the area of the main floor beneath them.
3. From the exterior of the building, mezzanines should appear like part of the story they are associated with. A mezzanine may not appear like a complete building story from the outside.

### **14. NONCONFORMING BUILDINGS**

#### **A. PURPOSE**

1. To allow for the flexible modification, adaption, reuse, and expansion of buildings that existed prior to and were made non-conforming by this Code.

#### **B. APPLICABILITY**

1. Applies to all buildings, accessory buildings, and additional structures that existed prior to the adoption of this Code, and that do not meet all the standards of this Article.

#### **A. GENERAL**

1. Routine repair and maintenance of nonconforming buildings is permitted.
2. Nonconforming buildings may be altered to eliminate or reduce a nonconformity or to create a conforming building type that meets the standards of this Code.
3. The width and length of the main building mass of a nonconforming building may be expanded within the allowed setbacks of the district and to the extent permitted by the assigned building type.
4. A nonconforming building may be increased in height to the extent permitted by the assigned building type, except when the floor to ceiling heights of the nonconforming building are greater than those allowed for the assigned building type.
5. Nonconforming buildings may be expanded by adding components that meet the standards of this Code, except when the main building mass exceeds the maximum square footage permitted by the assigned building type. In this case, the total square footage of the building may not exceed the sum of the square footage permitted for the main building mass, rear wing, and side wing.
6. When nonconforming buildings are expanded with permitted massing components, floor height standards may be waived to allow floor heights to match.
7. When nonconforming buildings are expanded, windows, doors, and roof shape may take the form of the nonconforming building.
8. A nonconforming building may not be moved in whole or part to another location unless the building conforms to the standards of the district to which the building is moved.
9. When the main building mass of a nonconforming building is

## BUILDING STANDARDS

destroyed and requires total replacement, the building must be rebuilt to meet the standards of this Code.

10. When any portion of a nonconforming building is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.
11. Where a nonconforming building, including the main building mass or components, encroach into setbacks, the building may be expanded vertically so long as the additions and modifications otherwise meet the standards of this Code.
12. Abandoned buildings located within D5, D6, or any special district must meet the standards for primary entrances and shopfronts before any new permits or approvals may be issued.

### 15. LARGE SCALE BUILDINGS

#### A. PURPOSE

1. To ensure that larger buildings along a public thoroughfare are scaled appropriately.

#### B. APPLICABILITY

1. Applies to all buildings with a total area of 10,000 sq ft or more.

#### C. GENERAL

1. Within 50 ft of a public thoroughfare, no single building or grouping of attached buildings shall exceed 180 feet in aggregate length.
2. Within 200 ft of a public thoroughfare:
  - a. For all Districts other than D6 Town Center, a building's facade shall not exceed 50 ft in length without a change of the surface plane of the facade of no less than 4 ft.
  - b. Building surface materials, other than windows and doors and storefront shall be non-reflective.
  - c. Sides of a building visible from a public way shall be architecturally compatible with the side or sides of the building facing a thoroughfare.
  - d. No more than 50% of the building's facade shall be comprised of a single surface material or color.

### 16. SIZE CAP

#### A. PURPOSE

1. To require a maximum structure gross floor area for any and all single retail or service establishments.

#### B. APPLICABILITY

1. This section and its maximum gross floor area restriction applies to all new, retail, or service establishments and to all

expansions of existing retail or service establishments.

#### C. GENERAL

1. No single retail or service establishment, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures or tenant spaces in an aggregate of structures, may exceed 35,000 sf of gross floor area. All adjacent retail or service establishments which share a common check stand, management, controlling ownership or storage areas will be considered a "single retail or service establishment" and their aggregate square footage of floor area will be used to determine compliance with the standards of this Code.

## 17. BUILDING GROUPS

#### A. GENERAL

1. Where allowed within a given district, building groups may be used as an alternative development pattern, with unique lot standards and setback standards defined by the building group.
2. Where allowed within a given district, a building group may permit additional building types, with standards related to form and placement.
3. All buildings that are incorporated into a building group must be located on a single lot or virtual lot.
4. Building Group Standards supersede District, Neighborhood, and General Standards where the standards differ.
5. The four types of Building Groups are:
  - a. Connected Farm
  - b. Small Rural Compound
  - c. Large Rural Compound
  - d. Multi-Unit Court

**TABLE 4.2 BUILDING GROUPS PERMITTED BY DISTRICT**

	Connected Farm	Small Rural Compound	Large Rural Compound	Multi-Unit Court
D1	●	●	●	
D2	●	●	●	●
D3	●			●
D4	●			●
D5				●
D6				●
SD-Historic	●			●
SD-HWY		●	●	●
SD-RHWY		●	●	●
SD-Campus			●	●
SD-Civic				
SD-Fab				●
SD-Marine			●	
SD-Conserve				

**B. CONNECTED FARM**

1. Description
  - a. A building comprised of multiple elements, based on the common building tradition of big house, little house, back house, and barn.
2. Purpose
  - a. To allow for a larger house through an optional series of attachments that might not otherwise be possible.
  - b. The connected farm is a traditional manner of deploying buildings with an agricultural character, so that they assume a predictable, sequenced series of forms.
3. Standards
  - a. A barn and house on the same lot separated from each other by no more than 100 feet may be linked together with a series of accessory buildings and components.
  - b. A Connected Farm may include up to 3 units, 1 of which must be a dwelling unit .
  - c. The link may be comprised of many as 3 components or accessory buildings, distinct from the house or barn.
  - d. Each massing component that forms part of the link, must attach to either the barn or the primary building.
  - e. Each accessory building that forms part of the link must attach directly to the primary building or barn; or to massing components or accessory buildings that

are attached to the primary building or barn.

- f. Architectural components may attach to any massing component or accessory building in the link subject to the standards for each respective component/ accessory building.
- g. No building may be located closer to the primary frontage than the primary building, with the exception of a barn.
- h. The primary entrance to the primary building may be located either on the buildings front, or on its side.

**TABLE 4.3 CONNECTED FARM - PERMITTED BUILDINGS**

	Single-Unit Residential	Residential Accessory	Commercial Accessory
Building Width	36 ft	30 ft	30 ft
Building Depth	48 ft	40 ft	30 ft
Total Stories	2	2	1
First Floor Height	12 ft	10 ft	16 ft
Upper Floor Height	10 ft	8 ft	-

**C. SMALL RURAL COMPOUND**

1. Description
  - a. Medium-sized lots that allow for the more dense arrangement of buildings in the character of traditional rural farms, with buildings grouped together to efficiently meet residential and working needs.
2. Purpose
  - a. To allow increased density and uses without altering the underlying zoning.
  - b. To allow the creation of development that maintains a rural character while creating real estate value, economic activity, and housing opportunities.
3. Standards
  - a. Small rural compounds are only allowed on lots that meet the following conditions:
    - i. Lot is 5 acres or greater.
    - ii. Lot width is at least 250 feet along an existing thoroughfare.
  - b. A small rural compound may include up to 4 units, which may be located within a combination of permitted primary and accessory buildings.
  - c. The small rural compound must designate a main primary building, behind which all additional buildings must be located, with the following exceptions:
    - i. When all buildings within the small rural compound are located 300 feet or more from the public

- throughfare.
- ii. Farmstands may always front on a thoroughfare.
- d. All buildings within a small rural compound must be located entirely within a circle 250 feet in radius. This circle defines the boundary of the small rural compound and must meet all district setbacks, except all side setbacks must be 50ft min.
- e. All land within the boundary of a small rural compound must be divided into building lots comprised of virtual lot lines, such that each building within the rural compound is located on a single building lot.
- f. Virtual lots within a small rural compound must be a minimum of 20 ft in width and have 10 ft minimum front, side, and rear setbacks to enable buildings that are located in closer proximity to abutting thoroughfares and to each other.
- g. Building lots within a small rural compound must have frontage on an existing thoroughfare or a new public or private road.
- h. The primary building within a small rural compound must front onto a public thoroughfare unless the primary building is located more than 300 feet from the primary thoroughfare, in which case it may instead front on a new public or private road.
- i. All additional buildings within the small rural compound must orient themselves perpendicular or parallel to the main primary building, except when located more than 300 ft from the primary thoroughfare, in which case they may front on a new public or private road.
- j. Outdoor storage must be screened from any thoroughfare by a Level 4 Natural Screen that is a minimum of 50 ft deep, unless it is part of an active agricultural use.
- k. Each small rural compound must have a maximum of one curb cut from a public thoroughfare.
- l. The curb cut for a small rural compound must be a minimum of 500 ft from any adjacent curb cut.

**D. LARGE RURAL COMPOUND**

1. Description
  - a. Large lots that allow for the more dense arrangement of buildings in the character of traditional rural farms, with buildings grouped together to efficiently meet residential and working needs.
2. Purpose
  - a. To allow increased density and uses without altering the underlying zoning.
  - b. To allow the creation of development that maintains a rural character while creating real estate value, economic activity, and housing opportunities.
  - c. To promote a long-term development pattern that keeps rural Newcastle rural.
3. Standards
  - a. Large rural compounds are only allowed on lots that meet the following conditions:
    - i. Lot is 10 acres or greater.
    - ii. Lot width is at least 500 feet along an existing thoroughfare.
  - b. A large rural compound may include up to 7 units, which may be located within any of the permitted building types or the connected farm.
  - c. The large rural compound must designate a primary building, behind which all additional buildings must be located, with the following exceptions:
    - i. When all buildings within the large rural compound are located 300 feet or more from the public thoroughfare.
    - ii. Farmstands may always front on a thoroughfare.
  - d. All buildings within a large rural compound must be located entirely within a circle 250 feet in radius. This circle defines the boundary of the large rural compound and must meet all district setbacks, except side setbacks must be 50ft min.
  - e. All land within the boundary of a large rural compound must be divided into building lots comprised of virtual lot lines, such that each building within the rural compound is located on a single building lot.
  - f. Virtual building lots within a large rural compound must be a minimum of 20 ft in width and have 10 ft minimum front, side, and rear setbacks to enable buildings that are located in closer proximity to abutting thoroughfares and to each other.
  - g. Building lots within a large rural compound must have frontage on an existing thoroughfare or a new public or private road.
  - h. The primary building within a large rural compound must front onto a public thoroughfare extant at the time of adoption of this Code unless it is located more than 300 feet from the primary thoroughfare, in which case it may instead front on a new public or private road.

**TABLE 4.4 SMALL RURAL COMPOUND - PERMITTED BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Mixed-Use Building	Residential Accessory	Commercial Accessory
Building Width	36 ft	60 ft	100 ft	30 ft	30 ft
Building Depth	48 ft	75 ft	n/a	40 ft	30 ft
Max SQ FT	-	13,500	20,000	-	-
Total Stories	2	2	2	2	1
First Floor Height	12 ft	12 ft	15 ft	10 ft	16 ft
Upper Floor Height	10 ft	10 ft	10 ft	8 ft	-



- i. All additional buildings within the large rural compound must orient themselves perpendicular or parallel to the main primary building, except located more than 300 ft from the primary thoroughfare, in which case they may front on a new public or private road.
- j. Single unit commercial and multi-unit commercial buildings must be set back at least 500 ft min from the frontage, 100 ft min side and rear setbacks. Frontage setback may be reduced to 250 ft min with the use of a Level 4 Natural Screen.
- k. Work yards with material storage and long term equipment parking must be screened from any thoroughfare by buildings, a 25 ft deep Level 3 Natural Screen, or a fence between 6 ft and 8 ft tall, unless they are part of an active agricultural use.
- l. Each large rural compound must have a maximum of one curb cut from a public thoroughfare and be a minimum of 500 ft from any adjacent curb cut.
- b. The area that the Multi-Unit Court occupies must conform to the base district standards for Lot Measurements and Setbacks.
- c. The total frontage of a multi-unit court may not exceed 300 ft in aggregate length along any single thoroughfare.
- d. Multi-unit courts may not contain public or private roads.
- e. Multi-unit courts can be configured in one of three ways:
  - i. Corner-Courts are built entirely on a corner-lot or are assembled from lots with combined frontage on two intersecting thoroughfares.
  - ii. Through-Courts are built entirely on a through-lot or are assembled from lots with combined frontage on two non-intersecting thoroughfares.
  - iii. Interior-Courts are built entirely on a lot with frontage on only one thoroughfare, or from lots with combined frontage on only one thoroughfare.
- f. Parking lots within any multi-unit court may provide no more than one parking space per unit.
- g. Parking within a multi-use court must be set back from all abutting thoroughfares by no less than 30 ft with the exception of alleys.
- h. The courtyard at the center of a multi-unit court must be at least 20 ft wide on its shortest side, and have an area not smaller than 1000 sf and not larger than 10,890 sf (1/4 acre).
- i. A courtyard with 4 or more sides must directly front on a thoroughfare or alley on at least one side and no more than 2 sides.
- j. A courtyard with 3 sides must directly front on a thoroughfare or alley on only one side.
- k. A multi-use court must consist of at least 4 and no more than 20 buildings of the same building type.
- l. No building may orient a rear wall towards the courtyard or any thoroughfare, except alleys.
- m. Individual building lots within the Multi-Unit Court are not subject to the lot measurement and building setback standards for the base district.
- n. Pedestrian walkways and sidewalks providing access within a multi-use court shall not exceed 10 ft wide.

**TABLE 4.5 LARGE RURAL COMPOUND - PERMITTED BUILDINGS**

	Single-Unit Residential	Multi-unit Residential	Mixed-Use Building	Multi-Unit Commercial	Residential Accessory	Commercial Accessory
Building Width	36 ft	60 ft	100 ft	80 ft	30 ft	30 ft
Building Depth	48 ft	75 ft	n/a	n/a	40 ft	30 ft
Max SQ FT	-	13,500	20,000	15,000	-	-
Total Stories	2	2	2	2	2	1
First Floor Height	12 ft	12 ft	15 ft	15 ft	10 ft	16 ft
Upper Floor Height	10 ft	10 ft	10 ft	10 ft	8 ft	-

**E. MULTI-UNIT COURT**

1. Description
  - a. The arrangement of a single building type around a central common courtyard space to promote greater density than otherwise allowed.
2. Purpose
  - a. To allow increased density.
  - b. To allow the creation of fine-grained public urban courtyards surrounded by buildings of the same type.
  - c. To enable a close arrangement of buildings that would not otherwise not be possible.
3. Standards
  - a. Multi-unit courts consist of three elements; the building lots on which buildings are placed, the courtyard around which the building lots are arranged, and access areas which may or may not include driveways, parking lots, and pedestrian walks.

**TABLE 4.6 MULTI-UNIT COURT - PERMITTED BUILDINGS**

	Single-Unit Residential
Building Width	24 ft
Building Depth	36 ft
Total Stories	2
First Floor Height	10 ft
Upper Floor Height	8 ft

# ARTICLE 5

## DESIGN STANDARDS

### 1. GENERAL

#### A. PURPOSE

1. Encourage the continued use of existing historically or architecturally important buildings and those which contribute to the character of the Historic areas and discourage their demolition and removal
2. Prevent inappropriate alterations or removal of buildings of historic value;
3. Assure that new buildings are designed and built in a manner compatible with the character of the Historic areas in terms of scale and visual effect
4. Assure that changes to contemporary buildings and new construction do not detract from adjacent historic buildings
5. Assure the protection and preservation of archaeological sites.

#### B. APPLICABILITY

1. Design Standards shall apply to the construction of new buildings or additions to existing buildings.
2. Renovations or reconstruction, including general maintenance, to existing non-conforming structures or components does not require compliance with these Design Standards.
3. Non-conforming structures or components shall be grandfathered for a period of 12 months from the date of their removal, after which replacement structures or components shall comply with these Design Standards.

TABLE 5.1 DESIGN STANDARDS BY DISTRICT

		ADDITIONS	MASSING COMPONENTS	ARCHITECTURAL COMPONENTS
<b>D1</b>	Front			
	Side			
	Rear			
<b>D2</b>	Front		●	
	Side	●		
	Rear	●		
<b>D3</b>	Front		●	●
	Side		●	●
	Rear	●		
<b>D4</b>	Front		●	●
	Side		●	●
	Rear	●		
<b>D5</b>	Front		●	●
	Side		●	●
	Rear		●	
<b>D6</b>	Front		●	●
	Side		●	●
	Rear		●	●
<b>HISTORIC</b>	Front	●	●	●
	Side	●	●	●
	Rear	●	●	●
<b>HIGHWAY</b>	Front	●		
	Side	●		
	Rear			
<b>RURAL HIGHWAY</b>	Front	●		
	Side	●		
	Rear			
<b>FABRICATION</b>	Front	●		
	Side	●		
	Rear			
<b>MARINE</b>	Front	●		
	Side	●		
	Rear			
<b>CAMPUS</b>	Front			
	Side			
	Rear			
<b>CONSERVATION</b>	Front			
	Side			
	Rear			

● Required Design Standards

## 2. ADDITIONS

### A. PURPOSE

1. To provide a basic framework for the regulation of generic additions to buildings.

### B. APPLICABILITY

1. Design Standards are regulated by District. See District Page for specific applicability.
2. Applies to the expansion of the square footage of a primary or accessory building.
3. Applies to any expansion of an existing primary or accessory building that incorporates a roof.

### C. GENERAL

1. Design Standards for Additions shall not regulate the form, size, scale, shape, color, roof, windows and doors or any other such element of the addition, except for the following:
  - a. The addition shall be attached to and share a common wall with a primary or accessory building.
  - b. The addition shall not be taller than the building to which it is attached.
  - c. The addition shall not be wider than the building to which it is attached.
  - d. The footprint of the addition shall not be greater than the building to which it is attached.
  - e. Additions which do not conform to a,b,c,d above shall be considered a primary or accessory building and shall require a permit for a new primary building.
  - f. Regulations to the roof pitch and style are exempt if a,b,c,d are satisfied.

## 3. COMPONENTS, GENERAL

### A. PURPOSE

1. To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings.

### B. APPLICABILITY

1. Components are regulated by District. See District Page for specific applicability.

### C. GENERAL

1. Where applicable, a minimum of one component is required per primary building type.
2. Components are divided into two categories: Massing Components and Architectural Components. Unless specified in the Code, the term 'component' refers to either category.

### D. ATTACHMENTS

1. All components may attach to other components, unless otherwise indicated.
2. All components are allowed to stack on top of one another, unless otherwise indicated.
3. Multiple components of the same type may be used more than once, unless otherwise indicated.
4. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
5. Two components may not occupy the same space (overlap), unless specifically allowed.
6. Any enclosed component, that is permitted to extend flush with a side or rear lot line, is permitted to attach to a neighboring structure also built flush to the same lot line.

### E. ENCROACHMENTS

1. In District D6 Town Center, Components may encroach their entire width and/or depth into all setbacks.
2. in District D6 Town Center, Components may be allowed to encroach into the public right-of-way by special permit.

### F. NONCONFORMING COMPONENTS

1. Routine repair and maintenance of nonconforming components is permitted.
2. Nonconforming components may be altered to eliminate or reduce a nonconformity or to create a conforming component that meets the standards of this Code.
3. The dimensions of a nonconforming component may be expanded within the allowed setbacks of the district and to the extent permitted by the assigned component type.
4. When a nonconforming component is destroyed and requires total replacement, the component must be rebuilt to meet with the standards of this Code.
5. When any portion of a nonconforming component is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.

### G. EXTERIOR FIRE ESCAPES

1. Exterior fire escapes shall not permitted on new buildings.
2. Exterior fire escapes may be added to existing buildings when other means of providing egress is not feasible.
  - a. Exterior fire escapes may encroach upon all setbacks.
  - b. A fire escape may encroach upon a public right-of-way by special permit.
  - c. To the greatest extent possible, fire escapes should be located on the side or rear of buildings.
  - d. Sizing and location of exterior fire escapes must be approved by the Fire Chief.

## 4. MASSING COMPONENTS

### A. PURPOSE

- To provide standards for the addition of enclosed spaces attached to a primary or accessory buildings.

### B. APPLICABILITY

- Applies to the front, side, and rear sides of all primary and accessory buildings on a lot when designated in table 5.1 Design Standards By District.

### C. FRONT OR SIDE EXPANSION

- Definition
  - A single or multi-story extension from the side walls of a primary building or accessory building.
- Standards
  - Front/Side Expansion may not encroach on setbacks.
  - The primary building may only have one front/side expansion per side.
  - Front/Side Expansion may be centered or offset at the side wall of the primary building, provided they share at least 6 ft with the common wall.
  - A Front/Side Expansion may only attach to a primary or accessory building, though other components may attach to it.
  - The Front/Side Expansion may be used for vehicular parking, provided the garage doors are not within the frontage zone.

**TABLE 5.2 FRONT OR SIDE EXPANSION DIMENSIONS**

Setback from Facade	8 ft min
Width	max 2/3 width of primary building
Projection	max 2/3 depth of primary building
Absolute Height	Equal to or less than height of primary building
Windows & Doors	20% min

### D. REAR EXPANSION

- Definition
  - An single or multi-story extension from the rear wall of a primary building or accessory building.
- Standards
  - Rear expansions may not encroach on setbacks.
  - The primary building may only have one rear expansion.
  - Rear expansions may be centered or offset at the rear wall of the main building mass, provided they share at least 6 ft with the common wall.
  - The rear expansion may be used for vehicular parking, provided the garage doors are not within the frontage zone.

**TABLE 5.3 REAR EXPANSION DIMENSIONS**

Width	Max width of rear wall, less 2 ft
Projection	Less than or equal to the width of the main building mass
Height	Equal to or less than height of main building mass
Windows & Doors	20% min

### E. CONNECTOR

- Definition
  - A narrow, roofed extension meant to link a main building mass to an accessory building or to a component of an accessory building.
- Standards
  - In D1, connector may be 50 ft max in length.
  - Must attach on at least one side to the primary building.
  - Connectors may not encroach on setbacks.

**TABLE 5.4 CONNECTOR DIMENSIONS**

Length	Equal to or less than the length of the primary building (1)
Width	8 ft min, max 2 feet less than the narrowest building face or component face to which it attaches.
Absolute Height	May be one or more stories in height, but may not exceed the eave height of the smallest building element to which it is linked.
Windows & Doors	10% min

### F. TOWER

- Definition
  - A building component that is significantly taller than it is wide as way to gain views and additional habitable space.
- Standards
  - Towers must attach to the main building mass.
  - Towers must be constructed on a foundation that extends to the ground plane.
  - Towers may be square, multi-sided, or curved, but should possess radial symmetry.
  - Towers may intersect with and occupy the same space as porches, galleries, arcades, and decks.
  - Towers may extend horizontally beyond the building face(s) to which they are attached.
  - 1 tower per lot max.
  - The highest point of a tower may extend above the highest point of the roof of the primary building.
  - Towers built as silos on a barn may ignore widow and door requirements.

**TABLE 5.5 TOWER DIMENSIONS**

Area	200 sf max
------	------------

Height	Maximum of one story above the highest story not contained within a roof.
Windows & Doors	30% min (8)

**G. EXTENDED SHOPFRONT**

1. Definition
  - a. An extension on the front of a building to provide new or expanded commercial space and a shopfront.
2. Standards
  - a. Extended shopfronts may wrap around corners to join with an accessory shop or another extended shopfront on another building face.
  - b. Only allowed in Districts D5, D6.
  - c. Only 1 extended shopfront allowed per building face.

**TABLE 5.6 EXTENDED SHOPFRONT DIMENSIONS**

Width	No more than the width of the building face to which it attaches.
Projection	0 ft min
Height	Max equal to total number of full building stories.
Windows & Doors	70% min (Shopfront) 30% min (Upper Stories)

**5. ARCHITECTURAL COMPONENTS**

**A. PURPOSE**

1. To provide standards for the addition of un-enclosed components that are attached to a primary or accessory buildings.

**B. APPLICABILITY**

1. Applies to the front, side, and rear sides of all primary and accessory buildings on a lot when designated in table 5.1 Design Standards By District.

**C. PORCH**

1. Definition
  - a. A raised platform with stairs that provides access to a building entrance
2. Standards
  - a. Porches may be partially or fully enclosed.
  - b. Porches may be projecting, engaged, or integral.
  - c. Porches may wrap around corners to attach to porches, galleries, decks, or balconies on abutting building faces.
  - d. Stairs may extend off the front or side of the porch, except when a porch is located on an upper floor in which case the stairs cannot be located along the primary frontage.
  - e. When built on an upper floor, porches must be supported from below by a porch, arcade, or other

supporting component; or visually supported by brackets, corbels, or beams along its full depth.

- f. When built at the first floor, and higher than 3 feet above the ground, the space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides.

**TABLE 5.7 PORCH DIMENSIONS**

Width	No more than the width of the adjoining building face
Projection	6 ft min, 12 ft max
Windows & Doors	60% min when enclosed

**D. STOOP**

1. Definition
  - a. A component type featuring set of stairs with a landing leading to the entrance of a building.
2. Standards
  - a. Stoops may be recessed into the building facade.
  - b. Stoop may be built perpendicular or parallel to the building face, but must lead directly to ground level or an abutting sidewalk from the building entrance.
  - c. A Recessed stoop may not be enclosed.
  - d. Stoops may be configured as a split stair to access a below grade unit.
  - e. If a stoop is built encroaching onto a public sidewalk, it must provide at least 3 ft clear and unobstructed between its outermost face and the face of the curb.

**TABLE 5.8 STOOP DIMENSIONS**

Width	3 ft 6 in min
Projection	3 ft 6 in min

**E. GALLERY**

1. Definition
  - a. A raised, roofed platform that provides additional living space, with access solely from the interior of a building.
2. Standards
  - a. Galleries may be partially or fully enclosed.
  - b. Galleries may be projecting or integral.
  - c. Galleries may wrap around corners to attach to porches, decks, balconies, or other galleries on abutting building faces.
  - d. When built on an upper floor, galleries must be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, or beams along its full depth.
  - e. When built at the first floor, the platform must extend visually to the ground plane.

**TABLE 5.9 GALLERY DIMENSIONS**

Width	No more than the width of the building face to which it attaches
Projection	6 ft min, 12 ft max
Clear Height	7 ft min
Windows & Doors	60% min when enclosed

**F. CROSS GABLE**

1. Definition
  - a. A gable or gambrel roof that projects perpendicular from the roof of the primary building to increase the habitable space within a roof.
2. Standards
  - a. Cross Gables may project outward from a building face (to a maximum of 12 ft) if supported from below by a component or visually supported by brackets, corbels, or a beam.
  - b. Two cross gables of equal size and roof pitch may be used together and may occupy the same space, with an overlap of no more than 1/2 the width of each.

**TABLE 5.10 CROSS GABLE DIMENSIONS**

Width	Equal to eave width of the narrowest face of the primary building.
Height	The ridge beam of the cross gable may not be higher than the ridge beam of the primary building.
Windows & Doors	20% min

**G. SHED DORMER**

1. Definition
  - a. A room, or portion of a room with a shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space under a roof.
2. Standards
  - a. The windows in a shed dormer should be vertically proportioned and no more than 3 ft wide.
  - b. The face of the shed dormer must not project beyond the building eaves.
  - c. Gable end setbacks may be 0 ft from the building face when not visible from a thoroughfare (not including alleys).

**TABLE 5.11 SHED DORMER DIMENSIONS**

Gable End Setback	1 ft min (see G.2.c above)
Windows & Doors	20% min

**H. DORMER WINDOW**

1. Definition
  - a. A window or group of up to 3 windows with a gable, hip, or shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space within a roof.
2. Standards
  - a. The window(s) in a dormer window should be vertically proportioned and no more than 3 ft wide.
  - b. The total width of a dormer window must be no more than 18 inches wider than the rough opening required for its' windows.
  - c. The face of the dormer window must not project beyond the building eaves.

- d. When attached to a mansard or gambrel roof, the eave of the dormer may not pass above the chine of the roof.

**TABLE 5.12 DORMER WINDOW DIMENSIONS**

Width	(see H.2.b above)
Height	(see H.2.d above)

**I. BAY WINDOW**

1. Definition
  - a. A enclosed window assembly extending from the face of a building element to permit increased light, multi-directional views, and articulate a building facade.
2. Standards
  - a. Bay windows must be visually supported by brackets, corbels, or a beam along their full depth or, when built at the first floor, may extend visually to the ground plane.
  - b. Bay windows may only attach to the main building mass, additions, accessory buildings, towers, porte-cocheres, connectors, cross-gables, extended shopfronts, and penthouses.
  - c. Bay windows may intersect with and occupy the same space as porches, balconies, galleries, arcades, and decks.
  - d. Bay windows must attach to a single building face and may not wrap around corners.
  - e. Bays windows may be two sided, multi-sided, or curved.
  - f. Bay windows may provide openings for doorways or windows.

**TABLE 5.13 BAY WINDOW DIMENSIONS**

Width	16 ft max
Projection	6 in min, 4 ft max
Top Plate Height	Max equal to total number of full building stories.
Windows & Doors	30% min

**J. BALCONY**

1. Definition
  - a. An unroofed platform attached to a building face with a railing that provides outdoor space above the first floor.
2. Standards
  - a. Balconies are only permitted on upper stories.
  - b. Balconies may not be enclosed and must be unroofed unless it is recessed into the envelope of the building or component to which it is attached.
  - c. Balconies may be projecting, integral, terraced, or a combination thereof.
  - d. Balconies may wrap around corners to attach to galleries, porches, decks, or balconies on abutting building faces.
  - e. A balcony must be visually supported by brackets, corbels, or beams along its full width, or physically

supported by another component.

- f. A projecting balcony must have a clear height above the ground of at least 10 ft.
- g. The railing of any balcony oriented toward a frontage must have posts and railings with spacing, except when recessed into the envelope of the building to which it is attached.
- h. When built on top of a porch, gallery, portico, or arcade, the balcony may extend to the boundaries of the component below.

**TABLE 5.14 BALCONY DIMENSIONS**

Width	No more than the width of the adjoining building face.
Projection	8 ft max

**K. ARCADE**

1. Definition
  - a. A ground-level roofed structure that provides cover and is supported on regularly spaced pillars, columns, or archways.
2. Standards
  - a. Arcades may be projecting or integral.
  - b. Arcades may be partially or fully enclosed with windows, doors, or decorative ironwork provided they maintain at least 90% transparent openings.
  - c. When projecting over a sidewalk must extend the full width, less 2 ft.
  - d. Arcades located along a primary or secondary frontage, or within the town right-of-way may not be enclosed.
  - e. Arcades may wrap around corners to attach to other arcades on abutting building faces.

**TABLE 5.15 ARCADE DIMENSIONS**

Width	n/a
Projection	8 ft min and no more than the height of the first floor of the main building mass.
Height	8 ft min
Windows & Doors	70% min when enclosed

**L. PORTICO**

1. Definition
  - a. A roofed structure above a stoop or platform supported on columns or pillars, which shields occupants from inclement weather and provides access to a building entrance.
2. Standards
  - a. No span between columns or pillars may be larger than the height of adjacent columns or pillars.
  - b. A portico may not exceed the height of the primary ridge beam on the building element to which it attaches.
  - c. A portico must be elevated on a platform at least 1 foot from the surface of the ground.

**TABLE 5.16 PORTICO DIMENSIONS**

Width	3 ft 6 in min
Projection	3 ft 6 in min, 8 ft max
Height	8 ft min
Windows & Doors	n/a

**M. CANOPY**

1. Definition
  - a. A fixed, wall mounted overhang extending from a building to provide shade and weather protection for pedestrians.
2. Standards
  - a. Canopies should be visually supported on wood or metal brackets, or suspended by cable or chain.
  - b. Canopies should be inset from the corners of the wall to which they are attached by at least 3 inches.

**TABLE 5.17 CANOPY DIMENSIONS**

Width	4 ft min
Projection	3 ft min
Height	8 ft min
Windows & Doors	n/a

**N. CUPOLA**

1. Definition
  - a. A small roof structure, possessing radial symmetry, used to provide light and ventilation to a building, or as a belfry, overlook, lantern, or additional habitable space.
2. Standards
  - a. A cupola's maximum area must be no greater than 150 SF.
  - b. Cupolas may only attach to the main building mass, penthouses, roof decks, towers, porte-cocheres, and accessory buildings.
  - c. The highest point of a cupola may be higher than the highest point of the roof of the primary building.

**TABLE 5.18 CUPOLA DIMENSIONS**

Length	
Width	Less than or equal to the maximum upper floor height for the main building mass or accessory building to which it is attached, measured from the top of the primary ridge beam to the base of the cupola's eaves.
Height	
Windows & Doors	40% min

**O. TURRET**

1. Definition
  - a. A small, decorative, tower-like extension from the wall or corner of a building, meant to provide distinctive living space or to terminate an important axis.
2. Standards
  - a. Turrets must be visually supported by brackets,

corbels, or a beam along their full width, or physically supported by another component.

- b. Turrets may be square, multi-sided, or curved, and must possess radial symmetry.
- c. Turrets may wrap around corners.
- d. Turrets may intersect with and occupy the same space as porches, balconies, galleries, arcades, and decks.
- e. Turrets must extend beyond the building face(s) to which they are attached.
- f. The highest point of the roof of a turret may be higher than the highest point of the roof of the primary building.

**TABLE 5.19 TURRET DIMENSIONS**

Length	8 ft max
Width	Must be equal to length
Height	The top plate of a turret may not exceed the height of the top plate of the adjoining building.
Windows & Doors	30% min

**P. DECK**

- 1. Definition
  - a. A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.
- 2. Standards
  - a. Decks are not permitted along frontages except water frontages.
  - b. The space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides, except for decks that are elevated more than 8 ft from the ground plane.
  - c. Decks may not be enclosed.

**TABLE 5.20 DECK DIMENSIONS**

Setback from Facade	2 ft min
Width	8 ft min
Projection	6 ft min
Height	none
Windows & Doors	none

**Q. ROOF DECK**

- 1. Definition
  - a. A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
- 2. Standards
  - a. The width of roof decks may not exceed 50% of the building width, except on a flat roof they may extend to fill the entire roof.
  - b. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
  - c. Roof decks built on a flat roof may extend to the

building parapet and use the parapet as a railing, provided it is of sufficient height.

- d. Roof decks may only be built on the main roof of a primary, building accessory building, rear additions, side wings, connectors, galleries, and porches.
- e. The highest point of a roof deck may be higher than the highest point of the roof of the primary building.

**TABLE 5.21 ROOF DECK DIMENSIONS**

Total Area	400 sq ft max
Setback from Building Faces	5 ft min from every building face (3)

**6. ROOFS**

**A. PURPOSE**

- 1. To provide for buildings that have identifiable roof shapes.

**B. APPLICABILITY**

- 1. Roof standards are regulated by District. See District Page for specific applicability.
- 2. Where applicable, Roof standards apply to all primary and accessory building types and components unless otherwise indicated.

**C. GENERAL**

- 1. Pitched roofs must converge to a single ridge beam at their highest point.
- 2. Each primary building, accessory building, or component may only have one roof.
- 3. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary building, unless specifically allowed to be taller.
- 4. Gable ends must be located on the narrowest building or component face.
- 5. Pitched roofs, if provided, must be clad with wood shingles, asphalt shingles, slate tile, metal, or have the appearance of natural materials.
- 6. Where Gable or Gambrel roofs are permitted, the ridge beam must be continuous front to back, or side to side.

**D. NONCONFORMING ROOFS**

- 1. Routine repair and maintenance of nonconforming roofs is permitted.
- 2. Nonconforming roofs may be altered to eliminate or reduce a nonconformity or to create a conforming roof that meets the standards of this Code.
- 3. When a nonconforming roof is damaged or destroyed, it may be repaired or rebuilt to its previous condition.
- 4. Accessory buildings and components added to nonconforming buildings may use a roof that takes the form and pitch of the nonconforming primary building.



## 7. WINDOW & DOOR

### A. PURPOSE

1. To ensure that buildings relate to the street by providing a rhythm of door and window openings to minimize blank walls along thoroughfares.

### B. APPLICABILITY

1. Window and Door standards are regulated by District. See District Page for specific applicability.
2. Where applicable, Window and Door standards apply to all new primary buildings, accessory buildings, and components.

### C. GENERAL

1. Window and Door standards apply to all building facades, except where the installation of windows along side or rear property lines is infeasible due to separation requirements mandated by the fire code.
2. The required window and door percentages apply to the total area of each story of each building facade as measured from the surface of the floor of that story, to the surface of the next floor above; or, if there is no floor above, to either the top of the wall plate, or the base of the buildings eaves, whichever is shorter.
3. Windows and doors must have clear, transparent glass that has a minimum VLT of 50% as indicated by the glass manufacturer, along the primary frontage.
4. All windows and doors on a building face must be square or vertical in proportion and must have center or edge alignment that is vertical and horizontal, except as follows:
  - a. Stairwell windows may be circular or take the shape of any regular polygon, other than a triangle, and may take the orientation of the roof pitch.
  - b. Shopfront windows are exempt.
5. Lifting, swinging, or sliding garage doors are not permitted within the frontage zone in District D6 Town Center, except:
  - a. On commercial building facades, where doors must be comprised of 50% transparent glass, with multiple vertically proportioned windows or window lights combined to create horizontal compositions.
  - b. On accessory buildings.
6. Window and door openings must correspond to interior space and may not vertically span more than one story, including floor structures or mechanical systems.
7. Openings to basements may not be located within the frontage zone in District D6 Town Center.

### D. NONCONFORMING WINDOWS & DOORS

1. Routine repair, maintenance, and replacement of nonconforming windows and doors is permitted.

2. Nonconforming windows and doors may be altered to eliminate or reduce a nonconformity or to create conforming windows and doors that meet the standards of this Code.
3. Accessory buildings and components added to nonconforming buildings may use windows and doors that take the form and rhythm of the nonconforming primary building.

## 8. BUILDING ORIENTATION

### A. PURPOSE

1. To ensure that buildings address the street in a way that reinforces or creates the desired character in a neighborhood.
2. To provide consistent placement of buildings within neighborhood centers.

### B. APPLICABILITY

1. Applies to all new primary buildings, accessory buildings, and components in Districts D3, D4, D5, D6, SD Historic, and SD Civic.

### C. GENERAL

1. All primary buildings must front on a primary thoroughfare, civic space, or waterbody with the exception of residential accessory buildings, and multi-unit residential buildings which may front on alleys.
2. Primary buildings must be oriented parallel to the primary frontage line.

# ARTICLE 6

## USE STANDARDS

### 1. USE STANDARDS

#### A. PURPOSE

1. To ensure the health, safety, and the welfare of the people living and working in Newcastle.
2. To minimize conflicts between neighboring activities and uses.
3. To allow greater flexibility of uses that supports the character of the Town.

#### B. APPLICABILITY

1. All activities and uses associated with buildings and lots.

#### C. GENERAL

1. Uses for core districts, special districts, and building groups are permitted according to this Article.
2. Lots, buildings, and units may contain more than one use, so long as each use is permitted.
3. Residential companion uses may only occur in any of the following cases:
  - a. When permitted uses are operated by either an owner or a renter of a dwelling unit, within the walls of their own unit.
  - b. When permitted uses are operated by the owner of a property who occupies a dwelling unit on the same lot. Uses may be operated by the owner within the primary building, accessory building, or elsewhere on the property.
  - c. When permitted uses are operated by someone who does not live on the lot but where the property owner occupies a dwelling unit within the primary building on the same lot.
  - d. When permitted uses are operated by a renter of an entire property who occupies a dwelling unit on the property.
  - e. When permitted uses are operated by the owner of a property where a renter occupies a dwelling unit on the property.
4. Uses are defined within this Article.
5. Additional standards for each use are contained within this Article and must be met in order for a use to be permitted and to continue.

#### D. UNLISTED USES

1. The Code Enforcement Officer must classify uses on the basis of the use category.
2. If a use is not listed but is similar in nature and impact to a use that is listed, the Code Enforcement Officer must issue a written interpretation indicating which use category will be used.

#### E. NONCONFORMING USES

1. Routine repair and maintenance of nonconforming uses is permitted.
2. A nonconforming use may be expanded in square footage within a permitted building.
3. When a nonconforming use has been changed, in whole or part, to a conforming use, the part that has come into conformance may not be changed back to the nonconforming use.
4. Whenever the active and continuous operation of a nonconforming use is discontinued for 6 months or more, it constitutes an abandonment of the nonconforming use and the use may not be re-established.
5. When a structure containing a nonconforming use is damaged or destroyed, the use may be reestablished.

#### F. CHANGE OF USE

1. Any change of use within a building, structure, or unit requires a Change of Use certificate from the Permitting Authority.

### 2. EXPANDED USE STANDARDS

#### A. PURPOSE

1. To permit uses that are otherwise not allowed within a District by means of special combinations of buildings.
2. To allow for special building arrangements without requiring zoning changes or additional districts.

#### B. APPLICABILITY

1. Applies to lots, primary buildings, and accessory buildings that intend to take advantage of the unique characteristics conferred by building groups.

#### C. GENERAL

1. Where designated on a District page Use Table, a required

Expanded Use Permit shall be permissible in a Small Rural Compound or a Large Rural Compound Building Group.

- a. Building Groups are defined in Article 4 Section 17 Building Groups.

### 3. ADULT ESTABLISHMENT

#### A. DEFINITION

A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted by law to persons 18 years of age or older.

#### B. STANDARDS

1. An adult establishment may not be located or operated within: 1,500 feet of a building which is used primarily for religious worship and related religious activities; 1,500 feet of a public or private educational facility, including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school; 1,500 feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the village which is under the control, operation, or management of the village park and recreation authorities; or 1,500 feet of another adult entertainment establishment.
  - a. For the purpose of this Code, measurement must be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a adult entertainment establishment is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, lot containing a residence, district not listed at the beginning of this section, or licensed child care facility.
  - b. The distance between any two adult entertainment establishment uses must be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
2. An adult entertainment establishment may not be operated in the same building, structure, or portion thereof, containing another adult entertainment establishment.
3. An adult establishment may be only one type of adult establishment: adult bookstore, adult cabaret, adult massage parlor, or adult motion picture theater. An adult

establishment may not combine these uses.

4. An adult establishment must not display obscene or indecent lights, posters, photographs, sketches, painted signs, laminated signs, or similar materials that are visible from the exterior of the building or visible through windows adjacent to a public right-of-way.

### 4. AMUSEMENT, INDOOR

#### A. DEFINITION

A commercial facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.

### 5. AMUSEMENT, OUTDOOR

#### A. DEFINITION

A commercial facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, campgrounds, batting cages, drive-in movie theater, recreational vehicle parks, petting zoos, golf courses, miniature golf courses, and amusement parks.

#### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

### 6. ANIMAL CARE, INDOOR

#### A. DEFINITION

A facility where animals not owned by the proprietor are sheltered and fed, and where all activities are located indoors. Includes veterinarian offices, grooming services, or training services for dogs, cats, and other household pets.

#### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

## USE STANDARDS

### 7. ANIMAL CARE, OUTDOOR

#### A. DEFINITION

A facility where animals not owned by the proprietor are sheltered and fed. Includes animal rescue shelters, boarding facilities, pet resorts/hotels, or training services for dogs, cats, and other household pets.

#### B. STANDARDS

1. Exterior exercise areas
  - a. shall not be located within the frontage zone.
  - b. must be located no less than 200 feet from any abutting residential use.
  - c. must meet state and federal regulations regarding shelter against weather.
  - d. must provide fencing of adequate height to prevent escape.
2. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

### 8. AQUACULTURE

#### A. DEFINITION

The commercial production of cultured fish, shellfish, seaweed, or other marine plants for human and animal consumption, including all cultivating activities occurring at hatcheries or nurseries, from the egg, larval or spore stages to the transfer of the product to a growing site and all cultivating activities occurring on water, from the receipt of fish, shellfish, seaweed or other marine plants from onshore facilities to the delivery of harvested products to onshore facilities for processing.

#### B. STANDARDS

1. All onshore aquaculture facilities must be located within fully enclosed structures designed for holding and rearing fish.

### 9. ASSEMBLY

#### A. DEFINITION

A facility that has organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse in a public or private setting. Examples include community centers, places of worship, meeting or lecture halls, exhibition rooms, or auditoria.

#### B. STANDARDS

1. Meeting facilities and places of worship may include functionally related internal facilities such as kitchens, multi-purpose rooms, and offices. Places of worship may establish schools, daycare centers, and on-site social programs such as health care clinics, and food banks.

2. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

### 10. BANKING & FINANCIAL SERVICES

#### A. DEFINITION

Uses related to the exchange, lending, borrowing, and safe-keeping of money.

#### B. STANDARDS

1. A freestanding Automated Teller Machine is not permitted, unless as part of a bank or financial building that shares the same site. An ATM must be integrated into the building if it is not housed inside the building in a lobby or vestibule.

### 11. BAR OR TAVERN

#### A. DEFINITION

A business that serves food and alcoholic beverages for on-premises consumption.

### 12. BED & BREAKFAST

#### A. DEFINITION

When a permanent resident provides rooms within a single unit residential building for temporary, overnight lodging for compensation in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.

#### B. STANDARDS

1. No more than five guest rooms are permitted.
2. Hourly rate lodging is not permitted.
3. Guest stays are limited to a maximum of 30 consecutive days, with the exception of the winter months, when 3 month stays are permitted.

### 13. CAMPGROUND

#### A. DEFINITION

A site where one or more lots are used, or are intended to be used, by campers with tents or recreational vehicles.

#### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

## 14. CAR WASH

### A. DEFINITION

An establishment for the washing of motor vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.

## 15. COLLEGE/UNIVERSITY

### A. DEFINITION

A post-secondary institution for higher learning that grants associate, bachelor, masters, or doctoral degrees, and theological schools.

- Often includes related ancillary facilities, such as cafeterias, restaurants, retail, indoor or outdoor recreational facilities, research facilities, and similar uses, which require separate use permits.

## 16. COMMERCIAL AGRICULTURE

### A. DEFINITION

The commercial planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises.

### B. GENERAL STANDARDS FOR USE.

- Private, non-commercial agricultural uses are permitted in every district but may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.
- Agriculture uses must follow the Maine State Agriculture Protection Act standards.

## 17. COMMERCIAL SCHOOL

### A. DEFINITION

A school that teaches industrial, clerical, managerial, commercial, artistic, or other select skills; conducts a commercial enterprise, such as a driving school; or a privately operated school that does not offer a complete educational curriculum.

## 18. CULTURAL FACILITY

### A. DEFINITION

A facility open to the public for cultural services and exhibitions including, but not limited to, museums, cultural centers, historical societies, and libraries operated by a government or non-profit establishment.

- A cultural facility may include ancillary assembly, retail, office, or restaurant uses, which require separate use permits.

## 19. DAY CARE CENTER

### A. DEFINITION

A residential companion use that provides licensed care in a protective setting for children or elderly or disabled adults.

### B. STANDARDS

- Adult day care and child day care facilities must be licensed by and comply with all relevant state requirements.
- Outdoor play areas must be provided, and must be safely segregated from parking, loading, or service areas.

## 20. DAY CARE FACILITY

### A. DEFINITION

A facility where licensed care, protection, and supervision is provided in a protective setting for children or adults, with or without compensation, on a regular basis away from a primary residence.

### B. STANDARDS

- Adult day care and child day care facilities must be licensed by and comply with all relevant state requirements.
- Outdoor play areas must be provided and must be safely segregated from parking, loading, or service areas.

## 21. DISPATCH SERVICE

### A. DEFINITION

The storage and dispatch of ambulances, taxis, limousines, armored cars, tow trucks, buses, and similar vehicles for specialized transportation, including where ambulance crews not located at a hospital or fire department stand by for emergency calls, ancillary professional offices, and/or minor vehicle service and maintenance repair.

### B. STANDARDS

- The storage of vehicles must be within a fully-enclosed structure or behind a 25 ft deep Level 2 Natural Screen or a 50% opaque fence.
- The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
  - Emergency Services are exempt from noise and glare requirements.

## USE STANDARDS

### 22. DISTRICT ENERGY SYSTEM

#### A. DEFINITION

A community-based energy system shared by property owners for common use, or managed by a homeowners' association, institution, or similar organization.

#### B. STANDARDS FOR USE

1. In SD-Fab, SD-Historic, D3, D4, D5, and D6 systems must be located on a roof or roofs, not on the ground.

### 23. DORMITORY

#### A. DEFINITION

Residential housing exclusively occupied by full or part-time students and/or educational staff and owned or operated by an educational institution.

### 24. DRIVE-THROUGH FACILITY

#### A. DEFINITION

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

### 25. FARM/VENDOR MARKET

#### A. DEFINITION

The direct sales of goods and/or products by multiple farmers or vendors from individual booths, tables, or stands, whether indoors or outdoors.

#### B. STANDARDS

1. Temporary markets may not operate more than three days per week for more than six hours per day.
2. If located on private property, must receive written permission from the property owner. If located on public property, must receive written permission from the governmental agency.
3. In D2, farm/vendor markets may occur only in accessory buildings.

### 26. FARMSTAND

#### A. DEFINITION

The direct sale of produce, grown or processed on the property, located within a permanent or semi-permanent structure also on the property.

### 27. FOOD PANTRY

#### A. DEFINITION

A not-for-profit use that distributes or facilitates the giving of food, clothing, and/or other essential items at no charge or for less than fair market value to persons in need of assistance.

#### B. STANDARDS

1. A food center or supply pantry is allowed within any place of worship or emergency shelter, regardless of district.
2. The owner/operator must ensure that persons receiving assistance do not block public access to sidewalks, rights-of-way, or private property, and that emergency access points are clearly identified and maintained.

### 28. FUNERAL SERVICES

#### A. DEFINITION

A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

#### B. STANDARDS

1. A crematorium requires a permit for a general industrial use.

### 29. GAS STATION

#### A. DEFINITION

A facility engaged in the retail sales of personal or commercial vehicle fuels.

#### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

### 30. HEALTH CARE PROVIDER

#### A. DEFINITION

An office providing outpatient health services involving the diagnosis and treatment of physical or mental ailments and disorders, including doctors, dentists, mental health practitioners, physical therapists, and their substantial equivalents.

### 31. HEALTH/FITNESS STUDIO

#### A. DEFINITION

A facility that provides interactive classes, personal or small group instruction, or other activities related to the improvement of the body, mind, and soul.

## 32. HOSPITAL

### A. DEFINITION

A facility that provides health, medical, or surgical care to the sick or injured and contains offices integral to function of the facility.

### B. STANDARDS

1. Hospitals often include related ancillary facilities, such as laboratories, outpatient clinics, cafeterias, gift shops, training facilities, classrooms, central service facilities, which require separate use permits.

## 33. HOTEL & HOSTEL

### A. DEFINITION

A commercial building(s) with guest rooms designed primarily for sleeping, and usually including a lobby, reception area, conference rooms, recreational amenities, and common kitchen cooking facilities providing meals for paying guests in a dining rooms or restaurants.

### B. STANDARDS

1. Hourly rate lodging is not permitted.
2. Guest stays are limited to a maximum of 30 consecutive days.
3. Hotel and Hostel may include related ancillary facilities, such as cafeterias, restaurants, retail, indoor or outdoor recreational facilities, and similar uses, which require separate use permits.

## 34. HUMAN SERVICE FACILITY

### A. DEFINITION

An establishment that provides services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury, that does not provide residential dwelling units.

### B. STANDARDS

1. A special permit application for a human services facility must document the community's need for the proposed facility and provide a detailed description of the uses, including an estimation of the number of individuals to be served at the facility over a stated time period, activities and programs anticipate at the facility, hours of operations, degree of supervision at the facility, and any other information as may be reasonably be necessary to ascertain the impact of the proposal facility on public safety, health, and welfare.
2. A special permit for a human services facility may be granted only where the use is found to be consistent with the following criteria: The proposed use will not alter the essential nature and character of the community; The proposed use will not result in a duplication of services, in relation to need, cost, and service efficiency, that would

hinder the community integration goals of the facility and create service capacity in excess of the overall need in the community. Considerations relevant for this determination are the distance between the proposed facility and to other facilities which offer the same services, the capacity of the proposed facility and the total capacity of all similar human service facilities in the community, the access or failure of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if an, of the applicant facility.

## 35. INDUSTRIAL, ARTISAN

### A. DEFINITION

A manufacturing use involving small-scale production or assembly with no noxious by-products, and which may include a showroom as well as incidental storage, sales, and distribution of products.

### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
2. Parking lots are not permitted within the frontage zone and must not be visible from any thoroughfare, excluding alleys.

## 36. INDUSTRIAL, GENERAL

### A. DEFINITION

Uses that are associated with retail sales, outdoor storage, or light manufacturing of finished or semi-finished products and may include trucking associated with the movement of materials or wholesale distribution.

### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.
2. A Level 3 Screen, 25 ft deep, is required along all side and rear lot lines that abut residential uses.

## USE STANDARDS

### 37. INDUSTRIAL, HEAVY

#### A. DEFINITION

The processing, manufacturing, compounding, or storage of materials, products, or energy, where the scale and method of operation regularly produce noise, heat, glare, dust, smoke, fumes, odors, vibration, and that may result in external impacts beyond the lot lines of the property. May regularly employ hazardous material or produce hazardous by-products.

#### B. STANDARDS

1. A minimum lot size of 10 acres is required.
2. State-level environmental review is required.
3. A 50 ft deep Level 4 Natural Screen is required to extend the entire length of the front, side, and rear lot lines.

### 38. JUNK/SALVAGE YARD

#### A. DEFINITION

Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard or building includes an auto wrecking yard or building.

#### B. STANDARDS

1. Junk/salvage yards must be located at least 500 feet from any abutting residential use.
2. A 50 ft deep Level 4 Natural Screen is required to extend the entire length of the front, side, and rear lot lines.
3. Outside storage of motor vehicles, equipment, parts, junk, or other materials must not be visible from roadways or adjacent residential uses.
4. Burning of junk or vehicles in any junk or salvage yard is prohibited.

### 39. LIVE ENTERTAINMENT

#### A. DEFINITION

Any activity provided for pleasure, quiet enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing an activity to a patron or group of patrons who are physically present.

#### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise,

vibrations, fumes, odor, dust, glare or other cause.

### 40. MARINA, DRY STORAGE

#### A. DEFINITION

A site used for the long-term dry storage of recreational watercraft in racks or other storage systems, and which may include ancillary repair facilities for watercraft.

### 41. MARINA, RECREATION

#### A. DEFINITION

A facility that has frontage on navigable water and allows for the short- or long-term docking and mooring of boats and that may provide supply, repair, and other services.

#### B. STANDARDS

1. State-level environmental review is required.
2. See Shoreland Zoning Ordinance

### 42. MOBILE HOME PARK

#### A. DEFINITION

See Mobile Home Parks Ordinance

#### B. STANDARDS

See Mobile Home Parks Ordinance

### 43. OFFICE, LARGE

#### A. DEFINITION

A medium office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A large office has no maximum number of workers in a single building and no parking space limitations.

### 44. OFFICE, MEDIUM

#### A. DEFINITION

A medium office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A medium office has up to 35 workers in a single building and no parking space limitations.



## 45. OFFICE, SMALL

### A. DEFINITION

An small office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A small office has up to 5 workers in a single building and 6 parking spaces per lot.

## 46. OUTDOOR STORAGE

### A. DEFINITION

The outdoor keeping of equipment, vehicles, waste, and any materials associated with uses or activities occurring within buildings on the same lot for a period greater than 48 hours.

### B. STANDARDS

1. The storage of refuse, recycling, or other materials is not permitted within the frontage zone.
2. Outdoor storage is not permitted within the frontage zone and must not be visible from any thoroughfare (excluding alleys) except when located behind a 25 ft deep Level 3 Natural Screen.
3. Storage areas must be located at least 20 ft from any structure used as a dwelling.

## 47. PACKAGED LIQUOR

### A. DEFINITION

Any alcoholic beverage sales establishment involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption.

## 48. PARKING LOT

### A. DEFINITION

A non-accessory parking lot made available to the general public in exchange for a fee.

### B. STANDARDS

1. Parking lots must follow the standards for Vehicular Parking in Article 3 Site Standards.

## 49. PRIMARY/SECONDARY SCHOOL

### A. DEFINITION

A public, private, or parochial institution offering instruction at the elementary through high school levels with a full range of curricular programs.

## 50. PRIVATE CLUB OR LODGE

### A. DEFINITION

A facility operated for an organization, which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and/or entertainment activities.

### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

## 51. RECYCLING FACILITY

### A. DEFINITION

A facility that accepts materials, such as dry paper, glass, cans, or plastics, for storage and processing by power-driven equipment for the subsequent reuse in the secondary materials market.

### B. STANDARDS

1. Outdoor storage or operations of the recycling facility may not be located within the frontage zone and must be located behind a 50 ft deep Level 3 Natural Screen, or a 6 ft to 8 ft tall opaque fence. Outdoor storage or operations of any kind are prohibited outside the screened area.
2. Recycling drop-off facilities, manned or unmanned, must be located behind the frontage zone.
3. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

## 52. RESEARCH LABORATORY

### A. DEFINITION

A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products.

### B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

## 53. RESIDENCE

### A. DEFINITION

A dwelling unit used, intended, or designed to be rented, leased, let, or hired out to be occupied for living purposes.

### B. STANDARDS

1. Dwelling units are not permitted in first floor units that front shopfront streets identified on the District Map.

## 54. RESIDENTIAL CARE FACILITY

### A. DEFINITION

A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

## 55. RESOURCE EXTRACTION

### A. DEFINITION

1. Any use that involves the removal of raw materials from the lot, such as soil, rock, timber, or water for commercial activity.

### B. STANDARDS

1. Ensure compliance with the Shoreland Zoning Ordinance.
2. The use of raw materials from the lot, for landowner use on the lot, is permitted.
3. A 100 ft deep Level 4 Natural Screen is required between the primary thoroughfare and the resource extraction activity and associated buildings.
  - a. The Planning Board may determine that a 100 ft deep Level 4 Natural Screen is required on the side and rear lot lines to protect abutters.
4. State-level environmental review is required.
5. Water extraction for commercial processing, selling, or distributing is prohibited.

## 56. RESTAURANT & CAFE

### A. DEFINITION

A business where food and beverages are prepared and served to patrons for consumption either on-premises or off-premises.

### B. STANDARDS

1. The sale of alcohol for on-premises consumption requires separate approval as a Bar or Tavern. Sale of alcohol for off-premises consumption requires separate approval for a Packaged Liquor.
2. A restaurant may include live entertainment without a separate approval, under the following conditions:
  - a. No permanent space is dedicated for live entertainment;
  - b. No admission is charged for live entertainment;
  - c. When live entertainment is offered incidental and subordinate to the restaurant use.
3. Ventilation systems may not be installed on the facade of any primary or secondary frontage unless the applicant

can prove that no other feasible alternative is available. To the maximum extent feasible, ventilation systems must be directed away from adjacent residential properties.

## 57. RETAIL & SERVICE, GENERAL

### A. DEFINITION

A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.

## 58. RETAIL & SERVICE, HEAVY

### A. DEFINITION

A retail and service business with permanent outdoor display, service, and storage areas, such as vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, commercial and recreational vehicles, watercraft, and outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment.

### B. STANDARDS

1. A 50 ft deep Level 2 Natural Screen or 6 ft to 8 ft tall opaque fence is required along all side and rear lot lines that abut residential uses.

## 59. ROOMING HOUSE

### A. DEFINITION

A structure occupied, designed, or intended to be occupied by individuals who may share common areas and facilities, but do not form a single household, and do not provide compensation under a single lease for occupancy. A rooming unit provides sleeping accommodations, but no in-room cooking facilities.

### B. STANDARDS

1. One on-site supervisor is required at all times for any rooming house with ten or more rooming units.
2. Hourly rate lodging is not permitted. Lodging must be arranged on a week-to-week or longer basis.

## 60. SELF-STORAGE FACILITY

### A. DEFINITION

A facility where individual secured areas inside of a structure are rented for short-term storage of a variety of non-hazardous, non-perishable durable goods and where the lessee has direct access and responsibility for loading and unloading the storage.

### B. STANDARDS

1. The individual storage units of a self-storage facility may be located in a fully-enclosed building, with access to individual storage units provided from common areas located indoors.
2. Where the individual storage units of a self-storage facility

are accessed from outside a structure, a 25 ft deep Level 2 Natural Screen or 6 ft to 8 ft tall opaque fence is required along all side and rear lot lines that abut residential uses.

3. Garage doors serving individual storage units must be perpendicular to the primary thoroughfare.
4. Outdoor storage must be visually screened from any thoroughfare by a 25 ft deep Level 2 Natural Screen or 6 ft to 8 ft tall opaque fence. Outdoor storage of any kind are prohibited outside the screened area.

## 61. STABLES / RIDING CENTER

### A. DEFINITION

A structure or land used, designed, and arranged for the care and shelter of equines, or for rentals, riding, shows, or training, which may include horses not boarded on-site.

### B. STANDARDS

1. A fence is required around all paddock areas.

## 62. TOURIST RENTAL

### A. DEFINITION

The rental of a dwelling unit, or a portion of a dwelling unit, on an overnight or short-term basis for less than 30 days at a time.

### B. STANDARDS

1. Tourist rentals require an annual license from the Code Enforcement Officer and may be approved or denied based on enforcement history at the location, whether or not the rental is unduly taxing public infrastructure, public services, has demonstrated a hazard to public safety, or otherwise disturbs the peace of neighbors and the community.

## 63. UTILITIES & SERVICES

### A. DEFINITION

1. Buildings and structures that provide or facilitate the transmission of services consumed by the public including electricity, Internet, natural gas, water, and sewage.

### B. STANDARDS

1. Standards related to wind energy facilities are located in the Wind Energy Ordinance.
2. Buildings required for the production and distribution of utility services must meet the following standards:
  - a. Utility buildings must be built to the standards of a permitted building within the district in which they are located.
  - b. Utility equipment that cannot be located indoors must utilize screening elements and walls to blend into the surrounding context.

3. Where real windows are impractical, a utility building may meet window and door requirements with recessed panels and applying any of the following finishes to the panel to simulate window patterns:
  - a. Glass cladding.
  - b. Louvered or paneled shutters covering the panel in a "closed" position.
  - c. A trellis, grille, grate, or fretwork.
4. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

## 64. VEHICLE RENTAL OR SALES

### A. DEFINITION

A business that sells, leases, or rents automobiles, vans, three-wheelers, motorcycles, scooters, or other powered personal transportation or conveyance, and which may include on-site facilities for the repair and service of vehicles sold, leased, or rented. This does not include the sale, lease, or rental of recreational vehicles, commercial vehicles, or watercraft, which is considered a heavy retail and service use.

### B. STANDARDS

1. The display of vehicles for rental or sale shall not occur within the frontage zone.

## 65. VEHICLE REPAIR

### A. DEFINITION

A business that repairs, installs, or maintains automobiles, small trucks or vans, motorcycles, motor homes, or recreational vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of these types of vehicles.

### B. STANDARDS

1. Any repair and service operations must be performed within a fully enclosed building. Garage doors may be open during hours of operation.
2. No partially dismantled, wrecked, or unregistered vehicle may be stored outdoors for more than 30 days.
3. Temporary storage of vehicles may not be located within the frontage zone and must be located behind a 25 ft Level 2 Natural Screen or a 6ft to 8 ft tall opaque fence.
4. Outdoor storage or operations of any kind are prohibited in the frontage zone.
5. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

# ARTICLE 7

## ADMINISTRATION

### 1. CORE CODE ADMINISTRATION

#### A. PURPOSE

1. To describe the powers and duties of the review bodies and ordinance administrator, and the different kinds of applications required to be submitted to the Town prior to subdivision of land or construction of buildings or site improvements.
2. To describe detailed procedures for each application type, including what information an applicant is required to submit, how long a permitting process may take, how a project might be noticed, and the standards a review body or administrator will consider when granting approval.
3. To describe procedures for seeking zoning relief, appeals, and for seeking District Map or text amendments.

#### B. APPLICABILITY

1. Applies to all projects within the Town of Newcastle.

### 2. GENERAL PROCEDURES

#### A. GENERAL

1. Applications must be approved by the Permitting Authority, following the procedures outlined in this Code.
2. Applications must include all necessary information and plan contents for the Permitting Authority to determine compliance with this Code.
3. The applicant can obtain an application packet, including all submission requirements, from the Town Office.
4. When a project requires multiple types of permit review, those applications may, at the discretion of the Permitting Authority, be processed simultaneously.

#### B. COMPLETENESS

1. An application for development review is not considered complete until all necessary information has been supplied by the applicant, all fees have been paid, required pre-submittal meetings have been held, and until such time as the Permitting Authority determines completeness.
2. Upon written request by an applicant, the Permitting Authority may waive any of the application requirements required for submission, provided the requirement is not needed to determine full compliance with this Code.
3. For any application requiring a public hearing, the Code Enforcement Officer or other Permitting Authority may

make initial determination of completeness and schedule the application for a public hearing.

4. At the public hearing, the Permitting Authority may vote to determine if an application is complete and may do one of the following:
  - a. Determine the application is complete and ready for review.
  - b. Determine the application is incomplete and deny the application.
  - c. Determine the application is incomplete and allow the applicant to withdraw the application without prejudice according to Article 7.A.9.B Withdrawal.
  - d. Table the application to a date and time specific according to Article 7.A.7.C, Continuance.

#### C. FEES

1. Upon formal submission of an application, any applicable fees must be paid in accordance with the fee schedule established by the Board of Selectmen and posted at the Town Office.

#### D. TECHNICAL REVIEW

1. Where a Permitting Authority finds that the scale or complexity of a project necessitates third party professional or technical services to assist with project review and determination of compliance with this Code and any modules, the applicant may be required to escrow funds prior to the commencement of project review.
2. Funds will be held by the Town Treasurer and any balance of funds remaining at the conclusion of project review will be returned to the applicant.
3. In the instance where an applicant disagrees with the amount of funds to be escrowed, an applicant may appeal a decision of the Permitting Authority in accordance with Article 7.F.1 Administrative Appeals.

#### E. RECORDING

1. Plans containing lots, virtual lot lines, or building groups must be recorded in the Lincoln County Registry of Deeds within 90 days of the granting of an approval, variance, or a permit.

ARTICLE 7

### 3. PRE-SUBMITTAL MEETING

#### A. PURPOSE

1. To provide an opportunity to inform an applicant of relevant development review application criteria, standards, and procedure.
2. To examine previous development review applications and permits for the site.
3. To identify potential concerns by the applicant and the Permitting Authority at the earliest opportunity in the development process.

#### B. APPLICABILITY

1. At the discretion of the Code Enforcement Officer, an applicant may be required to have a pre-submittal meeting with the Permitting Authority. Conversely, an applicant may request a pre-submittal meeting with the Permitting Authority.
2. A pre-submittal meeting is mandatory for the following applications: Large Project Plan, Subdivision Plan, Master Plan, Special Permit, and Variance.
3. A pre-submittal meeting is optional, but recommended for a Small Project Plan application.
4. The Permitting Authority conducts pre-submittal meetings.
5. Pre-submittal meetings are advisory only, and not intended as an exhaustive review of all potential issues. Participation in a pre-submittal meeting does not absolve an applicant of any responsibility for legal or technical due diligence investigation.

#### C. PROCEDURE

1. A pre-submittal meeting with the Code Enforcement Officer should occur at least 3 days prior to formal submission of an application for development review.
2. A pre-submittal meeting with the Planning Board must be requested in writing to the Office of the Code Enforcement Officer, and the Office of the Code Enforcement Officer must schedule the meeting for the next regular meeting of the Planning Board.
3. Applicants or their representatives are required to attend a pre-submittal meeting.

### 4. OPTIONAL NEIGHBORHOOD MEETING

#### A. PURPOSE

1. To facilitate appropriate community participation in the development review process; to provide an applicant with an opportunity to present a development proposal to the public during the conceptual design phase; and to allow the public to identify and discuss issues and potential impacts of the development proposal with the applicant.
2. To promote submittal of applications for development

review that are more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.

#### B. APPLICABILITY

1. Neighborhood meetings are optional.

#### C. PROCEDURE

1. A neighborhood meeting should occur at least 10 days before formal submittal of an application for development review.
2. Neighborhood meetings should be held at a location in close proximity to the subject property on a weekday evening after 6:00 p.m. or on weekends at any reasonable time and should not occur on a local, state, or national holiday.
3. Applicants or their representatives must attend a neighborhood meeting.
4. The Applicant is responsible for coordinating a neighborhood meeting.
5. The format and agenda of the neighborhood meeting is at the discretion of the applicant and may consist of:
  - a. A formal or informal presentation
  - b. On-site walk through
6. Opportunity must be provided for attendees to ask questions regarding the development review application.
7. The Applicant is encouraged to submit a report and minutes of the neighborhood meeting to the Code Enforcement Officer at the time of application submittal, including the following:
  - a. A list of those persons and organizations contacted about the meeting, and manner and date of contact;
  - b. The date, time, and location of the meeting;
  - c. A roster or signature sheet of attendees at the meeting;
  - d. A summary of issues discussed at the meeting;
  - e. Copies of all materials provided by the applicant at the meeting; and
  - f. A description of any changes to the application made as a result of the meeting.

### 5. PUBLIC NOTICE

#### A. PURPOSE

1. To inform the general public of the public hearing or meeting and to inform neighboring landowners of any potential development impacts.

#### B. APPLICABILITY

1. All projects.

## ADMINISTRATION

### C. MAILED NOTICE

1. Refer to Table 7.1 Notices & Public Hearings.
2. Notice of a development review or legislative procedure public hearing must be mailed by USPS Return Receipt to abutters located:
  - a. Within 1,000 feet of the subject property, if the property is in D1.
  - b. Within 250 feet of the subject property located in all other districts.
3. The applicant must develop a notice containing pertinent information about the project, including: application type, project location and description, and if applicable, time, date and location of first scheduled meeting of the Permitting Authority, contact information for the Town of Newcastle. Notices must be mailed within 7 business days of submission of an application.
4. Applicant must provide copy of mailing receipt to the Office of the Code Enforcement Officer.

### D. PUBLISHED NOTICE

1. When published notice is required, notice of a development review or legislative procedure public hearing must be published on the Town of Newcastle's web page and in a newspaper of general circulation.

### E. POSTED NOTICE

1. When posted notice is required, the Code Enforcement Officer must post notice of a development review or legislative procedure public hearing in a conspicuous public location at the Town of Newcastle Office.
2. The posted notice must include a description of application type and brief summary as well as contact information for the Town of Newcastle.

### F. NOTICE DEFECTS

1. Minor defects in notice do not impair the notice or invalidate proceedings if a bona fide attempt has been made to comply with applicable notice requirements.

## 6. PUBLIC HEARINGS

### A. PURPOSE

1. To provide an opportunity for the public to review and comment on project applications, revisions, appeals, and/or proposed zoning text or map amendments.

### B. APPLICABILITY

1. Refer to Table 7.1 Notice & Public Hearing. Application types that are not listed, do not require a Public Hearing.

### C. ACCESS TO DOCUMENTS

1. Physical copies of application information, plans, and other related correspondence are available to inspect during normal Town of Newcastle office business hours. Copies of materials may be requested by any party, subject to payment of a reasonable fee to cover the cost of such copies.

### D. CONDUCT OF THE PUBLIC HEARING

1. The public hearing will be conducted in accordance with any and all applicable requirements of this Code and any adopted rules and regulations of the Permitting Authority conducting the hearing.

### E. CONTINUANCE

1. Upon mutual agreement by the applicant and the Permitting Authority, the following procedural requirements may be extended:
  - a. The time limit required for commencement of a public hearing:
  - b. The time limit required to make a decision.
2. Time limit extensions shall be recorded in writing.

**TABLE 7.1 NOTICES & PUBLIC HEARINGS**

	NOTICE	PUBLIC HEARING
Small Project plan		
Large Project Plan	●	◐
Subdivision Plan	●	●
Master Plan	●	●
Plan Revision	◐	◐
Special Permit	●	●
Variance	●	●
Land Conveyance		
Zoning Amendment	●	●

● Required

◐ May be required

## 7. WRITTEN INTERPRETATION

### A. PURPOSE

1. To provide a formal explanation or clarification of the regulations of this Code as applied to specific cases.

### B. APPLICABILITY

1. A written interpretation may be requested by any party.
2. The Code Enforcement Officer may issue a written interpretation of any specific standards(s) of this Code as

applied to any specific property or development proposal under development review at their own initiative, without petition from the public.

**C. GENERAL**

1. The Code Enforcement Officer may issue written interpretations.
2. A written interpretation does not require the Code Enforcement Officer to reach a particular decision for any application for development review if the facts of the application, property, location, or character of the development proposal differ from those stated or assumed in a previously issued written interpretation.
3. Written interpretations must be consistent with the purpose and purpose of this Code and cannot contradict or override any standards of this or any other Ordinance.

**D. PROCEDURE**

1. Within 30 days after receiving a petition for a written interpretation, the Code Enforcement Officer must:
  - a. Review the specific standard or standards to be interpreted and the facts of the specific situation concerning the request for an interpretation;
  - b. Issue, in writing, meaningful explanation or clarification of the standard in question; and,
  - c. File the written interpretation with the Town Clerk.
2. The Code Enforcement Officer may require further facts and information as are, in their judgment, necessary to provide a meaningful interpretation of the standard in question.

**8. MISC PROCEDURES**

**A. INSPECTION**

1. Submittal of an application provides consent, by the applicant, for the Code Enforcement Officer to enter upon private real property to conduct routine inspections as needed.

**B. WITHDRAWAL**

1. An application may be withdrawn without prejudice at any time prior to the issuance of the public notice advertising the development review public hearing where the application will be reviewed.
2. Once the public notice advertising a development review public hearing has been issued, a request to withdraw an application can only be granted by the Permitting Authority. Upon request to withdraw without prejudice, the Permitting Authority has the option to do one of the following:
  - a. Approve a request to withdraw without prejudice; or
  - b. Deny the request and proceed to evaluate the application based on the merits of the information submitted.

- c. Withdrawn applications are not eligible for a refund of fees, unless explicitly authorized by the Town Administrator.

**C. REPETITIVE APPLICATIONS**

1. A denied application will not be reconsidered for a minimum of 2 years from the date that final action was taken by the Permitting Authority unless the Permitting Authority determines that substantial new evidence is available, or a significant mistake of law or of fact was made in the prior denial, that justifies reconsideration of the application.
2. If the application is resubmitted earlier than 2 years from the date of final action, the subsequent application must include a detailed statement of the evidence justifying its reconsideration.
3. Re-submittal of applications withdrawn without prejudice must not be considered a repetitive application.

**D. FAILURE TO ACT**

1. Failure by a Permitting Authority to hold a public hearing or take final action on an application within the maximum time requirement or permitted extensions, as applicable, must result in the approval of the application at the expiration of said time periods.

**E. FINDINGS**

1. Decisions must include a detailed record of proceedings indicating the vote of each member, the reason for its decisions, its official actions and any conditions of approval.

**F. CERTIFICATION & RECORDING OF DECISION**

1. Filing of the Decision. Decisions will be filed by the Permitting Authority as indicated for each type of development review with the Town Clerk within five business days after the decision is made. The Town Clerk will date stamp the decision, beginning the time period for which an appeal may be filed.
2. Notice of the Decision. Notification of the decision must be mailed to the petitioner, applicant, and appellant, as applicable.
3. Certification. The applicant must take a copy of the decision provided by the Office of the Code Enforcement Officer to the Town Clerk for certification that no appeals have been filed.
4. Archiving of Decision. Once the Town Clerk has certified that the decision has not been appealed, the applicant must archive the decision in accordance with this Code. No Zoning Permit will be issued without physical evidence that a required or requested waiver, special permit, and/or variance granted by a Permitting Authority has been properly filed with the Lincoln County Registry of Deeds.
5. Recording of Plans. Plans approved and signed by the Planning Board must be recorded at the Lincoln County

## ADMINISTRATION

Registry of Deeds within six months. Failure to record plan may be construed by the Planning Board as abandonment of the plan and may cause the Planning Board to take action to repeal its decision.

6. Validity. A Zoning Permit remains valid for 1 year. A Subdivision Plan approval remains valid for 2 years.

## 9. APPLICATION TYPES

### A. PURPOSE

1. To provide a clear and effective set of rules for gaining approvals for development within the Town of Newcastle.

### B. APPLICABILITY

1. All projects.

### C. DEVELOPMENT REVIEW

1. Applications are required for the following types of projects:
  - a. Small Project Plan
  - b. Large Project Plan
  - c. Subdivision Plan
  - d. Master Plan
  - e. Plan Revision
  - f. Use Permit
  - g. Residential Companion Use Permit
  - h. Expanded Use Permit
  - i. Special Permit
  - j. Variance

### D. ADDITIONAL PERMIT APPLICATIONS

1. Additional permit applications may be required based on conditions of subject property and/or the proposed project, including:
  - a. Shoreland Zoning
  - b. Resource Protection
  - c. Floodplain
  - d. Demolition Delay
  - e. Wireless Communications
  - f. Timber Harvesting
  - g. Earth Filling, Grading, Excavation
  - h. Erosion Sedimentation Control
  - i. Seasonal Conversion
  - j. Mobile Home Park

## 10. SMALL PROJECT PLAN

### A. PURPOSE

1. To provide for the administrative review of projects including the development of individual buildings, modifications to buildings, changes or alterations made to a site, or other projects that do not create significant off-site impacts, according to the applicability standards below.

### B. APPLICABILITY

1. All new buildings and accessory buildings up to 10,000 sf in gross floor area.
2. Building renovations up to 10,000 sf in gross floor area.
3. Additions of building components.
4. Site improvements.
5. Changes to a nonconforming lot, use, structure, site improvement, if the subject property is up to 10 acres in lot area.

### C. AUTHORITY

1. The Code Enforcement Officer administratively reviews applications for all Small Project Plan applications.
2. Upon approval of a Small Project Plan, the Code Enforcement Officer issues a Zoning Permit to the applicant.
3. The Code Enforcement Officer may, upon consideration of the complexity of the application, forward the application to the Planning Board for review and approval at a public hearing.

### D. PROCEDURE

1. A Small Project Plan application must be filed, including payment of the applicable fee, with the Office of the Code Enforcement Officer, in accordance with Article 7.A.1 General Procedures.
2. The Code Enforcement Officer must forward applications for a Small Project Plan that require any additional type of development review to the appropriate Permitting Authority, subject to the applicable procedural requirements of this Article.
3. Within 10 days after receiving a completed application for a Small Project Plan that does not require any further type of development review, the Code Enforcement Officer must issue a Zoning Permit or transmit in writing to the Applicant the reasons for failure to issue such permit.
4. Zoning Permits for Small Project Plans will not be issued for applications that require any additional development review until that review has been completed in accordance with the standards of this Article.



**E. APPROVAL STANDARDS**

1. The Code Enforcement Officer must approve a Small Project Plan application and issue findings of fact upon verifying consistency to the following:
  - a. The standards of this Code;
  - b. The adopted Comprehensive Plan of the Town of Newcastle;
  - c. Any/all prior approvals for the subject property;
  - d. Any additional type of development review required by this Code has been completed in accordance with the standards of this Article; and,
  - e. Considerations indicated elsewhere in this Code for the required Small Project Plan approval.

**F. CONDITIONS**

1. The Code Enforcement Officer may grant Small Project Plan approval with conditions only to the extent that conditions specify the actions necessary to bring the application into complete compliance with applicable standards of this Code or where additional conditions have been agreed to by the applicant.

**G. AMENDMENTS**

1. Amendments to approved Small Project Plan applications may be approved as follows:
  - a. Amendments must be submitted to the Office of the Code Enforcement Officer, including a written description of the proposed change, the reason for such change, and a revised plan with notation of changes to the approved plan.
  - b. When considering a revision to a previously approved application for a Small Project Plan, the Code Enforcement Officer must limit their review to the proposed changes to the previously approved application.
  - c. Within 10 days of determination of completeness, the Code Enforcement Officer must issue a Zoning Permit or transmit in writing the reasons for failure to issue such permit.

**11. LARGE PROJECT PLAN****A. PURPOSE**

1. To provide for the review of projects including the development of individual buildings, modifications to buildings, changes or alterations made to a site, or other projects that may have the potential to create significant off-site impacts, according to the applicability standards below.
2. The Large Project Plan approval process provides an applicant with the opportunity to submit architectural, site, landscaping, or engineering plans so that compliance to the standards of this Code can be determined.

**B. APPLICABILITY**

1. Projects that create significant on- or off-site impact.
  - a. On-site significant impacts may include but are not limited to excavation, grading, or blasting; noise, glare, or smell; and,
  - b. Off-site significant impacts may include but are not limited to existing utilities, stormwater infrastructure or alterations within the thoroughfare right-of-way.
2. All new buildings and accessory buildings over 10,000 sf in gross floor area.
3. Building renovations over 10,000 sf in gross floor area.
4. Site improvements creating more than 50 parking spaces.
5. Changes to a nonconforming lot, use, structure, site improvement, if the subject property is over 10 acres in lot area.
6. Building groups that do not trigger subdivision.

**C. AUTHORITY**

1. The Code Enforcement Officer reviews and approves applications that require Large Project Plan approval.
2. Upon approval of a Large Project Plan, the Code Enforcement Officer issues a Zoning Permit to the applicant.
3. The Code Enforcement Officer may, upon consideration of the complexity of the application, forward the application to the Planning Board for review and approval at a public hearing.

**D. PROCEDURE**

1. A Large Project Plan application must be filed, including payment of the applicable fee, with the Office of the Code Enforcement Officer, in accordance with Article 7.A.1 General Procedures.
2. Within 45 days after receiving a completed application for a Large Project Plan that does not require any further type of development review, the Code Enforcement Officer must issue a Zoning Permit or transmit in writing to the Applicant the reasons for failure to issue such permit.

## ADMINISTRATION

3. If the Code Enforcement Officer forwards the application to the Planning Board, the Planning Board will proceed as follows:
  - a. Within 30 days after receiving an application for Large Project Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
  - b. Within thirty 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application in accordance with this section.
4. Zoning permits for large project plans will not be issued for applications that require any additional development review until that review has been completed in accordance with the standards of this Article.

### E. APPROVAL STANDARDS

1. The Code Enforcement Officer must approve a Large Project Plan application and issue findings of fact upon verifying consistency to the following:
  - a. The standards of this Code.
  - b. The adopted Comprehensive Plan of the Town of Newcastle.
  - c. Any/all prior approvals for the subject property.
  - d. Any additional type of development review required by this Code has been completed in accordance with the standards of this Article.
  - e. Considerations indicated elsewhere in this Code for the required Large Project Plan approval.

### F. CONDITIONS

1. The Code Enforcement Officer may grant Large Project Plan approval with conditions only to the extent that conditions specify the actions necessary to bring the application into complete compliance with applicable standards of this Code or where additional conditions have been agreed to by the applicant.

### G. AMENDMENTS

1. Amendments to approved Large Project Plan applications may be approved as follows:
  - a. Amendments must be submitted to the Office of the Code Enforcement Officer, including a written description of the proposed change, the reason for such change, and a revised plan with notation of changes to the approved plan.
  - b. When considering a revision to a previously approved application for a Large Project Plan, the Code Enforcement Officer must limit their review to the proposed changes to the previously approved application.
  - c. Within 30 days of submission, the Code Enforcement

Officer must issue revised findings and issue a Zoning Permit or transmit in writing the reasons for failure to issue such permit.

### H. COMPLIANCE

1. The Code Enforcement Officer may require the posting of a bond or other performance guarantee to assure compliance with the Large Project Plan and/or conditions, as approved.

## 12. SUBDIVISION

### A. PURPOSE

1. To allow for the orderly development of a parcel of land into new dwelling units and lots, and thoroughfares that provide access to them.
2. To comply with MRSA, Title30-A, Chapter187, Section 4401 et.seq.

### B. APPLICABILITY

1. The division of a parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971.
2. The division of structures into 3 or more dwelling units.
3. The construction or placement of 3 or more dwelling units.
4. The division of an existing structure used for commercial or industrial use into 3 or more dwelling units.
5. Construction of thoroughfares.
6. Installation of utility services.

### C. AUTHORITY

1. Application for Subdivision must comply with all other standards in this code.
2. The Planning Board reviews and approves all applications for Subdivision Plan approval and enforces this Article.
3. The Office of the Code Enforcement Officer administers the Subdivision Plan approval review process.
4. The Road Commissioner and Code Enforcement Officer oversees the subdivision construction phase.
5. When a Subdivision Plan application requires review and approval of the Maine Department of Environmental Protection, each review may be conducted simultaneously.
6. Upon approval of a Subdivision Plan, the Code Enforcement Officer issues a Zoning Permit for the installation of all required site improvements.
7. Upon approval of a Subdivision Plan, the Office of the Code Enforcement Officer may accept applications for development, including but not limited to Small and Large Project Plans for new buildings.

### D. PHASING

1. The Planning Board may permit a subdivision to be completed in phases. The Planning Board may include any

requirements or conditions on such phasing plan it deems necessary to ensure orderly development.

**E. PROCEDURE**

1. The review and approval of an application for Subdivision Plan approval is conducted at a public hearing of the Planning Board.
2. Applicants are required to attend a pre-submittal meeting with the Planning Board.
3. Within 30 days after receiving an application for Subdivision Plan approval, the Planning Board must determine if the application is complete and ready for review at a public hearing.
4. A copy of the application for Subdivision Plan approval will be circulated to the following departments for review and comment. Each entity must forward any comments to the Planning Board in a timely manner for consideration during the public hearing process:
  - a. Road Commissioner
  - b. Fire Chief
  - c. Great Salt Bay Sewer and Water District
5. Within 30 days after determining application completeness, the Planning Board must hold a public hearing and make a decision to approve, approve with modifications, deny, or grant withdrawal without prejudice the application for final plat plan approval.
6. Within 30 days, the Planning Board must issue findings of fact and provide a copy to the applicant and the Office of the Code Enforcement Officer.
7. The applicant must submit 3 mylar copies of the final plat plan for Planning Board signatures.

**F. APPROVAL STANDARDS**

1. The Planning Board must approve a Subdivision Plan application and issue findings of fact upon verifying consistency to the following:
  - a. The standards of this Code.
  - b. The Newcastle Road, Driveway, and Entrance Ordinance.
  - c. Pollution: The proposed subdivision will not result in undue water or air pollution. In making this determination, it will at least consider:
    - i. The elevation of the land above sea level and its relation to the flood plains;
    - ii. The nature of soils and subsoils and their ability to adequately support waste disposal;
    - iii. The slope of the land and its effect on effluents;
    - iv. The availability of streams for disposal of effluents; and
    - v. The applicable state and local health and water resource rules and regulations.

- d. Sufficient Water: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
- e. Municipal water supply: The proposed subdivision will not cause an unreasonable burden on an existing water supply and the project can be served as planned, if one is to be used.
- f. Erosion: The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- g. Traffic: The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. If the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveways or entrances meet Title 23, Section 704.
- h. Sewage Disposal: The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- i. Municipal Solid Waste Disposal: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
- j. Aesthetic, cultural, and Natural Values: The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- k. Financial and Technical Capacity: The subdivider has adequate financial and technical capacity to meet the standards of this section.
- l. Surface Waters: Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- m. Ground Water: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- n. Flood Areas: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, if the subdivision, or any part of it, is in such an area, the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal

structures in the subdivision will be constructed with their lowest floor, including the basement, at least three feet above the 100-year flood elevation.

- o. **Freshwater Wetlands:** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application.
- p. **River, Stream, or Brook:** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, subsection 9.
- q. **Storm Water:** The proposed subdivision will provide for adequate storm water management and comply with State Stormwater Management Law 38 M.R.S.A. Section 420-D.
- r. **Spaghetti-Lots:** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than 5 to 1.
- s. **Lake Phosphorus Concentration:** The long-term cumulative effects of the proposed subdivision will not unreasonably increase the phosphorus concentration in a Great Pond, (as defined in MRSA Title 38 Section 480-B), during the construction phase and life of the proposed subdivision, or in the absence of a Great Pond, otherwise cause phosphorous concentration in fresh water bodies.
- t. **Impact on Adjoining Municipality:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- u. **Lands Subject to Liquidation Harvesting:** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

**G. CONDITIONS**

- 1. The Planning Board may attach conditions and/or limitations that it deems necessary in order to ensure compliance to the findings and/or standards applicable to development requiring Subdivision Plan approval.

**H. AMENDMENTS AND MODIFICATION**

- 1. The Code Enforcement Officer may determine that the

following modifications to an approved plat are de minimus in nature, and do not constitute an amendment to the approved final plat:

- a. Moving of lot lines and rearrangement of easements, provided that the lots meet the minimum requirements of this Code and all other applicable regulations, and the number of lots remains the same; and,
  - b. Modification of design of improvements as result of unforeseen conditions or field adjustments during construction, as recommended by the Road Commissioner.
- 2. All other modifications to an approved plat will constitute a new application to the Planning Board, subject to the procedures of Article 7.B.4.C Procedure.
  - 3. Where a revision causes need for a new plan mylar to be signed by the Planning Board for recording at the Lincoln County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars in a timely manner. After obtaining necessary signatures, the applicant must file the signed mylar with the Lincoln County Registry of Deeds in accordance with the standards of this Code.

**I. COMPLIANCE**

- 1. The Planning Board may require the posting of a security agreement (performance bond, irrevocable letter of credit or other performance guarantee), plus inspection fees made payable to the Treasurer of the Town of Newcastle to assure compliance with the Subdivision plan and/or conditions, as approved, within 2 years from the date of approval of the final plat.
- 2. The Planning Board may recommend to the Board of Selectmen an extension of the performance guarantee period up to twelve months where the applicant can demonstrate good cause for extension.

**J. RECORDING OF PLAT**

- 1. The applicant will file a copy of the approved subdivision plat at the Lincoln County Registry of Deeds within 6 months of approval by the Planning Board.

**K. MONUMENTS**

- 1. Following final plat approval, survey monuments and markers must be laid out as indicated in the final plat as follows:
  - a. Monuments must be made of granite or concrete cylinders covered with suitably marked bronze plates;
  - b. The tops of monuments and their location and grade must be set as established by the Road Commissioner;
  - c. The monuments must be of sufficient depth to reach below the frost line;
  - d. The Road Commissioner may modify or exempt the

installation of monuments based on the nature of the proposed subdivision.

**L. REQUIRED IMPROVEMENTS**

1. Installation of Improvements must be made in accordance with the final plat, within 2 years from the date of approval of the final plat. Improvements may include, but are not limited to: site grading, streets (including any street trees, sidewalks, curb and gutter), sanitary sewers, water mains and services, stormwater management facilities, fire services, street lighting, and signage.
2. Prior to start of construction of any required improvements, the applicant must provide the Road Commissioner with a copy of specifications included in any contract entered into by the applicant for construction. The applicant must notify the Town at least five days prior to the start of construction or installation of any improvements and at least 24 hours prior to the completion of these improvements.

**M. INSPECTION OF IMPROVEMENTS**

1. The construction of all required improvements must be supervised by a Maine State licensed engineer, contracted by the Town of Newcastle at the expense of the applicant. After completion of construction, the supervising engineer must certify to the Road Commissioner that all required improvements have been constructed as required.
2. The Road Commissioner must inspect required improvements during and at the completion of construction to ensure their satisfactory completion.
3. If the Road Commissioner finds, upon inspection, that any of the required improvements have not been constructed per the approved plans and specifications, he/she must instruct the applicant to correct any discrepancies or deficiencies.

**N. CONVEYANCE OF IMPROVEMENTS**

1. If any plat contains public rights-of-way, parks, or easements which are to be dedicated as such, the approval of the plat does not constitute an acceptance by the Town of Newcastle of the improvements constructed or installed in the subdivision, irrespective of any acts by an officer, agent, or employee of the Town of Newcastle with respect to these improvements.
2. Every right-of-way, park, or easement shown on a plat filed or recorded in the Lincoln County Registry of Deeds will be deemed to be a private improvement until it has been formally dedicated and accepted by the Town of Newcastle. Until such dedication and acceptance, the Town of Newcastle is not responsible for maintenance.
3. The acceptance of improvements may be made only by the adoption of a Board of Selectmen resolution after the Department of Public Works files a certificate with the Office of the Code Enforcement Officer certifying that all improvements have been constructed or installed as required. All accepted easements must be filed with the plat and copies forwarded to the Commissioner of Public Works,

Parks, and Streets.

**O. DEFAULT OF SECURITY AGREEMENT**

1. If any required improvements have not been installed as provided in this section within the terms of the security agreement, the Board of Selectmen may declare the security agreement to be in default and collect the sum remaining payable thereunder; and upon receipt of the proceeds, the Town of Newcastle must install the improvements as are covered by the security, and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

**P. MODIFICATION OF SECURITY**

1. The Road Commissioner may decide at any time during the term of the security agreement the following:
  - a. That the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered in the security agreement, and the amount of security agreement should be increased; or,
  - b. That the required improvements have been installed in accordance with the approved final plat in sufficient amount to warrant reduction in the amount of security agreement.

**Q. ISSUANCE OF ZONING PERMITS FOR NEW BUILDINGS**

1. No Zoning Permit will be issued for a new building until the final plat is recorded with the Lincoln County Registry of Deeds, and a copy provided to the Office of the Code Enforcement Officer.
2. If any declarations, covenants and restrictions are associated with any land in the subdivision, no Zoning Permit will be issued until all declarations, covenants and restrictions have been executed and filed with the Lincoln County Registry of Deeds, and a copy provided to the Office of the Code Enforcement Officer.

### 13. MASTER PLAN

#### A. PURPOSE

1. To provide a development review process that applies to a conceptual plan coordinating the development of blocks, thoroughfares, civic space, and other neighborhood level design.
2. To show mandatory compliance standards for blocks, shopfront streets, alleys, thoroughfares, district mix, and building mix, as applicable.
3. To allow an applicant to gain conceptual-level approval for a project without preparing detailed site plans or architectural and engineering drawings for thoroughfares, civic spaces, lots, or buildings.
4. To authorize the Code Enforcement Office to accept applications for subsequent development review in accordance with this Code, as project phases and individual lots are built out.

#### B. APPLICABILITY

1. Parcels under single ownership that involve the potential for significant or phased development.
2. Any proposed reassignment of districts to land on the District Map.

#### C. AUTHORITY

1. The Planning Board reviews and approves all applications for master plan approval.

#### D. PROCEDURE

1. The review and approval of an application for Master Plan application is conducted at a public hearing.
2. Within 30 days of receiving an application for Master Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
3. Within 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application.
4. When considering a revision to a previously approved application for Master Plan approval, the Planning Board must limit its review to the proposed changes to the previously approved application.
5. Plans for project phases under a Master Plan may be submitted as Large Project Plans, Small Project plans, or Subdivision Plans, as appropriate.
6. For Master Plans that involve realignment of districts, see Article 7 Section C.2 Zoning Amendment.

#### E. APPROVAL STANDARDS

1. The Planning Board must approve a Master Plan application and issue findings of fact upon verifying consistency to the following:

- a. The purpose and purpose of this Code.
- b. The purpose of the District(s) where the property is located.
- c. The adopted Comprehensive Plan of the Town of Newcastle.
- d. Considerations indicated elsewhere in this Code for the required Master Plan approval.

#### F. COMPLIANCE

1. The Planning Board may require the posting of a bond or other performance guarantee to assure compliance with the Master Plan and/or conditions, as approved.

#### G. CONDITIONS

1. The Planning Board may attach conditions and/or limitations that it deems necessary in order to ensure compliance to the standards applicable to development requiring Master Plan approval.

### 14. PLAN REVISION

#### A. PURPOSE

1. To request to make changes to a previously approved application for development review.

#### B. APPLICABILITY

1. Plan amendments that are not de minimis in nature are subject to review by the Code Enforcement Officer.

#### C. AUTHORITY

1. The Code Enforcement Officer must determine whether a plan revision is de minimis in nature and thereupon review said revision administratively or determine if the Permitting Authority should review the petition based on the nature of the request and initial plan approval.
2. In accordance with Article 7.B.4.F Amendments and Modifications, the Code Enforcement Officer may determine whether a Subdivision Plan revision is de minimis or requires action by the Planning Board.

#### D. PROCEDURES

1. Within 14 days after receiving a completed application for a plan revision, the Code Enforcement Officer must review the application and determine if the proposed revision is de minimis or significant enough to be considered a major amendment to the plan.
2. The Code Enforcement Officer may determine the proposed revision is de minimis upon finding that the revised plan:
  - a. Does not contravene the previously published public notice, any finding, or attached condition made by the Permitting Authority for the original application;

- b. Does not detrimentally impact matters of substance identified in the meeting minutes of the original public meetings or public hearings;
  - c. Insignificant changes to the original application that do not constitute a substantial change in operational or built outcome, in that persons familiar with the plan would not notice the change.
3. Upon a determination that the proposed revision is de minimis, the Code Enforcement Officer will approve or deny the proposed revision in writing.
  4. Upon a determination that the proposed revision is not de minimis, the Code Enforcement Officer must notify, in writing, the applicant and the designated Permitting Authority of the determination and the applicant must submit the proposed revisions to the designated Permitting Authority as a revision to a previously approved plan in accordance with this Code.
  5. When considering a revision to a previously approved plan, the review must be limited to the proposed changes to the previously approved plan.
  6. Where an approved revision causes need for a new plan mylar to be signed by the Planning Board and recorded at the Lincoln County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars within 14 days. After obtaining signatures, the applicant must file said mylars in accordance with the standards of this Code.

## 15. USE PERMIT

### A. PURPOSE

1. To authorize a Use on a parcel of land, in a building or group of buildings, in accordance with the list of permissible Uses located in the Use Table for each District.

### B. APPLICABILITY

1. Applies to all applications seeking to engage in a new Use or a change of Use on a parcel of land, in a building, or group of buildings.

### C. AUTHORITY

1. The permitting authority for Use Permits are designated on each District page.

### D. PROCEEDURE

1. Within 30 days of receiving a completed application for a Use Permit, the designated permitting authority shall review the application and approve, approve with modifications, deny, or grant withdrawal of the application and file the decision with the Town Clerk.
2. The permitting authority may, at their discretion, solicit comment from or move that the application be reviewed for approval by another permitting authority.

- a. This action may extend the application review deadline by an additional 30 days.
  - i. Referral to a permitting authority such as a State, Federal, or another agency not under the jurisdiction of the municipality shall not have a review deadline. However, the municipality shall exercise due diligence to ensure applications are reviewed in a timely manner.
- b. No Use Permit application may be approved by a permitting authority that does not have the legal means to do so under the authority granted by this Code, or by State or Federal law.

## 16. EXPANDED USE PERMIT

### A. PURPOSE

1. To authorize a Use in a lower density District under circumstances that would otherwise only be permissible in a District with higher density.

### B. APPLICABILITY

1. Applies to all applications seeking to engage in a new Expanded Use or a change of Use either to or from an Expanded Use.

### C. GENERAL

1. Expanded Use Permit Authority and Procedure follow those of Article 7 Section 15.C and 15.D respectively.

## 17. RESIDENTIAL COMPANION USE PERMIT

### A. PURPOSE

1. To authorize a Use on a parcel of land, in a building or group of buildings in accordance with the list of permissible Uses located in the Use Table for each District, and which Use is symbiotic with a dwelling use.

### B. APPLICABILITY

1. Applies to all applications seeking to engage in a new Residential Companion Use or a change of Use either to or from a Residential Companion Use.

### C. GENERAL

1. Residential Companion Use Permit Authority and Procedure follow those of Article 7 Section 15.C and 15.D respectively.

## 18. SPECIAL PERMIT

### A. PURPOSE

1. To authorize a predetermined type of exception from the standards in this Code, within specific limitations and subject to performance measures.

### B. APPLICABILITY

1. Special permits may only be requested as specifically authorized by this Code.
2. No Zoning Permit must be issued for development that requires or requests a special permit until the discretionary review process for a special permit has been completed in accordance with the standards of this Article.
3. The approval or denial of an application for a special permit is in the reasonable discretion of the Planning Board.

### C. AUTHORITY

1. The Planning Board reviews and decides all applications that require a Special Permit.
2. The granting of a special permit authorizes the Code Enforcement Officer to issue a Zoning Permit.

### D. PROCEDURE

1. Within 30 days after receiving a completed application for development review that requires a special permit, the Planning Board must review the application and hold a public hearing.
2. Within 45 days after closing of the public hearing, the Planning Board must make a decision to approve, approve with modifications, deny, or grant withdrawal the application for a special permit, and file said decision with the Town Clerk.
3. When considering a revision to a previously approved application for a special permit, the Planning Board must limit its review to the proposed changes to the previously approved application.

### E. APPROVAL STANDARDS

1. When determining whether to approve or deny an application, the Planning Board must consider the following:
  - a. The adopted Comprehensive Plan of the Town of Newcastle;
  - b. The purpose and intent of this Code;
  - c. The purpose of the District(s) where the property is located;
  - d. The proposed use or activity will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and quiet enjoyment of abutting property in any foreseeable manner;

- e. The proposed use or activity will be of a character that does not produce excessive noise, heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property or that adversely affects the surrounding area;
- f. The proposed use or activity will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance; and,
- g. Considerations indicated elsewhere in this Code for special permit approval.

### F. CONDITIONS

1. In granting a special permit, the Planning Board may attach conditions and/or limitations that it deems necessary in order to ensure compliance to the findings and/or standards for the specific special permit requested. Such conditions may include, but are not limited to, buffers, screening, limits on location, scale, intensity, design, lighting, signs and hours of operation.
2. Failure to comply with any condition or restriction constitutes a violation of this Code and, in addition to any civil or criminal remedy or enforcement procedure, is grounds for modification, suspension, or revocation of the special permit.

### G. VALIDITY

1. Special permit approvals must be acted upon within 2 years from the date the decision is filed with the Town Clerk, excluding any time required awaiting the decision of an appeal. If a special permit is not acted upon with 2 years, the approval expires.
2. The Planning Board may reduce the time period that a special permit remains valid to a shorter time period as a condition attached to the special permit.
3. The Planning Board may extend the duration of validity for a special permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the special permit.
4. Requests for extension of the duration of validity must be submitted to the Office of the Code Enforcement Officer in a timely manner so as to be scheduled and heard by the Planning Board prior to expiration of the special permit.



## 19. VARIANCE

### A. PURPOSE

1. To allow a deviation from certain dimensional standards in this Code only when strict application of the Ordinance to the applicant or applicant's property would cause undue hardship.

### B. APPLICABILITY

1. In accordance with Title 30-A SS.4353(4), an Undue Hardship Variance may not be granted for uses.
2. In accordance with Title 30-A SS.4353(4-C), a Practical Difficulty variance of the following dimensional standards may be granted: lot area, lot coverage, frontage, and setback requirements, and may not be granted for uses.
3. In accordance with Title 30-A SS.4353.4-a Disability Variance, a variance may be granted for the installation of equipment or construction of structures necessary for access to or egress from a dwelling by a person with a disability, or the construction of non-commercial vehicle storage.

### A. GENERAL

1. No Zoning Permit may be issued for development that requests a variance until the review process for a variance has been completed in accordance with the standards of this Article.

### B. AUTHORITY

1. The Board of Appeals reviews and decides all applications for a zoning variance.

### C. PROCEDURE

1. Within 30 days after receiving a completed application for a Zoning Permit that requires a variance, the Board of Appeals must review the application and hold a public hearing.
2. Within 45 days of the closing of the public hearing, the Board of Appeals must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application for a variance and issue a certificate to the applicant stating the following:
  - a. Current property owner and identifying the property by reference to the last recorded deed in its chain of title.
  - b. What the variance has been granted for, including any conditions on the variance.
  - c. Date of decision.
3. Within 90 days of issuance of a certificate, the applicant must file a copy of the decision with the Lincoln County Registry of Deeds.

### D. APPROVAL STANDARDS

1. The granting of a variance is based upon demonstrated need, not convenience, and when no other feasible alternative is available.
2. In addition to the Disability Variance in Title 30-A SS.4353.4-a, the Board of Appeals may only grant two types of Variance:
  - a. Undue Hardship Variance; and
  - b. Practical Difficulty Variance.
3. The Board may grant an Undue Hardship Variance when it finds that all of the following conditions exist:
  - a. The land in question cannot yield a reasonable return unless a variance is granted;
  - b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - c. The granting of a variance will not alter the essential character of the locality; and
  - d. The hardship is not the result of action taken by the applicant or a prior owner.
4. The Board may grant a Practical Difficulty Variance when it finds that all of the following conditions exist:
  - a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
  - b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
  - c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
  - d. No other feasible alternative to a variance is available to the petitioner;
  - e. The granting of a variance will not unreasonably adversely affect the natural environment;
  - f. The property is not located in whole or in part within shoreland areas as described in Title 38, Section 435.; and,
  - g. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the purpose and purpose of a specific district in this Code or the Ordinance in general.

### E. CONDITIONS

1. The Board of Appeals may attach conditions and/or limitations it deems necessary in order to ensure compliance to the findings and/or standards for the specific variance requested.
2. Failure to comply with any condition or restriction constitutes a violation of this Code and, in addition to any civil or criminal remedy or enforcement procedure, is

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grounds for modification, suspension, or revocation of the variance.

### F. DURATION AND EXTENSION

1. Projects benefiting from a variance must be completed within two years of the granting of the variance.
2. For projects not completed within two years, the variance will be revoked.
3. Upon written request by an applicant, the Board of Appeals may, in its discretion, extend the time period that a variance remains valid for up to 6 months.
4. Requests for extension of the duration of validity must be submitted to the Office of the Code Enforcement Officer in a timely manner so as to be scheduled and heard by the Board of Appeals prior to expiration of the special permit.

## 20. LAND CONVEYANCE

### A. PURPOSE

1. To request the Town to accept a voluntary offering of a building, thoroughfare, property easement, or civic space for public dedication.

### B. APPLICABILITY

1. Any project that contains a building, thoroughfare, property easement, or civic space.

### C. AUTHORITY

1. The Board of Selectmen review all land conveyance petitions on behalf of the Town. The Board of Selectmen may elect to place a land conveyance petition on the warrant of an Annual or Special Town Meeting, where by acceptance would be determined by a majority vote at Town Meeting.
2. The approval or denial of a land conveyance petition is a discretionary legislative act, subject to a majority vote of the Board of Selectmen.

### D. PROCEDURE

1. Within 60 days after receiving a land conveyance petition, the Board of Selectmen must review the petition at a regular scheduled meeting, and take action to accept the conveyance, deny the conveyance, or place it on the warrant of the next occurring Town Meeting.
2. The Board of Selectmen may elect to hold a public hearing.
3. The Board of Selectmen may decide to consult the Code Enforcement Officer or the Planning Board prior to taking action.
4. A majority vote of the Board of Selectmen is required to accept a voluntary offering of land for public dedication.

### E. RECOMMENDATION

1. In developing its recommendation to the Board of Selectmen, the Code Enforcement Officer or Planning Board may consider the following:
  - a. The adopted Comprehensive Plan of the Town of Newcastle.
  - b. The purpose of the District where the property is located.
  - c. Any demonstrated public interest in ownership and the assumption of maintenance responsibility for the land in question.

### F. CONDITIONS

1. The Code Enforcement Officer or Planning Board may make recommendations to the Board of Selectmen when it deems that accepting a petition to convey land to the Town of Newcastle is within the public interest.

## 21. ZONING AMENDMENT

### A. PURPOSE

1. To provide an applicant a way to change zoning regulations in response to changes in Newcastle policy or factors or conditions that may be affecting real property.

### B. APPLICABILITY

1. Any project within the Town of Newcastle.

### C. AUTHORITY

1. The Board of Selectmen process all requests for zoning text or map amendments and place requests for amendments on the Annual or Special Town Meeting.
2. The approval or denial of a zoning text or map amendment is a discretionary legislative act, by majority vote at an Annual or Special Town Meeting.

### D. PROCEDURE

1. Petitions may be submitted by any of the following:
  - a. Any member(s) of the Board of Selectmen.
  - b. The Code Enforcement Officer.
  - c. The Board of Appeals.
  - d. The Planning Board.
  - e. A property owner seeking to change the entitlement of his/her own property.
  - f. 10% of the number of voters who voted in the Town of Newcastle in the last gubernatorial election.
2. Within 14 days of receiving a petition to amend the zoning text or map, the Board of Selectmen must submit the petition and the proposed changes, additions, or repeal of language to the Planning Board for review.
3. Within 30 days after receiving a petition to amend the

zoning text or map, the Planning Board must review the petition and accompanying documentation at a regular meeting of the Planning Board. The Planning Board will consider the petition and must provide a written recommendation to the Board of Selectmen, considering the following:

- a. The adopted Comprehensive Plan of the Town of Newcastle.
  - b. The purpose of this Code, in general.
  - c. The purpose of the district(s) that would be applied to the properties in question.
4. Within 45 days after submittal to the Board of Selectmen, the Board of Selectmen must review the petition and any recommendations of the Planning Board, hold a public hearing, and vote to place it on the warrant of the next occurring Town Meeting or Special Town Meeting.

## 22. DEMOLITION OF HISTORIC ASSETS

### 1. PURPOSE

- a. To protect significant historic structures and sites from demolition, neglect, or disturbance;
- b. To facilitate the relocation or salvage of historic structures deemed ineligible for National Register nomination, as an alternative to demolition;
- c. To facilitate the permanent protection of a historic structure or site by providing an opportunity for third-party acquisition of the site;
- d. To facilitate the archaeological recovery of any historic artifacts; and,
- e. To provide an opportunity for documentation of historic structures ineligible for National Register nomination, where demolition, salvage or relocation is intended.

### 2. APPLICABILITY

- a. The provisions of this Code apply to all structures existing on or before 1900 and sites with known or suspect historic or pre-historic settlement pre-dating 1900.

### 3. AUTHORITY

- a. The Code Enforcement Officer shall review and approve all demolition permits, and consult with the Newcastle Historical Society or equal party as needed.

### 4. PROCEDURE

- a. Demolition of Historic Structure:
  - i. An historic structure may not be demolished for a period no less than 90 days from the time that an applicant sends a letter to request determination by Maine Historic Preservation Commission whether a structure is eligible for the National Register of Historic Places or is a contributing

structure to an eligible Historic District. The 90 day delay period commences on the date proof of mailing to Maine Historic Preservation Commission is provided to the Office of the Code Enforcement Officer.

- ii. An applicant shall obtain a letter from Maine Historic Preservation Commission or from a qualified historic preservation consultant as to whether the structure is ELIGIBLE for the National Register of Historic Places or as a contributing structure to an eligible Historic District. (To be "eligible" is only an opinion; it is not an application process.);
  - iii. If the structure is estimated to be eligible, no demolition is permitted. If the owner wishes to formally apply to the Register and his property is declined, the status of the property shall be reconsidered;
  - iv. Any structure existing on or before 1900 that is not considered eligible for the National Register shall be advertised by the owner as available for free, offering to the general public the structure to be moved or scrapped for salvage materials at his/her expense. The advertisement shall appear in a newspaper of local circulation, a minimum of two times per month, for a period no less than 90 days. Any other interested party may advertise the building during those 90 days; and,
  - v. During the 90 day time period, the Newcastle Historical Society or equal party shall be permitted by the owner to document the structure inside and out prior to the structure's relocation or destruction.
- b. Demolition of Historic Structure Due to Neglect: At any time, any party may raise concerns of historic structural neglect to the Code Enforcement Officer.
- i. Staff may investigate concerns of historic structural neglect and issue a notice of violation to a property owner who allows a structure to suffer structural failure as a result of exposure, and issue fines; and,
  - ii. Alternatively, the Town may make minimal repairs to the structure to prevent it from deteriorating further and bill the owner for the incurred costs. Any unpaid fines or repair will be placed in lien against the property.
- c. Demolition or Disturbance of Historic Archaeological Resources:
- i. An applicant shall obtain a letter from Maine Historic Preservation Commission or from a qualified historic archaeologist as to whether the site may contain historic archaeological resources and is ELIGIBLE for the National Register of Historic Places or as a contributing site to a Historic District. (To be "eligible" is only an opinion; it is not an application process);
  - ii. If the site is estimated to be eligible, no demolition or disturbance is permitted. If the owner wishes to

formally apply to the Register and his/her property is declined, the status of the property shall be reconsidered;

- iii. If the site is estimated not to be eligible, the town may withhold issuing a demolition permit for a period of 90 days, during which time the Newcastle Historical Society or equal party shall be permitted by the owner to document the site and perform archaeological test digs; and,
- iv. If significant artifacts are discovered, the Newcastle Historical Society or equal party may petition the Town of Newcastle to extend demolition for a period of up to 1 year to facilitate recovery and documentation of artifacts.

## 23. ADMINISTRATIVE APPEAL

### A. PURPOSE

- 1. To provide an applicant a way to petition the Town to rectify a failure to act, denial of a permit, decision made, or enforcement action taken by the Code Enforcement Officer or Planning Board when an alleged error or misinterpretation has been made in the enforcement or application of the standards of this Code.

### B. APPLICABILITY

- 1. Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by a Code Enforcement Officer within 30 days of such action or failure to act.
- 2. An appeal of a Variance constitutes a judicial appeal.
- 3. An appeal of written interpretations, development plans, special permits, plan revisions constitute an administrative appeal.

### C. AUTHORITY

- 1. The Board of Appeals holds a "de novo" hearing to review and decide appeals of decisions of the Code Enforcement Officer as applicable in this Code.
- 2. The Board of Appeals holds an appellate hearing to review and decides appeals of decisions of the Planning Board as applicable in this Code.

### D. PROCEDURE

- 1. Within 30 days of an action or failure to act, any aggrieved party may file an appeal with the Appellate Authority.
- 2. Within 30 days of receiving an appeal, the Appellate Authority must review the application and hold a public hearing.
- 3. Within 45 days after the closing of the public hearing, the Appellate Authority must make a decision to uphold or reverse the decision of the Code Enforcement Officer, and file said decision with the Town Clerk.

### E. RECONSIDERATION

- 1. In accordance with MRSA Title 30 Section 2691, an applicant may file a request to the Board of Appeals to reconsider its decision within 10 days of the decision.
- 2. The Board of Appeals will hold a public hearing, and vote to reconsider its decision.
- 3. If a majority of Board members who originally voted on the decision vote to reconsider, the Board of Appeals may conduct additional hearings, and receive additional evidence and testimony before taking action.
- 4. If the Board of Appeals reconsiders its original decision, the Board must conclude its deliberations and vote within 45 days of the original decision.
- 5. Decisions of the Planning Board may not be reconsidered.

## 24. JUDICIAL APPEAL

### A. PURPOSE

- 1. To provide an applicant a way to petition the Town to rectify the failure to act, denial of a permit, decision made, or enforcement action taken by a Code Enforcement Officer or the Planning Board when an alleged error or misinterpretation has been made in the enforcement or application of the standards of this Code.

### B. APPLICABILITY

- 1. Any aggrieved party may appeal a decision or action of the Board of Appeals to the Maine Superior Court.
- 2. An appeal of a Variance constitutes a judicial appeal.

### C. PROCEDURE

- 1. An aggrieved party may file an appeal at the Maine Superior Court pursuant to the Maine Rules of Civil Procedure.

## 25. NONCONFORMITY

### A. PURPOSE

- 1. To provide for the continuation of uses, structures, building lots, site characteristics, or signs that were established prior to the adoption of this Code and were made nonconforming in result of the adoption of this Code.
- 2. To provide clear and fair rules for when nonconforming conditions should come into conformance with the standards contained within this Code.

### B. APPLICABILITY

- 1. All building lots, uses, buildings, components, roofs, site characteristics, signs, thoroughfares or other items that were established prior to the adoption of this Code.

**C. CONTINUATION**

1. Nonconforming conditions may continue to operate until such a time as the owner of the property, building, or features makes an alteration that requires conformity, as described in related sections of this Code.

**D. PROOF OF NONCONFORMING CONDITIONS**

1. The applicant has the burden of establishing the existence of a nonconforming condition that was in effect prior to the adoption of this Code.
2. When applying for any permit or approval related to a nonconforming condition, the applicant may be required to submit evidence of a prior permit or other documentation showing that the nonconformity existed prior to the adoption of this Code.

**E. DETERMINATIONS**

1. The Code Enforcement Officer will determine all questions as to whether a nonconforming condition exists, and prepare a written interpretation in accordance with Article 7.A.6 Written Interpretation.
2. The written interpretation must assign a building type, components, roof type, and any other features to the nonconforming building, to set the baseline for modifications that can be legally made to the nonconforming building.

**F. RESTORATION OF NONCONFORMING CONDITIONS**

- a. A Zoning Permit is required for the rebuilding, restoration, repair, or reconstruction of a nonconforming condition within one year of the date of damage or destruction.
- b. The Code Enforcement Officer may grant a one-year extension of this period.
- c. In the event that a Zoning Permit is not obtained within one year of the date of damage or destruction, and no extension is requested, then the nonconforming condition may not be reestablished unless it conforms to all regulations of this Code.

**26. CODE ENFORCEMENT OFFICER**

**A. RESPONSIBILITIES**

1. The Code Enforcement Officer is appointed by the Board of Selectmen.
2. The Code Enforcement Officer is the enforcement authority for this Code. The Code Enforcement Officer may seek the advice of the Development Administrator on an as needed basis.
3. The Code Enforcement Officer may issue any enforcement

order, violation notice, request for compliance, or other correspondence as necessary and institute any appropriate inspection, action, or proceeding in the name of the Town of Newcastle to:

- a. Prevent the unlawful erection, relocation, extension, enlargement, or alteration of any structure or sign;
  - b. Prevent the unlawful use or occupancy of real property;
  - c. Prevent any illegal act, business, or use in or about any premises; and
  - d. Prevent, correct, restrain, or abate violations of this Code.
4. The Code Enforcement Officer establishes application forms and requirements for application review in collaboration with the Development Administrator.
  5. The Code Enforcement Officer reviews and approves applications for:
    - a. Small Project Plan
    - b. Large Project Plan
    - c. De minimis changes to previously approved plans
  6. The Code Enforcement Officer may grant waivers of standards as explicitly permitted by this Code.
  7. The Code Enforcement Officer prepares recommendations for Master Plan and Special Permit and Subdivision applications reviewed by the Planning Board.
  8. The Code Enforcement Officer performs site inspections as needed.
  9. The Code Enforcement Officer, from time to time, provides written reports and recommendations to other Permitting Authorities and to the Board of Selectmen.

**B. ENFORCEMENT ACTIONS**

1. The Code Enforcement Officer must not issue any written interpretation or Zoning Permit in violation of this Code.
2. Any written interpretation or Zoning Permit may be revoked upon finding any material misstatement of fact or misrepresentation in plans or specifications by the applicant.
3. The Code Enforcement Officer, upon finding evidence of violation of this Code will give written notice to the property owner and/or occupant of said property demanding such violation be corrected or abated within such time as the Code Enforcement Officer deems appropriate.
4. Nothing in this Code will restrict the Town from seeking immediate equitable relief for a violation of this Code from a court of competent jurisdiction without prior notice.

**C. FINES AND PENALTIES**

1. Any person who violates the standards of this Code will be fined in accordance to a schedule of fines established by the Board of Selectmen and posted in the Town Office or pursuant to the terms of Title 30-A Section 4452.

## 27. PLANNING BOARD

### A. RESPONSIBILITIES

1. The Planning Board must consist of a minimum 5 members, all legal residents of the Town of Newcastle, appointed by the Board of Selectmen to serve staggered terms of 3 years.
2. The Planning Board reviews and approves all applications for:
  - a. Master Plan
  - b. Subdivision Plan
  - c. Special Permit
3. The Planning Board may grant waivers of standards as explicitly permitted by this Code.
4. The Planning Board reviews and approves applications in accordance with the Article 9 Modules.
5. The Planning Board provides advice and recommendations to the Board of Selectmen concerning the following:
  - a. Proposed amendments to zoning text or maps of this Code.
  - b. The laying out, alteration, relocation, or discontinuance of public ways and statutory private ways.
  - c. The proposed conveyance of land to the Town.
6. The Planning Board, or its designee, is responsible for the authoring and periodical update of the Comprehensive Plan for the Town of Newcastle, and its subsequent adoption.
7. The Planning Board, or its designee, drafts the official map of the Town of Newcastle.

### B. BOARD RULES

1. The Planning Board may adopt rules of procedure and policy as it may deem necessary to conduct its affairs, including but not limited to the following subjects:
  - a. Rules and procedures governing applications, including required written and graphical information;
  - b. Rules and procedures pertaining to the development review process;
  - c. Rules and procedures governing the administrative compliance of zoning requirements;
  - d. Rules and procedures for subdivision
  - e. The adoption or amendment of rules of procedure and policy is conducted administratively at a public meeting.

## 28. BOARD OF APPEALS

### A. RESPONSIBILITIES

1. The Board of Appeals will consist of 5 members, all legal residents of the Town of Newcastle, appointed by the Board of Selectmen to serve staggering terms of 3 years.
  - a. The Board of Selectmen may appoint alternate members as deemed appropriate, which members may vote in the absence of a regular member.
2. The Board of Appeals reviews and decides:
  - a. Applications for a Variance; and,
  - b. Administrative Appeals of decisions of the Code Enforcement Officer and the Planning Board.
  - c. Administrative Appeals of decisions of the Code Enforcement Officer and the Planning Board for waivers of standards as explicitly permitted by this Code.

### B. BOARD RULES

1. The Board of Appeals may adopt rules of procedure and policy as it may deem necessary to conduct its affairs, including but not limited to the following subjects:
  - a. Rules and procedures governing applications, including required written and graphical information; and,
  - b. Rules and procedures governing the administrative compliance of zoning requirements.
2. The adoption or amendment of rules of procedure and policy is conducted administratively at a public meeting.



# ARTICLE 8

## DEFINITIONS

**Abandoned:**

When a building, commercial unit, or property becomes vacant and unoccupied for a period of one year or more is deemed abandoned.

**Above-Ground Storage Tank:**

The storage of flammable liquids or gases in a container at or above ground level.

**Absolute Height:**

Height as measured from the surface of the ground to the highest point on a building, component, sign, or other structure.

**Abutting:**

Having any segment of a real property boundary in common, or separated by a right-of-way, alley, or easement.

**Abutter, Direct:**

An owner of property located within a certain distance of a subject property considered for development.

**Access:**

The way or means to enter and leave property or structure.

**Accessory Building:**

See Building, Accessory.

**Accessory Dwelling Unit:**

An additional permitted dwelling unit located in a component of a primary building or in an accessory building.

**Accessory Unit:**

An additional permitted residential or commercial unit located in a component of a primary building or in an accessory building.

**Additional Structure:**

Any item constructed or erected, not including a primary or accessory buildings, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

**Adjacent:**

To be located in close proximity, or the closest instance of a referenced element, but not directly touching.

**Agent:**

A person who acts on behalf of another person or group.

**Agricultural Buildings:**

Buildings associated with the planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises. Includes buildings for equine, or horse-related activities, including boarding, lessons, rides, breeding, veterinary care, races, events, and shows.

**Agricultural Structures:**

Includes storage sheds, apiaries, hoop houses, chicken coops, cold frames, compost bin, greenhouses, silos, rain barrels.

**Agricultural Use:**

The commercial planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises. Agriculture also includes all equine, or horse-related activities, including boarding, lessons, rides, breeding, veterinary care, races, events, and shows. Unless otherwise specified in this Code, the term 'agriculture' refers to commercial agriculture.

**Alley:**

A thoroughfare typically located internal to a block that provides access to the side or rear of lots. Alleys typically provide access to service areas, parking, and accessory buildings and may contain utility easements.

**Alteration:**

As applied to a building or structure, a change or rearrangement in the exterior structural parts or in the exit facilities; also an enlargement or addition where new construction is connected to an existing structure, whether by extending on a side or by increasing in height, or the moving from 1 location or position to another.

**Antenna Equipment:**

Equipment for wireless communication, including but not limited to panel antennas, whip antennas, and satellite dish antennas, which may be located on ground-mounted towers and roof-mounted support structures used to broadcast an amateur (HAM) radio station licensed by the Federal Communication Commission.

**Applicant:**

A person or entity who has submitted an application for review under applicable standards of this Code.



**Assigned:**

The process of determining the closest reasonable district, building type, component, roof type, use category or other feature of this Code to a nonconforming condition.

**Attached:**

An object may be said to be attached to another when their outer surfaces are permanently in direct contact, or when they share part of their structural system.

**Attic:**

The non-habitable interior space located directly under a pitched roof of a building.

**Auto-Oriented:**

Businesses that relate to vehicular sales and service. All auto-oriented uses, definitions, and standards may be found in Article 4 Use Standards.

**Average Ground Level:**

The mean (average) ground level at the corners of the main body of a building type.

**Awning:**

A wall mounted, pitched, fabric covering extending from a building to provide shade and weather protection for pedestrians.

**Basement:**

A story of a building that is, in whole or in part, below the first story.

**Bay:**

An area of a facade between two buttresses, pilasters, columns, piers, or other equivalent architectural features.

**Beam:**

A large structural framing member.

**Bedroom:**

A private room for sleeping, however named, planned, intended or used, which is separated and can be closed off from other parts of the dwelling by walls and a door.

**Bench:**

A long seat for more than one person, typically made of wood, metal, or stone.

**Bench (Resting):**

Resting benches are used primarily to rest from walking a distance and are provided throughout a city or residential area. Benches should be comfortable to sit on for a period of time.

**Blank Wall:**

A portion of any facade of a building that does not include windows, doors, columns, pilasters, or other architectural features.

**Block:**

The aggregate land area, including alleys, cross weaves, and footpaths, circumscribed by thoroughfares.

**Block Face:**

The aggregate length of one side of a Block, including all lots and alleys.

**Block Perimeter:**

The aggregate of all Block Face lengths of an individual block.

**Bracket:**

A visual and/or structural support, typically made of metal or wood, projecting from a building face to bear the weight or visually support a building element.

**Building:**

An assemblage of materials and components that form an enclosure including a roof, windows, doors and solid exterior walls, and designed, built, or occupied as a shelter or enclosure for persons, animals, or property. Not synonymous with Structure.

**Building, Accessory:**

An additional building on a lot that may contain a dwelling, a non-dwelling unit, or a commercial unit.

**Building, Primary:**

A permitted building capable of occupying a lot as the sole structure.

**Building Element:**

Any part of a building, including the main building mass, components, and accessory buildings.

**Building Face:**

Any exterior wall of a Building.

**Building Height:**

The measurement of building height by stories, where each full story above average ground level is counted as 1 story. For buildings with a pitched roofs, habitable space is allowed within the pitch and is not considered a full story.

**Building Mass:**

See Main Building Mass.

**Building Type:**

A classification or kind of structure characterized and differentiated by its massing, composition, use, features, and placement on a lot.

**Caliper:**

A measurement of the diameter of a tree trunk. For trees less than 4 inches in diameter, caliper is measured 6 inches from the ground. For trees between 4 inches and 12 inches in diameter, caliper is measured 12 inches from the ground.

## DEFINITIONS

### **Carport:**

A roofed structure covered on 2 or more sides with fabric, vinyl, plastic, or other similar sheeting material that provides protection from the elements for vehicles or other items.

### **Cart Path:**

An informal farm road distinct from a driveway that provides access across fields, pastureland, and forest, and generally takes the form a rutted track way. A cart path does not qualify as a thoroughfare and is not required to meet road construction standards.

### **Cellar:**

See Basement.

### **Center Drain:**

A street that is designed to slope toward the middle as opposed to sloping toward the edge, to keep water away from buildings in areas where there are shallow or no front setbacks.  
Syn: Reverse Crowns

### **Change of Use:**

The act of changing the categorization of activity within a building, structure, or portion thereof from one primary use to another.

### **Chine:**

The break-point or horizontal plane formed where two differently sloped portions of a complex roof system meet.

### **Civic Space:**

An outdoor open space designed to support social and recreational activities.

### **Civic District:**

An area protected from development and designated for use as civic space on the District Map.

### **Core District:**

An area that shares common characteristics with other land in the same zoning designation, or is an area that is intended to transition toward a character that has been determined by the community. Core Districts span a range of development intensity from most rural, D1, to most urban, D6.

### **Civic Use:**

Activities, uses, purposes, and organizations which are dedicated to arts, culture, education, religion, recreation, government, transit, municipal parking, gardening, horticulture, public gathering, assembly, or meeting. All civic and institutional uses must serve and be open to the public and operate as a non-profit or otherwise be tax exempt. All civic and institutional uses, definitions, and standards may be found in Article 4 Use Standards.

### **Clearance:**

The height above the sidewalk or other surface, to the bottom edge of an object or building component.

### **Clear Height:**

The vertical distance between the underside of an overhanging building element and the horizontal surface below, free from obstruction.

### **Close:**

A thoroughfare that permits free passage of pedestrians and bicycles but is open to vehicles at only one end, distinct from a cul-de-sac which permits no through passage.

### **Commercial:**

Any retail, service, or auto-oriented use that deals with transactions with the public either directly or through remote communication.

### **Component:**

One of the elements that make up a building, the other being the main building mass. Components are comprised of smaller attachments to the main building mass and provide architectural articulation and additional usable space.

### **Context:**

The condition and qualities of the surrounding spaces and structures.

### **Corbel:**

Any bracket, especially one of brick or stone, that typically protrudes only slightly from the face of a building.

### **Crosswalk:**

A lateral extension of a sidewalk through an intersection.

### **Curb:**

The edge of the vehicular pavement that may be raised or flush to a swale. It usually directs the flow of water to the drainage system.

### **Curb Radius:**

The distance between the edge and center point of a curved section of curbing at the corner of two intersecting thoroughfares. This distance is determined by measuring the radius of a circle that approximates the size of the arc formed by the outside face of the curb.

### **Depth:**

The perpendicular, horizontal distance from the primary facade of a building into the lot.

### **Depth, Lot:**

See Lot Depth.

### **Desire Line:**

An instinctual trajectory one prefers to walk from origin to destination.

### **Detached:**

A dwelling that is physically separated from any other structure or structures except accessory buildings.

**Development:**

The construction, reconstruction, alteration, expansion, extension, or relocation of any building or structure; excavation, earth filling, grading, or mining; any use or change in use of any building or structure or land; any change in building type; or, any expansion in the use of land.

**Development Site:**

The land area encompassed in a development proposal irrespective of the number or configuration of lots, land ownership, and/or municipal boundaries.

**District Map:**

The map or set of maps that shows all land areas subject to, or potentially subject to, regulation by this Code and including Core Districts, Special Districts, and any special requirements.

**Dooryard:**

The outside area abutting the door of a primary building, barns, and other accessory buildings, and which may include the driveway, lawn, and informal work area.

**Driveway:**

A vehicular way providing access from a thoroughfare to the interior of a lot, including homes, parking lots, or loading docks. Driveways are not subject to construction specifications required for roads.

**Dwelling Unit:**

A single unit providing complete, independent, living facilities containing 1 or more rooms arranged for use by no more than 4 unrelated individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.

**Dwelling Unit, Accessory:**

See Accessory Dwelling Unit.

**Easement:**

A liberty, privilege, or advantage without profit, which a person(s) may have in the lands of another person(s).

**Eave:**

The soffit resulting from the junction of a building wall and an overhanging roof.

**Elevation:**

The vertical distance between the average ground plane and the top of the finished first floor of a building.

**Enclose(d):**

To fill in the spaces between structural supports with latticework, walls, windows, or other non-structural wall covering to increase the usability of an outdoor space.

**Energy Structures:**

Include wind turbines and solar panels installed to generate energy in association with and for use by a primary building.

**Farm:**

The land, plants, animals, buildings, structures, ponds and machinery used in the commercial production of agricultural products.

**First Floor Elevation:**

The height from the average ground level to the surface of the first full floor, measured at the primary front facade of the building.

**Fully Enclose(d):**

To fill the space between structural supports with walls or windows.

**Element:**

See Building Element.

**Encroach:**

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, above a height limit, or over the sidewalk of a public right-of-way.

**Encroachment:**

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, above a height limit, or the breaking of such limit by a structural element.

**Externally Illuminated:**

When an element is lighted by a light source as opposed to being lighted from within.

**Facade:**

The exterior wall of a building oriented in whole or in part toward a thoroughfare, civic space, or on-site civic space (not including alleys).

**Face:**

The surface of a structure or element, especially one that is presented to the view.

**Field**

An area of undeveloped land primarily covered by grass, including uncultivated meadows and open areas traditionally used for agricultural purposes.

**First Floor:**

The lowest floor of a building that is not considered a basement.

**First Floor Elevation**

The height from the average ground level to the surface of the first full floor, measured at the primary front facade of the building.

**Flat Roof:**

see Roof, Flat.

## DEFINITIONS

### **Floor Area, Gross:**

The sum area of all floors or accessible levels of a building as measured to the perimeter of the exterior faces of the walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features.

### **Floor Area, Net:**

The sum area of all floors or accessible levels of a building as measured to the perimeter of the exterior faces of the walls, including enclosed porches, but excluding areas used for accessory garage purposes, basement and cellar areas devoted exclusively to storage and mechanical uses accessory to the operation of the building, off-street loading facilities, malls, plazas, elevator shafts, escalators, stairways and stair landings, and those areas used for the storage, operation, or maintenance of mechanical equipment such as air conditioning and heating apparatus.

### **Footprint:**

The total gross floor area of a single story of a building, excluding all unenclosed components of a building.

### **Forecourt:**

A landscaped, semi-public area, open to the sky, formed by a recess in a portion of a building facade.

### **Front (noun):**

A condition in which a building is required to be parallel or perpendicular with a frontage line.

### **Front (verb):**

A condition in which a building is required to be parallel or perpendicular with a frontage line.

### **Front Setback:**

The distance from the front lot line to the point where any structure may be constructed.

### **Frontage:**

The land area that lies between a building and a thoroughfare, right-of-way, easement, civic space, or water body.

### **Frontage Line:**

A lot line bordering a thoroughfare, right-of-way, easement, civic space, or water body.

### **Frontage Line, Primary:**

The property line along the primary thoroughfare.

### **Frontage, Primary:**

The primary frontage is the frontage that abuts the primary thoroughfare or, if there is no thoroughfare, it is the frontage that abuts a civic space, right-of-way, or easement.

### **Frontage, Secondary:**

On corner lots, the frontage that is oriented toward the thoroughfare that is not the primary thoroughfare.

### **Front Setback, Primary:**

The setback required along a primary frontage.

### **Front Setback, Secondary:**

The setback required along a secondary frontage.

### **Frontage Zone:**

The Frontage Zone is the Frontage plus an additional Setback from the front facade of the primary building (see Standards on individual District pages). The frontage zone applies along both the primary and secondary frontages, but does not apply to alleys. In the case that a lot is undeveloped, the frontage zone is the area between the front lot line of a property and 30 ft into the site.

### **Furnishing Zone:**

An area of space that allows for the placement of furniture without impeding the 4 ft of clear width required for pedestrian movement.

### **Game Courts:**

Includes tennis, pickle ball, and basketball courts.

### **Garage:**

An enclosed area integral to a primary building or accessory building that provides space for parking or storage of vehicles. Not synonymous with the parking garage building type.

### **Garage Doors:**

Lifting, sliding, or swinging doors that open into an interior space used for vehicular parking, storage, retail sales, fabrication, or other uses.

### **Grade:**

The natural finished ground level of land ground level, or the elevation, at any given point.

### **Ground Plane:**

The surface of the ground.

### **Gutter:**

A channel at the side or in the middle of street, for leading off surface water.

### **Hardscape:**

Ground that has been altered with pavers, crushed materials, or compacted earth, with the intention to be used for pedestrian or vehicular travel.

### **Height:**

The distance between two points along a vertical plane.

### **Height, Absolute:**

See Absolute Height.

### **Improvements:**

Any alteration of land, a lot, a building or a structure.

**Industrial:**

The processing or manufacturing of materials, and activities associated with this work. All industrial uses, definitions, and standards may be found in Article 4 Use Standards.

**Intersect:**

A condition where one element touches and/or overlaps with another element.

**Integral:**

A condition that refers to one element being located within another.

**Integrated:**

See Integral.

**Lamp:**

The source of illumination in a lighting fixture.

**Landscaping:**

Landscaping includes areas of arranged plant materials.

**Large Animals:**

Large domestic animals including cows, sheep, pigs, and horses raised for home use or for profit.

**Length:**

In a three-dimensional measurement system, length is a horizontal measurement, distinct and longer than width.

**Light Source:**

The lamp and all refractive, reflective, and translucent light transmitting parts of an outdoor light fixture.

**Loading Dock:**

A platform, dedicated to the loading or unloading of trucks.

**Lodging:**

Premises available for daily and weekly renting of bedrooms. All lodging uses, definitions, and standards may be found in Article 4 Use Standards.

**Lot:**

A designated parcel, tract, or area of land established by a deed or plat, or as otherwise permitted by law.

Syn: Parcel or Lot of Record.

**Lot, Building:**

A lot created using virtual lot lines for the purpose of meeting the dimensional requirements of the code, necessary in situations where the overall lot size is larger than that permitted within a district, and where legal subdivision is impractical or undesirable.

**Lot, Virtual:**

A potential lot created by virtual lot lines demarcated on a plan to show and determine conformance with this Code, without the act of legal subdivision. Syn: Potential Lot Lines

**Lot Area:**

The total area contained within the boundary lines of a lot, excluding publicly dedicated and accepted rights-of-way.

**Lot Depth:**

Lot depth is defined as the perpendicular distance from the front lot line to the rear lot line; or, if the front and rear lot lines are not parallel, the distance from the midpoint of the front lot line to the mid point of the rear lot line.

**Lot Line**

The boundary that legally and geometrically demarcates a lot.

**Lot Lines, Multiple:**

The condition where the boundaries of a lot take an irregular form and more than one front, side, or rear lot line may exist for a single lot.

**Lot Line, Virtual:**

Potential lot lines demarcated on a plan to show and determine conformance with this Code. Virtual lot lines do not require an act of legal subdivision.

Syn: Potential Lot Lines

**Lot Line, Primary Front:**

The lot line(s) that abuts the primary thoroughfare(s).

**Lot Line, Secondary Front:**

The lot line(s) that abuts the secondary thoroughfare(s).

**Lot Line, Rear:**

Rear lot line(s) are located opposite the front lot line, do not abut a primary or secondary thoroughfare, and do not intersect with a front lot line. Where side lot lines meet at a point, the rear lot line is that point.

**Lot Line, Side:**

Any lot line(s) that connect, or connect to, front and rear lot lines. A lot may have multiple side lot lines depending on its shape.

**Lot Width:**

Lot width is defined the total length of the front lot line or the distance between side lot lines at the maximum front setback, whichever is greater.

**Lumens:**

The amount of light energy generated by a light source.

**Main Building Mass:**

The volume of a primary or accessory building as defined by the dimensional standards for building type and onto which components and roofs may attach.

## DEFINITIONS

### **Master Plan:**

A development plan and supporting illustrations and documents providing a framework for future development of a site. A Master Plan provides guidance to the applicant and Town regarding applicable permitting and decision making processes.

### **Mechanical Equipment:**

Equipment, devices, and accessories used for water supply, drainage, heating, ventilating, air conditioning, including elevator shafts, heating and cooling units, utility cabinets, and other visible structures that are located on or near a building or structure.

### **Natural Materials:**

Includes wood, metal, brick, stone, or composites from any of the aforementioned materials.

### **Natural Resources:**

The processing or manufacturing of materials, and activities associated with this work. All natural resources uses, definitions, and standards may be found in Article 4 Use Standards.

### **Neighborhood Type:**

A neighborhood that has certain characteristics in terms of District arrangement and intensity.

### **Nonconformity:**

An existing use, structure, lot, site characteristics or sign that, at the time of its legal establishment, was in compliance with the zoning regulations, but after the adoption date of this Code has been made wholly or partially nonconforming.

### **Non-dwelling Unit:**

A single, internally connected space that comprises a building or a part of a building that can be occupied by any one of the use categories included in Article 4 Use Standards, except for those under the category of Residential.

### **Office:**

The transaction of general business, including administrative, professional, and clerical activities, but excluding retail. All office uses, definitions, and standards may be found in Article 4 Use Standards.

### **On-Site Civic Space:**

Civic space owned, maintained, and administered by a private entity, provided on the same lot as a building or on a lot associated with a building group, for the purpose of adding publicly accessible amenity space to a development project.

### **Opening:**

A void space in between the expanse of two solid structures or piers.

### **Outbuilding:**

See Accessory Building.

### **Outdoor Cafe Seating:**

Outdoor seating, with or without table service, located in a frontage or on a public sidewalk.

### **Outdoor Display:**

The outdoor exhibition or presentation of products and merchandise available for sale.

### **Outdoor Storage:**

The storage of merchandise or material in boxes, crates, on pallets or other kinds of shipping containers; and, garden supplies, building supplies, materials, plants, vehicles and other similar equipment, inventory, merchandise, or supplies not normally brought indoors overnight.

### **Parcel:**

See lot.

### **Parking Lot:**

An uncovered area used or designed for the off-street parking of 2 or more motor vehicles, excluding a driveway.

### **Parkshed:**

The pedestrian catchment area associated with a particular civic space type.

### **Patio:**

A hard-surfaced, landscaped space constructed at ground level, usually directly adjacent to a building. A patio is constructed with a finished walking surface laid or poured directly on finished grade. A patio has no permanent roof coverings.

### **Permeable:**

A condition in which the ground is covered by previous or porous surfaces or materials, such as through soil, mulch, vegetation, and pavers that allow for the movement or passage of water back into the ground.

### **Permitting Authority:**

A person or board granted the authority to conduct project review and approval, in accordance with this Code.

### **Pier:**

A solid support designed to sustain vertical pressure, such as used in a section of a wall between windows or other adjacent openings or as structural member used in the construction of building foundations.

### **Planter:**

A soil bed bordering on a pathway, sidewalk, civic space, or thoroughfare, kept open to air and water flow.

### **Platform:**

An elevated flat structure meant to support the weight of people at or above the plane of the ground.

**Nonconforming Conditions:**

Any use, structure, building lot, site characteristics, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming in result of the adoption of this Ordinance or subsequent amendments, may continue so long as the nonconformity remains otherwise lawful and complies with this section.

**Primary Building:**

See Building, Primary.

**Primary Entrance:**

The main point of access for pedestrians into a building, upper story use, or first floor tenant space.

**Primary Frontage:**

See Frontage, Primary

**Primary Front Lot Line:**

See Lot Line, Primary Front.

**Primary Front Setback:**

See Setback, Primary Front.

**Primary Ridge Beam:**

The highest framing member of a pitched roof to which all rafters attach.

**Primary Thoroughfare:**

See Thoroughfare, Primary.

**Project(ed):**

When a building element extends perpendicular and away from the building face to which it is attached.

**Property:**

Any land, building, or other structure, or part thereof.

**Public Realm:**

All public or civic lands including thoroughfares, sidewalks, rights-of-way, and frontage zones.

**Rafter:**

One of several internal beams extending from the eaves to the peak of the roof and constituting its frame.

**Rear Lot Line:**

See Lot Line, Rear.

**Rear Setback:**

The horizontal distance from a rear lot line to the location of structures or use on a lot, measured perpendicularly from the lot line. This area must be maintained clear of permanent structures with the exception of permitted encroachments. See Setback, Rear.

**Recreational Equipment:**

Includes swing sets and slides, sandboxes, picnic tables.

**Regional:**

Uses catering to patrons originating from locations both within the local municipality and elsewhere in the broader area.

**Residential:**

Use characterizing premises available for long-term human dwelling. All residential uses, definitions, and standards may be found in Article 4 Use Standards.

**Retail:**

Use characterizing premises available for the sale of merchandise and food service. All retail uses, definitions, and standards may be found in Article 4 Use Standards.

**Retaining Wall:**

A wall that holds the earth at one side at a higher elevation than the earth on the other side.

**Rezoning:**

An amendment to the Official District Map.

**Right-of-Way:**

The total width of any land reserved or dedicated as a thoroughfare, alley, pedestrian or bicycle way, railway, waterway, or utility line.

**Ridge Beam:**

See Primary Ridge Beam.

**Road**

A route or track 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 herein.

**Road, Private**

See Newcastle Road Ordinance.

**Road, Public**

See Newcastle Road Ordinance.

**Roll Curbs:**

See Mountable Curb.

**Roof Line:**

The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

**ROW:**

See Right-of-Way

## DEFINITIONS

### **Screen:**

A physical barrier between uses, buildings, or activities on adjacent lots or on lots adjacent to a public way, that may be comprised of vegetation, or man-made elements.

### **Shed:**

An enclosed, non-insulated building intended for storage.

### **Seating (Primary):**

Primary Seating includes very formal fixtures, such as benches and chairs. These fixtures are provided for demanding users and for situations where the need for seating is limited.

### **Seating (Recreational):**

Recreational Seating is provided for people to participate in a space. Recreational Seating is used for activities such as: observation of activities in the space, refuge, eating, reading, sleeping, knitting, playing chess, sunbathing, watching people, talking, etc. It can take two forms: Primary Seating and Secondary Seating.

### **Seating (Secondary):**

Secondary Seating includes less formal objects such as stairways, pedestals, steps, low walls, boxes, etc. which are used casually and out of necessity. Secondary Seating elements are needed for times when demand for seating is particularly great.

### **Secondary Frontage:**

See Frontage, Secondary.

### **Secondary Front Lot Line:**

See Lot Line, Secondary Front.

### **Secondary Front Setback:**

See Setback, Secondary Front.

### **Service:**

Service uses include any enterprise that provides work performed in an expert manner by an individual or team for the benefit of its customers. The typical service business provides intangible products. Auto-oriented service uses are listed under a separate use category. All service uses, definitions, and standards may be found in Article 6 Use Standards.

### **Setback:**

The horizontal distance required between the closest exterior wall of a building or parking and a specified element, such as a lot line, easement, or water body, measured perpendicularly. This area must be maintained clear of permanent structures with the exception of allowed encroachments.

### **Setback, Primary Front:**

The distance from a primary lot line bordering a primary thoroughfare maintained clear from buildings with the exception of encroachments.

### **Setback, Secondary Front:**

The distance from a secondary lot line, bordering a secondary thoroughfare, maintained clear from buildings with the exception of encroachments.

### **Setback, Side:**

The distance from a side lot line, maintained clear from buildings with the exception of encroachments.

### **Setback, Rear:**

The distance from a rear lot line, maintained clear from buildings with the exception of encroachments.

### **Shade Tree:**

Any tree grown specifically for its shade, specifically large trees with spreading canopies. Species can include oaks, maples, ashes, lindens, sycamores, and elms.

### **Shopfront:**

A first floor building facade, where substantial glazing is required, and the building entrance is located at the grade of the sidewalk or adjacent walkway.

### **Side Lot Line:**

See Lot Line, Side.

### **Side Setback:**

See Setback, Side.

### **Sidewalk:**

The paved section of the public right-of-way dedicated exclusively to pedestrian activity.

### **Sign:**

Any permanent or temporary name, identification, description, emblem, logo, structure, or device, that is illuminated or non-illuminated; visible or intended to be visible from any public place; and directs attention to a person, product, place, activity, institution, business, organization, activity, or service including any letter, numeral, character, figure, emblem, painting, illustration, banner, pennant, placard, or temporary sign designed to advertise, identify, solicit, or convey information. Signs include devices designed to attract the eye by intermittent or repeated motion and any permanently installed or situated merchandise, including any banner, pennant, placard, or temporary sign, with the exception of window displays.

### **Sign Band:**

A wall area of a building built along the entire width of a principal or secondary frontage allocated for the placement of a sign above a shopfront.

### **Site:**

A lot or parcel occupied or planned for occupation by a use, including structures and other improvements to the land.



**Slope:**

The ratio of vertical to horizontal distance.

**Small Animals:**

Small domestic animals including rabbits, chickens, goats, ducks, alpaca, emu, and other similarly sized animals raised for home use or for profit.

**Solar Farm:**

A site at which photovoltaic modules are used to generate and produce electric power for distribution to consumers, typically managed by a single entity.

**Soffit:**

The flat underside of an overhanging building element such as eaves or cornices.

**Special District:**

An area that due to its intrinsic size, arrangement of buildings, or other unique characteristics cannot meet the standards of an existing core district and is therefore established as a discrete district with a customized set of standards, building standards, and site standards.

**Special Requirements:**

Designations on the Town of Newcastle Official Zoning Map that indicate additional standards.

**Stationary Machines:**

Includes ATM machines, automobile charging stations.

**Step-back:**

A condition where an upper story facade is recessed a set distance behind the facade of the story below.

**Story:**

An occupiable floor of a building as distinct from the area contained under the pitch of a roof or a basement.

**Street Tree:**

A tree planted within the furnishing zone as an element of a thoroughfare.

**Streetwall:**

A condition where buildings, through their consistent arrangement along a street, create the impression of forming a wall. While the buildings can be separated, a streetwall is predicated on the buildings all having a similar front setback that is in close proximity to the street or civic space.

**Streetwall, Continuous:**

A streetwall condition comprised by buildings that are predominantly attached on the sides and that all have a consistent front setback directly on the property line.

**Structure:**

Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

**Substantial Modification:**

Alteration of a primary building in such a way as to cause an expansion in the footprint of the main building mass.

**Swale:**

A low or slightly depressed natural area for drainage.

**Swimming Pool:**

Any structure that is intended for recreational bathing or swimming that contains water deeper than 24 inches. This includes in-ground swimming pools, above-ground or on-ground pools, hot tub, spa, and inflatable pools.

**Terraced:**

An area of sloped land that has been made into a series of level areas, resembling steps.

**Thoroughfare:**

A public or private road for use by vehicular, pedestrian, and bicycle traffic, stormwater management facilities, shade trees, and utilities. Driveways are not thoroughfares.

**Thoroughfare, Primary:**

For corner lots or through lots that abut two thoroughfares, the primary thoroughfare is designated by one or more of the following conditions:

- The thoroughfare that existed first.
- The widest thoroughfare.
- The thoroughfare that carries the greatest amount of traffic.

When a lot fronts on more than one thoroughfare, and multiple thoroughfares meet the above criteria, all such thoroughfares must be treated as primary thoroughfares.

**Thoroughfare, Secondary:**

For corner lots or through lots that abut two thoroughfares, the secondary thoroughfare is the thoroughfare determined not to be the primary thoroughfare.

**Top Plate:**

The topmost horizontal, load-bearing member in a framed wall system.

**Tree Pit:**

A hole filled with soil for the planting and growth of a street tree. Tree pits have surface area open to air and water flow.

**Tree, Shade:**

See Shade Tree.

## DEFINITIONS

### **Tree Shape:**

Refers to 6 unique categories of trees, defined by a unique shape and used as a way to regulate trees along thoroughfares or within or civic space.

### **Tree Plantings:**

The required numbers of trees that must be planted per square foot of ground.

### **Unit:**

A single, internally connected space that comprises a building or a part of a building that can be occupied by any one of the use categories included in Article 4 Use Standards. (See Dwelling Unit and Non-dwelling Unit).

### **Upper Story:**

Syn: Upper Floor

### **Use:**

Any actual or intended occupation, business, operation, function, or activity carried out on a lot, within a structure, or within part of a structure.

### **Use, Temporary:**

A use established for a fixed period of time with the intent to discontinue such use upon expiration of the time period.

### **Use Category:**

A group of uses collapsed into a category of similar types for the purpose of simplifying the regulation of uses.

### **Utility Equipment:**

Utility equipment includes vents, exhaust, and utility boxes.

### **Variance:**

A departure from the strict terms or expressed standards of this Code, where such departure is authorized in accordance with Section 10 of Chapter 40A of the Maine General Laws.

### **Verge:**

The strip of grass or plants and sometimes also street trees located between a thoroughfare and a sidewalk.

### **Vertical Plane:**

A flat surface perpendicular to the ground or horizontal plane.

### **Waiver:**

A predetermined type of deviation, within specific limitations, from the block, lot, and/or thoroughfare standards for of a specific district in this Code.

### **Wall:**

A low structure typically built of masonry that defines an area or a boundary.

### **Width:**

In a three-dimensional measurement system, width is a horizontal measurement, distinct and shorter than length.

### **Wind Farm:**

A group of wind turbines in the same location used to produce electricity.

### **Windows & Doors:**

The arrangement, proportioning, and design of openings on every exterior wall of a building, including windows and doors but excluding entrances and doors for parking, loading, and service facilities. If a garage door is more than 50% glass, it is counted as a window and door.

### **Windows & Doors, Ground Story**

The percentage of openings present on a building's ground floor.

### **Windows & Doors, Ground Story**

The percentage of openings on the upper stories, each considered independently.

### **Worker:**

Workers include all people engaged in labor and who are either full-time, part-time, temporary, contract, or self-employed.

### **Yard:**

A privately-owned area that is adjacent to a building and often times described in relation to the building, such as front yard, side yard, or rear yard.

### **Zoning Permit:**

An approval that certifies that a project complies with all applicable municipal ordinances.

# **ROAD, DRIVEWAY, AND ENTRANCE ORDINANCE**

**NEWCASTLE, MAINE**

ADOPTED: [DATE] - UPDATED: AUGUST 2020

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# ARTICLE 1

## GENERAL

### 1. ROAD, DRIVEWAY, AND ENTRANCE ORDINANCE

#### A. PURPOSE

1. To provide for the review of driveways, roads, and entrances onto a public way.
2. To enforce compliance with sound construction and design practices.
3. To ensure that traffic safety, drainage, and public improvements are not adversely affected.
4. To ensure convenient and safe emergency vehicle access to all buildings and structures.

#### B. APPLICABILITY

1. Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle.
2. All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
3. Real property used or occupied by the Town of Newcastle is exempt from the standards of this Ordinance.
4. Real property used or occupied by the State of Maine is exempt from the standards of this Ordinance.
5. This Ordinance shall apply to each new driveway, entrance, private or public road, that connects to a public way, and shall also apply to the alteration, enlargement, re-construction of or discontinuance of a nonconforming driveway, entrance, or private or public road on or after effective date of this Ordinance.
6. If a permit or approval is required under this Ordinance, no earth moving or construction may occur prior to obtaining that permit or approval.
7. No driveway, entrance, private or public road, contemplated by this Ordinance may be undertaken unless in conformity with this Ordinance.

### 2. INSTRUCTIONS

#### A. TITLE

1. This Ordinance is known as the "Road, Driveways, and Entrances Ordinance" and may also be cited and referred to as "the Roads Ordinance."

#### B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Ordinance are defined in Definitions or within the Articles that contain standards associated with the term.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The word "description" is synonymous with "definition" when used in this Ordinance.
7. The term "Permitted" describes the condition where a specific standard, use, or activity described in this Ordinance is permissible. Acquisition of a permit is mandatory prior to enacting anything noted as "Permitted" in this Ordinance.

#### C. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms of this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

### 3. AUTHORITY & COMPLIANCE

#### A. AUTHORITY

1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO VOTE].

#### B. COMPLIANCE

1. No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public or approved private road may be constructed, altered or relocated except in accordance with this Ordinance.
2. This Ordinance allows waivers from the standards of this Ordinance as explicitly authorized by the standards within this Ordinance if the Permitting Authority determines that:
  - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
  - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

#### C. RELATIONSHIP TO OTHER STANDARDS

1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. Where the standards of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
3. The standards of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
4. All development activity must comply with relevant Federal and State law and regulations. Where there is a conflict between this Ordinance and the standards of a Federal or State Law, Federal or State Law supersedes the standards of this Ordinance.

# ARTICLE 2

# STANDARDS

## 1. ENTRANCES

### A. PURPOSE

1. To provide standards for the safe transition of vehicles at the point of intersection where roads, driveways, and parking lots meet a public way.

### B. APPLICABILITY

1. Applies to any new access to a lot from a public way, utilizing a driveway, private road, public road, or parking lot.

### C. GENERAL

1. An entrance onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the permitting authority at the time of application review.
2. Entrance standards shall apply to the first 20 ft of the road, driveway, or parking lot, that intersects the public way.

### D. DESIGN

1. All entrances shall be designed and constructed in accordance with the latest Maine Department of Transportation's Manual for Standard Specifications.
2. Entrances shall be constructed to prevent water run-off onto the adjacent traveled way.
  - a. Public Roads and Private Roads shall be sloped no greater than 3% above or below the adjacent traveled way for first 20 ft of the entrance.
  - b. If the Permitting Authority determines that an entrance culvert is necessary, the applicant shall bear the burden of the cost for the culvert installation, which shall be constructed to the the
3. Entrances shall intersect the adjacent traveled way at a horizontal angle of 90 degrees.
  - a. Proposed horizontal angles of intersection less than 90 and greater than 75 degrees may;
    - i. Be permitted via Special Permit, and
    - ii. Shall not be permitted less than 75 degrees
  - b. Entrances shall have an unobstructed view to and of the adjacent traveled way, and shall be wide enough to allow emergency vehicles to enter from either direction.
  - c. Entrances shall have a 35 ft radius along the edge of intersection between the entrance and adjacent traveled way.

4. No part of the entrance shall extend beyond the property lot frontage.
5. Entrance side slopes and banks shall not be steeper than horizontal to vertical ratio of 2:1.

### E. LOCATION

1. All entrances shall be so located such that vehicles approaching or using the entrance;
  - a. Shall be able to obtain unobstructed sight distance in both directions along the adjacent traveled way in accordance with Table 1.1 Sight Distance.
  - b. Shall be able to maneuver safely without interference with traffic.
2. Entrances shall not be constructed within the following distance of an intersection;
  - a. 75 ft of an un-signalized intersection
  - b. 125 ft of a signalized intersection.

### F. SIGHT DISTANCE

1. Entrances shall be placed such that an exiting vehicle has an unobstructed view in both directions along the adjacent traveled way according to Table 1.1 Sight Distance.
2. Sight distance shall be measured as follows;
  - a. From a point of origin 4 ft above ground, 10 ft from the edge of the shoulder of the adjacent traveled way, at the horizontal center of the proposed entrance.
  - b. To a point 4 ft above ground, measured in a straight line along the traveled way, farthest from the point of origin that can be seen without obstruction.

**TABLE 2.1 SIGHT DISTANCE**

SPEED (MPH)	SIGHT DISTANCE (FT)
20	155
25	200
30	250
35	305
40	360
45	425
50	570
60	645



## 2. DRIVEWAYS & ROADS

### A. PURPOSE

1. To provide standards for vehicular access to lots.

### B. APPLICABILITY

1. Applies to the design, location, and construction of driveways, and Public and Private Roads.
2. All Roads and Driveways shall comply with the standards in Table 2.2.

### C. DRIVEWAYS

1. Driveways shall have no design or construction standards, but shall comply with all Entrance standards.
2. Shared Driveways may provide access in whole or in part on or across from an abutting lot or lots, provided that an access easement exists between all owners.

### D. ROADS

1. Public and Private roads shall be designed so that they shall provide safe vehicular travel. The arrangement, character, extent, width, grade and location of all roads shall be considered in their relation to existing or planned roads, topographical conditions, public convenience, and appropriate relation to the proposed use of the land to be served by such roads. Road grades shall conform as closely as possible to the original topography within the limits of this Ordinance.
2. Public and Private roads shall remove stumps and rocks over 6 inches in diameter which will be less than 18 inches below the finished top.
3. All newly constructed roads shall remain private, to be maintained by the developer or the abutting lot owners. Roads shall not be accepted or maintained by the Town until they meet the Public Road construction standards of this Ordinance at the time of the request to become a Municipal Road.
  - a. The cost of such improvements shall not be borne by the Town.
  - b. No road shall be accepted as a Municipal Road or maintained by the Town without a formal vote to accept the road at Annual Town Meeting.
4. Public and Private Roads shall provide and maintain adequate access for emergency vehicles including fire apparatus, ambulance, and police.
5. Public or Private Roads may be constructed as dead end roads with the following provisions;
  - a. Dead end roads that exceed 150 feet in length shall construct and maintain a "Hammerhead" style turnaround at the end of the roadway.
  - b. The permitting authority may require the reservation of a 20 foot wide easement at the end of the road, in line with the road, to provide continuation of pedestrian traffic or utilities.
  - c. The permitting authority may require the reservation of a 50 foot wide easement at the end of the road, in

line with the road, to provide continuation of the road.

6. Public and Private Roads shall be constructed so that all changes in grade shall be connected by vertical curves in order to provide a minimum stopping sight distance of 150 feet.

### E. WATER MANAGEMENT

1. Public and Private Roads shall be designed to provide for the conveyance, control or disposal of surface waters including but not limited to the installation of ditches, culverts, catch basins and piping systems.
2. Culverts are required for the proper movement and removal of water adjacent to roads to ensure safe travel conditions and protect the integrity of the road surface and subsystem. Culverts shall have the following standards;
  - a. Culverts must extend beyond the combined width of the traveled way and shoulders by 18 inches on both sides.
  - b. Culvert diameter shall be a minimum of 15 inches and placed at stream bed level over a prepared base.
  - c. Culverts shall be constructed to enable unobstructed fish passage in either direction.
3. Ditches shall be designed and maintained with flow lines that are 2 ft below the sub-grade breakpoint.
  - a. Ditches and embankments shall be seeded with erosion control landscaping.

**TABLE 2.2 ROAD AND DRIVEWAY STANDARDS**

DESIGN STANDARDS	PUBLIC ROAD	PRIVATE ROAD	DRIVEWAY
Min Right of way width	50 ft	50 ft	n/a
Min Traveled way width	20 ft	12 ft	n/a
Min Cleared width	32 ft	22 ft	n/a
Min Width of shoulders	5 ft	3 ft	n/a
Min Grade	.5 %	.5 %	n/a
Max Grade	8 %	10 %	n/a
Min Centerline Radius	150 ft	150 ft	n/a
Roadway Crown	¼" / ft	¼" / ft	n/a
Min Angle of Road Intersection	75°	75°	n/a
Max Grade within 75' of Intersection	2 %	n/a	n/a
Min Curb Radii at Intersections	15 ft	15 ft	n/a
Min ROW Radii at Intersections	10 ft	10 ft	n/a
<b>ROAD CONSTRUCTION</b>			
Aggregate sub-base course	18"	12"	n/a
Crushed Aggregate base course	3"	3"	n/a
<b>HOT BITUMINOUS PAVEMENT</b>			
Total HBP Thickness	2½"	n/a	n/a
Base Course	1½"	n/a	n/a
Surface Course	1"	n/a	n/a

# ARTICLE 3

## ADMINISTRATION

### A. GENERAL

1. No utility installations, no ditching, grading, or construction of Public and Private Roads, no grading of land or lots, and no construction of buildings shall be done on any part of the parcel until a Final Plat Plan has been approved, a permit has been granted and recorded in the Lincoln County Registry of Deeds.
2. Submitted plans for Public and Private Roads must be certified by applicant's engineer that they comply with the standards of this Ordinance and that the roads are constructed to appropriate standards.
  - a. There shall be at least one (1) on-site inspection by the Permitting Authority or their representative during construction, with the assistance of the applicant's engineer. Applicant's engineer shall certify completion and compliance with standards.
3. The Permitting Authority may require the Applicant to provide easements for drainage or other utilities to individual lots when necessary to insure those services can be provided within the subdivision.
4. The Road Commissioner shall prepare a statement summarizing the effect on public roads adjacent to or arterial to the project, including:
  - a. An estimate of increased traffic intensity levels and the maximum of traffic levels the road can safely handle;
  - b. The ability of the roads to handle increased traffic and emergency vehicles;
  - c. The adequacy of roadbed quality and width including adequacy of proposed drainage conduits;
  - d. The safety of all intersections, including grades and visibility at intersections; and
  - e. Possible improvements to the proposed design along with an estimate of the cost and benefits derived.
5. The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.
6. The permit shall be valid for a period of twelve months from the date of original issue.
7. No entrance, approach or other improvement constructed

on the right of way shall be relocated or its dimensions altered without a Permit from the Town.

8. The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Permit.
9. A permit is not required for the replacement of an existing road culvert.

### B. APPEALS

1. Whenever a person shall deem themselves aggrieved by an order made by the Permitting Authority:
  - a. the person may file an appeal to the Board of Appeals within 10 days of the date of the order
  - b. and the person shall be afforded a hearing on the matter before the Board of Appeals
  - c. and, unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

# ARTICLE 4

## DEFINITIONS

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### Entrance

#### Earth-Moving

Any change to the ground caused by individuals or entities to improved or unimproved real estate including, but not limited to the clearing, excavation, processing, storing, adding or removing soil, gravel, earth, or rock or other mineral deposits, mining, filling, dredging, grading, paving, excavating, drilling, damming, diverting water, or any other activity that results in a change to the character, contours or topography of the property. Earth- Moving also includes alteration of a public or private right of way, road, or driveway.

#### Forest Management Activities

Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

#### Land Management Road

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

#### Road

A route or track 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 herein.

#### Driveway

A vehicular access-way less than five-hundred (500) feet in length serving two single family dwellings or one two-family dwelling or less.