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An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §439-A, sub-§4-A, ¶C, as amended by PL 1999, c. 243, §6, is further amended to read:

C. Legally existing nonconforming principal and accessory structures that do not meet the water setback requirements may be expanded or altered as follows, as long as other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by paragraph A or B.

(1) For structures located less than 75 feet from the normal high-water line or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater. The height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.

(2) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all structures is 1,500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line or upland edge of a wetland must meet the floor area and height limits in subparagraph (1). The height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.

Existing principal and accessory structures that exceed the floor area or height limits under this paragraph may not be expanded, except as provided in paragraph E.

For the purposes of this paragraph, a basement is not counted toward floor area.

SUMMARY

This bill provides that the height of a cupola, dome, widow's walk or similar feature is not included in the measurement of the height of a structure for determining compliance with limitations on the height

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of a structure in the shoreland zone if that cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.