

Sec. 13-900 Definitions.

1. Construction of Language.

The following definitions shall apply to the Zoning Ordinance and the Subdivision Ordinance of the City of Caribou. In the interpretation and enforcement of these Ordinances, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

- A. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
- C. The word "shall" is mandatory, the word "may" is permissive.
- D. The word "lot" includes the words "plot" and "parcel".
- E. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- F. The word "City" shall mean the City of Caribou, Maine.
- G. The word "CEO" shall mean Code Enforcement Officer.
- H. The term "Zoning Ordinance" shall mean the Zoning Ordinance of the City of Caribou.
- I. The term "Subdivision Ordinance" shall mean the Subdivision Ordinance of the City of Caribou.

Definitions.

Abandoned: The stopping of an activity, use, business, in addition to: actions taken by an owner or representative that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, business. Also contains the element of abandoned and/or change to a less intensive use of the property/structure.

Abutter: Any person, to include property owner, leasee, or tenant, whose property adjoins or is directly across the road, street, right-of-way, stream, or waterway from the lot under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration or a party whom the Planning Board determines would be impacted by the proposal.

Accessory Use or Structure: A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. In shoreland areas, a deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agent: Any person having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Party: Any person whose property is directly or indirectly affected by the granting or denial of a permit or variance under an ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does include animal husbandry, and the processing of goods carried out pursuant to a home food manufacturing license from the Maine Department of Agriculture, but does not include forest management and timber harvesting activities.

As an accessory use to the principal use of the lot for agriculture, the sale of: produce and products actually grown, raised or processed on the premises; or fresh produce purchased off-site to supplement sales during the growing season, and agriculturally related products, provided that such produce and products do not occupy more than 25 percent of the space devoted to retail sales.

For the purpose of this definition, "agriculturally related products" means items produced under a home food manufacturing license from the Maine Department of Agriculture, such as jams and jellies, honey, cheese and dairy products, homemade baked goods, herbs and spices, ice cream, and maple syrup. The allowed retail sales may be in farm stand or stands in which a total of no more than five hundred (500) square feet are occupied by the sales activity.

For the purpose of this definition, the keeping of horses and horticulture, are considered to be uses separate from agriculture.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Airport: Property that is maintained for the landing, refueling, and takeoff of aircraft and for the receiving and discharge of passengers and cargo traveling by air, to include aviation-related facilities, structures, and property.

Airport Apron: The pavement area used or intended to be used for the parking and movement of aircraft.

Alteration: Any change, addition, or modification in construction, other than cosmetic or decorative; or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Amusement Facility: Any private, commercial premises which is maintained or operated primarily for the amusement, patronage, or recreation of the public, containing table sports, pinball machines, video games, or similar mechanical or electronic games, collectively, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Amusement Park: A park operated by an entity, other than a unit of government, with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

Animal Husbandry: The breeding, raising, or keeping of livestock, other than customary household pets, for commercial purposes. Animal husbandry does not include a kennel.

Apartment: A room or group of rooms designed and equipped exclusively for rental use by one family as a habitation and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term does not include recreational vehicles or hotel/motel/inn units.

Applicant: A person applying for development approval. An applicant, owner, and a developer may be one in the same.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater change of flooding in any given year.

Artificial Monument: A man-made object used to mark and identify the corner or line of property boundaries. Artificial monuments are to be in conformance with current standards of the Maine Board of Licensure for Professional Land Surveyors. The term "artificial monument" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. A metal pipe or pin; or
5. A steel bar no less than 1/2" in diameter and 3' in length.

Assisted Living Facility: Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Automobile Graveyard: A yard, field, or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose for making repairs to render a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn out or junked motor vehicles, bodies, or engines gathered together including, but not limited to, automobiles, trucks, and/or tractors.

Automobile Body Shop: A business engaged in body, frame, or fender straightening and repair, and painting and undercoating.

Automobile Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Automobile (Vehicle) Sales and Service: The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers, recreation vehicles, motorcycles, or similar motorized vehicles, including repair facilities for such vehicles.

Automobile Service Station: A place where gasoline, or any other automobile engine fuel (stored in approved containers or tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Average Annual Daily Traffic (AADT): The average annual number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Aviation-Related: Any activity, use, facility, structure, service, property, or property right used or intended to be used for any operational purpose related to, in support of, or complementary to, the flight of aircraft to or from an airport, to include convenience concessions serving the public.

Babysitting: Taking care of a child or children for a short period of time while the parents are away, usually for compensation.

Base Flood: Means the flood having a one percent change of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls, which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above shall be three (3) feet or greater.

Bathroom: A room with a bathtub and/or shower, toilet, and washstand.

Bed and Breakfast: Any dwelling in which transient lodging with a breakfast (full or continental) are provided and offered to the public for compensation for less than one week. The dwelling shall also be occupied by a permanent resident. There shall be no provision for cooking in any of the individual guest rooms. If evening meals are served as well, the establishment shall be considered an eating and lodging establishment for the purposes of licensing. (Licenses are required for anyone renting one room and serving food.)

Boarding Home for Sheltered Care: A non-profit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

Boarding House: Any residential structure where lodging, with or without meals, is provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provision for cooking in any individual guest room.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

Boat Launching Facility: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bottle Club: An establishment in which patrons primarily bring their own liquor for consumption on the premises.

Buffer: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

Bulk Grain Storage: Establishments primarily engaged in the warehousing and storage of grain for resale or own use, other than normal storage associated with on-site consumption.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

Campground, Summer/Winter: A campground for the accommodation of children or other organized groups for educational or recreational purposes. The term is distinct from campground generally and does not include parks for recreational vehicles.

Capital Improvements Program (CIP): A municipality's proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Catering Establishment: Any kitchen, commissary, or similar place in which food or drink is prepared for sale or service elsewhere or for food service on the premise during special catered events.

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A document signed by the CEO stating that a structure is in compliance with all of the provisions of a Floodplain Management Ordinance.

Certificate of Occupancy: A document signed by the CEO stating that a structure is in compliance with all of the provisions of the Zoning Ordinance, Shoreland Zoning Ordinance, Building Code, and the Subdivision Ordinance of the municipality..

Change of Use: A change from one category in the Land Use Permit Table to another, or the addition of a new category of use to an existing use.

Child Day Care Facility: Any dwelling, building, or portion thereof which child day care services are provided including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications:

Family Day Care Home: Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to three, four, five, or six children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "babysitting."

Group Day Care Home: A facility in which care is provided for more than six (6), but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence.

Day Care Center: A facility which is licensed to provide care for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

Church: A building or structure, or group of buildings or structures, designed, primarily intended, and used for the conduct of religious services, excluding Sunday School.

Clinic: An establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements, medical or dental.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Club, Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public.

Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.

Cluster Development: A development designed to promote the creation of open space by a reduction in dimensional and area requirements.

Code Enforcement Officer (CEO): A person appointed by the municipal officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility, and amusement parks, but not including amusement centers.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Commercial Waste Hauler. Any person engaged in the collection and transportation of solid waste for a fee or other compensation.

Commissary: A catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Common Driveway: A vehicle accessway serving two dwelling units.

Common Open Space: Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Community Center: A building which provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Community Residences for the Developmentally Disabled: A residential facility, licensed by the state, providing food, shelter, and personal guidance, with supervision, to developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community and shall include group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels.

Community Residential Home: A dwelling unit licensed to serve clients of the appropriate governmental department that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an aged person, a physically disabled or handicapped person, a developmentally disabled person, a non dangerous mentally ill person, and a child as defined in the appropriate statute.

Community Shelters for Victims of Domestic Violence: A residence providing food, shelter, medical care, legal assistance, personal guidance, and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Complete Application: An application shall be considered complete upon submission of any required fee or guarantee, a signed application, and all information required by the appropriate application, except as validly waived by the CEO or Planning Board, whomever is responsible for conducting the review, to waive the submission of required information.

Comprehensive Plan: A document or interrelated documents adopted by the municipality's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conditional Zoning: The process by which the municipal legislative body may rezone property to permit the use of the property subject to conditions not generally applicable to other properties similarly zoned.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of an ordinance.

Congregate Housing: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for functionally impaired persons.

Congregate Housing, Elderly: A type of dwelling which is occupied by elderly persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services. By "elderly" persons is meant a person 60 years old or older, or a couple that constitutes a household and at least one of whom is 60 years old or older at the time of entry into the facility. By "shared community space" is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests and exercise rooms. By "shared dining facilities" is meant a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An elderly congregate housing development shall include either or both of the following types of residential units:

1. Dwelling units, as defined by this Section; and

2. Residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities.

Additionally, the term "elderly congregate housing" includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer's Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Elderly congregate housing is distinct from "convalescent home or rest home or nursing home," which is defined separately.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Construction Trailer: A temporary structure or structures, to include a mobile home, tractor trailer, or similar structure, which is used in conjunction with construction activities and which is used or constructed in such a manner as to permit daily occupancy and/or the storage of equipment and materials.

Continuing Care Retirement Community: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees.

Contract Zoning: The process by which the property owner, in consideration of the zoning of that person's property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties.

Convalescent Home, Rest Home, or Nursing Home: A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services. A convalescent home, rest home, or nursing home is distinct from elderly congregate housing.

Crawl Space: A space, usually about two (2) feet high, provided in a building in order to enable access to plumbing, wiring, and/or equipment.

Curb Cut: The opening along the curb line or right-of-way line at which point vehicles may enter or leave the road.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal, or change of location of windows and doors.

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition/Waste Disposal: A facility, including a landfill, operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Density: The number of units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Developer: A person who is developing the land. The developer, owner, and the applicant may be one in the same.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to, subdivisions, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dimensional Requirements: Numerical standards relating to spatial relationships, including but not limited to, setback, lot area, shore or road frontage, and height.

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

Disability, Physical or Mental: Any disability infirmity, malformation, disfigurement, congenial defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

District: A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

Drive-Up Facility: An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle. Such as, but not limited to, Automated Teller Machines (ATMs).

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.

Single-Family: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family (Duplex): A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term includes mobile homes, but not recreational vehicles or hotel/motel/inn units.

Easement: A right, such as a right-of-way, afforded a person to make limited use of another's real property.

Elderly Housing Complex: A dwelling complex that is occupied by a minimum of ten (10) persons, 60 years of age or older, and/or handicapped persons, as a residential living environment with other persons 60 years of age or older and/or handicapped persons.

Emergency Operations: Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from the threat of destruction or injury.

Engineered Subsurface Wastewater Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

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

Excursion Service: A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational river cruises where there may not be a specific point of destination.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached: decks, garages, porches, and greenhouses.

Expansion of Use: The addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

Exterior Walls: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal or plastic.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Farm Stand: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

Fence: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences. For the purposes of these ordinances, a fence is not an accessory structure.

Filling: Depositing or dumping any matter on or into the ground or water.

Final Plan: The final drawings on which the applicant's plan of development is presented for approval. In the case of a final subdivision plan a copy shall be recorded in the Aroostook County Registry of Deeds.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flea Market: The sale of used merchandise customarily involving tables or space leased or rented to vendors.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Floodplain Soils: The following soil series as described and identified in the Soil Survey for Aroostook County, Maine:

Alluvial

Hadley

Medomak

Winooski

Floodproofing: A combination of structural provisions, changes, or adjustments to properties, water and sanitary facilities, structures, and contents of buildings.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Floor Area, Net: The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

Floor Area Ratio: A ratio derived by dividing the gross floor area of a building by the area of the lot.

Floor Area (Shoreland Areas): The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters or taller. (6 meters = 19.865 feet).

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts, or frostwalls (See: Permanent Foundation).

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream, or brook.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage, Road: The horizontal distance, measured in a straight line, extending between the side lot lines along the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at the normal high water line.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost line to protect structures from frost heaves.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: (See: Automobile Service Station)

Governmental Facility: A building(s) structure(s), and other facility(ies) intended to provide functions or services, other than housing, normally provided by governmental entities.

Gravel Pit: (See: Mineral Extraction)

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres.

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified, or licensed by the State of Maine. A group home may include a community living facility, foster home, or intermediate care facility.

Guest House: (See: Inn)

Hazardous Waste: A waste substance or material, in any physical state, designated as hazardous by the MDEP Board under MRSA 38, §1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Height of a Structure: (See: Building Height)

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Site/Structure: Means any land, site, or structure that is: (1.) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2.) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district; (3.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4.) Individually listed on a local inventory of historic places.

Home Occupation: An occupation or profession which is customarily conducted on or in a dwelling unit by a member of the family permanently residing in the unit, for financial gain and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

Horticulture: The cultivation of fruits, vegetables, flowers, and plants, including orchards, commercial greenhouses and nurseries, and landscaping services.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, domestic rabbits, domestic tropical fish, and rodents.

Impervious Surface Ratio: A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of these Ordinances, impervious surfaces include buildings, structures, paved, and gravel surfaces.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group, not to exceed ten (10) individuals, and which involves site improvements which may include, but not be limited to, gravel pads, parking areas, fire places, or tent platforms.

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Industrial Use Dependent Upon an Airport: Industrial uses that involve aircraft, aircraft parts, or aircraft services; or utilize air transportation to obtain goods or services, transport finished products or packaging, or provide services; and which requires access to a runway.

Industrial Use, Heavy: The use of real estate, building, or structure, or any portion thereof, for assembling, fabricating, manufacturing, remanufacturing, packaging, distribution, or processing operations.

Industrial Use, Light: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials, or which will not create a nuisance by noise, smoke, vibration, odor, or appearance.

Inn: A building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house, and tourist house.

Intermediate Care Facility: A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

Junkyard: A yard, field, or other area used as place of storage for:

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junked lumber;
3. Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more pets owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where three (3) or more pets are kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six (6) months.

Laundry, Self-Serve: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular road or highway calculated in accordance with the provisions of the "*Highway Capacity Manual*", latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Litter: Any garbage, solid waste, junk, rubbish, refuse, construction debris, demolition debris, and any other waste or materials.

Livestock: Domestic animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, or pigs, that are typically kept outside of the home.

Long Term Care Facility: A distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way, or private way.

Lot Area: The land area enclosed within the boundary lines of the lot, not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights-of-way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.

Lot, Coverage: The percentage of the lot covered by all buildings.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required area within a District for a single lot or use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two (2) or more parallel roads or rights of way, or lying between a road and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to roads, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The closest distance between the side lot lines of a lot.

Manufacturing: The mechanical or chemical transformation of material or substance into new products, either finished or semi-finished for use as raw material in another process, and including the assembling of component parts, the manufacturing of products, and the blending of materials. The term also includes repair services, exclusive of motor vehicles, where such services are performed in a facility larger than a Tradesman's Shop, as defined within this Section.

Marina: A shorefront commercial facility with provisions for boat storage, boat launching, and the sale of supplies and services for water-craft and their equipment and accessories.

Masonry-Type Skirting: Concrete, concrete blocks, brick, stone or similar materials which are arranged to resemble a foundation.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Mineral Exploration: The hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Mitigation Area: Property, to include wetlands and uplands, used or reserved for the purpose of avoiding, minimizing, rectifying, reducing over time, or compensating for unavoidable environmental impacts or offsetting environmental losses arising from development of the same or another parcel of property.

Mobile Eating Place: A mobile vehicle, including a pushcart, designed and constructed to transport, prepare, sell, or serve food at a number of sites and shall be capable of being moved from its site at any time, not to remain at the same site for more than seven (7) days at a time.

Mobile Home, Newer: A structural unit designed for occupancy and constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode is 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, §5401, et seq.

Mobile Home, Older: A structural unit designed for occupancy and constructed before June 15, 1976, which has not been constructed in compliance with the United States Department of Housing and Urban Development standards, transportable in one or more sections, which in the traveling mode is 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Mobile Home Park: A plot of land designed and/or used to accommodate three (3) or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that unit. All lots shall be indicated on the mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved under the Subdivision Ordinance for the placement of a mobile home on individually owned lots.

Modular Homes: Those units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, §9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Motel: A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which does not meet the definitions of Bed and Breakfast, Hotel, or Inn shall be deemed to be a motel for the purposes of an ordinance.

Motorized Vehicle: Any mechanically or electrically powered device, not operated on rails, upon which or by which a person or property may be transported on the land. The definition shall include, but not be limited to: automobile, bus, semi-trailer, tractor, truck, van, motorcycle, snowmobile, and moped.

Natural Resource Based Use: The use of land and/or structures for the initial manufacturing, processing, fabricating, assembly and/or packing of goods or products of raw natural resource materials (land, water, plant and animal life) indigenous to the municipality or immediate area. With respect to this definition, "Initial" refers to the first phase of manufacturing, processing, fabrication, assembly and/or packing, beginning with raw materials, rather than secondary manufacture or handling. Such uses include, but are not limited to: raw material storage, agricultural product packing, sawmills, blacksmithing, farm implement repair or roadside sale or agricultural products.

Neighborhood "Convenience" Store: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood.

Net Acreage: The total acreage available for development shown on a proposed plan, minus the area for roads or access and the areas which are unsuitable for development.

Net Density: The number of units per net acreage.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of an ordinance.

Nightclub: An establishment primarily for the sale or dispensing of liquor by the drink that also offers entertainment.

Non-Conforming Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of an ordinance or amendment which does not meet the area, frontage, width or depth requirements of the District in which it is located.

Non-Conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by an ordinance, but which is allowed to remain solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Normal High-Water Line of Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

Nursing Home: (See: Convalescent Home, Rest Home, or Nursing Home)

Off-Road Vehicles: A motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. For purposes of aquifer protection, off-road vehicle does not include; a logging vehicle used in performance of its common functions, a farm vehicle used for farming purposes, or a vehicle used exclusively for emergency, law enforcement, or fire control purposes.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Ordinance: Any legislative action of the municipality's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.

Parking Space: An area on a lot intended for the use of temporary parking of a personal vehicle. The size of each parking space shall be exclusive of drives or aisles for the parking of vehicles and have a means of access to a public street.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation, and amusement centers.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Patio: An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground in any manner.

Permanent Foundation: A permanent foundation means all of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility;
4. At least 12 inches of compacted gravel;
5. At least 12 inches of crushed stones no larger than one inch in diameter;
6. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings; and
7. Any foundation, reviewed and approved in writing by the CEO, using advanced technologies.

Permitted (Allowed) Use: Use which is listed as permitted use in the various Districts set forth in an ordinance. The term shall not include prohibited uses.

Personal Property: Property which is owned, utilized, and maintained by an individual or members of their residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Service Business: Establishments primarily engaged in providing services other than those provided by professional offices, but not goods, as exemplified by beauty shops, barber shops, shoe repair, photographic studios, coin-operated laundries, fitness studios, advertising, and similar establishments.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Petroleum: Oil, gasoline, petroleum product, and their byproducts, and all other liquid hydrocarbons, excluding propane.

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Planning Board: The Planning Board for the Municipality.

Pond: (See: Water Body)

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted for consideration.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A private way meeting the municipality's road design and construction standards for a "Private" road.

Professional (Business) Offices: The place of business for doctors, lawyers, accountants, financial advisors, architects, surveyors, psychiatrists, psychologists, counselors, real estate, insurance, and the like or in which a business conducts its administrative, financial, or clerical operations, including financial institutions and other financial services, but not retail sales, personal services, or the use of trucks as part of the business operation.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Improvements: The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements approved by the municipality.

Public Utility: Any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, sanitary sewage disposal, cable, or water to the public.

Public Utility Facility: A communications, electric, gas, cable, water, sewer, or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus, or other unoccupied structure necessary for the furnishing of utility service.

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

Quarry: A place where stone is excavated from rock.

Recent Floodplain Soils: (See: Floodplain Soils)

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan to be recorded at the Aroostook County Registry of Deeds.

Recreation: An activity pursued for leisure in order to refresh the mind or body, or a facility designed or equipped for such pursuit.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle: A vehicle, or an attachment to a vehicle designed to be towed, designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up coach, travel trailer, camping trailer, dependent RV, self-contained RV, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be currently registered with the State Division of Motor Vehicles.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who will use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

Replacement System: A system intended to replace: (1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or (2.) any existing overboard wastewater discharge.

Research and Development Facility: A laboratory or other facility for carrying on investigation on the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

Residential Health Care Facility: Residence usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and that may provide other services, such recreational, social, and cultural activities, financial services, and transportation.

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Rest Home: (See: Convalescent Home, Rest Home, or Nursing Home)

Resubdivision: The division of an existing subdivision or any change in the Plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved Plan.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods, commodities, or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, stormwater main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passage has been recorded for the use.

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

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, 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.

Runway Protection Zone: A trapezoidally-shaped area centered about the extended runway center line at either end of the runway and beginning beyond the end of the area usable for the takeoff and landing of aircraft where, due to the higher potential for the occurrence of aircraft accidents, land use is necessarily restricted.

Satellite Receiving Dishes: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools:

Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied either of the following requirements:

- a. The school is not operated for a profit or a gainful business; or
- b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: An institutions which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Service Business: (See: Personal Service Business)

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service:
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service:
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Setback from Water: The horizontal distance from the normal high water line to the nearest part of a structure.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management.

Shoreland Zone: The land area located no less than within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; 250 feet of the upland edge of a freshwater wetland; seventy-five (75) feet of the normal high-water line of a stream; or as may be indicated on the official Shoreland Zoning Map.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in an ordinance as a reference for unobstructed road visibility.

Sign: A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public, and which directs attention to a product, place, activity, person, institution, or business. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located in a window. Signs shall include:

Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

Canopy: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Changeable Copy: A sign or portion thereof on which the message changes more than eight (8) times per day with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. For the purposes of this Ordinance, a sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a changeable copy sign.

Flashing: A sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Signs which indicate the time temperature shall not be considered flashing signs.

Freestanding: Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

Incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, to include signs such as: "no parking", "entrance", "exit", "loading only", and similar directives.

Internally Illuminated: A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign.

Marquee: Any sign attached to a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Non-Conforming Sign: Any sign that does not conform to the requirements of an ordinance.

Official Business Directional Sign (OBDS): A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

Portable/Temporary Movable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting: Any sign affixed or attached to a building or a wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the building or wall.

Residential: Any sign located in a residential zoning district for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements.

Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Wall: Any sign attached parallel to, but within six (6) inches of, a wall, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for approval.

Solid Waste. Useless, unwanted solid materials with insufficient liquid content to be free flowing. Other common words used for solid waste include trash, rubbish, garbage, junk, and refuse. Solid waste includes refuse-derived fuel, but does not include source separated recyclables / compostables, septic tank sludge, or wastewater treatment sludge.

Stable, Private: An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

Stable, Public: An accessory building in which sheltered animals are kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within a shoreland zone, or as depicted on the official municipal shoreland zoning map, or as further described in the applicable overlay District standards, whichever is applicable.

Street: An existing state, county, or municipal way dedicated for public use. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of shoreland areas, signs, sidewalks, patios, driveways, and parking lots are not defined as structures.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971, whether accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" shall include the division of any structure or structures on a tract or parcel of land into 3 or more dwelling units or combination thereof within a 5 year period;

1. In determining whether a tract or parcel of land is divided into 3 or more lots within a 5 year period, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, unless otherwise exempted herein is considered to create a 3rd lot, unless:
 - a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land as defined in Title 36, §1102, for a period of at least 5 years before the second dividing occurs; or
 - b. The division of the tract or parcel is otherwise exempt under this definition.
2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this ordinance, do not become subject to this ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
3. Any lot of more than 40 acres shall be counted as a lot for the purpose of this definition.
4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this definition. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition.
5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

6. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
7. Nothing in this ordinance may be construed to prevent the municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.
8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.
9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.
10. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Expansion: Floorspace increase of 25 percent or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historical Places.

Substantial Review: A substantial review of an application, as required by law at the time of the application, shall consist of a review of that application to determine whether the application complies with the review criteria and other applicable requirements of law.

Substantial Start/Construction: Following the issuance of a permit, if completion of 30 percent of a permitted structure or use measured as a percentage of estimated total cost is not made within one (1) year of the date of the permit, the permit shall lapse and become void.

Subsurface Wastewater Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

Theater: A facility operated by an entity for the showing of motion pictures or dramatic or musical performances.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tract (Parcel) of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract (parcel) of land unless such road was established by the owner of land on both sides thereof.

Tradesman Shop: An establishment occupied by a craftsman or a person in a skilled trade, including, by way of example only, plumbing, carpentry, or electrical work. The term also shall include establishments engaged in the repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include work space, storage space, and office space.

Trail: A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dogsledding.

Travel Trailer: (See: Recreational Vehicle)

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Undue Hardship: The words "undue hardship" shall take its statutory definition and include all of the following:

1. That the land in question can not yield a reasonable return unless a variance is granted; and
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. That the granting of a variance shall not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement.

A variance is not justified unless all elements are present in the case.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed, or intended, or is occupied.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics, and soil conditions can be used for active recreation, horticulture, or agriculture. In order to be considered usable open space, the land must not be; poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10 percent.

Used Merchandise Sale: The outdoor sale of used articles conducted for more than five (5) consecutive days for more than two (2) weekends per year, shall require a permit from the CEO. Used Merchandise Sales includes flea markets

Variance: A relaxation of the terms of a zoning ordinance. Variances permissible under the zoning ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vegetation: All live trees, shrubs, ground cover and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof

Waiver: (Not to be confused with "variance" which applies only to the Zoning Ordinance.) A relaxation of the terms of the Subdivision Ordinance or Site Design Review Ordinance; to waive submission of information otherwise required by the Ordinance when that information is not necessary in order to make a determination that the standards of the Ordinance and the criteria of the Statute are met. The applicant retains the burden of proof that the standards and criteria are met. The CEO and Planning Board have no power to waive any statutory criteria.

Warehousing / Storage: The storage of goods, wares and merchandise in a warehouse.

Water Body: Shall include the following:

Pond or Lake: Any inland impoundment, natural or man-made, which collects and stores surface water.

Stream or River: A free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three (3) months during the year.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines and cables as well as maintenance work on these crossings.

Weeds: All grasses, annual plants and vegetation. Weeds shall not include cultivated flowers, gardens, trees or shrubs.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm causeway or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wetland: (See: Freshwater Wetland and Forested Wetland)

Wholesale Business / Sales: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguished from the sale to the general public.

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales, open to the public, conducted from or on a premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered a "Used Merchandise Sale" as defined in this Section.

Historical Note: Adopted 7/14/97; Section 13-745 as amended 9/24/98; Sections 13-204 & 13-900 as amended 5/14/01.

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