ARTICLE 2, DEFINITIONS

Construction of Language:
Except where specifically defined herein, all words used in the Land Use Codes shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word :plot”; the word “building” includes the word “structure”; “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or design to be used or occupied.”

Abutter: A person whose property shares all or part of a common lot line with the property under consideration or whose property is separated by a public or private road from the property under consideration and is located wholly or partly opposite the property under consideration.

Accessory Building or Structure: A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building. Examples include, but are not limited to garages, Barns, workshops and guest houses. Accessory buildings and structures are subject to the setback and coverage requirements of the district in which they are located. 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.

Accessory Dwelling Unit: See Dwelling, Accessory

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agriculture: The production, keeping or maintenance, for sale, lease of personal use, of plants and animals useful to people, including but not limited to: forage, sod, seed and grain crops, dairy animals and dairy products: poultry and poultry products; livestock including breeding and grazing of animals, bees, trees and forest products, fruits and vegetables, nursery, ornamental and greenhouse products; or lands devoted to soil conservation or forestry management programs. In the Shoreland Zone, agriculture does not include forest management and timber harvesting activities.

Aggrieved Person or Party: An owner of land whose property is directly or indirectly affected by the granting of 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.

Antenna: Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals or other communication signals, including but not limited to directional antennas, such as panels microwave dishes, and satellite dishes, and omni-directional antenna, such as whip antennas.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which attaches to a tower and supports one or more antenna(e).

Apartment Building: A building arranged, intended, or designed to be occupied by three or more families living independently of each other.
**Applicant:** Any person having standing to apply for a review or approval required or provided under this Code. To have standing under this Code, an applicant must have a legal interest in any land, parcel, site, or development subject to any action by the Town of Pownal under this Code. Such interest must be either fee-simple ownership; holder of a valid, enforceable contract (or option agreement) to purchase; or a long-term (i.e., 10 years or longer) exclusive leasehold. Applicants may designate others to represent them in any application under this Code and must do so in writing. The terms owner, subdivider, and developer are interchangeable with the term applicant, unless the context clearly indicates otherwise.

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

**Aquifer:** A geologic formation, material, or layer that contains a usable supply of groundwater.

**Area of Special Flood Hazard:** Land in the floodplain having a one percent or greater change of flooding in any given year, as specifically identified in the Flood Insurance Rate Map cited in Article 8 Flood Plain Ordinance, Section 1.

**Arterial Street (or Road):** See Street

**Backlot:** a lot that does not have frontage on a public maintained road. *Amended 6/19/17*

**Basal Area:** The area of a cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

**Base Flood:** Flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Billboard:** A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

**Boarding (Lodging or Rooming) House:** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders. This does not include a family living as a single housekeeping unit regardless of whether meals are supplied as part of the fee, or to a health facility licensed by the Maine Department of Human Services.

**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.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels.

**Building Envelope:** The area of an approved building lot that is not part of any setback requirements, stream or wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or the Board of Appeals.

**Building Inspector:** Shall mean this inspector of buildings for the Town of Pownal.

**Building Lot Width:** Width measured at the point where the main building is closest to the street.
Business and Professional Use: Establishments primarily engaged in rendering services on a fee or contract basis such as, but not limited to: advertising and mailing; building maintenance, employment services; research, or the office of a member of a recognized profession maintained for the conduct of that profession.

Campground: An 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.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the applicable Ordinance.

Change of Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use. Amended 6/18/18

Code Enforcement Officer: Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Collector Street (or Road): See Street.

Commercial Use: The use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Comprehensive Plan: The Comprehensive Plan duly adopted by the Board of Selectman as the Town’s official policy with respect to the use and development of land within the Town, as currently exists and as may be amended from time to time.

Corner lots: In districts where yards are required:
Such corner lots, located at the intersection of two streets, shall be deemed to have a side rather than a front yard between the principal building and the side street. Such side yard shall not be less than the front yard requirements of uses located on the side street.

Such corner lots located at the intersection of two streets shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of the appropriate Ordinance.

Coverage: That percentage of the plot or lot area covered by the building area.

Creation of a new lot: The division of an existing lot or parcel of land into two lots. One of these lots will be regarded as the new single lot and the other will be regarded as the residual lot. A lot may have one of two designations: “Approved for Building” or “Not Approved for Building”.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.
Dimensional Requirements: Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, shore frontage and height.

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

Disposal: Salvage, process, reduce, recover, incinerate, separate, treat, discharge, dump, spill, leak, or place any hazardous materials into or on the land or in or out of buildings.

District: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

Driveway: A vehicular access-way serving two lots or less. An entrance or exit used by vehicular traffic to or from property abutting a Town of Pownal public or private road. As used in The Driveway and Driveway Entrance Ordinance, the term includes private residential driveways, as well as commercial and other non-residential driveways, i.e. tote roads or logging roads. Driveways shall not afford road or street frontage.

Dwelling: A building designed or used as the living quarters for one or more families. The term shall not be deemed to include hotel, motel, or rooming house or temporary trailer. It shall include manufactured housing as defined in the Zoning Ordinance, unless specifically excluded. It shall be attached to an approved foundation. Any axles, wheels, or tires for transportation shall be removed. Amended 6/18/18

Dwelling, Accessory: A small dwelling, either attached or detached (unattached) which is part of an existing single family owner occupied home on the same lot and which is clearly secondary to the single family home. The dwelling shall have living, sleeping, sanitary, and kitchen facilities for the exclusive use of the unit occupants. The owner of the primary building may rent the accessory dwelling or the primary building owner may occupy the accessory dwelling and rent the primary dwelling. The dwelling will have only one bedroom and one bathroom. The dwelling can be no more than 625 square feet or 50% of the square footage of the primary dwelling, whichever is more restrictive. Only one accessory dwelling is permitted per lot. All current codes must be met and an Occupancy Permit must be obtained. Parking must be available onsite. Amended 6/18/18

Dwelling, Accessory Attached: A dwelling containing one or more party walls with the primary dwelling and that meets the accessory dwelling requirements above. Amended 6/18/18

Dwelling, Accessory Detached or unattached: A dwelling that meets accessory dwelling requirements, is substantially separated from the primary dwelling and is in the same ownership as the primary dwelling. Amended 6/18/18

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities including cooking, living, sanitary and sleeping facilities for one family. The term shall not be deemed to include temporary trailers. It shall include manufactured housing as defined in the appropriate Ordinance, unless specifically excluded.

Easement: The right to the real property of another for a specific purpose.

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.
**Essential Services:** 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.

**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 one or more months to a use’s operating season; or the use of more floor area or ground area devoted to a particular use.

**FAA:** Federal Aviation Administration.

**Family:** One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no group shall consist of more than five unrelated persons, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

**FCC:** Federal Communications Commission.

**Flood or Flooding:** is defined as:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation of runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source (see Flood of Flooding).

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
**Floodplain Soils:** Soil series as described and identified by the National Cooperative Soil Survey.

**Floodproofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway:** see Regulatory Floodway.

**Floor Area:** 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 tall or taller.

**Forestry:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

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

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Freshwater Wetland:** Freshwater swamps, marches, bogs and similar areas, other than forested wetlands, that are: Inundated or saturated by surface or groundwater at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

**Frontage:** The portion of a lot’s boundaries measured in lineal linear feet, which abuts a street.

**Functionally Department Use:** A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**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, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, navigation aids, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to inland waters.

**Grandfathered clause:** Removed by Town Meeting 6/19/17
**Groundwater:** The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

**Hazardous Materials:** Any gaseous, liquid, or solid materials, either in pure form or mixed with other substances, designated as Hazardous Material by Article 7 of the Hazardous Materials Control Ordinance.

**Health Facility:** A facility licensed by the Department of Human Services to provide lodging, food and medical and nursing services to residents requiring supervised care.

**Height of structure:** the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances, which have no floor area.

**Historic Structure:** Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily 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 in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior, or
   b. Directly by the Secretary of the Interior in states without approved programs.

**Home Occupation:** An accessory use of a dwelling unit or an accessory building for gainful employment involving the manufacture, provision or sale of goods and/or services. It is clearly incidental and secondary to the use of the dwelling unit for residential purposes. It is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted under the Site Plan Review Ordinance. Any home occupation shall be permitted if it complies with the requirements of this section.
1. The home occupation shall be carried on by one or more members of the family residing in the dwelling unit. Only two employees who are not part of the family are permitted at any one time.
2. The home occupation shall be carried on wholly within the principal or accessory structures.
3. Exterior displays or signs other than those permitted under the Site Plan Review Ordinance. Exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
4. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced beyond what is normally produced in the zoning district.
5. Traffic generated shall be in keeping with the character of the neighborhood. Parking needs shall be met off-street.
6. If a home occupation is located in an accessory building, the square footage used for that occupation shall not be larger than the first floor square footage of the principal residential structure.

**Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.
**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 limited to gravel pads, parking areas, fire places, or tent platforms.

**Industrial:** The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals within a shoreland zone.

**Lot:** A parcel of land in single ownership 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 the Zoning Ordinance, and having frontage upon an approved street.

**Lot Approved for Building:** A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, which has met all applicable ordinances and all applicable state and federal requirements and standards.

**Lot Area:** The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Lot Not Approved for Building:** A parcel of land that does not meet, or has not yet been demonstrated to have met, all applicable Pownal ordinances, state and federal requirements and standards. Some examples of lots which may be classified as not approved for building are: woodlots, cemeteries, gift lots, bequest lots, lots annexed by abutters or lots which do not conform to Pownal ordinances at the time of application to create the new lot.

**Lot of Record:** A lot that has been registered in the Cumberland County Registry of Deeds.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article 8, Section 6.K. of the Shoreland Zoning ordinance.

**Manufactured Housing:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Housing Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. A manufactured housing park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

**Manufactured Housing:** A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing. Types of manufactured housing include, but are not limited to, single and double wide mobile and modular homes used as dwellings, which meet the certifications described below.
Siting requirements for single wide manufactured housing are set forth in Article 12, Mobile Home Park Ordinance.

The following standards shall apply:

1. The wheels, any undercarriage or transported unit and the tongue shall be removed and the unit shall be placed on a permanent foundation containing, at a minimum, a 4’ masonry frost wall completely surrounding the perimeter of the unit and extending up to the floor of the unit.
2. The roof pitch shall be at least 1:4.
3. Roof shingles shall be either asphalt composition shingle or other approved roofing material.
4. Exterior wall surfaces shall be covered with materials similar to residential, site built dwelling. They may include, but are not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth, rubbed or corrugated metal or plastic panel, except as permitted above.
5. The minimum horizontal dimension of the unit as installed on the site is 14 feet.
6. The minimum floor area of the unit shall be 750 square feet.

**Manufactured Housing Duplex:** A structure which is designed to contain two attached dwelling units and is created by the combining of two or more manufactured housing sections. A duplex shall not consist of one manufactured housing unit and one site built unit. Additions, however, such as porches, decks and garages may be site built and attached to the units. Duplexes shall not consist of two single wide manufactured housing units attached at the narrow ends.

**Manufactured Housing, Multi-family:** A development consisting of more than two dwellings and constructed by the attachment of more than two manufactured housing units. This development is subject to site plan and subdivision review. The design of the development shall be similar to that of site built housing. Units shall not attached at the narrow ends.

**Manufacturing:** Establishments engaged in the mechanical or chemical transforming or materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

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

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate map are referenced.

**Mineral Exploration:** 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 Extraction:** Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of 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.

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

**Minor Dead-End Street 600 Feet or Less:** A private street or road that is accessed only from a Town of Pownal public street or road and that is constructed according to at least the minimum town standards as detailed in
Minor Development: All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article 8, Section 6.I, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

Minor Street (or Road): See Street

Mobile Home: A type of manufactured housing constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development Standards. The manufacturer shall voluntarily file a certification required by the secretary of the U.S. Department of Housing and Urban Development that the unit(s) complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, Title 42, Section 5401, et. seq. A mobile home is built on a permanent chassis, including framework, which permits its being towed in one or more sections on a public street or highway and is designed to be used as a permanent dwelling unit when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home shall be construed to remain a mobile home subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed.

Mobile Home, Single-Wide: A single unit, designed for single family occupancy, which is at least 14 body feet or more in width and is 750 square feet or more in area and conforms to all of the certification requirements in the definition of “mobile home” and to all of the standards and siting requirements set forth in the appropriate Ordinance.

Mobile Home, Double-Wide: Two or more units which, when joined together, form a single structure designed for single family occupancy and meet the certification requirements in the definition of “mobile homes” and the standards in the definition of “Manufactured housing”. A double wide mobile home shall have a minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide mobile homes may be located in any district where dwellings are permitted.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile home units. A mobile home park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. Lots must be designated on a mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved by the municipal reviewing authority under the requirements of Article 12, Mobile Home Park Ordinance for the placement of manufactured houses on individually owned lots.

Modular Home: A type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities including the plumbing, heating, air-conditioning or electrical systems contained therein. A modular home
must be certified by the manufacturer that is was constructed in compliance with the State’s Manufactured Housing Act and regulations.

**Modular Home, Single-Wide:** A single unit, designed for single family occupancy, which is at least 14 body feet or more in width, is 750 square feet or more in area and conforms to all the certifications, standards and siting requirements set forth in the appropriate Ordinance.

**Modular Home, Double-Wide:** Two or more modular units which, when joined together, form a single structure designed for single family occupancy and meet the certifications and standards set forth in the appropriate Ordinance. A double wide modular home shall have minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide modular homes may be located in any district where dwellings are permitted.

**Motel:** A building or group of detached (unattached) or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

**Multi-unit residential:** a residential structure containing a minimum of three (3) and no more than six (6) residential dwelling units. **Amended 6/18/18**

**National Geodetic Vertical Datum (NGVD):** means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called“1929 Mean Sea Level (MSL)”.

**Net Developable Area:** The gross available acreage less the areas or portions of the site which are unsuitable for development, such as, but not limited to:

1. Area required for streets (public or private)
2. Limiting topographical, drainage or subsoil features.  
   Examples: bedrock within 6 inches of surface, slopes in excess of 20%, water at surface for all or part of the year, unstable soils, rights of way or easements, Resource Protection Districts (not any associated 250’ setback area), land which is cut off from main parcel by road or waterway which acts as a major barrier to common use. **Amended 6/18/18**

The Codes Enforcement Officer shall make the final interpretation and determination of net developable acreage for a single lot and may seek the review and advice of the Planning Board in doing so.

**Net Residential Acreage:** The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development determined as follows:

1. Area required for streets or access.
2. Areas unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:
   a. Slopes in excess of 20%  **Amended 6/18/18**
   b. Water table at the surface for all or part of the year.
   c. Unstable soils.
3. Land in right-of-ways or easements.
4. Land which is cut off from the main parcel by a road or waterway, which acts as a major barrier to common use. **Amended 6/18/18**

The Planning Board shall make the final determination of net residential acreage. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether

Article 2, Definitions  
Page 11 of 19
or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage.

Net Residential Density: Net residential density shall mean the number of dwelling units per net residential acre.

New Construction in a Floodplain Zone: structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

Non-Conforming Lot: a single lot of record which, at the effective date of adoption or amendment of the appropriate Ordinance, does not meet the area, frontage, or width 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 permitted solely because it was in lawful existence at the time the appropriate 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, but which is permitted to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. (there is another definition for N-C Use in the Zoning Ordinance)

Normal High-Waterline: 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. 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.

Open Space: Undeveloped land that is protected from development.

Owner: Any person, firm, corporation or other legal entity which controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

Parking Space: Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

Permanent Foundation: 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 soils with high frost susceptibility; and
   4. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.
Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

Principal Structure: a 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: a use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency. A private road has not been given to a government entity (like a county or city) and accepted by that entity for public use. Some private roads are used by the public, but should be closed off at least once a year to prove that an easement of use is not permitted and to prevent a prescriptive easement (taken by continued use from arising).

Prohibited Use: A use that is not either a permitted use or special exception use in a zoning district.

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 Utility Facilities: A facility, whether publicly or privately owned, which provides direct or indirect utility service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities, telephone electric equipment structures, electric equipment structures, electric power substations and transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications facilities are not considered public utility facilities.

Public Road: Any street or highway that is open to the public and is controlled and maintained by some level of government.

Recreation: Primitive or outdoor recreation is defined as activities done for one’s enjoyment, such as, but not limited to, biking, cross-country skiing, snowshoeing, snowmobiling, horseback riding, hunting fishing, canoeing, viewing nature, picnicking.

Public Recreational Structure: and/or facilities are located on land owned by the Town, State or Federal Government to be shared by all people.

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

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

Regulatory Floodway:
1. means the channel of a river or other water course 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, and
2. In Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land area to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Residual Lot: The remainder of the original parcel after the new lot has been created. The residual lot retains the original tax map and lot number. Any residual lot that contains a residential, commercial, industrial or institutional building must be a conforming lot under the standards at the time of its creation.

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

Residual Basal Area: the sum of the basal area of trees remaining on a harvested site.

Resubdivision: (also known as amended subdivision)The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Retail Sales & Services: Any business engaged in the sale of goods or services to the ultimate consumer for direct consumption and/or use.

Right-of-Way: An area of strip of land described in a recorded deed and dedicated to the purpose of providing access to a parcel of land other than the land on which the right-of-way crosses. No land in the right-of-way may be used to meet any dimensional requirements.

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

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

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

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

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: For Shoreland Zoning Ordinance purposes, the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of stream.

Sign: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word ‘sign’ does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious campaigns, drive, movement, or event.

Single Lot: Any division of land that results in the creation of a new lot that is not:
   a. part of an existing subdivision approved by the Town; or
   b. a division that will cause a subdivision as defined by Title 30-A M.R.S.A. Section 4401.
Any single lot that falls within this definition is subject to the requirements of the Single Lot Ordinance.

Site Built Structures: A structure which is constructed on the site where it will be located as opposed to a structure which is wholly constructed away from the site and later transported to the site where it will be permanently affixed. Site built structures may include prefabricated sections such as walls or roof trusses, but not fully finished sections such as the two sections of a double wide manufactures home which must be joined together at the site.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighbors, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in the Zoning Ordinance. The Planning Board administers special exceptions. Amended 6/18/18

Special Flood Hazard Area: see Area of Special Flood Hazard.

Start of Construction: the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Storage of Hazardous Materials: The placement of materials in drums, tanks, lagoons, or other structures intended to retain the materials for subsequent use or disposal, regardless of their location in the ground or in a building or other physical location.
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 the 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 water body or wetland within a shoreland zone.

Street: A public or private road which affords the principal means of access to abutting properties and the existence of which is of record in the Cumberland County Registry of Deeds.

Street (or Road), Arterial: An arterial street or road is one that should be expected to provide for relatively high overall travel speeds with minimum interference to through-traffic. Arterial roads should form a “continuous road network,” and these routes should be given preferential treatment over collector and local roads in the signing and signalizing of intersections. The intersection of local road directly with principal arteries should be discouraged. Local road access to an arterial should be provided primarily through the collector road network.

Street (or Road), Collector: A collector street or road is an intermediary road providing service to rural areas. They carry internal traffic from areas having a predominant land use such as schools and shopping centers to more highly traveled arterial roads.

Street (or Road), Minor: (aka Local Street or Road): Minor streets constitute all streets or roads not classified as arterials or collectors.

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 dishes.

For floodplain management purposes: a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Subdivision: “Subdivision means the division of a tract or parcel of land in single ownership into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The term “subdivision” also includes all additional criteria pursuant to Title 30-A, Section 4401.

Subdivision, Major: Any subdivision containing more than five (5) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor: Any subdivision containing not more than five (5) lots.

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

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure, and a variance is obtained from the community’s Board of Appeals.

**Substantial Reconstruction of a Road:** Any activity related to reclaiming and restoring a sub-par functioning, dilapidated or unsafe road to a safe state of repair to support normal speeds for all types of vehicles for local access travel. Substantial reconstruction may include excavation, recycling or re-grading or roadway base materials and the collection, re-grinding, re-layment or re-grading of roadway surface materials.

**Substantial Start:** Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface Sewage 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 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 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 38 MSRA Chapter 13, subchapter 1.

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

**Temporary Trailer:** Any structure intended for, or so constructed that it will be suited for living or sleeping quarters, mounted upon wheels or any other device upon which it may readily be transported, either by its own power or otherwise, but excluding any structure operated upon fixed rails. Its purpose is to provide temporary shelter under the provisions of Section 4G. It is not considered manufactured housing and is not permitted to be used as permanent housing.

**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.

**Trailer:** Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

**Tributary Stream** (Shoreland Zoning Ordinance): 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 the Shoreland Zoning Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Undue Hardship:**
a. That the land in question cannot yield a reasonable return unless a variance is granted; and
b. That the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood; and
c. That the granting of a variance will not alter the essential character of the locality; and
d. That the hardship is not the result of action taken by the applicant or a prior owner.

**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.


**Variance:** A relaxation of the terms of these codes where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship. Amended 6/18/18

**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 feet above ground level.

**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:** The intentional and voluntary giving up of something, such as a right, either by an express statement or by conduct (such as not enforcing a right).

**Waste:** Waste is any garbage, refuse, sludge or solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial or mining operations, or from community activities, which is discarded or stored prior to being discarded, is disposed of, or is a manufacturing or mining by-product.

**Water body** new wording: Any natural or artificial body of water, whether permanent or temporary.

**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.

**Wetland:** A freshwater wetland.

**Wireless Telecommunications Facility:** A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lighting roads, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to these structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveway and roads and other accessory features.

**Wireless Telecommunication Facility (Co-Located) (Regulation of Wireless Telecommunications Facilities Ordinance):** A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
Wireless Telecommunication Tower {“Tower”} (Regulation of Wireless Telecommunications Facilities Ordinance): Any new or existing ground mounted or structure mounted pole, spire, structure, or combinations thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, brace and masts. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular towers, personal communications service towers, and other similar towers.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. The required front yard depth must extend along the entire required street frontage.

Yard Rear: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of lot.

Yard Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

100-year flood – see Base Flood.