

ARTICLE 14 DEFINITIONS

Section 14.01 General - In reading and interpreting this ordinance the following definition rules apply:

- words used or defined in one tense or form shall include other tenses and derivative forms;
- words in the singular number shall include the plural number, and words in the plural number shall include the singular;
- the masculine gender shall include the feminine and the feminine gender shall include the masculine;
- the words "shall" and "must" are mandatory;
- the words "may" and "should" are permissive;
- the word "person" includes individuals, firms, corporations, associations, and other similar entities;
- the words "town" or "municipality" mean the Town of Waterboro;
- the term "municipal officers" covers elected, appointed, and employed personnel acting as provided by law within the Town of Waterboro.

Section 14.02 Words and Terms Defined

ACCESSORY USE OR STRUCTURE: A use or structure necessary, customary, incidental, and subordinate to a permitted use or structure and located on the same lot or parcel as the permitted use or structure, often associated with repair, storage, parking, gardening, recreational activities, keeping of pets, etc.

ADULT BUSINESS:

- i. Any business, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities.
- ii. Any business utilizing a "viewing booth" to display by audio or visual reproduction, projection or other means, any materials which depict or describe specified sexual activities.
- iii. Any business which provides massage for consideration:
- iv. Any business which presents as entertainment, or for the purpose of attracting customers, nude or semi-nude dancing or entertainment, meaning that the entertainers or other persons

employed in the business expose any thereof in such a fashion that any of those parts of the body are not covered by a fully opaque cloth or textile.

As used in this definition of Adult Business, these terms have the following meaning:

SPECIFIED SEXUAL ACTIVITIES:

- (1) Human genitals in the state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SUBSTANTIAL OR SIGNIFICANT PORTION:

Twenty-five percent (25%) or more of the floor area of the unit of occupancy in which the business is located is used to display, shelve or store such materials or devices. As applied to a business which exhibits or displays films, videos or similar visual reproductions for viewing by patrons on the premises, "substantial or significant portion" means that, in any single day, 50% or more of the total display or exhibition time is devoted to such materials.(AMENDED 6-5-93)

AGGRIEVED PERSON: A party to a proceeding or a person whose interests are damaged or adversely affected by a decision, an action, or the failure to act of another person or a governmental body.

AGRICULTURAL USES: Included the widest range of crop, grass, and grain production; poultry and egg raising; cattle, hog, sheep, horse, and goat production; agriculture; viticulture; and the utilization of land for pasturage purposes. The term shall also include greenhouses, orchards, nurseries, and versions thereof, but shall not include home gardens. (Amended 8-23-11 by Selectmen vote)

ALTERATION: Any change, addition, demolition, extension, or renovation of a structure. In the case of land it involves the clearing, filling, grading, replanting, and/or recontouring of the natural landscape.

AMENDMENT: The addition of new material to, or the correction or change of an enactment of the governing body of the town, which new material, correction, or change must be enacted by the governing body in the manner prescribed for the passage of the original enactment.

APARTMENT CONVERSIONS: The conversion of an existing dwelling and/or accessory building to the dwelling into a total of no more than three units per lot for lots existing prior to the adoption of this subsection (6/4/94), provided the density requirements of 4.05 is met. For the purposes of the section, the conversion of a structure shall mean the division of the existing structure into individual dwelling units.

APPEAL: In the context of this ordinance, it is a procedure whereby an aggrieved person may have the benefit of having the actions of the Code Enforcement Officer, Planning Board, or Selectmen reviewed to determine their validity under the law by the Zoning Board of Appeals. Actions of the latter body may then be reviewed by the Supreme Court.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.(AMENDED 6-4-94)

AQUIFER

A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation. (Amended 8-23-11 by Selectmen vote)

BEST MANAGEMENT PRACTICE

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Departments of Agriculture, Environmental Protection, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J. (Amended 8-23-11 by Selectmen vote)

BOAT HOUSE: A non-residential, non-commercial structure designed for the purpose of protecting or storing boats and boating equipment. A type of accessory structure.

BUILDING: Any structure having a roof, partial roof, or canopy supported by poles, columns, or walls used or intended to be used for the shelter or enclosure of persons, animals, or things regardless of the material of which it is constructed.

BUILDING PERMIT: A certificate to be secured from the Code Enforcement Officer of the town by every person who, after the date of enactment of this ordinance, undertakes to erect or alter any building or structure or to change the present use of his land or of any building or structure on it, indicating that the person so acting, is in compliance with the provisions of all applicable state and local.

BULK OIL, GASOLINE STORAGE, CEMENT MIXING, & GENERAL CONSTRUCTION FACILITIES: Bulk Fuel Oil, Gasoline Storage, Cement Mixing General Construction Tanks, Trucks, Equipment and Facilities. Notwithstanding any provision of this ordinance to the contrary, all of the above uses must be on parcels not less than five (5) acres in size.(AMENDED 6-5-93)

CAMP: A structure equipped and used for seasonal and/or recreational living quarters and being complete with adequate sanitary facilities conforming to the State Plumbing Code.

CAMPGROUND: A public or private enterprise which for a fee provides overnight camping facilities in cottages or shelters or space for tents or recreational vehicles. It also provides restroom, washroom and shower facilities; and usually provides recreational areas and activities; camping supplies; outdoor campfire and cooking facilities; etc.

CHANGE IN USE: A switch to a different kind, type, or class of activity in the use of land or structures (for example, a retail store changing to a wholesale outlet--agricultural land put to use for residential structures) as opposed to a mere change in the size or intensity of given use or a change within a given type or class of activity (for example, a small store becoming a large store--a dairy farm which is now used for general farming or crop production).

CHEMICAL BULK STORAGE

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included. The allowed amounts of any storage shall be as established by the Superfund Amendments and Re-authorization Act (SARA), and any applicable regulations established by the U.S. Environmental Protection Agency. (Amended 8-23-11 by Selectmen vote)

CLEAR CUTTING: The felling of all trees in a continuous area at one time.

CLEARING: The removal of naturally occurring objects, materials, trees or other vegetation for purposes of development.

CLUSTER DEVELOPMENT: In the context of this ordinance--a development controlled by a single developer on any size parcel of land which contemplates an imaginative more compact grouping of residential housing units. Cluster developments are usually undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. Cluster development may not be used, however, to increase the overall density of development

CODE ENFORCEMENT ORDER: An order issued by the Code Enforcement Officer giving notice of a violation of provisions of this ordinance and directing the violator to cease such action. Failure to comply may lead to an enforcement action.

CODE ENFORCEMENT OFFICER: A person acting on the direction of the Selectmen and pursuant to the provisions of this ordinance charged with issuing building and occupancy permits and enforcing the provisions of this ordinance by the issuance of code enforcement orders to any person violating the ordinance.

COMMERCIAL ANIMAL HUSBANDRY: The keeping of more than 5 animal units (1 animal unit equals 1,000 pounds of live animal weight).(AMENDED 3-11-89)

COMMERCIAL BREEDING: Breeding, raising, and care of dogs, cats, mink, rabbits, and other domesticated or fur bearing animals for Commercial purposes.(AMENDED 6-5-93)

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 or residential buildings and/or dwelling units. (Amended 5-13-04)

COMMON SPACE: An area within a planned unit development or cluster development intended for the use and enjoyment of subsequent owners of property within the development. It is created by the grouping of structures in one portion of the total area to be retained in its natural state or developed for wood lot, gardening, or outdoor recreational uses.

CONDITIONAL USE: A permitted use, but one which by its nature in a particular zoning district requires case by case determination to assure compliance with the provisions of this ordinance and avoidance of harm to public or private interests.

CONFORMING USE OR STRUCTURE: A use or structure which is in existence at the time a zoning ordinance is enacted or which is built or undertaken after enactment, which complies in all respects with the provisions of the enacted zoning ordinance.

CONSTRUCTION/DEMOLITION: Construction or demolition of facilities, buildings, etc. associated with the land uses or activities. (Amended 8-23-11 by Selectmen vote)

CONTRACTOR BUSINESS: A business engaged in the provision of services off premises, but which has an office and equipment / materials stored on the premises. (Amended 4/26/03)

CONVENTIONAL DEVELOPMENT: A term used to connote traditional patterns of design, building style and subdividing activity as distinguished from planned unit developments or cluster developments.

CUL-DE-SAC: A type of non-through street; one that does not connect with other segments of a public and/or private road network but ends in a turn-around.

DAY CARE FACILITY: A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school. (Amended 4/27/02)

DENSITY OF DEVELOPMENT: A way of expressing the relationship between people, their support facilities (houses, places of employment, municipal services) and land area. Density is often a function of land use choices--more intensive residential, commercial, or industrial land uses increase populations and the density of development in a given area. Less intensive agricultural, forestry, or open space uses tend to have the opposite effect.

DEVELOPED AREA: "Disturbed area" (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance. (Amended 8-23-11 by Selectmen vote)

DEVELOPER: Any person, including a governmental body undertaking to use or develop any land or water area.

DEVELOPMENT: The carrying out of any building or mineral extractive activity or the making of any material change in the use or appearance of any structure or land and the subdividing of land, including: The reconstruction, alteration of the size, or any other material change in the external appearance of a structure or land; a change in the intensity of use of land such as an increase in

the number of dwellings units, offices, or businesses in a structure or on land; alteration of a shore, bank, or the bottom of any waterbody; commencement of drilling, mining, or excavation of materials; demolition of a structure; clearing of land in the context of site preparation; deposit of refuse, or fill material on a parcel of land.

DISTURBED AREA: All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area. (Amended 8-23-11 by Selectmen vote)

DRINKING WATER STANDARDS, PRIMARY AND SECONDARY: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Health and Human Services. (Amended 8-23-11 by Selectmen vote)

DRIVE-IN FACILITIES: A store, eating establishment, or business institution which by design and physical arrangement primarily serves its patrons in parked automobiles, but not including automobile service stations.

DWELLING: A structure or part thereof equipped and used for permanent (as opposed to temporary or transient) living quarters for one or more families.

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.(AMENDED 6-4-94)

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 associated with the furnishing of such services.(AMENDED 6-4-94)

ESTIMATED COST: As it applies to building permits, the reasonable value of all services, labor or materials, use of scaffolding or other appliances and devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating of other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

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.(AMENDED 6-4-94)

EXPANSION OF MANUFACTURED HOUSING PARKS: All Manufactured Housing Parks in existence or under Planning Board Review as of September 25, 1991 as permitted under Article 7 Section 7.02 of this Zoning Ordinance.(AMENDED 6-5-93)

FABRICATED, MANUFACTURED, LIGHT INDUSTRIAL: Activities and Facilities with less than five thousand (5,000) sq. ft. of work area.(AMENDED 6-5-93)

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit. Such unit shall not exceed five persons not related by blood, adoption, or marriage.

FARMING: Farming, grazing, poultry and livestock raising including farm residences. Harvesting of wild crops, grasses, etc.(AMENDED 6-5-93)

FLEA MARKET: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios, and the like. For the purpose of this ordinance, any Yard/Garage Sales conducted for more than 3 days during a weeks time period shall be defined as a Flea Market. "Flea Markets" as distinguished from Yard & Garage Sales, must require a Conditional Use Permit in all districts.(AMENDED 6-5-93)

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. (AMENDED 6-4-94)

FLOOR DRAIN: An opening in the floor that leads to the ground Work sinks which lead to such drains are included in this definition. (Amended 8-23-11 by Selectmen vote)

FOREST MANAGEMENT: Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but not the construction of roads or timber harvesting.(AMENDED 3-11-89)

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. 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.

FRONTAGE: That portion of a lot or parcel of land abutting a public or private right-of-way or a waterbody.

FRONT YARD SETBACK: The minimum horizontal distance from the edge of a public or private right-of-way to the nearest part of a structure. (AMENDED 6-4-94)

FUEL OIL DISTRIBUTOR, FUEL OIL STORAGE: The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners. (Amended 8-23-11 by Selectmen vote)

GAS STATION, SERVICE STATION: Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises. (Amended 8-23-11 by Selectmen vote)

GENERAL BUSINESS OFFICES: Business Offices such as but not limited to Banks, Insurance Brokers, Real Estate, Stock Brokerage i.e. with less than one thousand (1,000) sq. ft. of customer service and office area.(AMENDED 6-5-93)

GOVERNMENT FACILITIES: Includes Municipal Office Buildings, Police Facilities, Fire Protection Facilities, Libraries and Rescue Facilities.(AMENDED 6-5-93)

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this ordinance, where the artificially formed or increased inland body of water is completely surrounded by the land held by a single owner.

GREENBELT: For the purpose of these regulations, a “greenbelt” is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries. (Amended 4/27/02)

GROUNDWATER: The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer. (Amended 8-23-11 by Selectmen vote)

HAMMERHEAD TURN: A gravel area built entirely outside of the right of way a minimum of 75’ sq. for the purpose of vehicular maneuvering.

The area of the right of way adjacent to the hammerhead turn must consist of a 75’ x 50’ gravel area. The right of way must extend 75’ beyond the hammerhead turn with a graveled area of 75’ x 35’. The right of way with a hammerhead turn shall be built in compliance with the sketch to be provided by the Code Enforcement Office. (AMENDED 3/11/00)

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection. (Amended 8-23-11 by Selectmen vote)

HAZARDOUS WASTE: Any substance (a) identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, (b), radioactive waste material including any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations; or (c) any substance listed in the Town of Waterboro Hazardous Waste Ordinance. (Amended 8-23-11 by Selectmen vote)

HOME AGRICULTURAL USES: Agricultural uses, as defined by this ordinance, carried on by the permanent residents of a dwelling unit for their own personal household use and not for resale. (AMENDED 3-11-89)

HOME DAY CARE PROVIDER: A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider's own children. (Amended 4/27/02)

HOME OCCUPATION: A use that is clearly incidental and subordinate to the residential use of the property. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance. (AMENDED 3-8-97)

HORTICULTURE ACTIVITIES: Activities including but not limited to Nurseries, Greenhouses, and Commercial Sale of such products.(AMENDED 6-5-93)

IMPERVIOUS AREA: The total area of a parcel that consist of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability. (Amended 8-23-11 by Selectmen vote)

INDOOR RECREATION: Recreational Facilities including Bowling Alleys, Skating Rinks, Swimming Pools, etc.(AMENDED 6-5-93)

INDUSTRIAL – The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. (Amended 5-13-04)

INSTITUTIONAL FACILITIES: Includes but not limited to Hospitals, Nursing Homes, and Sanitariums, etc.(AMENDED 6-5-93)

INTEGRATED PEST MANAGEMENT PLAN (IPM): Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis. (Amended by 8-23-11 by Selectmen vote)

INTENSIVE OPEN SPACE USES: Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges. (Amended 8-23-11 by Selectmen vote)

JUNKYARDS: A lot or parcel of land and/or a structure or a part of either, used for the purchase, collection, storage, recycling, or sale of wastewater, rags, scrap metal, or other discarded goods, materials, machinery, or vehicles. Said areas must not be located within five hundred (500) ft. of any residence, camp, or water body and must be appropriately screened.(AMENDED 6-5-93)

LANDFILL: An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground. (Amended 8-23-11 by Selectmen vote)

LANDSCAPED AREA: An area of land that has been disturbed and re-planted or covered with one or more of the following: lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition. (Amended 8-23-11 by Selectmen vote)

LOADING AREA: An obstructed area no part of which is located in or on any public or private right-of-way and the principal use of which is for the standing, loading, unloading, and maneuvering of vehicles.

LOT: A tract of land having frontage on a public or private right-of-way occupied or intended to be occupied by a permitted use or structure and accessory uses and structures together with such open spaces, yards, parking areas, etc. as are required.

MARINA: A boat basin that has docks, moorings, supplies, and other facilities for small boats, including the sale of boat, bait, and tackle supplies.(AMENDED 6-5-93)

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered predominantly with sedges, cattails, rushes or other hydrophytic plants.

MASSAGE: Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device performed by any person who is not a physician, surgeon, physician's assistant, nurse, chiropractor, physical therapist, barber, cosmetologist, beautician or other health or hygiene professional licensed by and practicing in accordance with the laws of the State of Maine. Massage does not include massage therapy as defined in 32 M.R.S.A. s14301(4).(AMENDED 6-5-93)

MANUFACTURED HOUSING UNIT: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. (AMENDED 9-25-90)

MEDICAL MARIJUANA GROW-ONLY FACILITY: A facility that engages only in the growing and processing of medical marijuana in accordance with State law, but does not dispense marijuana. Processing of medical marijuana may include, but is not limited to, the

preparation of tinctures, ointments, and food products containing medical marijuana. Medical Marijuana Grow-Only facilities shall require a conditional use application as set forth in Article 4 and most be located on Route 5 or Route 202 in the Agriculture and Residential (AR) Zone. (Amended 2-22/11 by Selectmen vote)

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.(AMENDED 6-4-94)

MINING OR MINERAL EXTRACTION: The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site. (Amended 8-23-11 by Selectmen vote)

MOBILE HOME PARK: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units. (AMENDED 9-25-90)

MOBILE HOME PARK LOT: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan. (AMENDED 9-25-90)

MODIFICATIONS: Are permitted departures for cause from the general and otherwise applicable provisions of this ordinance.

MULTI-FAMILY DWELLING: A dwelling designed for occupancy by two or more families.

NONCONFORMING STRUCTURE OR USE : A legal structure or use including accessory uses or structures already in existence or begun before the date of enactment of a zoning ordinance or amendment, which structure or use does not comply with the existing provisions of the zoning ordinance or amendment.

NORMAL HOUSEHOLD USE: Use by the permanent residents of a dwelling unit incidental to and related to their residential use and occupation of that dwelling unit. (AMENDED 3-11-89)

NORMAL HIGH WATER MARK: That point or elevation on the shore or bank of a waterbody where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. A series of such points along a shoreline determines the normal high water line.

NUISANCE: Is defined by MRSA tit. 30 ss4962 (1) (F) as "any property or use existing in violation of any zoning ordinance." more generally, it is an action or the use of land or things by one person in a manner harmful or detrimental to the person, land, or things or another.

OCCUPANCY PERMIT: A certificate to be secured from the Code Enforcement Officer prior to commencing actual use of a land area or structure evidencing that permitted activities specified in a building permit have been completed in accordance with the provisions of this ordinance.

OFFICE/OFFICE COMPLEX: A building (new or existing) wherein services are performed involving predominantly administrative professional or clerical operations. Complex may consist of one or more professional offices. Examples of professional office include but are not limited to Banks, Insurance Brokers, Real Estate Brokers, Lawyers, Accountants, Doctors, and Dentists. (AMENDED 6-4-94)

OPEN SPACE: Land that is free of buildings, other permanent structures and impervious areas. (Amended 8-23-11 by Selectmen vote)

OUTDOOR RECREATION: Outdoor recreation activity operated by an entity other than a unit of government, whether operated for profit or not, including but not limited to golf courses, livery, and ski-tows, provided they fulfill State and Town public health requirements, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities. In the Wellhead Protection District, outdoor recreation shall be limited to nonintensive recreational activities, that is, recreational activities that do not require structural components or substantial land alteration for participation, such as fishing, hiking and hunting. Recreational Facilities including Ball Fields, Parks, Picnic Areas, Tennis Courts, but not Golf Courses or Driving Ranges. (AMENDED 3-11-89 & 6-5-93)

PARK: Land area set aside for public recreation, conservation, wildlife, or other similar purpose. (Amended 8-23-11 by Selectmen vote)

PARKING AREA: An unobstructed area consisting of one or more 200 sq. ft. parking spaces no part of which is located in or on any public or private right-of-way and the principal use of which is the temporary storing and maneuvering of vehicles.

PERFORMANCE STANDARDS: Legislatively determined minimum requirements for the undertaking of development activities usually predicated on objective medical, scientific, and engineering, criteria and designed to protect the public's health, safety, and general welfare.

PERMANENT FOUNDATION: Means the following:

- (1) A full, poured concrete or masonry foundation;
- (2) A poured concrete front wall or a mortared masonry wall, with or without a concrete floor;
- (3) A reinforced, floating concrete pad, if the pad is to be placed in soil rated with high potential for frost action in the Soil Interpretation Records of the U.S. Solid Conservation Service, the Code Enforcement Officer shall require a certification of its adequacy from a professional engineer, registered in the State of Maine, prior to the issuance of a building permit; or
- (4) Any permanent foundation which, pursuant to the building codes of the Town of Waterboro, is permitted for other types of single family dwellings. (AMENDED 9-25-90)

PERMITTED USES AND STRUCTURES: A general category consisting of primary and conditional uses and structures. A use or structure not permitted in any zoning district may not be

undertaken unless the Planning Board or Selectmen agree that it is similar in character to a permitted use or structure or unless the ordinance is amended.

PESTICIDE, HERBICIDE BULK STORAGE: Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included in this definition. (Amended 8-23-11 by Selectmen vote)

PITCHED, SHINGLED ROOF: A roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal and other metallic roofing materials. (AMENDED 9/25/90)

PLANNED UNIT DEVELOPMENT - In the context of this ordinance a development controlled by a single developer on a tract ten (10) acres or larger in size for residential, commercial, industrial (or any combination of the above) purposes. PUD's are undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity the efficient use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. PUD's may not be used, however, to increase the overall density of development permitted in any zoning district. Residential PUD's may not exceed one family unit for the required density of the zoning district in the parcel being developed.

P.U.D.'s limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a water body and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding any provision in this ordinance to the contrary, principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) feet of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line. (AMENDED 6-5-93)

PRIMARY USES AND STRUCTURES: Are permitted uses and structures which in each zoning district are recognized as most highly compatible with existing development, the capacity of the land area to support further development, and the objectives of the comprehensive plan and this ordinance. They require only the issuance of building and occupancy permits before they may be commenced.

PROCESSING FACILITIES RELATED TO FARMING I: Processing Facilities related to Orchard and Agricultural Products, including Poultry but excluding Livestock. (AMENDED 6-5-93)

PROCESSING FACILITIES RELATED TO FARMING II: Processing Facilities related to Orchard and Agricultural Products, including Poultry and Livestock.

PROFESSIONAL HOME OCCUPATION AND OFFICES: A professional activity (such as, but not limited to: doctor, dentist, lawyer, engineer, accountant, architect, real estate and stock broker) conducted for gain or support entirely within a residential building, or structure accessory thereto, which is carried on by a member of the family residing in the building, is incidental and

secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building. No more than twenty-five (25) percent of the floor space in any residential building (principal or accessory) may be given over to a professional home occupation or office.

PUBLIC BUILDING: A building owned, operated or funded in whole or in part by the Town of Waterboro which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.(AMENDED 6-5-93)

PUBLIC FACILITIES: Those activities, structures, and services usually provided by government such as, but not limited to, schools, police protection, fire protection, municipal offices, municipal dumps, etc...(AMENDED 6-5-93)

PUBLIC UTILITIES: Utility or Communications poles, towers, lines, and unmanned substations, etc.(AMENDED 6-5-93)

RECREATIONAL VEHICLE OR CAMPER: A vehicle type of structure designed to provide temporary (as opposed to permanent) living quarters for recreational, camping, or travel use which may have its own motive power or be mounted on or drawn by another vehicle, including any and all types of pick-up camper, travel trailer, tent trailer, or motorhome.

RESOURCE EXTRACTION: "Extraction of rock, sand and gravel, but not within 150 ft. from any property line or 100 ft. from any water body provided a suitable restoration and erosion/sediment control plan is prepared and approved by the Planning Board. If written permission of the abutter is obtained, a buffer strip of no less than 25 ft. may be allowed. These buffer requirements may be waived with the abutters permission if the abutting property is in use as an extraction operation.

RESTAURANTS, LOUNGES, & CAFES I: Restaurants, Lounges, Cafes with less than one thousand (1,000) sq. ft. of customer service area, except those requiring a daily water consumption in excess of one thousand (1,000) gallons.(AMENDED 6-5-93)

RESTAURANTS, LOUNGES, & CAFES II: Restaurants, Lounges, Cafes with more than one thousand (1,000) sq. ft. of customer service area or that requires more than one thousand (1,000) gallons of daily water consumption.(AMENDED 6-5-93)

RETAIL SHOPS: A store or shop engaged in the sale of commodities or goods to individual customers for personal use rather than for resale.

RETAIL & SERVICE STORES I: All types of Retail Shops and Stores with less than one thousand (1,000) sq. ft. of Store area, except shops or stores requiring daily water consumption in excess of one thousand (1,000) gallons.(AMENDED 6-5-93)

RETAIL & SERVICE STORES II: All types of retail and service stores (Repair Shops Barbers, Beauticians, Cleaners, etc.) with more than one thousand (1,000) sq. ft. of Store area or that

requires one thousand (1,000) gallons of daily water consumption, including all Drive-in Facilities.(AMENDED 6-5-93)

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. (AMENDED 6-4-94)

ROAD OR ROADWAY: A public or private right-of-way intended to be used for the passage of persons and vehicles.

PESTICIDE, HERBICIDE BULK STORAGE: Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included in this definition. (Amended 8-23-11 by Selectmen vote)

PIERS, DOCKS, WHARFS, 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.(AMENDED 6-4-94)

SALT OR SAND/SALE PILES (UNCOVERED): Storage of any amount of salt or sand/salt mix, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt. (Amended 8-23-11 by Selectmen vote)

SCHOOLS: Public and Private Schools including all accessory structures and facilities. Includes Day-Care and Nursery Schools.(AMENDED 6-5-93)

SEASONAL USE: A use which is undertaken and naturally associated with a given time of the year as opposed to a use capable of being and usually undertaken on a year-round basis.

SERVICE STORES: An office, shop, or store providing personal, financial, technical, or repair services, assistance or advice to individual customers.

SETBACK: The minimum horizontal distance from a lot line, the normal high water line or the side of a right-of-way easement or deeded right-of-way (see section 3.03) to the nearest point of a structure. (AMENDED 3/11/00)

SHORELAND: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within one hundred (100) feet of the normal high-water line of a stream.

SIGNS: Any words, letters, figures, numerals, phrases, sentences, emblems, designs, names, trade names or marks, affixed to, painted, or carved directly or indirectly upon a building, structure, or other material for purposes of informing or attracting the attention of the public.

SLOPE: The mathematical ratio of a change in elevation divided by the horizontal distance to produce that change, normally expressed as a percentage.

SLUDGE: Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tanks. (Amended 8-23-11 by Selectmen vote)

SLUDGE UTILIZATION: The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge. (Amended 8-23-11 by Selectmen vote)

SNOW DUMP: A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations. (Amended 8-23-11 by Selectmen vote)

SOLID WASTE: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse. (Amended 8-23-11 by Selectmen vote)

SPCC PLAN: Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations. (Amended 8-23-11 by Selectmen vote)

SPECIAL OR UNIQUE STRUCTURE: A structure (such as an electric transmission line tower) or part of a structure (such as a church spire) which is allowed to exceed the otherwise applicable height limitations of this ordinance in situations where the added height is necessary, reasonable, and will not harm the public. Increased structure height should be offset by requiring additional setback from all lot lines.

SPECIAL REQUIREMENTS: Are really added conditions which the Planning Board may attach to a conditional use approval in circumstances where the failure to do so would result in harm to the public interest even though the applicant for a conditional use approval has met all of the general and specific requirements for that approval.

SPECIALIZED MEDICAL CLINIC: A facility that dispenses, acquires, possesses, cultivates, manufactures, delivers transfers, transports, sells or supplies methadone, medical marijuana or other medical drugs to patients. Such dispensary may also supply educational materials and provide to registered primary caregivers of those patients at the same facility. Ancillary or accessory uses for such a specialized medical clinic may include, but are not limited to, counseling services associated with the medication conditions being treated, processing and cooking facilities for preparing the marijuana and other registered drugs. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use. Specialized medical clinics shall require a conditional use application and site plan review as set forth in Articles 2 and 4 and must be located on Route 5 or Route 202 in the General Purpose Zone. (Amended 2/22/11 by Selectmen vote)

STABLES: A building for the shelter and feeding of domestic animals, especially horses and cattle.(AMENDED 6-5-93)

STANDARD SIZE ENTRY DECK: A standard size entry deck will consist of a 4' x 4' platform with a maximum of 6 steps. (AMENDED 3/11/00)

STORMWATER DRAINAGE: A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste. (Amended 8-23-11 by Selectmen vote)

STORMWATER IMPOUNDMENT: Any structure designed and constructed to contain stormwater runoff. (Amended 8-23-11 by Selectmen vote)

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 water body or wetland within the shoreland area.(AMENDED 6-4-94)

STRUCTURE: A man made construction or assemblage of materials having a more or less permanent location on ground or water such as, but not limited to, buildings, towers, masts, poles, booms, signs, sheds, carports, tents, equipment and machinery (including mobile homes and recreational vehicles when stationary). Above ground swimming pools should not be considered a structure therefore does not have to meet setback requirements. Tents intended for sleeping should not be considered a structure therefore does not have to meet setback requirements. (AMENDED 6/16/98)

STRUCTURAL ALTERATION: Involves changing, extending or relocating the bearing walls, columns, beams, or girders by which a structure is supported.

SUBDIVIDING: The process of converting relatively unintensively used for, agricultural, or open space land into smaller parcels or lots, suitable for more intensive uses involving residential, commercial, or industrial activities. Improvements, such as surveying, preparing a legal description, laying out of streets, and site preparation are often part of the process.

SUBDIVISION : A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. (Amended 8-23-11 by Selectmen vote)

SUBSURFACE INJECTION (see subsurface wastewater disposal) (Amended 8-23-11 by Selectmen vote)

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 38 MRSA section 414, any surface wastewater disposal system

licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant. (Amended 8-23-11 by Selectmen vote)

SUBSTANDARD SIZED LOT: As of the date of enactment of this ordinance it is a lot of record in any zoning district which does not meet the minimum lot size requirements for that district.

SUBSTANTIAL WORK: (actual construction) a term evidencing the point at which a nonconforming use status arises and/or that degree of reliance upon a building permit or variance sufficient to prevent its expiration for non-use. The point at which the planning and site preparation phase of a project gives way to actual construction aimed at bringing the contemplated structure or use into being.

TEMPORARY USE OR STRUCTURE: A use or structure not permitted by this ordinance but allowed to be undertaken for brief periods of time upon application to, and approval (with conditions, if necessary) by the Planning Board.

TIMBER HARVESTING: The cutting, trimming, stacking and removal of trees from their growing site including the operation of cutting and skidding equipment.

TOPOGRAPHY: A term referring to the general characteristics of the ground surface--flat, hilly, rugged, etc. also refers to physiographic features--steepness of slope, degree of relief, etc.

TRANSFER STATION; RECYCLING FACILITY: Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing. (Amended 8-23-11 by Selectmen vote)

UPLAND EDGE: The boundary between upland and wetland. (AMENDED 6-4-94)

USES SIMILAR IN CHARACTER: As distinguished from an expressly permitted use these are uses which are nonetheless common in most towns and which in size, type of activity, number of employees, social utility, use of public facilities and services are in almost all respects identical with a permitted use.

UTILITIES: Include gas, electricity and water supply systems; radio, television, telephone and other communications systems; bus, truck and fuel distribution systems; solid and waste water disposal systems. Such systems include but not limited to lines, cables, poles, towers, pipes, drains, sewers, treatment plants, hydrants, signals, antennas, distribution facilities, substations, offices, buildings, vehicles, etc.

UTILITY CORRIDOR: Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc. (Amended 8-23-11 by Selectmen vote)

UNDERGROUND STORAGE TANK: As defined by State of Maine regulations published by the Maine Department of Environmental Protection. (Amended 8-23-11 by Selectmen vote)

VARIANCE: A permitted minor departure from the literal or strict application of the dimensional requirements of this ordinance which may be granted in circumstances where undue hardship would otherwise result, but only if the requirements of state statute MRS 207:303 (3) and this ordinance (see section 10.04) are met.

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. (AMENDED 6-4-94)

WASTEWATER : Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present. (Amended 8-23-11 by Selectmen vote)

WASTEWATER TREATMENT PLANT: Any arrangement of devices and structures used for treating wastewater. (Amended 8-23-11 by Selectmen vote)

WATERBODY: Any great ponds, rivers, or streams. (AMENDED 6-3-96).

WATERSHED: Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas. (Amended 8-23-11 by Selectmen vote)

WATER TABLE: The upper surface of the free groundwater in a zone of saturation. It generally follows the topography of the land, but it will fluctuate in its depth below the surface in accordance with the quantity of ground water and soil characteristics.

WELLHEAD: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well. (Amended 8-23-11 by Selectmen vote)

WELLHEAD PROTECTION DISTRICT: A zone, consisting of 2 districts, delineated according to Article III, Section 3.01 and 3.02 of this Ordinance. (Amended 8-23-11 by Selectmen vote)

WELL, ABANDONED: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater that has not been used for a period to two consecutive years. (Amended 8-23-11 by Selectmen vote)

WELL, EXISTING OR NEW: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater. (Amended 8-23-11 by Selectmen vote)

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.(AMENDED 6-4-94)

WHOLESALE & WAREHOUSE FACILITIES: All types of Wholesale, Warehouse and Bulk Storage Facilities.(AMENDED 6-5-93)

WILDLIFE PRESERVE: An area maintained for the protection of wildlife or natural resources, including maintenance of nesting and breeding areas.(AMENDED 6-5-93)

YARD & GARAGE SALE: The occasional selling, offering for sale, trading, swapping, or otherwise bartering used or second-hand household goods from any residential premises.

There shall be no limit as to the number of Yard & Garage Sales a person has during the year. Yard & Garage sales can be conducted on a residential premise for no more than 3 days during a week time period.

At no time shall the proposed Yard & Garage Sale inhibit the flow of traffic. Persons holding a (sale) must provide sufficient parking so that all vehicles attracted to the sale are not parked within the right-of-way.(AMENDED 6-5-93)

YARD: A required open space on a lot between a lot line and any structure which is unoccupied from grade level upward and except for vegetation.

ZONING DISTRICT: An area geographically defined by a zoning ordinance in which a category of uses may be carried on and structures built if stated regulatory requirements are met. Uniformity of treatment within a district is required, but the category of uses and the regulatory requirements imposed may vary from district to district within a town.

ZONING MAP: An integral part of the zoning ordinance upon which all of the zoning districts are fully and carefully delineated. It is to be kept on file available for public inspection in the Town Clerk's Office.