

NOTE TO ZONING BOARD OF APPEALS

CHAPTER 66, GENERAL PROVISIONS

Chapter 66, General Provisions, in the City Code of Ordinances, identifies the definitions that apply to all Chapters of City Code, Subpart B, Land Use Regulations. As such, these definitions apply to the following sections of the City Code that are associated with the Planning Board's review of the Nordic Aquafarms Permit applications:

- Chapter 78, Floods,
- Chapter 82, Shoreland,
- Chapter 90, Site Plan,
- Chapter 98, Technical Standards, and
- Chapter 102, Zoning.

The definitions identified in this document include any and all amendments to the City Code of Ordinances that affected the definitions in Chapter 66, General Provisions that were adopted by the City Council through December 31, 2020.

Chapter 66

General Provisions

Sec. 66-1 Definitions.

- (a) The purpose of this section is to provide a list of terms and their meanings so as to assist applicants and others in understanding the terms used in subpart B, Land Use Regulations. Unless incorporated by reference in another chapter or another city ordinance, the definitions in this section are not controlling.

Further, definitions that are unique to a specific Chapter of Subpart B, Land Use Regulations, can typically be found in that specific Chapter or rather than this Chapter. Definitions are included in each of the following Chapters:

- 1) Chapter 74, Building and Building Regulations;
- 2) Chapter 78, Floods;
- 3) Chapter 82, Shoreland;
- 4) Chapter 86, Signs;
- 5) Chapter 90, Site Plan;
- 6) Chapter 94, Subdivisions;
- 7) Chapter 98, Technical Standards; and
- 8) Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Divisions 5, 7 and 8, and Chapter 102, Zoning, Article X, Contract Rezoning. (For example, Division 8 includes terms related to the regulation of medical marijuana.)

- (b) In the interpretation and enforcement of subpart B, all words shall carry their customary dictionary meanings. For the purpose of subpart B, certain words and terms are defined as follows:

- (1) City means The City of Belfast.
- (2) Municipal officers means the City Council.
- (3) Tense and number. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- (4) Shall, may. The word "shall" is always mandatory; the word "may" is permissive.
- (5) Person. Includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.
- (6) Lot. The word "lot" includes the words "plot", "property", and "parcel."
- (7) Building. The word "building" includes the word "structure."

- (c) The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ABANDONED BUILDING

A building which is unoccupied, not in compliance with the City property maintenance code, or not in compliance with the City building code, and for which the owner cannot be located.

ACCESSORY APARTMENT TO A SINGLE FAMILY DWELLING.

Means a one bedroom dwelling unit that is constructed in a new or existing detached accessory structure to a

single family residence, such as a garage, barn or similar outbuilding, and which is located on the same property as the single family residence. An accessory apartment is a permitted use provided all of the following conditions are met:

- 1) the single family residence is the primary use of the property;
- 2) the property is a conforming or nonconforming lot of record;
- 3) there is adequate wastewater disposal on the property;
- 4) a newly constructed detached accessory structure must conform to all structure setback requirements for the respective zoning district, however, an existing accessory structure may be nonconforming with respect to setback requirements;
- 5) the accessory apartment that is constructed complies with all applicable building code requirements for said structure.

ACCESSORY BUILDING

A subordinate building or a portion of the main building, the use of which is incidental and subordinate to that of the main or principal building.

ACCESSORY RETAIL SALES.

The on-site retail sale of products that an industrial or manufacturing use produces on site and sells as an accessory use to the industrial or manufacturing use. The retail sales area is limited to the lesser of 20 percent of the floor space of the manufacturing or industrial use or an area that is no greater than 5,000 square feet in size.

ACCESSORY STRUCTURE OR USE

A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use.

AFTER-THE-FACT PERMIT

See Permit, after-the-fact.

AGGRIEVED PARTY

A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under the provisions of the zoning regulations (chapter 102), the shoreland zoning regulations (chapter 82) and the site plan review regulations (chapter 90), or a person whose land abuts land for which a permit or variance has been granted.

AGRICULTURE

The production, keeping or maintenance, for sale or lease, of plants and/or animals, including but not limited to forages and sod crops products, livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

ALLEY

A space of 20 feet or less between structures.

APARTMENT

A dwelling unit which is located in a building with more than one dwelling unit.

APARTMENT HOUSE

A building which contains two or more apartments.

AQUACULTURE

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

AQUACULTURE, FRESHWATER.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in a freshwater waterbody; such as a stream, river, or pond. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a freshwater aquaculture operation.

AQUACULTURE, LAND BASED.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in an onshore land based facility. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a land based aquaculture operation.

AQUACULTURE, MARINE.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species entirely within a marine environment, such as Belfast Bay.

ART GALLERY

A business providing space for the display and sale of graphic art, sculpture, textiles and photographs to the public.

AUTOMOBILE GRAVEYARD

A yard, field or other area used to store three or more unserviceable, discarded, wornout or junked motor vehicles as defined in 29-A M.R.S.A. § 101, or parts of such vehicles. The term "automobile graveyard" does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

AVERAGE DAILY TRAFFIC (ADT)

The number of vehicles using a street, in both directions, during a twenty-four-hour period, specified as the average traffic by the state department of transportation, or the number of vehicles specified as the average daily traffic generated by a land use as specified by the Traffic Generation Handbook of the Institute of Traffic and Transportation Engineers.

BASEMENT

Any area of a building having its floor subgrade (below ground level) on all sides.

BASIN (DRAINAGE)

Those facilities which provide temporary or permanent impoundment of water for flood control and other water resource purposes.

BED AND BREAKFAST

A type of lodging based in the permanent dwelling of the person acting as proprietor that offers for payment sleeping rooms on a transient basis to the general public. A transient basis is a maximum stay of 30 days in any consecutive forty-five-day period. A bed and breakfast may offer meals to transient guests and may offer evening meals, reservation only, to nonguests. Three classes of bed and breakfast operations are permitted:

- (1) Class 1 bed and breakfast. A bed and breakfast that has 10 or fewer sleeping rooms and whose license from the City does not allow it to host small functions or special functions.
- (2) Class 2 bed and breakfast. A bed and breakfast that has at least three but no more than 10 sleeping rooms, and whose license from the City allows it to host small functions, but special functions are prohibited.
- (3) Class 3 bed and breakfast. A bed and breakfast that has at least three but no more than 10 sleeping rooms, and whose license from the City allows it to host small functions and special functions.

BITUMINOUS MIXING OPERATIONS

A use generally associated with gravel and other mineral extraction operations which involves portable or fixed machinery or equipment used to manufacture bituminous concrete (a.k.a. hot top).

BOAT LAUNCHING FACILITY

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

BOATYARD

A facility, whether open or enclosed, providing for the storage of boats and ships.

BUFFER YARD

A unit of land, together with a specified type and amount of planting thereon, and any structures, such as but not limited to fences, retaining walls and berms, which may be required between land uses to eliminate or minimize conflicts.

BUILDING

Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building separated from other portions by a firewall shall be considered as a separate building except in the Downtown Commercial District.

BUILDING CODE

The code adopted by the City to establish building standards for new construction and renovation in the City.

BUILDING INSPECTOR

The code enforcement officer.

BUSINESS

One's occupation, profession, or trade; the purchase and sale of goods in an attempt to make a profit; a person, partnership or corporation engaged in this; or an established or going enterprise or concern.

BUSINESS PARK

A planned development designed and arranged for business and professional uses, uses that are accessory uses or uses that provide services to business and professional uses.

CALIPER

A measurement of the size of a tree equal to the diameter of its trunk measured six inches above natural grade for trees having calipers less than or equal to four inches in diameter, and measured 12 inches above grade for tree calipers greater than four inches in diameter.

CAMPGROUND

Any premises established for overnight use for the purpose of temporary camping and for which a fee is charged.

CELLAR SPACE

That portion of a building which is located below grade.

CEMETERY

A parcel of land used as a final resting place for deceased persons.

CEO

See "Code enforcement officer."

CERTIFICATE OF COMPLIANCE

A document signed by the code enforcement officer stating that a structure or development is in compliance with the provisions of all applicable City ordinances.

CERTIFICATE OF OCCUPANCY

A document signed by the code enforcement officer stating that a structure and/or development is in compliance with the provisions of all applicable City ordinances and permits issued for the structure and/or development.

CHANNEL

See "Watercourse."

CITY ENGINEER

The City engineer may be a regular employee of the City or a consultant to the City. The individual designated as City engineer shall be a registered professional engineer, licensed by the state.

CLUSTER DEVELOPMENT

See "Cluster housing."

CLUSTER HOUSING

A subdivision lot layout design that concentrates homes in specific areas on the site to allow the remaining land to be used for recreation, open space and the preservation of environmentally sensitive areas.

COASTAL WETLAND

All tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of saltwater and occurs primarily in a saltwater or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

CODE ENFORCEMENT OFFICER (CEO)

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

COMMERCIAL AGRICULTURE

An agricultural activity which primarily produces a product for sale rather than for home or personal family use.

COMMERCIAL TIMBER HARVESTING

The cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products (12 M.R.S.A. § 8868(4)).

COMMERCIAL USE

The use of lands, buildings, or structures, other than a home occupation, 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.

CONDOMINIUM

A form of ownership of a building or structure, and is not a designation of a specific type of building or structure.

CONFORMING

A building, structure or use of land which is in full compliance with the provisions of all applicable City ordinances.

CONTRACT REZONING

The process by which the property owner, in consideration of the rezoning of that person's property, agrees to the imposition of certain conditions and restrictions not imposed on similarly zoned properties.

CORNER LOT

A lot that is located at the intersection of two streets. For purposes of determining setbacks from the road right-of-way, the setback requirement from the road right-of-way shall apply to the main street and the side yard setback requirement shall apply to the side street.

COVERAGE

That percentage of the lot area covered by all structures and nonvegetated surfaces.

CRAFTS

A product produced through manual or mechanical skill.

CRAFTS FAIR

The use of a building or property for the sale of crafts.

CURB CUT

An access or entry point onto the public way for ingress or egress by motor vehicles.

DANGEROUS BUILDING

A structure which, in the opinion of the code enforcement officer, is in imminent danger of failure or collapse, or the condition when any structure or part of a structure has fallen and life is endangered by the occupation of the structure.

DENSELY DEVELOPED AREA

Any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 10,000 square feet.

DETENTION STORAGE

The temporary detaining or storage of stormwater in aboveground or belowground reservoirs or other areas under predetermined and controlled conditions, with a controlled rate of discharge therefrom.

DEVELOPMENT

Any man made 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.

- (1) **MAJOR DEVELOPMENT.** Structures which, together with parking lots and other impervious surfaces, cover a ground area of three acres or more, but less than seven acres. For purposes of City municipal review authority of projects subject to the state Site Location Development Law, major development shall also include subdivisions in excess of 20 acres as defined in 38 M.R.S.A. § 481 et seq.
- (2) **MINOR DEVELOPMENT.** A development which has a total floor area in excess of 3,000 square feet or a development which will utilize more than one acre, but less than three acres, of nonvegetated surfaces.

DIMENSIONAL REQUIREMENTS

Numerical standards relating to spatial relationships, including, but not limited to, setback, lot area, lot coverage, frontage, and structure height.

DISCHARGE

The outflow of water, silt or other mobile substances passing along a conduit, watercourse, or a channel or released from detention storage.

DRAINAGE

The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during or after development and includes the means necessary for water supply preservation or for prevention or alleviation of flooding.

DRAINAGE AREA OF BASIN (WATERSHED)

The area contributing runoff water to a watercourse, drainage system, or detention basin.

DRAINAGEWAY

See "Watercourse."

DRIVEWAY

A vehicular accessway serving not more than two lots or two dwelling units.

DWELLING, MULTIFAMILY

A dwelling containing three or more dwelling units.

DWELLING, SINGLE-FAMILY

A dwelling containing one dwelling unit.

DWELLING STRUCTURE

A fixed structure in which there are one or more dwelling units, including condominium units, as the primary use of the structure.

DWELLING, TWO-FAMILY

A dwelling containing two dwelling units.

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, whether contained within a single-family or multifamily structure, and condominiums, and shall include timeshare units, apartments, and mobile homes, but not recreational vehicles.

EARTH and EARTH REMOVAL

The term "earth" includes topsoil (loam), sand, gravel, and clay taken from the land. The term "earth removal" means the extraction of topsoil, sand, gravel, and clay and the transportation of the earth to a different site.

EARTH FILL and EARTH FILLING

The placement of clean soil material, rocks, bricks, or cured concrete that is not mixed with other solid or liquid waste and is not derived from an ore mining activity, in a different location from that where the material was removed.

ELDERLY CONGREGATE RESIDENTIAL HOUSING FACILITY

A residential housing facility occupied exclusively by elderly persons that must provide shared community space and shared dining facilities and that normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services, such as medical support services and physical therapy. Additionally, an elderly congregate residential housing facility may include specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer's Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. By "elderly" person is meant a person 55 years of age or older, or a couple that constitutes a household and at least one of whom is 55 years or older at the time of entry into the facility. To qualify as an elderly congregate residential housing facility the owner of the facility must enter an agreement with the City that specifically restricts the use of the residential units to persons who satisfy this definition, and that stipulates the owner shall deliver the services required by this definition.

ELDERLY HOUSING

Housing units intended for and solely occupied by persons 62 years of age or older or, an elderly couple whose head or spouse is 62 years of age or older. To qualify as elderly housing, the owner of such housing units must enter an agreement with the City that specifically restricts the use of the housing units to persons who satisfy this definition.

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 death, destruction or injury.

ENVIRONMENTALLY SENSITIVE AREA

Areas with slopes in excess of 20%, wetlands, and significant wildlife habitats.

EROSION

The detachment and movement of soil, organic matter or rock fragments by water, wind, ice or gravity.

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 similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems do not include poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, nor do such systems include service drops or buildings which are necessary for the furnishing of such services. Further, such systems shall not include telecommunication facilities, preexisting accessory use tower/antenna, or antennas as such are defined in this Code, chapter 102, Zoning, article VIII, Supplementary District Regulations, division 5, Telecommunication Facilities, section 102-1032, Definitions.

EXCAVATION

Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

EXPANSION OF A STRUCTURE

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

EXPANSION OF USE

The addition of weeks, months or days to a use's operating season, additional hours of operation, or the use of more floor area or ground area devoted to a particular use.

FAIR MARKET VALUE

The value of the construction cost, including both material and labor, for which a permit application has been made.

FAMILY

A group of persons including parents, children, etc., who share a dwelling unit.

FAST FOOD RESTAURANT

A "restaurant" whose principal business is the sale of on-premise prepared or rapidly prepared food or beverages in a ready to consume state, served in disposal wrappings or containers for consumption, in which the sale occurs through the use of two or more food service stations, one of which may be a drive-through window or take-out window. A food service station consists of any of the following: a single station where the customer order, pays for and picks up food and beverage; a separate station where the customer orders and pays for the food and beverage; a separate station where the customer picks up the food and beverage; a single drive-through window or customer window where the customer orders, pays for and picks up food or beverage; or a separate voice box station which the customer uses to place an order for food or beverage, and a separate window which the customer uses to pay for and pick-up the food or beverage ordered.

FILLING OF LAND

See "Earth filling."

FLOOR AREA

The sum of the horizontal areas of the floors of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as porches and decks.

FLOOR AREA FACTOR

A ratio derived by dividing the total floor area by the net buildable site area.

FLOOR AREA RATIO

A ratio derived by dividing total floor area by the total site area.

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.

FORMULA RESTAURANT

Means a restaurant that stands alone or with other use(s), and which prepares food or beverage on site for sale to the public, and which is required by contractual or other arrangement to maintain any one or more of the following, which causes it be substantially identical to eleven or more other restaurants, regardless of the ownership or location of those other restaurants: name of restaurant, standardized menu, food preparation or presentation format, employee uniforms, interior and/or exterior color scheme(s) or decor, architectural design, signage or any other similar standardized features.

FOUNDATION

The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts or frost walls.

FREQUENTLY FLOODED

See "Hydric soils." Frequently flooded means that flooding is likely to occur often under usual weather conditions, with more than a 50% chance of flooding in any year, or more than 50 times in 100 years.

FRESHWATER WETLAND

See "Wetland (freshwater)."

FUNCTIONAL 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 water and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or 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 marine or tidal waters. (NOTE: Consult Chapter 78, Floods, for a definition of functional water dependent use as it applies to Chapter 78 issues and text.)

GARAGE, PRIVATE

A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for the mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC

A building designed and used for storage of automotive vehicles operated as business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GENERAL SURFACE WATER RESOURCE AREAS

Areas along all brooks, streams, wetlands and natural drainageways not protected by 38 M.R.S.A. but considered to have value in their natural state for the maintenance of biotic systems and in their capacity to carry stormwater.

GREAT POND

Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, except, for the purposes of the shoreland zoning ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA

Any great pond classified GPA pursuant to 38 M.R.S.A. § 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

GREENHOUSE

A building which is constructed primarily of glass or polyfilm for the purpose of nurturing plants.

GROSS ACRE

An area of 43,560 square feet.

GROSS FLOOR AREA

- (1) Gross floor area means the sum of the gross area of the several floors of a building measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. In particular, floor area generally includes:
 - a. Basement space, except as specifically excluded.
 - b. Elevator shafts or stairwells at each floor.
 - c. Floorspace in penthouses.
 - d. Attic space (whether or not a floor has been laid) providing structural headroom of seven feet six inches or more.
 - e. Floorspace in interior balconies or mezzanines.
 - f. Any other floorspace used for dwelling purposes, no matter where located within a building.
 - g. Floorspace in accessory buildings, except for floorspace used for accessory off-street parking.
 - h. Any other floorspace not specifically excluded.
- (2) The gross floor area of a building shall not include:
 - a. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
 - b. Elevator or stair bulkheads, accessory water tanks, or cooling towers.
 - c. Uncovered steps.
 - d. Attic space (whether or not a floor actually has been laid) providing structural headroom is less than seven feet six inches.
 - e. Floorspace used for mechanical equipment.

HABITAT, SIGNIFICANT WILDLIFE

Areas designated by the state department of environmental protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480A-480Y.

HAZARDOUS MATERIALS

Any gaseous, liquid, or solid material or substance designated as hazardous by the United States Environmental Protection Agency or state department of environmental protection.

HAZARDOUS WASTE

Any byproduct of an industrial or commercial use which is a gaseous, liquid, or solid material or substance designated as hazardous by the United States Environmental Protection Agency or state department of environmental protection.

HEALTH CARE FACILITIES

Hospitals and nursing homes.

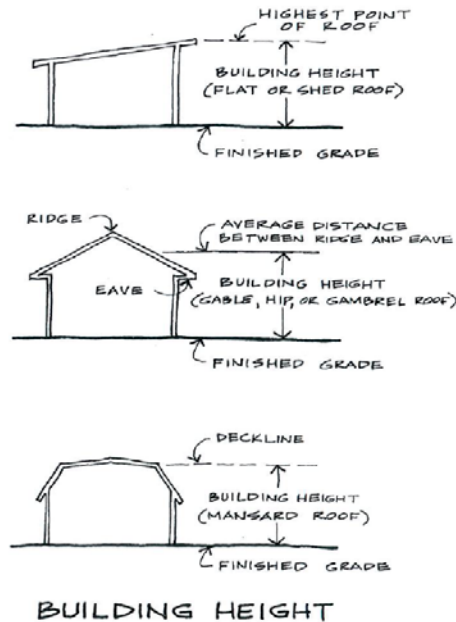
HEALTH CARE OFFICES

Offices of doctors, dentists, mental health clinics, optometrists, osteopaths, physical therapy clinics, chiropractors, and all appropriate categories not included specifically.

HEIGHT OF A STRUCTURE

Means the vertical measurements from the average finished grade of the ground to the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. Said measurements of structure height shall exclude chimneys, antennas, solar panels, steeples or cupola like architectural enhancements that do not result in an increase in the usable amount of floor area of a structure, and similar appurtenances which have no usable floor area. Figure 1, below, is a diagram of how building height is measured.

Figure 1



HOME OCCUPATION

An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses and employs no more than two persons other than family members residing in the home, without display or advertising other than one sign not to exceed two square feet in area and containing no more than the name and business of each proprietor.

HOME OCCUPATION (EXPANDED DEFINITION)

A home occupation shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit. A home occupation shall be permitted if it complies with all of the following requirements:

- (1) Permitted home occupations shall be carried out without altering the residential character of the structure or the rural character of the area or neighborhood or changing the character of the lot from its principal use as a residence.
- (2) The general performance standards in the zoning regulations (chapter **102**), where applicable, shall be met. Objectionable conditions such as, but not limited to, noise, smoke, dust, odors, or glare shall not be generated.
- (3) No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in the neighborhood/area/zone.
- (4) The home occupation shall be carried on wholly within the principal or accessory residential structures.
- (5) The home occupation shall be carried on exclusively by a resident or resident members of the dwelling unit. In addition to the residents of the dwelling unit, no more than three full-time employees or that number of part-time employees required to do the work of three full-time employees may be employed in the home occupation on the site at any one time.

- (6) Exterior storage for small quantities of materials may be permitted, provided that it is not incompatible with the residential/rural character of surrounding properties, and is not in the setback.

HOTEL

See "Motel."

HYDRIC SOILS

Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Soil Conservation Service 1987). In general, hydric soils are flooded, ponded, or saturated for usually one week or more during the period when soil temperatures are above biologic zero (41° F.) as defined by "Soil Taxonomy" (USDA Soil Survey Staff 1975). These soils usually support hydrophilic vegetation.

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 10 individuals and which involves site improvements which may include, but are not limited to, gravel pads, parking areas, fireplaces, and/or tent platforms.

INDUSTRIAL

The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INDUSTRIAL USE

A parcel of land used for industrial purposes.

IMPERVIOUS SURFACE

Any hard-surfaced manmade area that does not readily absorb or retain water, including, but not limited to, building roofs, paved or graveled parking and driveway areas, sidewalks and paved recreational facilities.

IMPERVIOUS SURFACE RATIO

Is a measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the gross lot area.

IMPROVED LOT

A parcel which has been developed, including, but not limited to, construction of buildings and/or installation of utilities.

INDUSTRIAL PARK

A subdivision of land intended or designed exclusively for, and/or developed for, more than one distinct industrial use, its accompanying accessory use, and uses that service industrial uses.

INLAND BODY OF WATER

See "Great pond, Wetland" and "River."

INTERMITTENT STREAM

See "Stream."

JUNKYARD

- (1) A yard, field or other land area used to store discarded, wornout or junked plumbing, heating supplies, household appliances and furniture;
- (2) A yard, field or other land area used to store discarded, scrap and junked lumber;
- (3) A yard, field or other land area used to store old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
- (4) Garbage dumps, waste dumps and sanitary fills.

LICENSED PLUMBING INSPECTOR (LPI)

An individual licensed by the state department of human services to review and inspect requests for internal and external plumbing permits and to enforce the provisions of the state plumbing codes as well as local codes related to plumbing.

LIGHT INDUSTRIAL

Manufacturing, altering, processing, assembling, warehousing or servicing goods in a manner which will not create noise, vibration, glare, dust, heat, smoke, odor or other substance or condition which would interfere with or be incompatible with other uses permitted in the district.

LIGHT MANUFACTURING

The use of real estate, buildings or structures which involves a process or manufacturing assembly which will not create noise, smoke, fumes, vibration or odor outside of the building or structure in which the use is to take place on the property. Light manufacturing shall be limited to the use of less than 2,000 square feet in the Waterfront I "B" District and 3,000 square feet in Waterfront I "A" District, with the maximum number of employees not to exceed 12.

LOT

A registered or recorded parcel of land of at least sufficient size to meet minimum zoning requirements for use and dimensions and to provide such yards and other open spaces as required by City ordinances. An easement shall not be considered a lot.

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, BACK (Back Lot)

A back lot is a registered or recorded parcel of land of at least sufficient size to satisfy the minimum lot size requirement identified in Chapter 102, Zoning, however, it is a lot that does not and is not required to have frontage on a public or private street. At least one dimension of a back lot shall be equal in length to the minimum lot frontage requirement in effect for the respective zoning district in which the lot is located, and for a back lot that is 2 acres or less in size, the length to width ratio of the lot shall not exceed a ratio of 5 to 1. Also, a structure located on a back lot does not need to satisfy a front setback requirement for structures. A structure located on a back lot shall be located no less than the minimum side setback requirement from any lot line.

LOT COVERAGE

Means the amount of a lot that is covered by impervious surfaces.

LOT FRONTAGE

The linear distance between the sidelines of a lot, measured along the lot line that fronts on a road right-of-way.

LOT LINES

- (1) **FRONT LOT LINE.** The line separating any lot from a street or streets.
- (2) **REAR LOT LINE.** A lot line which is opposite and most distant from the front lot line. In the case of a triangular or irregular lot, the rear lot line is a line 10 feet long within the lot, parallel to and farthest from the front lot line.
- (3) **SIDE LOT LINE.** Any lot line not a front or rear lot line. See "Corner lot."

LPI

Licensed plumbing inspector.

MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION

The handbook developed and published by the state department of environmental protection titled "Urban BMP's."

MANUFACTURED HOUSING

A structural unit designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. This definition includes those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of

Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC § 5401 et seq.

MANUFACTURED HOUSING COMMUNITY

A parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes (mobile homes).

MANUFACTURING USE

The use of real estate, buildings, or structures which involves a process or manufacturing assembly.

MARINA

A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

MARKET VALUE

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

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-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other mined material from its natural location and transports the product away from the extraction site. Uses associated with mineral extraction include, but are not limited to, bituminous mix plants, crushing/screening operations and ready-mix concrete plants.

MINIMUM LOT WIDTH

The closest straight line distance between the side lot lines of a lot.

MOBILE HOME

A unit manufactured before June 16, 1976, used or constructed to permit its conveyance on the public streets and highways or transportable in one or more sections and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons and provided with a toilet and a bathtub or shower.

MODULAR HOME

Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with state law, and rules adopted under state law, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

MOTEL

A building or group of detached or connected buildings used for lodging by the traveling public, in return for payment. The term "motel" shall include "hotel."

MULTI-UNIT RESIDENTIAL

A residential structure containing three or more residential dwelling units.

MUNICIPAL USE

Buildings, structures, premises, and utility infrastructure declared a municipal use by the City Council.

NET ACRE

An area of 43,560 square feet which does not contain any area required for streets.

NET BUILDABLE SITE AREA

The area of a lot upon which a structure can be built.

NET RESIDENTIAL DENSITY

The number of dwelling units per net acre.

NEW SEPTIC SYSTEM

Is defined as in 30-A M.R.S.A. § 4201(5).

NEW SEPTIC SYSTEM VARIANCE

A variance to the rules authorized by the state department of health engineering for a new septic system. (Definition taken from the state subsurface wastewater disposal rules.)

NONCONFORMING

A building, structure, or use of land legally existing at the time of adoption of this ordinance or at the time of adoption of the prior zoning ordinance on July 16, 1985, which building, structure, or use of land does not conform with the provisions established by the shoreland zoning ordinance or the prior ordinance adopted July 16, 1985.

NONCONFORMING LOT UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE

A single lot of record which, at the effective date of adoption or amendment of the shoreland zoning ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

NONCONFORMING STRUCTURE UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE

A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, which is allowed solely because it was in lawful existence at the time the shoreland zoning ordinance or a subsequent amendment took effect.

NONCONFORMING USE UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE

Use of a building, structure, premises, land or part thereof which is not permitted in the district in which it is situated, but which is allowed to remain because it was in lawful existence at the time the shoreland zoning ordinance or a subsequent amendment took effect.

NORMAL HIGH-WATER MARK (LINE)

That line which is apparent from visible markings or 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.

ONE-HUNDRED-YEAR FLOOD

See "Base flood."

OPEN SPACE

Land used for recreation, resource protection, amenities and/or buffers, excluding roads.

PARCEL

See "Tract."

PARKING FACILITY

A parking deck or garage.

PARKING LOT

A parcel or area of land designed for the parking of motor vehicles.

PARKING SPACE, OFF-STREET

A space adequate for parking an automobile with room for opening doors on both sides; see chapter 98.

PEAK FLOW

The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a specified (five-year, twenty-, fifty-, one-hundred-year, etc.) storm or flood.

PERENNIAL STREAM

A stream that flows year round.

PERFORMANCE GUARANTEE

A financial guarantee to ensure that all improvements, facilities, or work required by any ordinance will be completed or maintained in compliance with such ordinances.

PERMANENT FOUNDATION

Any 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 City may require an engineer's certification if it is to be placed on soil with high frost susceptibility; or
- (4) Any foundation which, pursuant to the building code for the City, is permitted for other types of single-family dwellings.

PERMIT, AFTER-THE-FACT

A permit which is applied for after the work for which the permit is required has begun.

PERMITTEE

Any person receiving a permit from the City.

PERSON

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

PET

A dog, cat, bird, fish, rabbit, or other small animal normally and conventionally kept and permitted in all districts. Excluded are poultry, ponies, horses, cattle, sheep and other livestock conventionally recognized as farm, recreational, or sporting animals.

PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND

- (1) Temporary. Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.
- (2) Permanent. Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

PLANNED DEVELOPMENT

A parcel of land being improved by construction of buildings and/or improvements to the land for which a plan is required.

PLANNED UNIT DEVELOPMENT

Land under unified management, planned and developed as a whole according to comprehensive and detailed plans. Any use permitted in the district in which a planned unit development is located shall be allowed within the development, as well as a multi-dwelling unit structure. Such development can involve new construction or the conversion of existing structures.

PRACTICAL DIFFICULTY

A case where strict application of the dimensional standards of chapter 102, Zoning, to the property for which a variance is sought would both preclude a use of the property which is permitted in the zoning district in which it is located and also would result in economic injury to the applicant.

PREMISES

One parcel of land or two or more parcels of land which are in the same ownership and are contiguous.

PRINCIPAL BUILDING/STRUCTURE

The building or structure occupied by the chief or principal use on the premises.

PRINCIPAL USE

A use other than one which is wholly incidental or accessory to another use on the same premises.

PROFESSIONAL OFFICES

Places of business maintained by one or more individuals who have recognized professional accreditation in their field, which requires an appropriate academic degree.

PUBLIC ACCOMMODATIONS

Hotels, motels, inns, bed and breakfasts, campground establishments and seasonal housekeeping units.

PUBLIC FACILITY

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

PUBLIC PARK

A piece of ground set apart for any use as a public place for recreation and which is owned and maintained by the City.

PUBLIC STREET

See "Street."

PUBLIC USE

A publicly owned facility or a facility for the conduct of public business to which the public has access during normal business hours.

PUBLIC UTILITY

See "Utility."

QUASIPUBLIC USE

A facility owned by a quasipublic or nonprofit organization and operated for a public purpose and to which the public has access during normal business hours.

RECENT FLOODPLAIN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey: Alluvial, Cornish, Charles, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, Sunday, Winooski.

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 pickup 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.

REPLACEMENT SEPTIC SYSTEM

A system intended to replace:

- (1) An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; and
- (2) Any existing overboard wastewater discharge.

REPLACEMENT SEPTIC SYSTEM VARIANCE

A variance to the rules authorized by the licensed plumbing inspector or the state department of human services for a replacement septic system.

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.

RETAIL USE, BUILDING SUPPLY

A retail store in which the predominant amount of goods offered for sale include products such as but not limited to the following: durable equipment sales, contractors' sales, hardware supplies and lumber.

RETAIL USE, GENERAL MERCHANDISE, CLOTHING AND/OR GROCERIES

A retail store in which the predominant amount of goods offered for sale include products such as but not limited to the following: clothing, furniture, shoes, electronics, household durable goods, home furnishings, dry goods stores, pharmaceuticals, jewelry, sporting goods, antiques, books, and food/groceries.

RIPRAP

Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on a ground slope of two units horizontal to one unit vertical or less.

RIVER

A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed 15 square miles to its mouth.

RIVERINE

Relating to, formed by or resembling a river (including tributaries), stream, brook, or other natural flowage.

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.

ROOMINGHOUSE

A dwelling structure in which there is a dwelling unit in which two or more people who are not a family rent space from the resident-owner.

RURAL AFFORDABLE HOUSING DEVELOPMENT PROJECT

A project that has no less than two or more than seven dwelling units in which the City allows flexibility regarding the dimensional standards that routinely apply to a zoning district, including but not limited to minimum lot size, lot frontage and setback requirements, and flexibility regarding the construction requirements that apply to common improvements, including but not limited to roads, sidewalks, and utility construction, subject to the project incorporating stipulations that will ensure the dwellings that are constructed will be owned or occupied by persons who earn no more than 120% of the annual median family income for the Belfast Labor Market area.

SALT MARSH

Areas along coastal waters (most often along coastal bays) which support salt-tolerant species, and where, at average high tide during the growing season, the soil is regularly inundated by tidal water. The predominant

species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and sago pondweed.

SALT MEADOW

Areas which support salttolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season, which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

SCENIC OR NATURAL BEAUTY OF THE AREAS

As determined by the City's comprehensive plan.

SEASONAL HOUSEKEEPING UNITS

Housekeeping units utilized less than six months of the year.

SEDIMENTATION

The deposition of soil particles that have been transported from their site of origin by water, ice, wind, gravity, or other natural means.

SEPTIC SYSTEM

See "Subsurface wastewater disposal system."

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 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 1,000 feet in length.

SETBACK

The nearest horizontal distance from a lot line or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SEWAGE

See "Wastewater."

SHOPPING CENTER

A development which consists of three or more retail stores.

SHORE FRONTAGE

The length of a lot bordering on a water body or a wetland measured in a straight line between the intersection of the side lot lines with the shoreline at normal high-water elevation.

SHORELAND ZONE

The land located within 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 75 feet of the normal high-water line of a stream.

SIGN

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to anything, person, business, activity or place and is visible to the public. It does not include the flag, pennant or insignia of a nation, state or town. Whenever dimensions of a sign are specified they shall include frames. Each visible face of a sign shall constitute a separate sign, except that a sign with two faces shall be counted as one sign provided the distance between the two faces does not exceed 12 inches.

SIGNIFICANT GROUNDWATER WELL.

A well, wellhead, excavation, or other structure, device or method used by a private person to obtain groundwater that is:

- (1) Withdrawing at least 75,000 gallons during any week or at least 50,000 gallons on any day and is located at a distance of 500 feet or less from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the private person (applicant), or river, stream or brook; or
- (2) Withdrawing at least 216,000 gallons during any week or at least 144,000 gallons on any day and is located at a distance of more than 500 feet from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well now owned or controlled by the private person (applicant), or river, stream or brook.

Withdrawals of water for firefighting or preoperational capacity testing are not applied to the above thresholds.

SIGNIFICANT RISK

That the risk is real and not merely hypothetical or statistically possible.

SIGNIFICANT WATER INTAKE OR SIGNIFICANT WATER DISCHARGE/ OUTFALL PIPE.

A water intake or water discharge/outfall pipe used by a private person to service at least 50,400 gallons during any week and 36,000 gallons on any day that originates onshore and crosses above or below ground in or through a waterbody or land area identified on the City Official Shoreland Zoning Map or Official Zoning Map and that is subject to Shoreland regulation.

SIGNIFICANT WILDLIFE HABITAT

See "Habitat, significant wildlife."

SITE PLAN REVIEW ORDINANCE

The ordinance adopted by the City which establishes the criteria for reviewing developments which have building floor areas in excess of 3,000 square feet or nonvegetated areas of one acre or more, codified herein as chapter 90.

SMALL FUNCTION IN A BED AND BREAKFAST

A function that may occur in a class 2 or class 3 bed and breakfast that involves no more than 35 participants. Such functions, by way of illustration only, may include but are not limited to an educational seminar, a meeting of an organization, a birthday party, and a wedding. Such functions may include the serving of food, beverages and/or alcoholic beverages, provided all required licenses are obtained. Retail sales shall be prohibited at all small functions.

SOILS, HYDROLOGIC

- (1) Group A — Low runoff potential. Soils having high infiltration rates even when thoroughly wetted and consisting of deep, well to excessively drained sands or gravels.
- (2) Group B. Soils having a moderate infiltration rate when thoroughly wetted, and consisting of moderately deep, moderately well drained to well drained soils with moderately fine to moderately coarse textures.
- (3) Group C. Soils having slow infiltration rates when thoroughly wetted, consisting of moderately fine to fine texture soils with a layer that impedes the downward movement of water. The majority of the soils in the state generally fall into this group.
- (4) Group D. High runoff potential: Soils having a very slow infiltration rate when thoroughly wetted, consisting mainly of silt to silty clay and clay soils. These soils are also characteristic of wetland type areas.

SOLAR ENERGY SYSTEM.

A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED.

An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or large-scale).

SOLAR ENERGY SYSTEM, LARGE-SCALE.

A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet).

SOLAR ENERGY SYSTEM, MEDIUM-SCALE.

A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet but less than 4 acres (174,240 square feet). (Reference exception to this definition identified in Sec 102-461 for zoning districts located in the Inside the Bypass area).

SOLAR ENERGY SYSTEM, ROOF-MOUNTED.

A Solar Energy System that is mounted on the roof of a building or structure; may be of any size, small, medium, or large-scale.

SOLAR ENERGY SYSTEM, SMALL-SCALE.

A Solar Energy System whose physical size based on total airspace projected over the ground is less than 20,000 square feet. A small-scale system typically is an accessory use to a principal use on the property.

SPECIAL FUNCTION IN A BED AND BREAKFAST

A function that may occur in a class 3 bed and breakfast that involves no more than 100 participants. Such functions, by way of illustration only, may include but are not limited to an educational seminar, a meeting of an organization, a birthday party, and a wedding. Such functions may include the serving of food, beverages and/or alcoholic beverages, provided all required licenses are obtained. Retail sales shall be prohibited at all special functions.

STEEP SLOPE

Land area where the inclination of the land's surface from the horizontal is 15% or greater. See "Sustained slope."

STORMWATER DRAINAGE SYSTEM

All facilities used for conducting stormwater to, through, or from a drainage area to the point of final outlet.

STORMWATER RUNOFF

The waters derived from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

STORMWATER RUNOFF, EXCESS

The volume and rate of flow of stormwater discharged from a developed drainage area which is or will be in excess of that volume and rate which existed before development.

STREAM

A free-flowing body of water from the outlet of a great pond or the point of confluence of two 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. Intermittent streams run six months or less during any twelve-month period. See Tributary stream.

STREET

Is a general term denoting a public way for the purpose of vehicular travel, including the entire area with the right-of-way.

STREET, ARTERIAL

A street which serves or connects major urban activity centers, is a high volume travel corridor, provides for long trip desires and/or is part of any integrated network providing intercounty and interstate service.

STREET, COLLECTOR

A street serving as an intracity travel corridor channelizing and distributing traffic to and from arterial and local streets. Residential collector streets have an average daily traffic range of 900 to 3,000.

STREET LINE

The right-of-way line of a street.

STREET, LOCAL

A street providing access to adjacent land, service to travel short distances, and the lowest level of mobility and access service to other streets.

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, utility poles and associated appurtenances, sidewalks and handicap ramps. The term includes structures permanently or temporarily located, such as decks, signs (see the City sign ordinance), gas or liquid storage tanks that are principally stored above ground and satellite dishes. The term includes any building having a roof supported by columns or walls. Structures separated only by party walls or abutting walls without openings shall be deemed to be separate structures.

SUBDIVISION

- (1) Subdivision means the division of a tract or parcel of land into three or more lots within any five-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 of land into three or more dwelling units within a five-year period, the construction or placement of three or more dwelling units on a single tract or parcel of land and the division of an existing structure or structure's previously used for commercial or industrial use into three or more dwelling units within a five-year period.
- (2) In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of the tract or parcel is considered to create the first two lots and the next dividing of either of these first two lots, by whomever accomplished, is considered to create a third lot, unless:
 - a. Both dividings are accomplished by a subdivider who had retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in 36 M.R.S.A. § 1102, for a period of at least five years before the second dividing occurs; or
 - b. The division of the tract or parcel is otherwise exempt under state statutes.

- (3) The dividings of a tract or parcel of land and the lot or lots so made, which dividings or lots when made are not subject to state statute, do not become subject to this by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- (4) A lot of 40 or more acres shall not be counted as a lot, except:
 - a. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in 68 M.R.S.A. § 435 or the shoreland zoning regulations (chapter 82); or
 - b. When the City has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots when the parcel of land being divided is located entirely outside any shoreland area as defined in 38 M.R.S.A. § 435 or the shoreland zoning regulations (chapter 82).
- (5) A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this subsection is to avoid the objectives of state statutes. If the real estate exempt under this subsection by gift to a person related to the donor by blood, marriage or adoption is transferred within five years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lots or lots for the purposes of this subsection.
- (6) The division of a tract or parcel of land into three or more lots upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.
- (7) In determining the number of dwelling units in a structure, the provisions of state statutes regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
- (8) Notwithstanding the provisions of this definition, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under state statutes.

SUBSTANTIAL COMPLETION

The state at which a certificate of occupancy can be granted.

SUBSTANTIAL EXPANSION

Expansion of a structure in excess of 30% of the gross floor area or volume prior to expansion. See "Gross floor area" and "Volume of a structure."

SUBSTANTIAL RISK

The risk is not imaginary or illusory, is considerable in quantity, and is not merely trivial.

SUBSTANTIAL START

Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM

A collection of treatment tanks, disposal areas, holding tanks and ponds, private individual surface spray systems, cesspools, wells, surface ditches, alternative toilets, 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 M.R.S.A. § 414, any surface wastewater disposal system licensed under 38 M.R.S.A. § 413(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 M.R.S.A. § 1303-C(15).

SUSTAINED SLOPE

A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. For purposes of this definition, substantially shall mean for at least 30% of the measured area.

TECHNICAL STANDARDS HANDBOOK ORDINANCE

The technical standards handbook ordinance adopted by the City, which establishes criteria for all development in the City, codified herein as chapter 98.

TIMBER HARVESTING

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

TRACT OR PARCEL OF LAND

All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

TRAILER

A unit which would be a mobile home except that it does not have a toilet and a bathtub or shower.

TRIBUTARY DRAINAGE BASIN

A small watershed that feeds into an intermittent stream.

TRIBUTARY STREAM

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

UNIFIED OWNERSHIP

Is when one person owns the land and leases the lots.

UNREASONABLE CONGESTION

Traffic congestion when it exceeds a reasonable level of service, causes increased air pollution and energy consumption, hinders the passage of public safety vehicles, contributes to lost labor productivity, increases stress, and in general degrades the quality of life in the state. Level of service D, as determined from a capacity analysis, shall be considered the minimum level of service needed to provide safe and convenient traffic movement. Where a road or intersection in the vicinity of the proposed development is determined to operate at level of service E or level of service F in the horizon year, the reviewing authority shall find that the proposed development will result in unreasonable congestion, unless:

- (1) Improvements will be made to raise the level of service of the road or intersection to D or above;
- (2) The level of service of the road or intersection will be raised to D or above through transportation demand management techniques;
- (3) The board finds that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized intersection, decrease the reserve capacity at an unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year; or
- (4) The reviewing authority finds that improvements cannot reasonably be made because the road intersection is located in a central business district or because implementation of the improvements will adversely affect a historic site as defined in chapter 375(11) of the state department of environmental protection regulations, and transportation demand management techniques will be implemented to the fullest extent possible.

UNSAFE CONDITIONS

A roadway segment or intersection determined to be a high accident location by the state department of transportation.

UPLAND

Nonwetland.

UPLAND EDGE

The boundary between upland and wetland.

UTILITY

- (1) A municipal or public utility or communication facility includes the following: Central Maine Power, New England Telephone, Belfast Water District, Belfast Sanitary District, cable TV, a private telephone company or paging service, any utility regulated by the state public utilities commission, and any other commercial communication tower.
- (2) Major municipal or public utilities/communication facilities include water; sanitary treatment plants; electric transmission lines; electric generation plants; and microwave, radio, and other commercial telecommunication transmitters and towers.
- (3) Minor municipal or public utilities/communication facilities include pumping and pressure control stations; standpipes, reservoirs, wells and other water storage structures; telephone equipment huts (over 200 square feet); and electricity substations.

VARIANCE

A method available to an applicant by which the applicant may be permitted to waive certain dimensional or performance standard provisions of a City ordinance when the strict application of the ordinance would cause an undue hardship or practical difficulty.

VEGETATION

All live trees, shrubs, ground cover, and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

VIOLATION

The failure of a structure, use or other development to fully comply with the regulations found in any City ordinance.

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 the walls and roof.

WASTEWATER

Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

WATER AND SEWER

A system for the distribution, collection, treatment, storage and disposal of water and sewage, whether publicly or privately owned.

WATER BODY

Any great pond, river, stream or tidal area.

WATER CROSSING

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

WATER-DEPENDENT USE

A use that requires for its primary purpose direct access to the water and which cannot therefore be located away from the water.

WATER-RELATED USE

A use which does not require direct access to or location in or upon the water, but whose primary purpose is to support the successful functioning of a water-dependent use.

WATERCOURSE

A channel, drainageway, stream, brook. Any defined area of land conveying surface water or runoff. A watercourse may be intermittent or perennial (perennial means more than six months in any twelve-month period).

WATERSHED

See "Drainage area of basin."

WETLAND (FRESHWATER)

A wetland as identified on the duly adopted shoreland zoning maps. The term includes freshwater swamps, marshes, bogs and similar areas which are:

- (1) Ten or more contiguous acres;
- (2) 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; or
- (3) Inundated or saturated by surface water or groundwater 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. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria or to the definition of a stream.

WETLAND ASSOCIATED WITH GREAT PONDS AND RIVERS

Wetlands contiguous to 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 a great pond or river are considered to be part of that great pond or river.

YARD

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

YARD, FRONT

A yard adjoining the front lot line, extending between the principal structure and the street.

YARD, REAR

A yard adjoining the rear lot line and extending between the rear lot line and the principal structure.

YARD, SIDE

A yard adjoining a side lot line extending from the front lot line to the rear lot line as required by district regulations.