
CHAPTER 280 ZONING

Article 2: Definitions Amended: 1/16/2024 City Council Order No. 23-516-01

Article II Definitions

§ 280-2-1 **Word usage.**

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The words shall and will shall be used interchangeably. References to the City, specific departments or department heads including as example only the Fire Department, Planning Department, Public Works Director; districts including by example only the Water or Sewerage District; locations including by way of example only City Hall, downtown; maps, plans, documents, or codes including by example only Assessor's Map, Comprehensive Plan, Code of Ordinances; and organizations including by way of example only the Historical Society shall mean those departments, department heads or their designees, districts, locations, maps, plans, documents, codes, and organizations which are part of City government or are located in and provide services to the City.

§ 280-2-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ABATTOIR

A slaughterhouse, including the wholesale and retail sale of meat processed on the premises, and containing less than five-thousand (5,000) square feet of gross floor area.

ABUTTING PROPERTY

Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

~~**ACCESSORY APARTMENT**~~

~~An apartment created by converting part of a single family detached dwelling into a separate dwelling unit or by adding a dwelling unit which is accessory to the single family use in a manner that enhances the neighborhood and helps residents meet their housing needs. An accessory apartment shall conform with the standards in § ~~280-15-13~~. [Amended 1/16/2024 City Council Order No. 23-516-01, deleted this definition from the ordinance]~~

[Amended 2-20-2018 by Order No. 17-188-01; 12-3-2019 by Order No. 19-168-01; 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

ACCESSORY BUILDING

A detached, subordinate building the use of which is clearly incidental and related to that of the principal building or use of the land and which is located on the same lot as that of the principal building or use.

ACCESSORY DWELLING UNIT (ADU)

A self-contained dwelling unit located within, attached to, or detached from a principal dwelling structure located on the same parcel of land. An ADU shall conform to the standards in § 280-15-13. [Added 1/16/2024 City Council Order No. 23-516-01]

ACCESSORY STRUCTURE OR USE

A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

ACTIVE FARMLAND

Land that has been used for agriculture, horticulture, and/or animal husbandry for at least two (2) consecutive years immediately preceding the calendar year for which the development of a commercial solar system or utility solar system is proposed in the Rural Residential Zone (RR). Land used as rotational farmland, permanent hay land, improved pasture, unimproved pasture, or other land supporting farming activities are defined as active farmland. For the purpose of this definition, permanent hay land includes hay land used in rotation with row or closegrown crops for more than two (2) years. It also includes hay land managed for the production of forage crops. It does not include fields that are mowed annually to keep the area from reverting to woody vegetation and does not result in baled or harvested vegetation.

[Added 4-7-2020 by Order No. 19-772-01; amended 11-24-2020 by Order No. 20-149-01; 5-5-2020 by Order No. 19-874-01]

ACTIVE USE

A use that generates many visits, in particular pedestrian visits, over an extended period of the day. An active use may include, but not be limited to, a shop, café, service, and/or a social use as outlined in the Table of Land Uses.

[Added 11-24-2020 by Order No. 20-149-01; amended 9-20-2022 by Order No. 22-440-01]

ADULT BUSINESS ESTABLISHMENT

- A. Any business, regardless of its category of use, a substantial or significant portion of which involves providing goods or services which appeal to prurient interests or which display, depict, simulate or describe the following:
- (1) Activities involving the human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, or sodomy;
 - (3) Activities involving the fondling or other erotic touching of human genitals, the pubic region, buttocks, or female breasts; or
 - (4) Activities involving the live display of female breasts and/or male or female genitals.
- B. Adult business establishments include, but are not limited to, the following types of uses:
- (1) Stores that sell sexual devices or films or rent films for viewing on the premises that involve or depict any of the activities listed above.
 - (2) Theaters or cabarets that feature movies that depict any of the activities listed above or entertainers, such as topless dancers, strippers, male or female impersonators, or erotic dancers,

who exhibit or perform any of the activities listed above.

- (3) Relaxation spas that provide unlicensed massage services.

ADULT DAY SERVICES

A licensed facility designed to provide older adults and adults with disabilities with community based services including structured social, recreational and therapeutic activities, limited health services, meals, supervision, support services, personal care services, information and referrals and respite for caregivers. Adult day services promote personal independence through a variety of activities offered to participants based on individual needs and interests.

[Added 8-21-2018 by Order No. 18-348-01]

AGGRIEVED PARTY

An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

AGRICULTURAL BUILDING, EXISTING

A building or structure currently used for agricultural purposes in conjunction with an agricultural use or which was formerly used for agricultural purposes and has not been converted to another use.

[Added 11-24-2020 by Order No. 20-149-01]

AGRICULTURE, COMMERCIAL

An agricultural business that files a Schedule F as part of its federal income tax return that is involved in the cultivation of the soil, production of crops, and/or raising of livestock or a commercial greenhouse.

[Added 11-24-2020 by Order No. 20-149-01]

A. A commercial agricultural use may include the following activities:

- (1) Animal husbandry as defined in this chapter;
- (2) The processing of products raised or grown as part of the commercial agricultural use, including processing carried out pursuant to a home food manufacturing license issued by the Maine Department of Agriculture;
- (3) The sale of agricultural products raised or produced as part of the commercial agricultural use;
- (4) The sale of other foodstuffs, including processed food products such as jams, jellies, pickles, sauces or baked goods, not grown or produced as part of the commercial agricultural use; and
- (5) The sale of handmade handicrafts and similar homemade items produced on or off the premises.

B. The sale of products shall occur within an existing agricultural building, within a farm stand with a gross floor area of not more than two-thousand (2,000) square feet, or in an outside area immediately adjacent to the indoor sales space. Not more than thirty percent (30%) of the sales area shall be outside. The floor area devoted to the sale of processed foodstuffs and/or handicrafts not produced by the commercial agricultural use shall not exceed seventy-five percent (75%) of the total sales area.

AIRPORT

The Sanford Seacoast Regional Airport.

AIRPORT MASTER PLAN

The final report of the Sanford Municipal Airport Master Plan Update, dated December 1987, or any subsequent updated plan which has been accepted by vote of the municipal officers.

AMUSEMENTS

A park or business operated by an entity other than a unit of government, with a predominance of outdoor games and activities for entertainment, including but not limited to motorized rides, water slides, miniature golf, batting cages, and the like.

ANIMAL HUSBANDRY

The commercial breeding and raising of livestock, including the keeping of horses and similar animals. Animal husbandry does not include a kennel, which is defined separately, nor the keeping of pigs, chickens, or fowl for commercial purposes.

ANTIQUÉ STORE

An establishment, attached to or located on a single family home lot, engaged in retailing antiques, except motor vehicles such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes. An antique, for the purpose of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past, and at least thirty (30) years old.

[Amended 1-21-2020 by Order No. 19-580-01; 5-5-2020 by Order No. 19-874-01; 9-20-2022 by Order No. 22-440-01]

APPLICANT

The person applying for a permit or other approval required under this chapter.

AQUACULTURE

The commercial raising of fish or seafood in pens, tanks, or other artificial environments.

AQUIFER

A geologic unit consisting of rock, gravel, sand, silt, or clay which stores and yields significant quantities of groundwater to wells, springs, and streams.

ARCHERY RANGE

A facility, whether indoors or outdoors, for bow and arrow shooting in a controlled and supervised environment.

ARTERIAL

A public street or road identified in the Comprehensive Plan as an arterial roadway, including Route 202, Route 109 from the Oak Street/Bridge Street intersection in Springvale to the Wells town line, Route 4, Route 11A and Route 224 and other roads that are major elements of the highway network, including Route 99.

AVERAGE DAILY TRAFFIC (ADT)

The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

BENEFICIATION

The process whereby the extracted material is reduced to particles which can be separated into mineral and waste, the former suitable for further processing or direct use. These activities are primarily mechanical, such as grinding, washing, magnetic separation, and centrifugal separation.

BUFFER AREA

A part of a property or an entire property which is specifically intended to screen and/or separate and thus minimize the effects of land use activity on adjoining uses, water bodies, and/or wildlife, including but not limited to, noise, dust, visibility, glare, on adjacent areas.

BUILDING

Any permanent structure, having one (1) or more floors and a roof, that is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUSINESS or ESTABLISHMENT

An economic unit where goods, services, and/or industrial operations are performed and exchanged for another or for money, trade, or other goods. Multiple businesses and/or establishments may be included on a single lot of land.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; amended 9-20-2022 by Order No. 22-440-01]

CAMPGROUND

Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles, or other shelters.

CANDELA

The base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation of frequency five-hundred-forty by ten to the twelve power (540×10^{12}) hertz and has a radiant intensity in that direction of one-six-hundred-eighty-third ($1/683$) watt per unit solid angle.

[Added 12-19-2017 by Order No. 17-163-01]

CHILD-CARE PROVIDER

A person or facility that has received a certificate from the Department of Health and Human Services. There are three (3) classes of child-care providers:

[Amended 8-21-2018 by Order No. 18-348-01]

- A. **FAMILY CHILD CARE** An owner-occupied residence licensed with the State of Maine that provides care and instruction for fewer than thirteen (13) children.
- B. **CHILD CARE CENTER AND NURSERY SCHOOL** A facility licensed by the State of Maine that provides care and/or instruction. There are two (2) classes of child care center and nursery school:
 - (1) Child care center or nursery school for fewer than thirteen (13) children where the licensed provider does not live on the premises.

- (2) Child care center or nursery school.

CHURCH

A place of worship, regardless of denomination.

CITY

City of Sanford.

CITY ENGINEER

Any registered professional engineer hired or retained by the City, either as staff or on a consulting basis.

CLUSTER DEVELOPMENT

A subdivision meeting the requirements of § **280-15-4**, in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

COLLECTOR

A public street or road identified in the Comprehensive Plan as a collector roadway and not defined by this chapter as an arterial, including River Street, High Street, Route 109 from the Oak Street/Bridge Street intersection to the Shapleigh town line, Riverside Avenue, William Oscar Emery Drive, North Avenue, Grammar Road, New Dam Road, Pioneer Street, Rushton Street, Hanson Ridge Road, Brook Street, June Street, Grammar Street, School Street, Emery Street, Lenox Street, Twombly Road, Berwick Road, Jagger Mill Road and Old Mill Road.

COMMERCIAL OR INDUSTRIAL ZONE

Commercial or industrial zone includes the Urban Zone, Industrial Business Zone, Industrial Reuse Zone, and the Airport Development Zone.

COMMERCIAL STREET

Streets serving industrial or commercial uses.

COMMON OPEN SPACE

Land, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public, it may include complementary structures and improvements typically used for maintenance and operation of the open space, such as for outdoor recreation.

COMMUNICATION TOWER, ALTERNATIVE

Mounting structures for telecommunications antennas, such as, but not limited to, clock towers, bell steeples, utility and light poles, stacks, water towers, and rooftop mechanical facilities, that conceal the presence of the communications antenna from view from public streets and adjacent properties and which are used primarily for purposes other than to support an antenna.

[Added 11-24-2020 by Order No. 20-149-01]

CONSERVATION EASEMENT

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

CONTAMINANT

Any substance whose concentration in surface or ground water exceeds the background level or the current public health drinking water standards for Maine or standards for aquatic toxicity, whichever is more stringent.

CONTAMINATION OF PROCESSES OR PRODUCTS

For purposes of this chapter, this term is defined in Chapter **149**: Licensing.

CONTRACTOR

A business that provides building construction or similar services on a contract basis at the client's site and in which all material or equipment storage at its place of business is contained within a building or other fully enclosed area.

CONVALESCENT, REST OR NURSING HOME

A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four (24)-hour basis, nursing care and related medical services. A convalescent, rest home or nursing home is distinct from a boarding or congregate care facility, which is separately defined in this section.

CUL-DE-SAC

A street with only one (1) outlet and having the other end for the reversal of traffic movement.

CULTIVATION

The process of planting, tending, improving, or harvesting of crops or plants, including tilling land and preparing soil.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

CURB CUT

The opening along the curblines or street right-of-way line at which point vehicles may enter or leave the street.

DEBILITATING MEDICAL CONDITION

As defined in Maine Medical Use of Marijuana Act and state administrative rules.

[Amended 2-20-2018 by Order No. 17-188-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

DENSITY

The number of dwelling units per acre of land.

DIMENSIONAL REQUIREMENTS

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

DIRECT WATERSHED OF A GREAT POND

That portion of the watershed that drains directly to a great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the Comprehensive Plan. Due to the scale of the map in the Comprehensive Plan, there may be small

inaccuracies in the delineation of watershed boundary. Where there is a dispute as to the exact location of a watershed boundary, the Planning Board, or its designee, and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide information from a registered engineer showing where the drainage divide lies.

DISABILITY

A physical or mental disability under 5 M.R.S.A. § 4553-A.

[Added 5-7-2019 by Order No. 19-258-01]

DISCHARGE

The accidental or intentional injection, dumping, spilling, leaking, incinerating, or placing of hazardous materials upon or into any land or waters.

DRINKING PLACE

A commercial establishment primarily for the sale or dispensing of liquor. It includes nightclubs, lounges, bottle clubs, and similar establishments.

DRIVE-UP WINDOW, DRIVE-UP OR DRIVE-THROUGH

A portion of a business or a structure which allows the distribution of products through an access point to serve clients in motor vehicles.

DRIVEWAY

A vehicular accessway serving two (2) or fewer dwelling units.

DWELLING UNIT

A group of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and eating.

DWELLING, MULTIFAMILY

A building used for residential occupancy by three (3) or more families, each living independently of the others in separate dwelling units.

[Amended 2-20-2018 by Order No. 17-188-01; 4-3-2018 by Order No. 18-193-01; 5-15-2018 by Order No. 18-244-01]

DWELLING, SINGLE-FAMILY DETACHED

A building used for residential occupancy by not more than one (1) family. The term shall include manufactured housing as defined in this section. Where an accessory apartment is allowed, it shall not be deemed to turn a single-family detached dwelling into a two-family dwelling.

[Amended 2-20-2018 by Order No. 17-188-01]

DWELLING, TWO-FAMILY

A building used for residential occupancy by two (2) families living independently of each other in separate dwelling units.

[Amended 2-20-2018 by Order No. 17-188-01]

EATING PLACE

A place for the serving of prepared food and beverages to the public in which most of the food is consumed on the premises and there are no specially designated takeout or drive-through facilities.

EATING PLACE, DRIVE-THROUGH

A place for the serving of prepared food and beverages to the public in which food may be obtained through the use of a drive-up/drive-through windows.

EATING PLACE, TAKEOUT

A place for the serving of prepared food and beverages to the public in which food is offered to be taken from the premises or eaten in motor vehicles.

ENCLOSED, LOCKED FACILITY, AND ENCLOSED OUTDOOR AREA

A closet, room, building, greenhouse, or other enclosed area that is equipped with locks or other security devices that permit access only by the individual authorized to grow, cultivate, process, store, and distribute marijuana in conformance with the Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

[Amended 2-20-2018 by Order No. 17-188-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

ENLARGEMENT OR EXPANSION OF A STRUCTURE

An increase of the building footprint and/or increase in the height of the structure beyond its present highest point (see definition of height for an explanation of how the highest point is determined). Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of the structures and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE

Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use. Also, please note that for a change of use, use is separately defined in this article.^[3]

ESSENTIAL SERVICE

The following facility, provided it serves primarily the City or a neighborhood or structure within the City: steam, fuel, gas, communication, internet, transportation, electric power, or water transmission or distribution lines and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; sewage lines or collection or supply systems; and associated storage tanks. Such systems may include poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories but shall not include pumping stations or transmitter towers or buildings which are necessary for the furnishing of such services. See also the definitions of public utility and transmitter tower. Essential services shall not be subject to the space and bulk standards of this chapter.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

ESTABLISHMENT

See definition of "business or establishment."

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

EXCAVATING AND GENERAL CONTRACTOR

A business that provides earth or site work or building construction services on a contract basis at the client's site and that stores construction equipment, heavy trucks, or building materials and supplies outside at its place of business.

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.

EXTRACTION

The process of extracting or synthesizing concentrates from marijuana using water, lipids, gases, solvents or other chemical processes.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

FACILITY

A place where an activity occurs.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

FAMILY

One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit. A community living facility, defined as a state-licensed housing facility for eight (8) or fewer persons in need of and receiving social services, such as but not limited to mentally handicapped or developmentally disabled persons, living as a housekeeping unit shall also be considered to house a single family.

FINAL PLAN

The final drawings on which the applicant's plan is presented to the Planning Board for approval and which, if approved, shall be recorded at the York County Registry of Deeds.

FINANCIAL INSTITUTION

A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

FIRE CHIEF

City of Sanford Fire Department's authority having jurisdiction, including his/her designee.

FIREARMS RANGE

A facility, whether indoors or outdoors, for the firing of handguns, rifles, or shotguns in a controlled and supervised environment.

FLOOR AREA

The sum of the horizontal areas of the floors of a structure enclosed by exterior walls.

FLOOR AREA RATIO

Floor area ratio or FAR is the gross floor area of all buildings and structures on a lot divided by the total lot area.

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.

FOUNDATION

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

FRESHWATER WETLAND

Area that is 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 and that are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not do not conform to the above criteria.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

FUNERAL HOMES

Building used for the preparation of the dead for burial or cremation, the storage of the dead prior to interment, and the display of the deceased, including ceremonies connected therewith before burial or cremation. Crematories shall not be included as part of a funeral home.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

GREAT POND

Any inland body of water that in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres. For the purposes of these regulations, no artificially formed or increased pond will be considered a great pond if it is completely surrounded by land held by a single owner.

GROUNDWATER

All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HAZARDOUS MATERIAL

A product or waste or combination of substances that, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a substantial present or potential hazard to human health, safety, or welfare and the natural environment. This term applies to any materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

HEALTH SERVICE FACILITY

An outpatient establishment furnishing medical services to humans, including the offices of physicians,

dentists, and other health practitioners, clinics, medical laboratories, outpatient surgery, and blood banks.

HEIGHT OF BUILDING

The vertical distance measured from the adjoining curb level to the highest point of ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; provided, however, that where buildings are set back from the street right-of-way line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

HEMP

As defined in 7 M.R.S.A. § 2231 or state administrative rules.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

HIGH-WATER MARK

That line that is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation that distinguish between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland and not the edge of the open water.

HOME OCCUPATION

An occupation conducted in a dwelling unit or accessory structure, provided that:

- A. No more than two (2) employees, or full-time equivalents, other than residents of the premises, shall be engaged in such occupation; however, no more than one (1) vehicle for employees who reside outside of the premises shall be allowed at any time; **[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]**
- B. The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- C. There shall be no change in the outside appearance of the building or premises or any visible evidence of the conduct of such home occupation other than signs in conformance with § **280-14-13E(1)** which shall not be illuminated, exceed six (6) square feet in area per street frontage, or extend more than six (6) feet above the ground. **[Amended 12-19-2017 by Order No. 17-163-01; 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]**
- D. No traffic shall be generated by such home occupation in greater volumes than would be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a single family detached dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage of the premises; **[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]**

- F. There shall be no stock-in-trade regularly maintained or any new commodity sold on the premises. Exceptions for food or food products for direct producer-to-consumer transactions as defined in the food sovereignty exemptions in Chapter **149: Licensing**; [**Amended 4-2-2019 by Order No. 18-540-01**]
- G. If the home occupation is proposed to be conducted within a residence which is not owned by the resident, the resident shall have the written consent of the property owner before commencing the home occupation;
- H. The home occupation shall undergo an initial inspection by the Code Enforcement Department and the Fire Chief to verify that the home occupation meets all applicable requirements of the City's building, electrical, fire, and other health safety and technical codes, including but not limited to Chapters **90: Building and Building Regulation** and **128: Fire Prevention**. The applicant shall request an inspection with the Code Enforcement Department and the Fire Chief a minimum of twenty-four (24) hours in advance and shall not receive a Certificate of Occupancy until after the scheduled inspection. When an inspection is conducted for a use that is sensitive to contamination of its processes or products, as identified by the operator of the home occupation, the Code Enforcement Officer and/or Fire Chief shall follow the protection from contamination protocols described in Chapter **149: Licensing**; and [**Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 11-24-2020 by Order No. 20-149-01**]
- I. The home occupation shall require an annual license from the City Council as defined in Chapter **149**. [**Added 1-21-2020 by Order No. 19-580-01; amended; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01**]
- J. The following are specifically excluded as home occupations: businesses that generate more than two (2) clients coming to the home at any single time; convalescent or nursing home, tourist home, animal hospital, restaurant, doctors' and dentists' offices, small engine repair, and automotive tune-up. [**Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01**]

HORSE SHOW

An exhibition of horses that usually includes competition in riding, driving and jumping of horses.

HOSPITAL

An institution providing health services and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

HYDRAULIC TRAVEL TIME

The amount of time it takes for a leachable material to travel through subsurface material from one point to another.

INCIDENTAL WASTE

Items which are not permitted to be accepted at material re-use facilities but which incidentally or accidentally appear in loads of otherwise acceptable materials received by the facilities. The handling of these materials will be addressed in the operations manual for the specific operation.

INFLATABLE DEVICE

Any inflatable material used as part of the outdoor advertising for a commercial use that exceeds 18 inches in any dimension.

JUNKYARD

A yard, field, or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture;
- B. Discarded, scrap and junked lumber; and
- C. 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.

KENNEL

An establishment operated as a business to house dogs or other domesticated animals and where such animals are groomed, bred, boarded, trained, or sold.

LEACHABLE MATERIAL

A substance that, when introduced into the environment, has the ability to travel through subsurface soil or unconsolidated materials.

LEVEL OF SERVICE

A description of the operating conditions a driver will experience while traveling on a particular street or highway, calculated in accordance with the provisions of the Highway Capacity Manual, 1991 Edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

LICENSED MARIJUANA PROPERTY

One of eight tracts or lots of land in existence as of December 13, 2018 and described in the property tax assessor's records as of October 2, 2018, including J30-44, R15-12B, R15-92B, R15-125, R15-126, R19-204, R19-206, and R19-307, which have been licensed by the City Council under Chapters **161**: Marijuana and 149: Licensing. The purpose of designating a licensed marijuana property is to explicitly identify properties where marijuana may be cultivated and processed and where marijuana products may be manufactured and/or sold. A marijuana retail store is allowed as a permitted use on tracts or parcels J30-44, R15-12B, and R15-126 and as a conditional use on tracts or parcels R19-204 and R19-206, which are licensed marijuana properties. Only one (1) marijuana retail store shall be allowed on each of the five (5) licensed marijuana properties where a marijuana retail store is allowed. A licensed marijuana property may include a complex, center, and/or one or more buildings, structures, or businesses. A licensed marijuana property that has not been licensed in compliance with this chapter and Chapter **149** within thirty-six (36) months of October 2, 2018 shall no longer be entitled to any vested right to develop, build, or operate a marijuana property. Marijuana properties that cease to operate and are unlicensed for more than a twelve-month period are no longer entitled to any vested right to operate a marijuana operation.

[Added 3-5-2019, amended 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01; 4-19-2022 by Order No. 22-151-01; 9-20-2022 by Order No. 22-440-01]

LOCAL STREET

A public street or road, which is not identified as an arterial or collector, or a proposed public or private street shown on an approved and recorded subdivision or private way plan.

[Amended 8-20-2019 by Order No. 19-397-01]

LODGING

An overnight accommodation with sleeping arrangements provided for a fee. For the purposes of this chapter, the following types of lodging have specific meanings:

- A. **HOTEL or MOTEL**A building or group of buildings built or converted to accommodate for a fee travelers who are staying for a limited duration. A hotel or motel may include restaurant facilities where food is prepared and meals served to its guests and other customers. A motel is distinguished from a hotel only in that the sleeping rooms of a motel are accessed from the exterior of the building or from exterior hallways, parking is typically adjacent to the sleeping rooms, and occupancy is oriented to the automobile traveler.
- B. **INN/BED-AND-BREAKFAST**A single building containing fewer than 20 sleeping rooms and built or converted to accommodate for a fee travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at large, unless restaurants (eating places) are otherwise allowed in the district.
- C. **RENTING OF ROOMS AND FURNISHING OF BOARD**The provision of not more than two (2) rooms for rent in a building of residential character, which is used principally as a single family dwelling, in which the family or person residing permanently in the home acts as proprietor and in which meals may be taken. **[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]**

LOT or PARCEL

Area of land described in a deed or depicted on a plan.

[Added 9-20-2022 by Order No. 22-440-01]

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 WIDTH

The horizontal distance between the lot lines of a lot measured along the setback line as established by this chapter or, if no setback line is established, the distance between the side lot lines measured along the front lot line.

LUMBERYARD

A business involved in milling or distribution of lumber and/or the retail or wholesale sale of lumber and building materials.

MAINE MEDICAL USE OF MARIJUANA ACT

State statute contained in Title 22 M.R.S.A. Chapter 558-C which, in combination with state administrative rules contained in 10-144 CMR Chapter 122, authorizes and provides guidance on the cultivation, production, possession, storage, distribution, and use of medical marijuana.

MAINE MEDICAL USE OF MARIJUANA RULES

State Administrative Rules contained in 10-144 CMR Chapter 122 which, in combination with the Maine Medical Use of Marijuana Act, authorizes and provides guidance on the cultivation, production, possession, storage, distribution, and use of medical marijuana.

[Amended 2-20-2018 by Order No. 17-188-01]

MANUFACTURED HOUSING UNIT

Structure, transportable in one (1) or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MANUFACTURING, LIGHT

A business engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the creation of new products, and the blending of materials, such as oils, plastics, resins, or liquors, whether new products are finished or semifinished as raw material in some other process. All production operations shall occur within a fully enclosed building or structure. See also "medical marijuana manufacturing facility."

[Added 11-24-2020 by Order No. 20-149-01]

MARGINAL ACCESS ROAD

A road or drive located outside of the road right-of-way and parallel to the roadway which provides access to multiple lots or uses.

[Amended 9-20-2022 by Order No. 22-440-01]

MARIJUANA

As defined in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate. Marijuana includes hemp as defined in 7 M.R.S.A. § 2231. Marijuana includes both adult use marijuana and medical marijuana unless otherwise specified.

[Amended 2-20-2018 by Order No. 17-188-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MARIJUANA LEGALIZATION ACT

State law contained in 7 M.R.S.A. Ch. 417 as amended.

[Added 2-20-2018 by Order No. 17-188-01]

MARIJUANA MANUFACTURING FACILITY

As defined in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

[Added 5-5-2020 by Order No. 19-874-01; amended 11-24-2020 by Order No. 20-149-01]

MARIJUANA PARAPHERNALIA

Equipment, products, or materials defined as paraphernalia in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

[Amended 2-20-2018 by Order No. 17-188-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MARIJUANA PRODUCTION FACILITY

A facility used for cultivation, processing, and/or storage of marijuana and distribution of medical marijuana located in one (1) of the eight (8) licensed marijuana properties in conformance with standards described in § **280-15-10C**, the Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate. Cultivation, processing, storage and/or distribution shall be considered a commercial use.

[Added 5-5-2020 by Order No. 19-874-01; amended 11-24-2020 by Order No. 20-149-01]

MARIJUANA RETAIL STORE

A facility located on a licensed marijuana property in a zone that allows retail sales and is licensed by the City Council to purchase adult use marijuana, immature marijuana plants, and/or seedlings from a marijuana production and/or marijuana manufacturing facility, collect and transport marijuana and/or marijuana products, immature marijuana plants, and seedlings to consumers. See licensed marijuana property.

[Added 4-19-2022 by Order No. 22-151-01]

MARIJUANA WASTE AND/OR RESIDUE

Stems, stalks, roots, and other materials used in the growth, cultivation, production, and storage of marijuana. Marijuana waste and/or residue does not include an incidental amount of marijuana or excess prepared marijuana as defined in the Maine Use of Medical Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

[Added 2-20-2018 by Order No. 17-188-01; amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; .]

MARINA

A water-dependent facility that makes available to members of the public space for berthing watercraft. The facility also may store, service, supply, and fuel watercraft and may sell boats and related equipment.

MARINE SALES AND SERVICE

A facility for the retail sale and repair of watercraft and related equipment and supplies.

MATERIALS RE-USE FACILITY

A yard, field, or other outside area used to store, dismantle, recycle, separate, or otherwise handle wood, debris, construction and demolition materials, scrap and junk lumber, and waste materials for commercial purposes. A materials re-use facility shall operate and abide by an approved operations manual reviewed and approved by the Planning Board. This use may be considered as an accessory use or may be a stand-alone business. Materials re-use facility activities shall not include acceptance of soluble solid materials, bio-degradable materials, or municipal solid waste, and does not include activities applicable to garbage dumps, solid or liquid waste dumps, burning facilities, sanitary landfills, automobile graveyards, or unlicensed junkyards as defined by Maine State statutes.

MEDICAL MARIJUANA

Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

MEDICAL MARIJUANA DISPENSARY

An entity registered under 22 M.R.S.A. § 2428 or 7 M.R.S.A. Ch. 417 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to cardholders. This land use is a subset of NAICS No. 62149.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

MEDICAL MARIJUANA HOME OCCUPATION

A home occupation that is conducted by a registered primary caregiver who resides in the dwelling as his/her primary residence in conformance with standards described in §§ **280-15-10A** and **280-15-10B** and (1) is performed within a single-family dwelling or within an accessory building to that single-family dwelling or within a unit in a multifamily structure; (2) is for the purpose of assisting one (1) or more qualifying patients with the medical use of marijuana who do not reside in the dwelling and are not family members of the primary caregiver; and (3) complies with the Maine Medical Use of Marijuana Act, the Marijuana Legalization Act, and state administrative rules, as appropriate.

[Amended 2-20-2018 by Order No. 17-188-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01.]

MEDICAL MARIJUANA HOME PRODUCTION

Growing, cultivating, processing, and/or storing medical marijuana by a medical marijuana qualifying patient or patients at his/her/their primary residence as an accessory use in conformance with standards described in § **280-15-10A** through § **280-15-10B**, the Maine Medical Use of Marijuana Act and Rules. This use shall be considered an accessory use to a legally permitted residential dwelling unit.

[Amended 2-20-2018 by Order No. 17-188-01]

MEDICAL MARIJUANA QUALIFYING PATIENT

As defined in Maine Medical Use of Marijuana Act and state administrative rules.

[Amended 2-20-2018 by Order No. 17-188-01; 5-5-2020 by Order No. 19-874-01]

MEDICAL MARIJUANA REGISTERED PRIMARY CAREGIVER

As defined in Maine Medical Use of Marijuana Act and state administrative rules.

[Amended 2-20-2018 by Order No. 17-188-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MEDICINAL AND BOTANICAL MANUFACTURING (NAICS NO. 325411)

An establishment primarily engaged in (1) manufacturing uncompounded medicinal chemicals and their derivatives (i.e., generally for use by pharmaceutical preparation manufacturers) and/or (2) grading, grinding, and milling uncompounded botanicals.

[Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

MENTAL HEALTH AND ABUSE CLINIC (NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM NO. 621420)

An establishment with medical staff primarily engaged in providing outpatient services related to the diagnosis and treatment of mental health disorders and alcohol and other substance abuse. This establishment generally treats patients who do not require inpatient treatment. It may provide a counseling staff and information regarding a wide range of mental health and substance abuse issues and/or refer

patients to more extensive treatment programs, if necessary.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

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 which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the extraction site. The operation may also involve the beneficiation of the product and the processing of both on-site and imported material. All activity and/or operations will cease to be approved with the exception of reclamation when the removal of the material is no longer active.

MISCELLANEOUS CROP FARMING (NAICS NO. 111998), INCLUDING MEDICAL MARIJUANA CULTIVATION

An establishment primarily engaged in one (1) or more of the following: (1) growing crops, except oilseeds and/or grains, vegetables and/or melons, fruits and/or tree nuts, greenhouse, nursery, and/or floriculture products, tobacco, cotton, sugarcane, hay, sugar beets, or peanuts; (2) growing a combination of crops, except a combination of oilseed and grain, and a combination of fruit and tree nuts, with no one (1) crop or family of crops accounting for one-half (1/2) of the establishment's agricultural production (i.e., value of crops for market); or (3) gathering tea or maple sap.

[Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

MIXED USE STRUCTURE, MIXED USE DEVELOPMENT

A building or structure that contains at least one (1) floor devoted to allowed nonresidential uses and at least one (1) devoted to allowed residential uses.

[Added 11-24-2020 by Order No. 20-149-01]

MOBILE HOME

A unit, single width or otherwise, which the manufacturer certifies is constructed in compliance with the State of Maine's Manufactured Housing Act and regulations, meaning a structure, transportable in one (1) or more sections, which is not constructed on a permanent chassis and is designed to be used as dwellings on permanent foundations when connected to required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MOBILE HOME PARK

A lot of land under unified ownership designed and/or used to accommodate three (3) or more manufactured housing units.

[Amended 9-20-2022 by Order No. 22-440-01]

MODULAR HOME

A unit, single width or otherwise, which the manufacturer certifies is constructed in compliance with the state's Manufactured Housing Act and regulations, meaning a structure, transportable in one (1) or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on permanent foundation when connected to required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein.

[Amended 1-21-2020 by Order No. 19-580-01; ; 4-7-2020 by Order No. 19-772-015-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MOTOR VEHICLE REPAIR FACILITY

A business which provides services to motor vehicles which involve body work, painting, engine rebuilding, or structural repairs or alterations.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MOTOR VEHICLE SALES AND SERVICE

The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers and recreation vehicles, and including repair facilities for such vehicles. Does not include vehicles defined as "power sport vehicles."

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MOTOR VEHICLE SERVICE FACILITY

A business which provides service, maintenance, and minor repairs for motor vehicles, including the accessory sale of gasoline, parts, and supplies. This use includes service stations, muffler, transmission, and brake shops, car washes, tune-up centers, and similar uses but shall not include operations involving body work, painting, engine rebuilding, or structural repairs or alterations.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

MULTIFAMILY DEVELOPMENT

A subdivision that contains three (3) or more dwelling units on land in common ownership such as apartment buildings, condominiums, or mobile home parks.

MUNICIPAL USE

A use undertaken or a building occupied by a local governmental body, agency or organization or by a quasi-municipal agency or organization carrying out a recognized public purpose.

MUSEUM

An institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

NET DEVELOPMENT AREA

The net area of a lot of land usable for determining the maximum allowable density of a site. Net development area shall be determined by subtracting the following from the gross site area:

[Amended 9-20-2022 by Order No. 22-440-01]

- A. The area located within the full width of the right-of-way of any proposed public or private street or access drive. If a right-of-way is not delineated, an area equal to a minimum fifty (50)-foot right-of-way shall be deducted.
- B. Any portion of the site which is cut off from the main portion of the site by an existing road, water body, or similar physical condition which interrupts the continuity of the site.
- C. Any land area which is regularly covered by water, including lakes, ponds, and rivers.
- D. Any land area identified as a Class 1 wetland.
- E. Any land located within utility easements or rights-of-way, if the restrictions preclude use of the land for development.

NET RESIDENTIAL DENSITY

The total number of dwelling units permitted per forty-thousand (40,000) square feet of net development area.

NEWER MOBILE HOMES

Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections which, in the traveling mode, are fourteen (14) body feet or more in width and are seven-hundred-fifty (750) square feet or more, which are built on a permanent chassis and designed to be used as dwellings when connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems contained therein, and which has a pitched roof and exterior siding which is residential in appearance and is located on a permanent foundation.

- A. **ALL OTHER MOBILE HOMES** All other mobile homes and trailers are terms that may be used interchangeably and mean any factory-built home which fails to meet the definition of "modular home" or "mobile home." It shall include any mobile home constructed prior to June 15, 1976, and mobile homes constructed after that date which do not have pitched, shingled roofs and exterior siding that is residential in appearance.

NONCONFORMING BUILDING OR STRUCTURE

A structure that does not meet one (1) or more of the following dimensional requirements: the minimum setback, maximum lot coverage, or maximum height standards of the zone in which it is located. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING LOT

A single lot of record which, at the effective date of this chapter, does not meet the lot area, frontage, or width requirements of the zone in which it is located.

NONCONFORMING USE

Use of buildings, structures, premises, land or parts thereof which is not permitted in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect and, if established after 1953, which has been issued a valid certificate of occupancy.

NONPROFIT CLUB OR LODGE

Facility for a nonprofit social and fraternal organization, including accessory facilities for use as meeting rooms, function halls, and similar uses that may be rented to outside users.

[Amended 11-24-2020 by Order No. 20-149-01]

NONPROFIT SERVICE ORGANIZATION

A nonprofit organization which provides and promotes sports facilities with a broad range of programs such as sports and games, personal fitness, child care, adult day services, overnight camping, employment readiness programs, conference centers and educational activities.

[Amended 8-21-2018 by Order No. 18-348-01]

NONRESIDENTIAL FACILITY FOR EDUCATIONAL, SCIENTIFIC AND NATURE INTERPRETATION PURPOSES

A structure containing not more than five-hundred (500) square feet of total floor area associated with a natural, historic, or similar resource to provide information about the resource.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM, 2002 (NAICS)

A numerical identification system developed to provide a consistent framework for the collection, analysis and dissemination of industrial statistics used by government policy analysts, academics and researchers, the business community, and public. NAICS provides a definition for activities that are not single family and two (2) family residential uses.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

OBSTRUCTION TO AIR NAVIGATION

Any structure, growth or other object, including a mobile object, which exceeds a limiting height as set forth in § **280-11-10B**.

OFFICE, BUSINESS

A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place but where no consumer retail services are performed. This shall include businesses involved in real estate sales and management, insurance sales, and similar activities not involving the sale of physical products on the premises.

[Added 11-24-2020 by Order No. 20-149-01]

OFFICE, MENTAL HEALTH PRACTITIONER

(North American Industry Classification System No. 621330) The office of independent mental health practitioners engaged in the diagnosis and treatment of mental, emotional, and behavioral disorders and/or the diagnosis and treatment of individual or group social dysfunction brought about by such causes as mental illness, alcohol and substance abuse, physical and emotional trauma, or stress. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or HMO medical centers. No medications shall be directly disbursed at the office, although prescriptions to be filled at another location shall be allowed.

[Added 1-19-2021 by Order No. 20-206-01]

OFFICE, PROFESSIONAL

The office of a person engaged in architecture, engineering, law, medicine, dentistry, or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, or its equivalency, and also possessing evidence of professional capability, such as membership in a professional society.

[Added 11-24-2020 by Order No. 20-149-01]

ONE-HUNDRED (100) YEAR FLOOD

The highest level of flooding that, on the average, has a one percent (1%) chance of occurring in any given year.

[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

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 cross-country ski centers, ball fields, parks and playgrounds, livery, and ski tows, provided they fulfill state and City public health requirements, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

OUTPATIENT ADDICTION TREATMENT CLINIC (NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM NO. 621420)

A program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling, alcohol or controlled-substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

PARKING DEMAND MANAGEMENT PROGRAMS

Parking demand management programs are a layer of policies, programs, information, services, and tools that together constitute comprehensive management strategies focused on changing or reducing parking demand. Parking demand management programs encourage widespread use of options that may include, but not be limited to, ridesharing, car and/or van pools, bicycling, walking, telecommuting and/or alternative work schedules, flex hours, staggered shifts, job sharing, removing subsidies/adding costs for parking, as alternatives to driving alone, which requires a greater number of parking spaces to accommodate workers and exacerbates the demand for parking during peak work hours, times, or special events. With the right incentives, or disincentives, employees and visitors to facilities that employ a parking demand management program may be influenced to use transportation systems in a way that contributes to less parking demand.

PARKING FACILITY, COMMERCIAL

A facility for the parking of licensed motor vehicles for a fee or to serve another use that is not located on the same lot.

[Added 11-24-2020 by Order No. 20-149-01; amended 9-20-2022 by Order No. 22-440-01]

PERSON

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

PETROLEUM

Oil, gasoline, petroleum products and by-products, and all other hydrocarbons which are liquefied under normal atmospheric conditions.

PLANNING DIRECTOR

The staff person responsible for the management of the Department of Planning and Development, his/her designee, or other person designated by the City Council to be responsible for development review.

PORCH

A roofed or unroofed open structure projecting from a building. A porch for the purpose of this chapter is considered part of a building and may not project into any required yard.

POWER SPORT VEHICLES SALES AND SERVICE

This activity refers to the sales and/or repair of motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles (ATVs), personal watercraft, snowmobiles and/or powered golf carts. The activity is limited to structures with a gross footprint, including attached porches and patios, no larger than five-thousand (5,000) square feet and an unattached outdoor display area of one-thousand (1,000) square feet. The use of the unattached outdoor display area is limited to hours when the facility is open for business.

PREMISES

A lot or tract of land, or a combination of contiguous lots and/or tracts of land which is under single ownership as reflected in the City's assessing records.

[Added 12-19-2017 by Order No. 17-163-01; amended 9-20-2022 by Order No. 22-440-01]

PREPARED MARIJUANA

As defined in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

[Amended 2-20-2018 by Order No. 17-188-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

PRIMARY RESIDENCE

An individual's main residence or dwelling where he or she usually lives, typically a house or a unit in a multifamily structure. A individual can only have one (1) primary residence at a given time, though he or she may share the residence with other individuals.

[Amended 2-20-2018 by Order No. 17-188-01]

PRINCIPAL DWELLING STRUCTURE

A residential structure having one or more dwelling units which abides by all zoning regulations and may have an accessory structure on the same premises. [Added 1/16/2024 City Council Order No. 23-516-01]

PRINCIPAL STRUCTURE

A building other than one (1) which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE

A use other than one (1) which is wholly incidental or accessory to another use on the same premises.

PRIVATE WAY

A minor street meeting the requirements of Article **XVI**: Site Plan Review.

PROCESSING

A series of operations, usually in a continuous and regular or succession of actions, taking place or carried on in a definite manner. For the purposes of this chapter, processing does not include the chemical transformation of materials or substances into new products or the blending and combining of gases and liquids. Manufacturing is considered a separate use.

[Added 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01]

PROFESSIONAL ENGINEER

A professional engineer registered in the State of Maine.

PROPOSED LOCAL STREET

See definition of "local street."

[Added 1-21-2020 by Order No. 19-580-01; amended 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

PUBLIC UTILITY

A private organization, subject to governmental regulation, that provides an essential service or commodity, such as water, electricity, transportation, communication, or Internet to the public and which is intended to serve primarily populations or activities outside of the City. This term also includes buildings and pumping stations which are necessary for the furnishing of essential services, as defined in this chapter, whether local or greater in scope.

PUBLIC WATER SYSTEM

A water supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for a least thirty (30) days a year.

RECHARGE AREA

Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

RECORD DRAWINGS

Scaled, detailed drawings of the proposed, completed or encountered existing infrastructure within a public right-of-way or easement. The plans shall be prepared and organized in a form that is consistent with the design plans submitted for Planning Board during the review process or engineering review by the City Engineer. The plans shall be drawn and noted with field measurements, i.e., three (3)-way ties, made by the contractor installing the infrastructure. The plans shall note the infrastructure materials, widths, diameters, elevations, service connection locations at the main and the right-of-way line, ledge profile, permanent reference benchmark, and other appropriate data necessary to show the completed or encountered existing infrastructure. The record drawing plan set shall include a copy of the signed plan.

RECORDING PLAN

An original of the final plan, suitable for recording at the York County Registry of Deeds, that shows only information relevant to the transfer of an interest in the property and which does not show other information presented on the plan, including but not limited to sewer and water line locations and sizes, culverts, and building line.

RECREATION, FOR-PROFIT NONMOTORIZED OUTDOOR

A commercial facility that provides recreational opportunities that do not involve motorized vehicles or amusements, such as tennis clubs, riding stables, and similar uses.

[Added 11-24-2020 by Order No. 20-149-01]

RECREATION, FULLY ENCLOSED PLACE OF

A place enclosed by walls, roof, and floor, designed and equipped for the conduct of indoor sports, leisure time activities, and other customary and usual recreational activities, and operated by an entity other than a unit of government. These include, by way of example only, skating rinks, gymnasiums, bowling alleys, video arcades, and the like.

[Added 11-24-2020 by Order No. 20-149-01]

REPAIR SERVICES

Businesses providing for the repair of personal and business property, such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; small engines and equipment; and similar items but not including the repair of motor vehicles, boats, or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

REPAIRS

Activities intended to restore an existing building or structure to a sound condition without changing the size or use of the building or structure. Repairs do not include:

- A. An enlargement of the building or structure.
- B. The enclosing of decks, porches, and similar areas.
- C. The reconstruction of a building or structure which has been damaged, destroyed, or removed.
- D. The modification of structural elements of the building or structure unless required to comply with code requirements.

RESEARCH AND DEVELOPMENT FACILITY

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

[Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

RESIDENTIAL CARE OR CONGREGATE CARE FACILITIES

Residential facilities which provide lodging and shared community space to their occupants. These types of facilities may or may not provide medical care or supervision and house residents who are capable of living independently. These facilities may consist of either:

- A. Individual dwelling units with full facilities for cooking; or
- B. Residential units which do not have their own cooking facilities.

RESIDENTIAL ZONE

Residential zone includes the Single Family Residential Zone and the Residential Development Zone.

RETAIL STORE

An establishment that sells goods or commodities directly to the consumer or other end user. For the purposes of this chapter, the term "retail store" shall include sales rooms or showrooms but not yard sales, motor vehicle sales, either new or used, gas stations, or eating places.

RETAIL STORES, LIMITED

Retail store with five-thousand (5,000) square feet or less of gross floor area, including sales, storage, and support areas but excluding yard sales as defined in this chapter.

RURAL ZONES

Rural zones include the Rural Residential Zone and Rural Mixed Use Zone.

SCHOOL, COMMERCIAL

A business which provides instruction or training in vocational, recreational, or athletic areas, including but not limited to business or computer institutes, martial arts studios, schools for dance, music, riding, gymnastics, photography, driving, craft schools and trade schools.

[Added 11-24-2020 by Order No. 20-149-01]

SERVICE, BUSINESS

An activity that supplies a direct service to businesses, including by way of example, advertising, credit reporting and collection, mailing and reproduction, care of buildings, personnel supply, computer and data processing, market research, and management and public relations.

[Added 11-24-2020 by Order No. 20-149-01]

SERVICE, PERSONAL

Establishments primarily engaged in providing services involving the nonmedical care of a person or of his or her apparel, as exemplified by beauty shops, barbershops, shoe repair, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

[Added 11-24-2020 by Order No. 20-149-01]

SERVICE ORGANIZATION, NONPROFIT

A nonprofit organization which provides and promotes sports facilities with a broad range of programs such as sports and games, personal fitness, child care, adult day services, overnight camping, employment readiness programs, conference centers and educational activities.

[Added 11-24-2020 by Order No. 20-149-01]

SETBACK, FRONT

An open area extending the entire width of a lot from lot side line to lot side line and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward. In the case of a corner lot that abuts two (2) or more streets, a front setback shall be maintained adjacent to each street right-of-way. Where the required setback is based upon a uniform setback relationship, a building on a corner lot shall maintain the established setback relationship on all streets where such a relationship exists.

SETBACK, REAR

An open area extending the entire width of a lot from lot side line to lot side line and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE

An open area extending along each side line of a lot between the front setback and the rear setback on such lot and extending at a right angle from the side lines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward. In the case of a corner lot, a side setback shall be maintained along any lot line that is not a street right-of-way.

SIGHT DISTANCE

The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. It is used in these regulations as a reference for unobstructed road visibility.

SIGN

Any object, device, plaque, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Sign does not include the flag or emblem of any organization or nation, state, city, or religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. A sign may be temporary or permanently installed.

[Amended 12-19-2017 by Order No. 17-163-01; 12-3-2019 by Order No. 19-540-01]

- A. **ABANDONED SIGN** A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of more than one (1) year or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding three-hundred-sixty-five (365) days. Such abandonment includes intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.
- B. **AWNING SIGN** A building mounted sign that provides additional functionality as shelter. An awning or canopy which contains lettering or other commercial identification shall be considered to be a sign. That portion of the awning or canopy bearing the commercial message shall be counted as a sign face in calculating cumulative sign area.
- C. **BANNER** A sign made of fabric or other non-rigid material with no enclosing framework. A banner includes a vertical banner erected on a pole. A banner is one type of temporary sign.

- D. **BUILDING SIGN** Any wall sign, projecting sign, suspended sign, awning sign, any sign painted on a wall surface, or any sign attached to an exterior part of a building. Interior window displays, such as products or other items on display, are not considered building signs and are not included in the maximum calculation of cumulative sign area.
- E. **CUMULATIVE SIGN AREA** See "sign area."
- F. **DISPLAY** That portion of the surface area of a changeable sign that is, is designed to be, or is capable of being periodically altered for the purpose of conveying a message.
- G. **ELECTRONIC AND CHANGEABLE DISPLAYS** An on the premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the substitution or replacement of one (1) display by another. This definition includes time and temperature signs.
- H. **FREESTANDING SIGN** A sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
- I. **GRAPHIC** A sign which is an integral part of a building facade and/or window. The sign shall be painted directly on, carved in, or otherwise permanently embedded in the facade and/or window.
- J. **INTERNALLY ILLUMINATED SIGN** A sign that has the light source enclosed within it so the source is not visible to the eye.
- K. **MOVING SIGN** A sign which has moving parts or is lit in such a manner as to flash including, but not limited to, inflatable devices designed for movement by the wind or mechanical means.
- L. **NONCONFORMING SIGN** Any sign that does not conform to all or part of the provisions of this chapter and was in existence and maintained and was lawfully erected, altered, or displayed prior to December 3, 2019.
- M. **OFF THE PREMISES SIGN** A sign located on a premises other than the location at which the business or activity is located, an official business directional sign, a sign which is part of a publicly erected informational board or center.
- N. **OFFICIAL BUSINESS DIRECTIONAL SIGN** Any sign, approved, erected, altered, displayed, or maintained by the City or the State to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, or religious interest.
- O. **ON THE PREMISES SIGN** A sign erected and maintained on the property on which the business, facility, or point of interest advertised by the sign is located.
- P. **PROJECTING SIGN** A sign which is attached to and projects from a structure or building face. The sign face of a double-faced projecting sign is calculated by measuring one (1) face of the sign only.
- Q. **PUBLIC SAFETY SIGN** A sign that is erected by a governmental body which is necessary for the public safety and welfare or as required by law, ordinance, or government regulation.
- R. **SANDWICH BOARD SIGN** A self-supporting, freestanding sign located on the sidewalk or in the esplanade directly in front of the business advertised.

- S. **SUSPENDED SIGN** A sign hanging from a marquee, awning, or porch.
- T. **TEMPORARY SIGN** A sign not permanently attached to the ground or a permanent structure or a sign designed to be transported including, but not limited to, signs on A- or T-frames, sandwich board signs, inflatable signs, or large scale tethered balloons.
- U. **WINDOW SIGN** A sign that is painted on, permanently or temporarily attached to, or suspended directly inside a window or the glass portion of a door.

SIGN AREA

The entire surface area of the sign, not including the supporting structure or bracing of the sign unless the supporting structure or bracing is made part of the sign. Where a sign has two (2) faces back to back, the area of only one (1) face shall be considered part of the cumulative sign area. When a sign has more than one (1) face, all areas which can be viewed simultaneously shall be considered the cumulative sign area. When a sign provides no border or frame, the sign area shall be the areas of the smallest rectangle which encompasses all characters and elements of the sign area.

[Added 12-19-2017 by Order No. 17-163-01; 12-3-2019 by Order No. 19-540-01]

SMALL-SCALE MOTOR VEHICLE SERVICE, REPAIR OR SALES FACILITY

A use that involves a motor vehicle service facility, a motor vehicle repair facility, and/or motor vehicle sales and service that involves a building or structure of two-thousand (2,000) square feet or less of gross floor area and the exterior storage or display of fewer than ten (10) vehicles. Does not include vehicles defined as power sport vehicles.

SOLAR ENERGY SYSTEM

A solar collection system used to capture, convert, and supply electrical energy or thermal power, and consisting of one (1) or more freestanding, ground, roof, or wall mounted, solar arrays or modules, or solar related equipment, intended to reduce consumption of utility and/or fuel-generated power.

[Added 3-7-2017 by Order No. 17-31.07; amended 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

- A. **RESIDENTIAL SOLAR SYSTEM (RSS)** Intended for residential uses, an RSS may be up to two-thousand (2,000) square feet in surface area with a rated nameplate capacity of up to twenty (20) kilowatts (kW).
- B. **COMMERCIAL SOLAR SYSTEM (CSS)** Intended for a multifamily dwelling, multifamily dwelling above the ground floor of a mixed use development, mobile home park, convalescent, rest, or nursing home, residential care or congregate care facility, institutional use, recreational use, commercial or industrial use, or rural use, a CSS may be up to twenty thousand (20,000) square feet in surface area with a rated nameplate capacity of up to two-hundred-fifty (250) kilowatts (kW) The Planning Board may waive the size limits for surface area and nameplate capacity if the applicant demonstrates to the Board's satisfaction that the additional surface area and/or nameplate capacity is needed to meet the energy requirements for intended onsite use.
- C. **UTILITY SOLAR SYSTEM (USS)** Intended for off-site utility grid use, a USS is larger than twenty-thousand (20,000) square feet in surface area with no limit on the rated nameplate capacity.

STAFF

For the purposes of this chapter, staff shall consist of the City's Code Enforcement Officer, City Engineer,

Assistant City Engineer, Planning Director, and any other professional identified by the Planning Board for the purposes of reviewing land use applications.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it. A basement shall be counted as a story for the purpose of height measurement where more than one-half (1/2) of its height is above the ground. A half story is a story with at least two (2) of its opposite walls situated in a sloping roof, the floor area of which as measured four (4) feet above the floor level does not exceed two-thirds (2/3) of the floor immediately below it.

STREET

- A. A public way laid out and established by the State of Maine or York County;
- B. A public way accepted by the City;
- C. A way shown on a plan of a subdivision approved by the Planning Board; or
- D. A private way approved by the Planning Board in accordance with the provisions of Article **XVI**.

STREET FRONTAGE

The distance between the side lines of a lot as measured along the front lot line at the street right-of-way limits.

STRUCTURAL ALTERATION

Any exterior change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE

Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, road, path, or trail.

STUDIO OF ARTISANS

A building or portion of a building used as a place of work by an artist, photographer, or person similarly skilled in the production of a particular product. Unless otherwise indicated, a studio may include the retail sale of items produced on the premises.

SUBDIVISION

For purposes of this chapter, this term is defined in 30-A M.R.S.A. § 4401

SUBDIVISION, MAJOR

Any subdivision containing ten (10) or more lots or dwelling units or any subdivision requiring any new street or municipal facilities.

SUBDIVISION, MINOR

Any subdivision containing nine (9) or fewer lots or dwelling units. All lots shall be located on an existing accepted public street, and no new public services or extensions of municipal facilities shall be required.

TESTING FACILITY

A business, whether within another business, or freestanding, whose primary purpose is the chemical, biological, electronic, or mechanical analysis or testing of products for conformance to industrial

specifications or to public regulations. Such businesses include, but are not limited to assaying automobile and emissions testing, calibration and certification, food testing, medical testing, and marijuana testing that operates in conformance with Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate. A testing facility within a building primarily devoted to manufacturing shall be considered accessory to the manufacturing.

[Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]

TIMBER HARVESTING

The cutting and removal of trees from their growing site and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and haul roads.

TRACT OR LOT OF LAND

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

[Amended 9-20-2022 by Order No. 22-440-01]

TRADESMAN

An establishment occupied by a craftsperson or a person in a skilled trade, including, by way of example only, plumbing, carpentry, or electrical work. The term also shall include establishments engaged in the repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include work space, storage space, and office space but may not exceed two-thousand (2,000) square feet of total floor area.

TRANSMITTER TOWER

A facility for the location of telecommunications antennas and/or Internet equipment. This includes radio, radar, television, cellular telephone, or radio-telephone transmitting, repeating or broadcasting towers and necessary accessory structures but not studios or offices for such activities.

TRAVELED WAY

That part of the street used for the movement of vehicles and/or pedestrians, including the part of the street reserved for vehicles, sidewalks, and bicycle and parking lanes.

[Added 12-19-2017 by Order No. 17-163-01]

TRUCKING AND DISTRIBUTION FACILITIES

Facilities for the short-term storage and transshipment of materials or goods, including common carriers, oil terminals, moving companies, and similar operations.

UNIFORM SETBACK RELATIONSHIP FOR A LOT

The average of the setbacks of nine (9) lots, two (2) on either side of the subject lot and five (5) on the opposite side of the street from the lot, or the number of existing lots on each side of the subject lot, all located on the same block, whichever is less. If one (1) or more of the nine (9) lots are undeveloped, it shall not be included in calculation. Furthermore, if the setback of one (1) of the nine (9) lots is greater than the average setback of the other lots, it shall not be included in the calculation.

[Amended 9-20-2022 by Order No. 22-440-01]

USE

The purpose for which land or a building is arranged, designed, or intended or for which either land or a building is or may be occupied or maintained.

VARIANCE

A relaxation of the terms of this chapter where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of the variance are undue hardship and unique physical circumstances applying to the property.

VEGETATION

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

VETERINARY CLINIC/GROOMING

A facility where animals or pets are given medical or surgical treatment or where animals and pets are groomed and in which the boarding of animals is short term and incidental to the medical care or grooming.

WAREHOUSE, MINI STORAGE

Any self-storage building housing individual storage units or lockers, each of which is accessible through a private entrance and rented to the public for storage of personal or business belongings.

[Added 11-24-2020 by Order No. 20-149-01]

WELL FIELD

A tract of land which contains a number of existing or proposed wells for supplying water.

WELLHEAD

The specific location of a well and/or any structure built over or extending from a well.

WHOLESALE SALES

Trade that involves the sale of merchandise, in bulk or large quantities, to retailers for resale or to industrial, commercial, or institutional users.

WILDLIFE HABITAT

Areas identified by a governmental agency, such as the Maine Department of Inland Fisheries and Wildlife, as having significant value as habitat for birds or animals.

YARD SALE

The sale of tangible personal property from any given lot, whether conducted indoors or outdoors, and occurring not more than four (4) calendar days in a calendar year. Activities occurring more than four (4) calendar days in one (1) calendar year are considered a retail store or limited retail store as defined in this chapter. "Yard sale" shall include the term "garage sale," "barn sale," "lawn sale," "rummage sale" or "moving sale" or other such similar sales or activities.

YARD, FRONT

An open space extending the entire width of a lot from lot side line to lot side line and extending in depth at a right angle from the street boundary of such lot to such depth as specified. Such front yard is unoccupied and unobstructed by any building from the ground upward.

YARD, REAR

An open space extending the entire width of a lot from side line to side line and extending at a right angle from the rear line of such lot such depth as specified. Such rear yard is unoccupied and unobstructed by any building from the ground upward.

YARD, SIDE

An open space extending along each side line of a lot between the front yard and the rear yard on such lot and extending at a right angle from the side line of such lot to such depth as specified. Such side yard is unoccupied and unobstructed by any building from the ground upward.

Article 15, section 13: Accessory apartment Amended: 1/16/2024 City Council Order No. 23-516-01

Article XV Performance Standards

§ 280-15-13 ~~Accessory apartment~~ Accessory Dwelling Units (ADUs).

[Added 12-3-2019 by Order No. 19-168-01] [Added 1/16/2024 Order No. 23-516-01]

- A. Purpose. The purpose of these provisions are to regulate the construction of Accessory Dwelling Units (ADUs), to assist in meeting the stated Housing Goals of the Maine Department of Economic and Community Development, and to provide the residents of Sanford alternative housing options.**
- B. Applicability.**
- (1) ADUs shall be allowed in any zone which allows residential uses.**
 - (2) Unless specified in 280-15-13, the ADU shall conform to the standards of the zone in which it is located.**
 - (3) Unless specified in 280-15-13, all regulations pertaining to overlay zones affecting the subject parcel shall also apply to the ADU.**
 - (4) The creation of an ADU within a pre-existing nonconforming structure is permitted provided that it does not increase the nonconformity of the structure and meets all other standards of this chapter.**
 - (5) All ADUs shall conform to Chapter 265: Floodplain Management, Chapter 270: Shoreland Zoning, and Chapter 275: Subdivision of Land.**
 - (6) The Code Enforcement Officer, with concurrence of the Planning Director, shall find that an ADU conforms to the standards of 280-15-13. The Code Enforcement Officer may elevate the**

review of ADU application based on the size or complexity of the project, in conformance with 280-16-5.

C. Standards.

- (1) Growth Zone. Within the Growth Zone of the City's Comprehensive Plan on record at the time of application, there shall be allowed up to two (2) ADUs on a parcel. For all other parcels there shall be allowed one (1) ADU per parcel.
- (2) Configuration. An ADU may be created in any of the following ways:
 - (a) Using space within the interior of an existing dwelling;
 - (b) Building an addition onto an existing dwelling such that the addition is made part of the principal structure or is attached to the principal structure by a breezeway not exceeding twenty (20) feet in length; or,
 - (c) Building a new detached structure or renovating an existing free standing structure.
- (3) Principal dwelling structure. An ADU must be constructed in reference to a principal dwelling structure located on the same lot or parcel. A principal dwelling structure may be any of the following:
 - (a) a single family dwelling;
 - (b) a two family dwelling; or,
 - (c) a multifamily dwelling having less than five individual dwelling units.
- (4) Size. In no case shall an ADU occupy more than forty percent (40%) of the living area of the principal dwelling structure or one-thousand (1,000) square feet, whichever is greater, or have more than three (3) bedrooms.
- (5) Density. An ADU shall not be counted as a unit when calculating units per acre.
- (6) Parking. There are no off-street parking requirements for an ADU. If parking spaces are designated, they shall be provided in conformance with 280-14-12.
- (7) Ownership. The principal dwelling structure and the accessory dwelling unit(s) shall be in the same ownership. An ADU shall not be sold separately from the principal dwelling structure.
- (8) Owner Occupancy. The owner of the property shall occupy either the principal dwelling structure or the ADU. An applicant shall submit a written statement indicating which unit will be owner occupied to the Code Enforcement Officer. Continued occupancy of an ADU upon sale or transfer of the property shall be conditioned on the new owner agreeing to the owner occupancy requirement.
- (9) Buffering. If an addition or new construction is proposed, the orientation of an ADU shall, to the maximum extent practical, maintain the privacy of residents in abutting properties as determined by the physical characteristics surrounding the ADU, including but not limited to

landscaping, screening, fencing, and window and door placement. The Code Enforcement Officer may require additional landscaping or buffering to preserve privacy of abutting residential properties. If the applicant disagrees with the Code Enforcement Officer's requirement for additional landscaping or buffering, he or she may request that the proposal be reviewed by the Planning Board.

Accessory apartments accessory to a single family residential use shall be allowed as shown on the Table of Land Uses and in conformance with the following standards:

- A. ~~An accessory apartment shall only be created when the single family character of the principal dwelling and property are maintained and shall only be created in one (1) of the following ways:~~
- ~~(1) Using space within the interior of an existing dwelling;~~
 - ~~(2) Building an addition onto an existing single family dwelling such that the addition is made part of the principal structure or is attached to the principal structure by a breezeway not exceeding twenty (20) feet in length; or~~
 - ~~(3) Building a new detached structure or renovating an existing free standing structure.~~
- B. ~~An applicant shall submit the following information to the Code Enforcement Officer;~~
- ~~(1) A statement indicating that only one (1) unit will be rented.~~
- C. ~~The Code Enforcement Officer, with concurrence of the Planning Director, shall find that an accessory apartment conforms to the following standards. The Code Enforcement Officer may ask the Planning Board to review the request and make the determination if he or she finds that the scale or complexity of the proposal or other elements warrant review by the Board.~~
- ~~(1) The owner of the property shall occupy either the principal dwelling unit or the accessory apartment.~~
 - ~~(2) The single family dwelling and the accessory apartment shall be in the same ownership. An accessory apartment shall not be sold separately from the principal dwelling unit. Continued occupancy of an accessory apartment upon sale or transfer of the property shall be conditioned on the new owner agreeing to the owner occupancy requirement.~~
 - ~~(3) One (1) accessory apartment is permitted per lot. [Amended 9-20-2022 by Order No. 22-440-01]~~
 - ~~(4) When creation of an accessory apartment changes the footprint of the structure, the addition shall conform to all space and bulk standards, except for density, in the zoning district where the property is located. An accessory apartment shall not be counted as a unit when calculating units per acre. The creation of an accessory apartment within a lawfully nonconforming structure is permitted provided that it does not increase the nonconformity of the structure and meets all other relevant standards of this chapter. [Amended 9-20-2022 by Order No. 22-440-01]~~
 - ~~(5) If an addition or new construction is proposed or existing exterior features are proposed to be altered to accommodate an accessory apartment, the applicant shall document the proposed alterations, including but not limited to facade materials, building form, roof pitch and materials, and the placement of exterior doors and windows. The exterior features shall be designed to be compatible with the architectural style of the principal dwelling and shall preserve the single family appearance of the property. If the entrance to an accessory apartment is not the same as that for the~~

~~principal dwelling unit, it shall be less visible from the street view than the main entrance of the principal dwelling unit and the front entrance for the principal dwelling shall be more dominant in appearance.~~

~~(6) If an addition or new construction is proposed, the orientation of an accessory apartment shall, to the maximum extent practical, maintain the privacy of residents in abutting properties as determined by the physical characteristics surrounding the accessory apartment, including but not limited to landscaping, screening, fencing, and window and door placement. The Code Enforcement Officer may require additional landscaping or buffering to preserve privacy of abutting residential properties and the single family character of the neighborhood. If the applicant disagrees with the Code Enforcement Officer's requirement for additional landscaping or buffering, he or she may request that the proposal be reviewed by the Planning Board.~~

~~(7) In no case shall an accessory apartment occupy more than forty percent (40%) of the living area of the principal dwelling unit or one thousand (1,000) square feet, whichever is less, or have more than three (3) bedrooms.~~

~~(8) Parking may be in stacked layout and shall meet the minimum standards of this chapter, including § ~~280-15-13C(6)~~. The location and amount of new impervious cover and parking shall be sized and situated so as to be compatible with adjacent properties and maintain the single family character of the neighborhood. If more than two (2) new parking spaces are proposed, the application shall require approval by the Planning Board under the standards in § ~~280-15-13~~.~~