



### 3 DEFINITIONS

**Accessory dwelling unit.** A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.

**Adult business establishment.** Any business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

- A. Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in Chapter 4 of the City of Portland Code of Ordinances; or
- B. Customarily, meaning more often than an average of one calendar week during any calendar month of operation, exhibits motion pictures or displays any other visual representation described or advertised as being “X rated” or “for adults only,” or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or
- C. Is adjudged to be in violation of 17 M.R.S. §§ 2911, 2912.

**Affordable housing.** Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household’s income, or other amount established in City regulations that does not vary significantly from this amount.

**After-hours entertainment license.** Any of the music, dancing, and special entertainment licenses required or authorized by Chapter 4, Article III of the City of Portland Code of Ordinances.

**Agriculture.** ~~The practice of farming, including the cultivation of the soil and associated structures used for the growing of crops and rearing/raising of domesticated animals to provide food and other products— for sale, personal consumption, donation, and/or educational purposes.~~ Agriculture ~~may include nurseries, greenhouses, and truck gardens, provided~~ includes single-family dwellings and any additional dwellings that ~~there is no sale of products not produced~~ are accessory to the principal use of agriculture. Agriculture also includes farmstands used to sell crops grown on the premises.

**Airport.** Land, water, or any human-made object or facility located thereon, which is used or intended to be used for landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airports may include airport administration, terminals, carrier operations, concessions, reservations and ticket sales, freight, repair and storage, fueling services, flying schools, car rental operations, and other associated uses.

**Airport restricted access areas.** Runways, taxiways, and other areas of ~~the Jetport~~ an airport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not.

**Alley.** Any way designed primarily for vehicular and pedestrian or utility access to the back or side of

premises otherwise abutting on a street, except driveways unless officially designated otherwise.

**Animal-related services.** Establishments principally for the training or boarding of animals. Such uses shall not include veterinary services.

**Approval.** An affirmative decision on an application, including an approval with conditions.

**Appurtenance.** A device or structure not designed for human occupancy and attached to the exterior of a building.

**Area of special flood hazard.** The land in the flood plain having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.

**Auto service station.** A business selling ~~gasoline, diesel, or fuel for vehicles and propane fuel, or~~ providing services specific to charging electric vehicles, or providing motor vehicle repairs including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities. Such businesses may also include car-washes and/or vacuums.

~~**Back office use.** An office-related use with minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.~~

**Bar.** Any establishment required to be licensed to sell alcoholic beverages for on-premises

consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

**Base flood.** The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).

**Bed and breakfast.** A ~~building~~detached dwelling that contains ~~between two and no more than~~ nine guest rooms; is used to provide or offer overnight ~~accommodations~~accommodation for transient guests; has an owner, manager, or operator living in the building as a permanent resident; does not provide cooking facilities in any of the guest rooms; and does not provide meals other than breakfast, which shall be offered only to overnight guests.

~~**Blasting operations.** The use of explosives for purposes of breaking up and removing soil, rock, and ledge, related to construction and development of real estate within the city.~~

**Beverage container redemption center.** A facility established with the primary purpose of accepting empty beverage containers from consumers and paying or otherwise providing the refund value of such containers.

**Building.** A roofed and walled structure built for permanent use.

**Building, accessory.** A detached roofed and walled structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.



**Building addition.** Any increase to footprint, floor area, or volume of an existing building.

**Building alteration.** A change or rearrangement in the structural supports, exterior appearance, or ~~removing from or~~ removal of features otherwise affecting the exterior appearance of a building.

**Buildings, attached.** Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.

**Building, principal.** The main roofed and walled structure on a lot having the predominant area, extent, and/or use. A lot may have more than one principal building. When a garage is attached to the principal building in a substantial manner as by an enclosed area with roof or common wall, it shall be considered as a part of the principal building.

~~Clinics.~~ **Child care center.** Per 22 M.R.S. §8301-A(1-A)(A), a child care center is a house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

**Child care facility, small.** Per 22 M.R.S. §8301-A(1-A)(E), a small child care facility is a house or other place, not the residence of the operator, in which a person maintains or otherwise carries out a regularly scheduled program, for any part of a day,

providing care and protection for 3 to 12 children between 6 weeks and 12 years of age.

**Clinic.** Any establishment where patients are examined and treated by one or more health care providers, such as, but not limited to, physicians, dentists, psychologists, or social workers. Clinics may include laboratory services and facilities for ambulatory or outpatient surgical procedures.

**Coastal high hazard area.** The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1 30.

**Coastal wetland.** All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**Commercial vessel.** Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.

~~Common areas.~~ Portions of a lodging house which are available for use by all residents of the lodging house. Common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved

~~basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as common areas.~~

**Communication studio.** A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

**Community hall.** A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. A community hall may also be referred to as a neighborhood center.

**Condominium.** Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560 et seq., or its equivalent, as it may from time to time be amended.

~~**Congregate care facility.** A residential development intended to facilitate aging in place that includes individual dwelling units with support services which provide assistance to residents. The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses. A congregate care facility may also accommodate the needs of persons with disabilities and their spouses that are younger than 55 years of age, provided the majority of the residents are 55~~

~~years of age or older. Services to be provided shall include the following:~~

- ~~A. Transportation for essential support activities.~~
- ~~B. Provision of at least one meal per day.~~
- ~~C. Programmed social activities which are facilitated by staff.~~
- ~~D. Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring.~~
- ~~E. Installation of emergency call buttons or systems in each unit.~~

~~**Correctional pre-release facility.** A facility housing up to 12 persons, plus staff, serving a primary clientele of persons in correctional pre-release programs.~~

~~**Construction and engineering services.** Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. Construction and engineering services with no storage of equipment, vehicles, machinery, and/or materials are considered office uses.~~

~~**Cultural facility.** A facility open to the public, providing access to cultural exhibits and activities including but not limited to museums, cultural or historical centers, non-commercial galleries. A cultural facility may include accessory services such as, but not limited to, retail sales of related items.~~

~~**Development.** Any human-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration to, or addition to any buildings or other structures, mining, dredging, filling, grading, paving, excavation,~~



drilling operations, or storage of equipment or materials.

**Drive-through.** A facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

**Drive-through features.** Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

**Dwelling unit.** One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.

**Dwelling, four-family.** ~~Dwelling, multi-family.~~ A single building or portion thereof containing ~~three or more~~ four dwelling units.

**Dwelling, live/work.** A principal structure that combines a dwelling unit with a permitted commercial use that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Code. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

**Dwelling, multi-family.** A single building containing five or more dwelling units.

**Dwelling, multi-family conversion.** A single building containing five or more dwelling units, converted from an existing dwelling of four or fewer units, or an existing structure in nonresidential use.

**Dwelling, single-family.** A single building containing one dwelling unit.

**Dwelling, three-family.** A single building containing three dwelling units.

**Dwelling, townhouse.** A structure consisting of two or more dwelling units, the interior of which is configured in a manner such that dwelling units are attached horizontally, separated by a party wall, and each dwelling unit is located on a separate lot with a separate exterior entrance.

**Dwelling, two-family.** A single building containing two dwelling units.

**Earth-moving activity.** Any removal or placement, excavation, filling, stockpiling, or grading of soil, earth, loam, sand, gravel, rock, and other mineral deposits.

**Easement.** A right, privilege, or liberty which one has in land owned by another for some special and definite purpose.

**Emergency operations.** Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and

operations to rescue human beings and livestock from the threat of destruction or injury.

**Emergency shelter.** A facility providing temporary overnight shelter to ~~homeless~~ individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

**Entrance, principal.** ~~The~~ A main point of access for pedestrians into a building. ~~A building~~ Buildings may have more than one principal entrance.

~~Esplanade.~~ That portion of a street which is located between the curbline and the edge of the sidewalk closest to the street.

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

~~Explosives.~~ Any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture

~~may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.~~

**Façade.** An exterior building wall, from grade to the top of the parapet or eaves. A facade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation.

**Family.** One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit.

**Family child care provider.** Per 22 M.R.S. §8301-A(1-A)(C), a family child care provider is a person who provides day care in that person's home on a regular basis, for consideration, for children under 13 years of age who are not the children of the provider or who are not residing in the provider's home.

**Farmstand.** A temporary structure, used for the sale of food or non-food crops grown on the premises.

**Fill.** Soil, earth, loam, sand, gravel, rock and other mineral deposits.

**Filling.** The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling.



**Fixture, fully shielded.** A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

**Flag.** A fabric sheet of square, rectangular, or triangular shape having no enclosing or supporting framework that is typically mounted on a pole.

**Flood boundary and floodway map.** The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.

**Flood insurance rate map.** The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

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

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

elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high-water mark to the upland limit of the flood plain.

**Foundation.** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

**Freshwater wetland.** Freshwater swamps, marshes, bogs, and/or similar areas which are both:

**F.A.** Of ten or more contiguous acres or of less than ten contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten acres or of less than ten acres that is depicted on the Shoreland Zoning map.

**G.B.** Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Forested wetland.** A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

**Garage/yard sale.** A temporary event held on residential property, during which the owner or occupant offers used personal items, such as clothing, furniture, and household goods, for sale to the public.

**General office.** An office for the conducting or managing of a business or the practice of a profession, including that of a licensed health care provider, so long as such office does not include laboratory services and facilities for ambulatory surgical procedures. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services.

**General services.** Establishment primarily engaged in rendering frequent or recurring services to persons or business on a fee basis, including but not limited to banks, health clubs, laundries, employment services, management services, personnel services, or maintenance services beauty shops, barber shops, nail salons, electronics repair shops, and the like.

**Handicapped family unit.** A dwelling unit which provides living facilities for handicapped persons. A handicapped family unit may also provide counseling and support services. Staff members may also be included in the population.

**Greenhouse/nursery (retail).** An establishment where flowers, shrubbery, trees, and other horticultural and floricultural products are propagated and sold, which may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones

and bricks, bulk materials such as mulch, straw, and stone, and other related items for sale.

**Green roof.** A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane.

**Group home.** A housing facility for 9 to 12 persons with disabilities that is approved, authorized, certified or licensed by the State.

**Hazard tree.** A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.





**Helistop.** An area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.

**Hospital.** An institution providing health services, primarily on an inpatient basis, 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.

**Hostel.** An overnight lodging facility for transient guests that provides sleeping rooms and common spaces for cooking. A hostel shall not be used as an emergency shelter.

~~**Hotel.** A building used for more or less temporary occupancy of individuals who are lodged with or without meals. A commercial facility that provides sleeping accommodation for a fee and customary lodging services. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.~~

**Impervious surface.** Area covered with low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not

limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

**Impound lot.** A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

**Industrial, high-impact.** Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial, and lower-impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting, and odors. High-impact industrial includes fish-waste processing.

**Industrial, low-impact.** Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished ~~products from previously prepared material, including but not limited to the following: artist studios, bakeries, breweries, distilleries, bottling, coffee roasters, commercial kitchens, pharmaceuticals, machine shops, watchmakers, makers of precision instruments, musical instruments, toys and sporting goods,~~

~~pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components; canteen services; tool and die shops; plant and tree nurseries; and the packaging of foods or semi-finished products from previously prepared material, where such activities are conducted wholly within an enclosed building.~~

Low-impact industrial uses do not include the processing of raw materials or salvaging operations. Low-impact industrial uses are generally compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses.

~~**Intermediate care facility.** A facility which provides, on a regular basis, health-related care and services for more than 13 individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.~~

**Kitchen facilities.** Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

**Laboratory and research facility.** A building or group of buildings used for the purpose of conducting research, investigation, testing, and experimentation in any field of science, medicine, or technology and including facilities such as but not limited to administrative offices, laboratories, and

service or machine shops to serve the facility. Laboratory and research facilities do not include manufacturing of products for sale.

**Lodging house.**—A house, building or portion thereof containing two or more rooming units, as well as common areas, and providing such units to individuals on not less than a monthly basis for compensation.

**Lodging house common areas.** Portions of a lodging house which are available for use by all residents of the lodging house. ~~Long-term or extended care facility.~~ An institution or a distinct part of an institution that is licensed or approved to provide full-time convalescent or chronic care, or health care under medical supervision for 24 or more consecutive hours, to nine or more individuals who, by reason of advanced age, illness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Lodging house common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as lodging house common areas.

**Lot.** A parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a) a parcel or area of land that is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds; b) a contiguous combination of such lots under common ownership and designated as one unit for development; or c) a newly established



parcel meeting all the dimensional requirements of the zone in which it is located.

**Lot, through.** A lot that fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**Lot, flag.** A lot platted so that the main building site area (the “flag”) is set back from the street on which it fronts, and includes an access strip (the “pole”) connecting the main building site with the street.

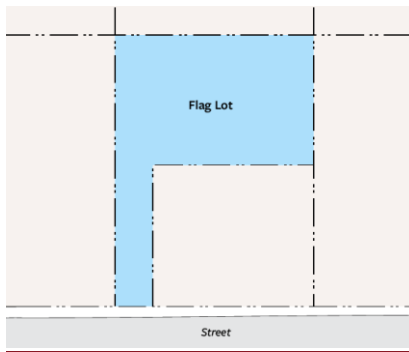


FIGURE 3-A: FLAG LOT

**Lot of record.** A nonconforming parcel or area of land that: a) is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds as of the date designated in the relevant provision of this chapter and b) conformed to the requirements of this chapter as of the date designated in the relevant provision of this chapter.

**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

**Low-income household.** A household having an income not exceeding 80% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

**Low-income housing unit for rent.** A dwelling unit for which:

- A. The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).
- B. The unit is rented to a household earning 80% or less of AMI.
- C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

**Low-income housing unit for sale.** A dwelling unit for which:

- A. The sale price is affordable to a household earning 100% or less of Area Median Income (AMI); as defined by the United States Department of Housing and Urban Development (HUD).
- B. The unit is sold to a household earning 100% or less of AMI.
- C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

**Manufactured housing.** A structural unit or units designed for ~~residential~~ occupancy and constructed in a manufacturing facility and ~~then~~ transported, by the use of its own chassis or ~~placement on an~~ independent chassis, to a building site. The term includes any type of building ~~which that~~ is constructed at a manufacturing facility and ~~then~~ transported to a building site where it is ~~utilized~~used for housing and may be purchased or sold by a dealer in the interim. For purposes of this ~~article,~~ ~~two~~section, 2 types of manufactured housing are included. ~~They~~Those 2 types are:

- A. Those units constructed after June 15, 1976, ~~which commonly called "newer mobile homes," that~~ the manufacturer certifies are constructed in compliance with the ~~standards required by the~~ United States ~~Government~~ Department of Housing and Urban Development, ~~as such standards are from time to time revised or amended,~~ meaning structures; transportable in one or more sections, ~~which that~~ in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and ~~which that~~ are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning, ~~and or~~ electrical systems contained ~~therein in the unit.~~ This term also includes any structure ~~which that~~ meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction

and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

- B. Those units ~~constructed after June 15, 1976, which commonly called "modular homes" that~~ the manufacturer certifies are constructed in compliance with ~~the state's Manufactured Housing Act~~ Title 10, chapter 951, and ~~regulations rules adopted under that chapter,~~ meaning structures, transportable in one or more sections, ~~which that~~ are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning; or electrical systems contained ~~therein in the unit.~~

~~Any unit which does not fall within the definitions of this section and which is legally sited within the city on December 18, 1989, may be relocated to any location in the city in which manufactured housing is allowed.~~

~~**Manufactured housing park.** A parcel of land under unified ownership approved by the Planning Board under 30-A M.R.S. § 4358 for the placement of single component manufactured housing.~~

**Marijuana, cultivation facility.** A cultivation facility required to be licensed pursuant to 28-B M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings, and marijuana seeds, for use or sale.

**Marijuana, manufacturing facility.** A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.



**Marijuana, plant canopy.** As defined by 28-B M.R.S. § 102.

**Marijuana product.** As defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

**Marijuana, registered dispensary.** A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

**Marijuana, registered patient.** As defined by 22 M.R.S. § 2422.

**Marijuana retail store.** A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants, and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet. A marijuana retail store shall not include a registered dispensary.

**Marijuana, small-scale caregiver.** A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

**Marijuana testing facility.** A facility licensed to develop, research and test marijuana, marijuana

products and other substances as defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

**Marina.** A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

**Market garden.** An area of land or a facility, managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. Market gardens may be located outdoors or fully enclosed within a permanent building. Market gardens do not include the cultivation of marijuana.

**Mean high tide.** The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.

**Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the City's FIRM are referenced.

**Mid-block permeability.** A continuous, open-air corridor at least 20' in width that physically or visually connects two streets or public rights-of-way and provides a break in the street wall. The corridor must be unobstructed and open to the sky.

**Moderate-income household.** A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

**Neighborhood nonresidential reuse.** Select nonresidential uses located within a residential neighborhood to serve nearby residents, and occupying a structure which is nonresidential in its original construction and/or current use.

**Marijuana testing facility.** A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S. § 2422 or 28 B.M.R.S. § 102.

**Marina.** A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non tenants.

**Military personnel berthing.** A building, or portion thereof, which is primarily used as, and intended for, temporary living quarters for military personnel.

**Moderate income household.** A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

**Multi family development.** The construction or creation of three or more dwelling units on any parcel of land or the addition of two or more

dwelling units cumulatively within a three year period.

**Multiplex.** A residential development consisting of three or more horizontally or vertically attached dwelling units, or a series of such attached dwelling units, and the construction of at least one building.

**Neighborhood center.** A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

**Non-commercial vessel berthing.** The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be included in the calculation of the number of linear feet under this use category:

- A. Space used principally for sale or repair of vessels.
- B. Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten consecutive days while the primary commercial vessel tenant is conducting its business or trade.

**Non-native invasive species of vegetation.** Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.



**Normal high-water line (non-tidal waters).** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

**Office park.** ~~Separate office buildings planned, constructed, or managed on an integrated coordinated basis.~~ A development of one or more buildings designed to accommodate offices, laboratory and research facilities, high-tech manufacturing, and similar uses with no outdoor storage. An office park may also include hotels, medical/dental offices, and supportive commercial uses for the primary convenience of office park workers and visitors, including limited retail, general services, financial institutions, child care centers and small child care facilities, and restaurants.

**Off-peninsula.** All land located north of I-295.

**On-peninsula.** All land located south of I-295.

**Open space.** ~~Any park and any other area outside of a building open to the public.~~ Land and water areas designed and reserved for use as active or passive recreation areas or for preservation purposes.

**Open space, public.** Open space maintained for the use of the general public. Public open space may include parks, plazas, and public seating areas.

**Outlet stream.** Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

**Owner.** Any person that has any interest, legal or beneficial, in any parcel or lot.

**Park.** A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, golf courses, gymnasiums, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, pools, community gardens, marinas, sports complexes, and passive recreation areas. Parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheatres, accessory services such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Party wall.** Any partition wall common to two adjacent or attached buildings.

**Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, temporary.** Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

~~Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland,~~

**permanent.** Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

**Place of assembly.** A building or portion of a building used as a community hall, ~~neighborhood center~~, private club, ~~or~~ fraternal organization, or place of religious assembly. -This definition shall not include buildings or portions of buildings used as a community hall, ~~neighborhood center~~, private ~~and fraternal organization~~ club or non-profit social and recreational facility, or place of religious assembly where ~~158~~ or fewer people, not including the permanent residents of a single-family dwelling, assemble.

~~Place~~ A place of ~~religious~~ assembly. A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques, and other places of worship.

~~Planned residential unit development (PRUD).~~ A residential subdivision consisting of attached or detached dwellings intended for separate ownership and land to be owned and used in common, with open spaces, recreational areas, access ways, and buildings which are designed, built, and managed in accordance with a unified development plan.

~~Planned unit development (PUD).~~ A development consisting of either detached or attached single-family dwelling units and commercial or other uses, on substantially sized properties of greater than 20 acres and designed to be compatible with the surrounding built and natural environment.

~~Plant~~ may include accessory uses, such as childcare ~~canopy.~~ As defined by ~~28 B.M.R.S. §102.~~

**Preschool facility.** Facility which provides a regular program of care and protection for children generally younger than those attending elementary school, which may also encompass daycare facilities. ~~or preschools, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms.~~

**Post-secondary school.** A facility for post-secondary higher learning that grants associate or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Post-secondary schools may also include additional uses as part of the principal use, such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, preschool facilities, and similar uses.

**Private club or non-profit social and recreational facility.** A private club or nonprofit social and recreational facility is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare, or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this Land Use Code and other applicable codes and ordinances.

**Real estate project sales office/model unit.** A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available





for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**Recent flood plain soils.** Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial, Charles, Cornish, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, and Winooski.

**Recreation and amusement centers.** Facilities equipped for the conduct of sports or indoor leisure time recreation activities, ~~including games of skill or games of chance licensed either by the City of Portland or by the State of Maine.~~ Such facilities may limit admission either to members or to persons paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums.

**Recycling facility.** A facility engaged exclusively in the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

**Residential care facility (small).** A facility which provides, on a regular basis, medical or non-medical care and services for up to 12 individuals. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

**Registered Residential care facility (large).** A facility which provides, on a regular basis, medical or non-medical care and services for 13 or more individuals. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

~~dispensary.~~ A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

~~Registered patient.~~ As defined by 22 M.R.S. § 2422.

~~Repair services.~~ Establishments primarily engaged in rendering services related to the maintenance or repair of goods. In industrial zones only, repair services shall include motor vehicle repair services.

**Restaurant.** Any food service establishment with indoor seating capacity for ten or more patrons.

**Retail.** Any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, or food service establishment with indoor seating capacity for nine or fewer patrons. Retail shall not include gasoline, diesel, or propane fuel sales.

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

**Roadway.** That portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular traffic.

**Rooming unit.** One or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes by an individual or a family, but not designed for food preparation. In a suite of rooms, each room that provides sleeping accommodations shall be counted as one rooming unit for the purpose of this chapter.

**Self-storage facility.** A fully enclosed building with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

**Sapling.** A tree species that is less than two inches in diameter at four and one half feet above ground level.

**Seedling.** A young tree species that is less than four and one half feet in height above ground level.

**Self-storage facility.** A facility for the storage of personal property, where individual renters control and access individual storage spaces. Self-storage facilities may be designed with individual storage spaces located within a fully enclosed, climate controlled building, with individual storage spaces accessed from the outdoors, or with a combination of storage spaces. Administrative offices for the facility, and retail sales of related items, such as moving supplies may be included.

**Sexually explicit.** The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17 A M.R.S. § 251.

**Sheltered care group home.** A facility which, in addition to providing food and shelter to a defined

population of up to 12 individuals, provides guidance or counseling services as a primary function of the facility.

**Shore frontage.** The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Sidewalk.** That portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

**Sign.** A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

**Sign, animated.** Flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind.

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



**Sign, A-Frame.** A pedestrian-oriented self-supporting sign that is not permanently affixed to a structure or the ground.

**Sign, bandit.** Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this article.

**Sign, blade.** A permanent, pedestrian-scaled sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch, or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

**Sign, building identification.** A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

**Sign, building-mounted.** Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure.

**Sign, bus shelter.** As specified in 23 M.R.S.A. §1908-A, any outdoor sign visible to the traveling public from public right-of-way that is affixed to a publicly-owned bus shelter operated by a transit agency.

**Sign, cabinet.** A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that

contains the lighting fixtures which illuminate the sign face from behind.

**Sign, canopy.** A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

**Sign, center identification.** A sign identifying the name of a building, office park, or shopping center only.

**Sign, changeable copy.** A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign. For the purposes of this article, a sign whose message changes more than eight times per day is considered an animated sign and not a changeable copy sign.

**Sign, directional.** A sign erected to inform the viewer of the approximate route, direction, or location of a facility or use.

**Sign, direct illumination.** Illumination resulting from light emitted directly from a light bulb or light fixture, and not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

**Sign, directory.** A permanent sign which provides information in a list, roster, or directory format.

**Sign, Electronic Message.** A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated

graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

**Sign, externally-illuminated.** A sign whose illumination is reflected from its source by the sign surface to the viewer's eye, the source of light not being visible to the viewer.

**Sign, feather banner.** A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole to fly freely.

**Sign, freestanding.** A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

**Sign, fuel pump topper.** A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

**Sign, incidental.** A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

**Sign, individual letter.** A cut-out or etched letter or logo which is individually mounted on a building wall or freestanding sign.

**Sign, internally illuminated.** Any sign in which the source of light is entirely enclosed within the sign and not directly visible.

**Sign, landmark.** A permanent sign indicating individual historic landmarks, local historic districts, or otherwise determined by the City to have attained a high degree of community, cultural, aesthetic, or historic significance.

**Sign, logo.** A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business, product, or organization.

**Sign, marquee.** A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

**Sign, monument.** A permanent freestanding sign with a solid base that is at least 60% the width of the sign face.

**Sign, off-premise.** Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use, or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

**Sign, permanent.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**Sign, pole.** An elevated permanent sign typically supported by one or two poles, posts, or columns that do not meet the base width requirements for a monument sign.



**Sign, projecting.** A permanent sign that is attached to and extends perpendicular from a building from the wall.

**Sign, service island canopy.** A permanent sign mounted on or under a service island canopy, including on a fascia.

**Sign, single-color or two-color LED.** A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, “open” or “closed” signs, time and temperature” signs, or signs indicating the number of available spaces in a parking garage.

**Sign, temporary.** A sign constructed of paper, cloth, or similar expendable material, which is intended for a definite and limited period of display and which is designed to be moved easily and is not permanently affixed to a structure, sign area, or window.

**Sign, wall.** A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

**Sign, wall banner.** A temporary sign constructed of cloth, bunting, plastic, paper, or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

**Sign, window.** A permanent or temporary sign posted, painted, placed, or affixed in or on a

window, or otherwise exposed to public view through a window.

**Sign, Yard, Type I.** A small temporary sign typically constructed of corrugated plastic and supported on a wire frame used, for example, for advertising by local businesses or by election campaigns.

**Sign, Yard, Type II.** A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

**Sign, Yard, Type III.** A temporary large sign mounted on two posts installed securely in the ground.

**Sign copy.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

**Sign face.** The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

**Sign substructure.** The supports, uprights, bracing and/or framework of a sign.

**Site.** All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

**Small-scale marijuana caregiver.Social service center.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking

support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

~~A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two family or multi-family building.~~

**Solar access.** Space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

**Solar energy system.** A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems shall include the following:

**A. Accessory solar Solar energy system, accessory.** A system as defined above, where power generation is incidental to a principal

use, which may take the form of either a ~~Accessory solar energy systems include building-integrated or roof-mounted solar arrays~~ systems of any size, ~~or a and building-mounted, roof-mounted, or ground-mounted array occupying systems of~~ less than 1,000 square feet ~~of air space over ground~~ in area.

**B. Minor solar Solar energy system, minor.** A system as defined above, ~~between 1,000 and 9,999 square feet in area,~~ where power generation is considered a principal use, ~~which, Minor solar energy systems~~ may take the form of either a ~~building-mounted~~ or roof-mounted solar array ~~of any size,~~ or a ground-mounted system ~~occupying between 1,000 and 9,999 square feet of ground area.~~

**C. Major solar Solar energy system, major.** A system as defined above, ~~of 10,000 square feet or more in area,~~ where power generation is considered a principal use, ~~which, Major solar energy systems~~ may take the form of either a ~~building-mounted~~ or roof-mounted solar array ~~of any size,~~ or a ground-mounted system ~~occupying greater than 10,000 square feet of ground area.~~

**Solar energy system, building-integrated.** A solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

**Solar energy system, ground-mounted.** Also known as free-standing solar energy systems, a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.



**Solar energy system, roof-mounted.** A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**Solid waste disposal facility.** A solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

**Sounds, impulse.** Sound events characterized by brief excursions of sound pressure, each with a duration of less than 1 second.

**Sounds, tonal.** Sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

**Special needs independent dwelling unit.** A dwelling unit developed and managed by a nonprofit organization for habitation by persons with special social, physical or mental needs beyond strictly economic needs. Such persons shall be provided required levels of supervision, care and/or counseling services appropriate to their special needs, and the services shall be provided by either the sponsoring nonprofit agency or through another entity with which the agency has entered into a contractual arrangement.

**Specialty food service.** A business that specializes in the sale of certain food products and/or the on-

site production of items, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Specialty food service does not include production of alcohol.

**Sports complex.** One or more facilities located on the same parcel of land where athletic events are held and with a combined seating capacity of at least 6,000 seats.

**Stadium.** A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

**Stockpiling.** Any placement or creation of piles or loads of soil, loam, sand, gravel, rock, or other mineral deposits upon a site for the purpose of storage, warehousing, or reserving for future use.

**Storm-damaged tree.** A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**Stormwater retention area.** A pond or basin used for the permanent storage of stormwater runoff.

**Stormwater detention area.** A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

**Stream.** A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition, highest resolution version of a the national hydrography dataset available from the United States Geological Survey 7.5-minute series topographic on the website of the United States Geological Survey or the national map, or if not available, a 15-minute series topographic map, to the point where the body of water stream becomes a river or flows to where the stream meets the shoreland zone of another water body or wetland within. When a stream meets the shoreland zone of a shoreland area, or any stream designated within water body or wetland and a Stream Protection Zone channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Street.** A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

**Street, cul-de-sac or dead end.** A street with only one outlet.

**Street line.** The line of demarcation between private property and a street.

~~**Street, cul-de-sac or dead end.** A street with only one outlet.~~

**Structure.** Anything temporarily or permanently located, built, constructed, or erected of more than one member having a permanent for the support, shelter, or semi-permanent location enclosure of persons, animals, goods, or property of any kind or anything located, built, constructed, or erected on or in the ground or on another structure or in or on the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences, poles and wiring and other aerial equipment normally associated with service drops, including ~~without limitation buildings, fences, gazebos, signs, antennas, satellite sending or receiving dishes, and swimming pools. Stockpiles, guy wires and guy anchors.~~ Outside of the shoreland zone, patios and at-grade walkways shall not be considered structures for the purposes of dimensional requirements.

**Structure, accessory.** A structure on a lot that is incidental and subordinate in area, extent, and/or use to the principal structure on the lot. A lot may have more than one accessory structure.

**Structure, principal.** The main structure on a lot having the predominant area, extent, or use. A lot may have more than one principal structure.

**Studios for artists and craftspeople.** A facility for the production of arts and crafts products such as paintings, sculpture, or other arts, or the practice of arts such as music or dance, or the production of custom, hand-crafted, or limited production of products such as furniture, wood, clay, and metal products, publications, and similar low-impact arts and crafts activities.





**Subdivider.** Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself, herself, or for another.

**Subdivision.** As defined in 30 A M.R.S. § 4401 and 4402.

**Tasting room.** A facility for the sampling of beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food.

**Telecommunication tower.** Radio masts or tower structures built primarily to hold telecommunication antennas.

**Temporary contractor’s office and contractor’s yard.** A short-term, portable, or modular structure utilized as a watchman’s quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor’s yard where materials and equipment are stored in conjunction with a construction project.

**Temporary outdoor sales.** Temporary uses, which may include temporary structures where goods are sold, such as but not limited to arts and crafts fairs, flea markets, rummage sales, consignment auctions, and holiday sales such as Christmas tree lots and pumpkin sales lots. Temporary outdoor sales does not include garage/yard sales, or outdoor sales related to a retail goods establishment where such goods are part of the establishment’s regular items offered for purchase.

**Temporary outdoor storage container.**

Temporary self-storage containers, delivered to a residence or business for the purpose of storing items, and subsequently picked up and stored at an off-site location until scheduled for retrieval.

**Tenant.** Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

**Theater or performance hall.** Any establishment devoted to showing motion pictures, or for dramatic, musical, or live performances.

**Tidal waters.** All waters affected by tidal action during the highest annual tide.

**Transient guest.** A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than 15 days out of any 60-day period.

**Tree.** A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at four and one half feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

**Tributary stream.** A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils

where the natural vegetation cover has been removed by human activity.

**Upland edge of a wetland.** The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) or taller.

**Use.** The purpose for which land or structures thereon is designed, arranged, or intended to be occupied, or for which it is occupied, maintained, rented, or leased.

**Utility substation.** Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a utility.

**Vegetation.** All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

**Veterinary services.** An establishment for the treatment of animals, where animals may be boarded during their convalescence

**Very low-income household.** A household having an income not exceeding 50% of median income for area of residence as set forth in regulations

promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

**Warehousing, ~~storage~~, and distribution facility.**

The storage of goods, wares, and merchandise in a warehouse from which distribution occurs. May include wholesale use, but not retail or direct sales to consumers. Warehousing and distribution facilities do not include self-storage facilities.

**Watercourse.** Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Water-dependent uses.** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

**Wetlands (outside of shoreland zones).** Those areas which have two or more of the following:

- A. A water table at or near the surface during the growing season;
- B. Very poorly drained soils, including Sebago mucky peat; or
- C. Obligate wetland vegetation.

Very poorly drained soils and obligate wetland vegetation shall be as defined and illustrated in the United States Department of Interior, Fish and



Wildlife Service publication of Wetland Plants of the State of Maine (1986).

**Wind energy system.** ~~A wind energy generator and all associated facilities.~~ A system of components that converts the kinetic energy of the wind into electrical or mechanical power. A wind energy system comprises all necessary components including turbines, energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use. Wind energy systems shall include the following:

**A. Wind energy system, accessory:** A system as defined above, where power generation is incidental to a principal use. Accessory wind energy systems include roof-mounted systems, and ground-mounted systems less than 45 feet in height.

**B. Wind energy system, minor:** A system as defined above, where power generation is considered a principal use. Minor wind energy systems are ground-mounted systems measuring between 45 feet and 85 feet in height.

**A-C. Wind energy system, major:** A system as defined above, where power generation is considered a principal use. Major wind energy systems are ground-mounted systems measuring between 85 feet and 160 feet in height.

**Wind energy system, useful life.** The period for which the system has been designed by the manufacturer to operate in a safe manner, including

~~the period during which new parts and refurbishment allow it to continue operating safely.~~

**Wholesale.** Sale for resale, not for direct consumption.

**Workforce housing unit for rent.** A dwelling unit for which:

- A. The rent is affordable to a household earning 80% or less than of AMI.
- B. The unit is rented to a household earning 80% or less of AMI.
- C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

**Workforce housing unit for sale.** A dwelling unit for which:

- A. The purchase price is affordable to a household earning 80% or less of AMI.
- B. The unit is sold to a household earning 80% or less of AMI.
- C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.