

## ARTICLE 9 -- DEFINITION OF TERMS IN THIS ORDINANCE

### 1. GENERAL DEFINITIONS

For the purpose of this Ordinance certain words or terms used shall be interpreted as follows:

"Town" or "Municipality" means the Town of Orrington.

"State" means the State of Maine

"Official Zoning Map" means the most recent Land Use District map certified and dated by the Town Clerk.

The present tense includes the future tense, the singular includes the plural, and the plural includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel", and the word "building" includes the word "structure."

The word "used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Drafting film shall refer to polyester drafting media now or formally known as Mylar, polyester film, or transparency.

### 2. LIST OF DEFINITIONS

**Accessory building, 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. An 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. An open deck is not considered part of the principal structure except in all of the shoreland districts.

**Accessory Residential dwelling unit** - ~~A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented.~~ An ADU is typically an additional living area independent of the primary dwelling that may have been added to, created within, or detached from a primary dwelling. The primary dwelling being a single family, duplex or multi-family

structure. The ADU must provide for living, sleeping, cooking, and bathroom facilities and be on the same parcel as the primary dwelling. An Accessory Dwelling Unit cannot be conveyed as a primary dwelling. Recreational vehicles are not ~~residential~~ accessory dwelling units.

**Accessory structure (for floodplain management purposes)** - A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

**Adjacent grade (for floodplain management purposes)** - The natural elevation of the ground surface prior to construction next to the proposed walls of a structure or excavation.

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

**Agriculture** - The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

**Agricultural Facility** – Property used for pasture lands, row crops, orchards, wood lots, beehives, fishponds, and similar agricultural activities. Passive agricultural uses do not include animal production units, packing houses, agricultural stands, plant farms and greenhouses, poultry and egg farms, dairies, public and private stables, farm worker housing and labor camps, agricultural manufacturing, and any agricultural activity with significant structural coverage or off-site impacts.

**Agricultural Greenhouses, High Tunnels and Caterpillar Tunnels** - Construction of tunnels and greenhouses are intended to extend the growing season and maximize crop production or as cost effective livestock housing or equipment storage on a farm. These uses are considered pieces of farm equipment and not structures that require building permits, provided they can reasonably be relocated or removed without material damage to the soils on the property. They are also exempt from associated fees. If these uses are placed on a slab or a permanent foundation, they would be considered structures and lose the exempt status.

**Alteration of building** - Any change in the supporting members of a building (such as bearing wall, beams, columns, girders) except such change as may be required for its safety; any additions to a building or moving a building from one location to another.

**Alternative Energy Production** – Production of alternative clean energy derived from a natural and renewable source such as solar, wind, geothermal, waves, tides, waste, biomass, hydrogen, etc.

**Aquaculture** - The growing or propagation of harvestable freshwater, estuarine, or marine plant or

animal species.

**Area of special flood hazard** - The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article 7, Section 1. of this Ordinance.

**Automobile graveyard** - A yard or field used as a place of storage in which there is displayed to the public view three or more unregistered or uninspected, unserviceable, discarded, worn-out or junked vehicles or bodies or engines thereof.

**Automobile repair facility** - An individual, corporation or other legal entity which repairs motor vehicles for the general public for compensation.

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

**Basal Area** - The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement** - Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Basement (for floodplain management purposes)** - any area of the building having its floor subgrade (below ground level) on all sides.

**Bed & breakfast** - A dwelling structure which offers sleeping quarters and breakfast to temporary guests for payment.

**Boarding and riding stable** – A structure that is used commercially for the shelter of horses.

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

**Breakaway wall** - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building** - Any structure affording shelter. Also see structure.

**Building frontage** – Measured in a single straight line from corner to corner of the building, which line would be most parallel to the street address entrance.

**Bureau** – State of Maine Department of Conservation’s Bureau of Forestry.

**Business sign** - A sign on which is announced the business use of the premises or the name of the operator of the business.

**Business Park** - A track of land that has been planned and developed as a high density mixed industrial and commercial district that shall permit uses as specified under Industrial District and Commercial District in Article 2, except that no expanded uses beyond those permitted uses for Mixed Residential-Commercial District (MR-C) shall be permitted in any MR-C district as mapped on the Land Use District Map, and further restricting that no single or multi-family residential uses shall be permitted anywhere in the Industrial or Commercial use portion of the Business Park.

**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.

**Canopy** – The more or less continuous cover formed by tree crowns in a wooded area.

**Certificate of compliance (for floodplain management purposes)** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Coastal wetland** - All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and 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.

Note: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

**Code Enforcement Officer (CEO)** - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

**Commercial recreation** - Outdoor recreation activities supplied for a price (including incidental sale of goods) such as: camping area, boat rental, miniature golf, golf and similar outdoor games but excluding places of amusement such as movie theaters, cocktail lounges, dance halls, pool halls, nightclubs, etc.

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

**Developable area**- Land above the normal high-water line of a water body or upland edge of a wetland.

**Development** - Changes in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Development (for floodplain management purposes)** - any man made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

**Dimensional requirements** - Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

**Distribution Facility** - A distribution facility is a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products to be redistributed to retailers, to wholesalers, or directly to consumers. A distribution center is a principal part, the order processing element, of the entire order fulfillment process.

**Driveway**- A vehicular access way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Duplex** – A two family primary dwelling unit.

**Dwelling**—~~See Residential dwelling unit.~~

**Dwelling unit**—~~See Residential dwelling unit.~~

**Ecological Production** – Processes that produce organic matter, transfer carbon and nutrients, drive soil formation and enable organisms to reproduce.

**Elevated building (for floodplain management purposes)**- A non-basement building:

- 1.) built, in the case of a building in Floodplain Zones (Districts) AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or shear walls; and,
- 2.) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones (Districts) AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article 7 Section 6. N.

**Elevation certificate (for floodplain management purposes)**- An official form (FEMA Form 81-31, as amended) that:

- 1.) is used to verify compliance with floodplain management regulations of the National Flood Insurance Program; and,

2.) is required for purchasing flood insurance.

**Emergency operations** - Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

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

**Expansion of use** - The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family** - One or more persons occupying a dwelling unit and living in a single residential dwelling unit.

### **Flood or Flooding**

- 1.) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
- 2.) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.)a. of this definition.

**Flood elevation study (for floodplain management purposes)**- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

**Flood insurance study (for floodplain management purposes)**- See Flood elevation study.

**Floodplain or flood-prone area** - Any land area susceptible to being inundated by water from any source (see flooding).

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

**Floodplain management regulations (for floodplain management purposes)**- Land Use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodway** - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floodway (for floodplain management purposes)**- see **Regulatory Floodway**.

**Floodway encroachment lines (for floodplain management purposes)** - The lines marking the limits of floodways on federal, state, and local floodplain maps.

**Floor area** - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland** - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**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.

**Freeboard (for floodplain management purposes)** - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of

the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Freshwater wetland** - Freshwater swamps, marshes, bogs and similar areas which are including forested wetlands:

- 1.) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
- 2.) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Frontage** - The horizontal distance between the intersections of the side lot lines and the front building line.

**Front yard** - Space on the same lot with a principal building extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard is the distance between the street line and the front of the building.

**Functionally 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 that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

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

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

**Green Energy Facilities/Services** – Facilities that produce energy that can be produced in a way that

protects the natural environment with the utilization of wind, water, or the sun.

**Greenhouse/Hydroponics Facility** – A production facility where plants are grown in nutrient solution rather than soil. The Greenhouse and environment control system are the same whether plants are grown conventionally or with hydroponics.

**Green space** - An area of land that features scenic, recreational, or similar amenities encompassed by a development plan or site plan. This space must generally be available for entry and use by the occupants of the site. The site may include a limited area that provides landscaping features or landscape screening for the benefit of the occupants.

Green space shall include, but is not limited to, features such as lawns, decorative plantings, active and passive recreational areas including wooded areas, watercourses and wetlands and any other space maintained in a natural, undisturbed or revegetated condition.

Green space does not include the area of any sidewalks, walkways, parking lots or vehicular surfaces used by any motor vehicle, primary and/or accessory building footprints, or areas of open space so located, or circumscribed by buildings, parking, or drainage areas as to have no substantial value for the purposes stated in this definition.

**Group development**- A project (residential, commercial, industrial, educational, medical, civic, etc.) with two or more principal buildings constructed on a parcel of at least 2 acres not subdivided into customary lots and streets.

**Ground cover** – Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Height of a structure** - The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Historic structure** - Any structure that is:

- 1.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic zone (district) or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic zone (district);
- 3.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- 4.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Home occupation:** Craft production and other manufacturing of goods, and both professional and personal services, within the limits on number of employees established in other sections of this Ordinance. A home occupation shall offer for sale only those items which are associated with the above activities.

- 1.) Low Density Residential District Home Occupation: An occupation or profession which is carried on in no more than 25% of the ground floor area of a single family dwelling unit or accessory structure by the full-time occupant(s) of the dwelling unit. The use must be clearly incidental and secondary to the use of the dwelling for residential purposes, and shall not change the character thereof.
- 2.) Rural Residential and Farming District Home Occupation: An occupation or profession which is carried on in no more than 25% of the ground floor area of a single family dwelling unit or 100% ground floor area of an accessory structure by the full time occupant(s) of the dwelling unit and shall not employ more than three (3) persons who are not permanent residents of the dwelling unit. The use must be clearly incidental and secondary to the use of the dwelling for residential or agricultural purposes, and shall not change the character thereof.
- 3.) Shoreland Districts Home Occupation: an occupation or profession which is clearly incidental to and compatible with the residential use of the property and surrounding residential use, and which employs no more than two (2) persons other than family members residing in the home.

**Impermeable (Impervious) surface:** Impermeable (Impervious) surface means those improved, harder-surface areas that either prevent or inhibit the natural entry of water into the soil. Rooftops, buildings, streets, parking lots, sidewalks, asphalt, concrete, other paving, driveways, gravel, patios, artificial turf and storage areas are all examples of impervious surfaces.

**Increase in nonconformity of a structure:** Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

**Industrial Park** – A tract of land that has been planned, developed and operated as an integrated facility for a number of industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**In-law apartment** - A separate dwelling unit which is located within and subordinate to a single family detached dwelling and which is occupied by a person or persons related to the owner and principal occupant of the dwelling unit by blood, marriage or adoption, whether or not said person(s) pay rent or share expenses with the owner thereof.

**Institutional:** A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Invasive plants** – Vegetation which is not native or indigenous to the area and which tends to spread in the natural environment to the detriment of native vegetation.

**Junk yard** - A yard or field used as a place of storage for old, discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper, trash, rubber, ferrous or non-ferrous metal.

**Kennel** - Any commercial establishment where dogs are kept, offered for sale or boarded for a fee.

**Land Management Road:** A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester:** - A forester licensed under 32 M.R.S.A. Chapter 76.

**Light manufacturing** - The fabrication or processing of material into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as ore or lumber.

**Locally established datum** - For purposes of this Ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the

National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lot** - A parcel of land occupied by one building and the accessory buildings used customarily incidental to it, including such yards as are required by this Ordinance, and having frontage upon a roadway, public or private. However, a lot, the closest boundary of which is at least 200 feet from a road, public or private, shall be acceptable if area and yard requirements as required by this Ordinance are met and said lot is not landlocked. (See also Minimum Lot Width, for shoreland district.)

**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 coverage** - Lot coverage shall include those areas covered by buildings, other manmade structures, and other impervious (impermeable) areas.

**Lot of record** - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by town or county officials.

**Lot width** - The distance between the side boundaries of the lot measured at the front building line drawn parallel to the chord drawn between the intersections of the side lot lines at the street line. The building line is to be construed at the setback line unless building locations are included in the proposed plan. See applicable tables 2-2 or 3-2 for dimension requirements.

**Lowest floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article 7 Section 6.N. of this Ordinance.

**Major street** - A street designated as such in the Major Street Plan.

**Manufacturing/Assembly/Production Facility** – A facility or use associated with the mechanical or chemical transformation of materials or substances into new products. Uses such as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics resins, or liquors.

**Manufactured homes** - As defined by and as amended and in compliance with MRSA Title 30-A, Section 4358.

**Manufactured Home (for floodplain management purposes)** - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term

manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured home park or subdivision (for floodplain management purposes)**- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

**Mean sea level (MSL) (for floodplain management purposes)** - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Mineral exploration** - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction** - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed, away from the extraction site.

**Mineral Processing** - The term mineral processing shall mean the screening, sorting, crushing or other processing of geologic material extracted or excavated.

**Mineral Storage** – The term mineral storage shall mean the storage of sand, gravel crushed stone, or soil stock piles or other forms.

**Mineral Transportation** – The term mineral transportation shall mean using the public roads in Orrington to haul sand, mineral, crushed stone or soil except for snow plowing and sanding operations.

**Mineral Pit** – The term mineral pit shall mean:

1. All of the land area used in the extraction, processing, or storage of sand mineral, crushed stone or soil; and
2. All of the land are owned by the mineral pit owner that is contiguous to an excavated area unless the mineral pit owner can show that some portion of that land cannot or will not be used as a site for mineral extraction or excavation.

Mineral pits owned and/or operated by the same person, firm, or corporation, and separated by less than 800 horizontal feet of land shall be considered one and the same mineral pit.

Land which has been restored in accordance with Section 7.C.9 of the Orrington Mineral Extraction Ordinance will no longer be considered as part of the mineral pit.

**Mineral Pit Owner** - Mineral pit owner shall mean the owner of the land where the mineral is excavated, processed or stored. The responsibility to ensure restoration of the mineral pit shall be the obligation of the mineral pit owner.

**Mineral Pit Restoration** – The term means the stabilization of inactive borrow areas with herbaceous perennial plants.

**Discontinued Mineral Pit** – Discontinued mineral pit shall mean pit from which less than 200 cubic yards have been removed within twelve (12) consecutive months.

**Minimum lot width** - The closest distance between the side lot lines of a lot at the front building line (See Lot Width). When only two lot lines extend into the shoreland district, both lot lines shall be considered to be side lot lines. See applicable tables 2-2 or 3-2 for dimension requirements.

**Minor development (for floodplain management purposes)** - All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article 7 Section 6.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**Mobile home** - As defined by and in compliance with MRSA Title 30-A, Section 4358.

**Mobile home park** - Land upon which two or mobile homes are located for living purposes.

**Modular housing** - As defined by and in compliance with MRSA Title 30-A, Section 4358.

**Multi-family/Multi-unit residential** - Two or more Accessory dwelling units.

**Native:** Indigenous to the local forests.

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

**North American Vertical Datum (NAVD) (for floodplain management purposes)** – the national datum whose standard was established in 1988, which is the new vertical datum used by the National flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon other

vertical data used by other countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence and the increasing use of satellite technology.

**Natural Beauty** - of, existing in, or produced by nature, not affected by man or civilization, possessing the quality that gives pleasure to the mind or senses and is associated with such properties as harmony of form or color or uniqueness.

**New construction** - Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**Non-conforming condition:** Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located. **Non-conforming structure** - A structure which does not meet one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. See: Increase in nonconformity of a structure.

**Non-conforming use** – The use of buildings, structures, premises, or land thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**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 and great ponds 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 or great pond during the period of normal high-water are considered part of the river or great pond.

*NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland."*

**Nuisances** - A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience. Any violation of this Ordinance shall be deemed to be a nuisance.

**Nursing home** - Any dwelling in which 3 or more aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

**One-hundred-year flood (100-year flood) (for floodplain management purposes)** - See Base Flood

**Open Space** - Undeveloped land that is protected by legislation and approved by State guidelines.

**Outdoor advertising sign** - A sign which directs attention to a business, product, activity, or service which is not conducted, sold or offered on the premises where such sign is located.

**Outdoor storage business** – A commercial operation for the keeping, in an unenclosed area, of goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

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

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

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

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

**Premises** - A tract of land with buildings thereon.

**Primary Dwelling** - A primary dwelling is the principal structure on a residential lot. It is typically a single family, duplex, mobile home, or multi-family structure. The primary dwelling is distinguished from an Accessory Dwelling as it is the primary use of the parcel and can be conveyed.

**Principal structure** - A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premise.

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

**Printing Facility** – The mass reproduction of text and images using a master form or template.

**Private road** – A road serving more than two (2) dwellings ~~units~~, which has not been accepted by the Town of Orrington as a public road. Lots with 2 or more dwellings will require road names

**Processing facility** - An establishment that prepares, treats, or converts tangible personal property into finished goods or another form of tangible personal property. The term includes a business engaged in processing agricultural, aquacultural, or maricultural products and specifically includes meat, poultry, and any other variety of food processing operations. It does not include an establishment in which retail sales of tangible personal property are made to retail customers.

**Production facility** - A facility engaged in industrial-scale, large-volume or high concentration production.

**Professional/Business Office Building** - A building or premises or part thereof whose sole or principal

use is for an office or for office purposes or clerical work, “Office purposes” includes the purpose of administration, clerical work, handling money, telephone, computer operation and “clerical work” includes writing, book-keeping, sorting papers, typing, filing, machine calculations, drawing of matter for publication and editing etc.

**Public facility** - Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body, public entity or chartered for public use.

**Public road** – A road which has been duly accepted by the Town of Orrington or is a road that has been regularly maintained by the Town or the State of Maine.

**Real estate sign** - A sign pertaining to the lease, rental, or sale of the building or lot upon which it is located.

**Rear yard** - Space on the same lot with a principal building, unoccupied except by accessory buildings or uses, extending the full width of the lot and located between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

**Recent floodplain soils** - The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

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

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

**Recreational vehicle (for floodplain management purposes)** - A vehicle which is:

- 1.) built on a single chassis;
- 2.) 400 square feet or less when measured at the largest horizontal projection, not including slide outs;
- 3.) designed to be self-propelled or permanently towable by a motor vehicle; and

- 4.) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory floodway (for floodplain management purposes)-**

- 1.) The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and
- 2.) when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Replacement system** - A system intended to replace:

- 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- 2.) any existing overboard wastewater discharge.

**Research and Development** – Processes by which new products and new forms of old products are brought into being through technological innovation.

**Residual basal area** - The average of the basal area of trees remaining on a harvested site.

**Retail Outlet** - One or more retail businesses, so regulated, incorporated, permitted, or licensed by the State or Municipality, operating out of one building.

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

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

**Riverine (for floodplain management purposes)-** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*NOTE: The portion of a river that is subject to tidal action is a coastal wetland.*

**Road** - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Roadside produce stand** – A booth or stall from which produce and farm products are sold to the general public.

**Roadway** - A commonly traveled way.

**Seasonal residence** - A residential structure used primarily as a recreational home and inhabited continuously for less than 6 months of the year (also "camp" or "cottage").

**Service drop** - Any utility line extension which does not cross or run beneath any portion of a water body provided that:

- 1.) in the case of electric service:
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
- 2.) in the case of telephone service:
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, property boundary line, road, street line, to the nearest part of a structure, parking space or other regulated object or area.

**Shopping Center** – A group of commercial establishments planned, constructed and managed as a total entity, each business with its own separate entrance, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

**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.

**Shoreland District** - The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river, within 250 feet horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – The normal high-water line, or upland edge of a freshwater or coastal wetland.

**Side yard** - Space on the same lot with a principle building, unoccupied except by accessory buildings or uses, between the side of the building and the side line of the lot and extended from the front of the building to the rear line of the building. The depth of the side yard is the distance between the side line of the building and the side line of the lot.

**Sign** - An attached or free-standing structure used for bringing the subject matter thereon to the attention of the public.

**Single-family dwelling** - A free standing building on a permanent foundation serving as a dwelling unit not including mobile homes.

**Skid Road or Skid Trail** - A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Special flood hazard area (for floodplain management purposes)**- See Area of Special Flood Hazard.

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

**Storage Facility (Commercial/Industrial)** – A building or structure used for storing raw materials, and other materials, equipment, and manufactured products.

**Stream** - A free-flowing body of water from the outlet of a great pond or to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. Additionally the following are identified as streams or brooks worthy of protection:

- 1.) So-called Baker Brook from the point of confluence of two intermittent streams that form a brook to Brewer Lake.
- 2.) Swetts Pond Brook and Mill Creek from Swetts Pond to the Penobscot River and the north and south branches of said brook system from their respectful wetland

headwaters.

- 3.) Trout Pond outlet.
- 4.) Other unnamed streams or brooks that are shaded as Stream Protection District on the official Town of Orrington Land Use District Map.

**Street line** - The line along the edge of the surveyed right-of-way line closest to the property in question. In those cases where the roadway does not fall within the surveyed right-of-way width, the street line shall be determined as one-half the right-of-way width as measured from the center of the traveled roadway. In no instance shall the street line fall inside the surveyed right-of-way.

**Structure** - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, stairs, ramps, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors, except that within the shoreland district, stairs and ramps are considered structures. The term includes permanently located appurtenances, such as decks, patios, towers, and windmills, and in the shoreland district includes structures that are temporary located. A non-residential gas or liquid storage tank that is principally above ground is also a structure.

**Structure (for floodplain management purposes)** - a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Subdivision** - The division of a tract or parcel of land into 3 or more lots within a five-year period, whether accomplished by sale, lease, development, building or otherwise, as provided in MRSA Title 30-A, Sections 4401-4407.

**Substantial damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- 1.) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2.) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

**Subsurface wastewater disposal system** - Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Supply Facility** – Operating units (such as factories), storage facilities (such as warehouses), processing centers, distribution centers, and offices where information is manipulated to trigger, move, and track products and services within and throughout the supply chain.

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

**Swimming pool** - Any water holding structure above ground or in the ground with a capacity in excess of 2,000 gallons designed in such a way as to be used for swimming, wading, etc.

**Temporary** - A time period not to exceed ninety (90) calendar days (unless otherwise explicitly specified herein).

**Terminal Facility** – A facility used for cargo storage and/or loading and unloading cargo on a regular basis.

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

**Timber harvesting** - The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland district on a lot that has less than two (2) acres within the shoreland district shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated Article 3 Section F, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Transport vehicle** - Any truck, tractor-trailer or truck-trailer combination, bus, van, coach, or other wheeled or tracked vehicle normally used for carrying, transporting, or moving people, cargo or other materials not within the same lot or parcel.

**Transportation Facility** – A commercial facility used for the transportation of persons or goods, together with buildings, structures, and parking areas, appurtenances, and other property needed to operate such a facility.

**Travel trailer** - A portable structure which can be moved on its own wheels, designed as a temporary living place for travel, vacation and recreational use. In no case shall a travel trailer or camper be used as a mobile home.

**Travel trailer park** - Land on which two or more travel trailers are parked or tents erected for temporary family recreational use on sites arranged specifically for that purpose. The words "travel trailer park" shall include "camping grounds" and "tenting grounds."

**Tributary stream** - A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits 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. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland district of the receiving water body or wetland.

*NOTE: Water setback requirements apply to tributary streams within the shoreland district.*

**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.

**Utilities** - A commodity or service, such as electricity, water, or public transportation, that is provided by a municipal or private utility entity.

**Variance** - A relaxation of the provisions of this Ordinance in cases where literal enforcement would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Ordinance. Variances may be permitted only under all of the conditions set forth in Article 8, Section 4.D.

**Variance (for floodplain management purposes)** - a grant of relief by a community from the terms of a floodplain management regulation.

**Vegetation** - All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

**Veterinary hospital or clinic** - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and may include overnight accommodations on the premises for treatment, observation, and or recuperation. It may also include boarding that is incidental to the principal activity or use.

**Violation** - The failure of a structure, use or development to comply with a community's ordinances including floodplain management regulations.

**Volume of a structure** - The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Warehouse** - A structure or room for the storage, deposit, or stocking of merchandise or commodities.

**Water body** - Any great pond, river or stream.

**Water crossing** - Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - See Coastal wetland and Freshwater wetland.

**Wholesale Distribution** - Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users or to other wholesalers.

**Woody Vegetation** - Live trees or woody, non-herbaceous shrubs.

**Yard sale** - Includes so-called garage sales, porch sales, tag sales, and the like.