

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

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

**OPEN SPACE:** Land that is free of buildings and other permanent structures.

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

**PARK:** Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

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

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

**PERMANENT FOUNDATION:** Means the following:

- (1) A full, poured concrete or masonry foundation;
- (2) A poured concrete front wall or a mortared masonry wall, with or without a concrete floor;
- (3) A reinforced, floating concrete pad, if the pad is to be placed in soil rated with high potential for frost action in the Soil Interpretation Records of the U.S. Solid Conservation Service, the Code Enforcement Officer shall require a certification of its adequacy from a professional engineer, registered in the State of Maine, prior to the issuance of a building permit; or

(4) Any permanent foundation which, pursuant to the building codes of the Town of Waterboro, is permitted for other types of single family dwellings. (AMENDED 9-25-90).

**PERMITTED USES AND STRUCTURES:** A general category consisting of primary and conditional uses and structures. A use or structure not permitted in any zoning district may not be undertaken unless the Planning Board or Selectmen agree that it is similar in character to a permitted use or structure or unless the ordinance is amended.

**PESTICIDE, HERBICIDE BULK STORAGE:** Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

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

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

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

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

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

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

**PROFESSIONAL HOME OCCUPATION AND OFFICES:** A professional activity (such as, but not limited to: doctor, dentist, lawyer, engineer, accountant, architect, real estate and stock broker) conducted for gain or support entirely within a residential building, or structure accessory thereto, which is carried on by a member of the family residing in the building, is incidental and secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building. No more than twenty-five (25) percent of the floor space in any residential building (principal or accessory) may be given over to a professional home occupation or office.

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

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

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

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

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

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

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

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

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

**RETAIL & SERVICE STORES II:** All types of retail and service stores (Repair Shops Barbers, Beauticians, Cleaners, etc.) with more than one thousand (1,000) sq. ft. of Store area or that requires one thousand (1,000) gallons of daily water consumption, including all Drive-in Facilities.(AMENDED 6-5-93)

**RIVER:** A free flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. (AMENDED 6-4-94)

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

**SALT OR SAND/SALE PILES (UNCOVERED):** Storage of any amount of salt or sand/salt mix, for any purpose, without a rood or other structure capable of preventing precipitation from reaching the salt or sand/salt.

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

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

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

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

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

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

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

**SLUDGE:** Residual material produces by water or sewer treatment processes, industrial processes, or domestic septic tanks.

**SLUDGE UTILIZATION:** The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

**SNOW DUMP:** A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations.

**SOLID WASTE:** Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

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

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

**SPCC PLAN:** Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

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

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

**STORMWATER DRAINAGE:** A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

**STORMWATER IMPOUNDMENT:** Any structure designed and constructed to contain stormwater runoff.

**STREAM:** A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.(AMENDED 6-4-94)

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

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

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

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.(AMENDED 6-4-94)

**VOLUME OF A STRUCTURE:** The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. (AMENDED 6-4-94)

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

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

**SUBDIVISION :** A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved, and additional divisions and developments defined as subdivision in the Town of Waterboro Land Use Ordinance.

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

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

**SUBSURFACE INJECTION** (see subsurface wastewater disposal)

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM**

A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant.

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

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

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

**TRANSFER STATION; RECYCLING FACILITY:** Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

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

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

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

**UTILITY CORRIDOR:** Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

**UNDERGROUND STORAGE TANK:** As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

**VARIANCE:** A permitted minor departure from the literal or strict application of the dimensional requirements of this ordinance which may be granted in circumstances where undue hardship would otherwise result, but only if the requirements of state statute MRSA tit. 30 s4963 (3) and this ordinance (see section 10.04) are met.

**WASTEWATER :** Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

**WASTEWATER TREATMENT PLANT:** Any arrangement of devices and structures used for treating wastewater.

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

**WATERSHED:** The region drained by or contributing water to a stream, lake, or other waterbody. Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

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

**WELLHEAD:** The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

**WELLHEAD PROTECTION AREA:** A zone, consisting of 2 districts, delineated according to Article III, Section 1 of this Ordinance

**WELL, ABANDONED:** A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater that has not been used for a period to two consecutive years.

**WELL, EXISTING OR NEW:** A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

**WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.(AMENDED 6-4-94)

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

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

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

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

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

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

**ZONE OF CONTRIBUTION:** The area from which groundwater flows to a pumping well.

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

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