

3.1 DEFINITIONS

In this ordinance the following terms shall have the following meanings:

ACCESS STRIP: A contiguous strip of land with a minimum width of 50 feet that is owned in fee with an estate lot and provides legal road frontage on a public street or approved private way. *(Adopted June 9, 2010)*

ACCESSORY APARTMENT: A separate dwelling unit that has been added on, or created within, a single-family house for the purpose of providing separate living accommodations. *(Adopted June 11, 2008)*

ACCESSORY USE OR STRUCTURE: A use or structure which is customarily incidental and subordinate to the principal use or structure. Accessory uses or structures, when aggregated, shall not subordinate the principal use or structure. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. *(Amended June 13, 2007)*

ACCESSORY SHED: A wooden structure with a footprint of no greater than one hundred twenty (120) square feet and a roof peak of no greater than fifteen (15) feet used for accessory storage purposes and not for human habitation. *(Adopted June 2021)*

ACRE: 43,560 square feet of horizontal land area.

ADJACENT GRADE: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AGE RESTRICTED COMMUNITY: A residential development that designed and operated in compliance with the Federal Older Persons Act of 1995 in that 80% of all occupied dwelling units contain at least one resident 55 years of age or older, a maximum of 20% of the units are occupied by residents between the ages of 19 and 54 and no children under the age of 19 years old can establish permanent residency. All residential unit types, except mobile homes, are permitted, along with recreational facilities, and non-residential commercial and service operations designed to meet the needs of the residents. *(Amended June 10, 2015)*

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this 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. Owners or persons are precluded from appeals of permits issued by town boards unless they participate in the board's proceedings.

AGRICULTURE: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof, but not forestry management, timber harvesting activities, or the cultivation of marijuana. *(Amended June 10, 2015; June 14, 2017)*

AGRICULTURAL BUILDING: Buildings or structures located on a farm and used for the sole purpose of providing shelter for agricultural implements, farm products, hay, grain, livestock, poultry or other horticultural products. Said structure shall not be a place of human habitation nor shall it be used by the public. *(Adopted June 13, 2007)*

AGRICULTURAL PROCESSING AND DEMONSTRATION FACILITY: An agricultural facility with a demonstration component which processes a substance produced by living animals (e.g. eggs, milk, wool, honey, beeswax, etc.) and produces a finished product suitable for sale to the general public. The use shall have an

educational program which demonstrates, among other things, the entire source to consumer cycle of the primary product. The use may include a small percentage of related items offered for sale as an accessory use, provided that the overwhelming percentage of the retail product mix consists of items produced (or used in the production process) on-site. *(Adopted November 13, 2007)*

ALTERATION: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

ALTERNATIVE STRUCTURE/FACILITY: Clock towers, steeples, light poles, water towers, utility distribution structures, and/or alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. *(Adopted April 15, 1998)*

ANIMAL HUSBANDRY: The raising of animals for commercial gain, including livestock, poultry, the breeding of any domesticated animals, including cats and dogs. *(Amended June 13, 2007)*

ANIMAL UNIT: 1000 pounds of live animal weight. *(Amended June 13, 2007)*

ANIMATED SIGN: A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display. *(Amended June 10, 2015)*

ANTENNA: Any apparatus designed for telephonic, radio, television or similar communications through the sending and/or receiving of electromagnetic transmission. *(Adopted April 15, 1998)*

APARTMENT: A dwelling unit contained within or attached to a multifamily dwelling or a mixed-use building. *(Amended June 13, 2007)*

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 Subsection 7.4.B. *(Amended June 11, 2003)*

ARTERIAL (STREET): A street or highway which serves as a major traffic way for travel through Arundel and to adjoining municipalities, including the following streets: *(Amended July 15, 2020)*

US Route 1 (Portland Road)	Limerick Road
Maine Route 111 (Alfred Road)	Log Cabin Road
Maine Route 35	

ARTIST OR CRAFTSMAN STUDIOS: A business or commercial establishment which provides working space for artists or craftspeople including facilities for classes or demonstrations. Activities may include the sales of arts and crafts produced on site as well as any supplies or materials necessary for these activities. *(June 10, 2015)*

AUTO REPAIR GARAGE: A business establishment where motor vehicles and/or their related engines, parts and equipment are repaired, reconditioned or rebuilt. *(Adopted November 7, 2000)*

AUTOMOBILE SERVICE STATION: A business establishment where gasoline, or other motor vehicle fuel, kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including the sale of minor vehicle maintenance products and accessories and the sale of convenience foods, beverages, and sundries. The servicing and repair of automobiles may be conducted as an accessory use on the premises, however body, frame, or fender straightening or repair and the storage of unregistered automobiles is not permitted. *(Amended June 15, 2011)*

AUTOMOBILE AND WATER CRAFT SALES: A business that sells new and/or used automobiles, trucks, construction or farm equipment, all terrain and universal terrain vehicles, snowmobiles, watercraft, marine equipment, and similar modes of transportation. *(Adopted July 15, 2020)*

AUTOMOBILE GRAVEYARD: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A MRSA, Section 101, subsection 42, or parts of the vehicles, except: *(Amended June 13, 2007)*

1. An area used for the storage of vehicles or vehicle parts by an auto repair garage for 180 calendar days or less;
2. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a governmental agency;
3. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A MRSA, chapter 5;

4. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A MRSA, Section 851;
5. An area used for temporary storage of vehicles by an establishment that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
6. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A MRSA, Section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

BACK LOT: A lot that lacks adequate lot frontage on a street or private way to meet the minimum lot dimensional requirements of the Zoning district. *(Adopted June 9, 2010)*

BANNER: Any sign of lightweight fabric or similar material having no permanent frame and which is mounted to a pole, building or other object. National flags, state or municipal flags shall not be considered banners.

BANNER, COMMERCIAL: A temporary sign advertising a commercial product or service constructed from lightweight fabric or similar material which lacks a permanent frame and is attached to a building, pole, or similar object. *(Adopted June 10, 2015)*

BANNER, CULTURAL: A temporary sign, constructed from lightweight fabric or similar material which lacks a permanent frame and is attached to a building, pole, or similar object, and announces community and cultural events or the activities of non-profit organizations serving the public interest. *(Adopted June 10, 2015)*

BANQUET HALL: An establishment, capable of seating a minimum of 100 persons at tables, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; and 2) the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public. *(Adopted June 10, 2015)*

BASAL AREA: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. *(Adopted June 9, 2010)*

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year alternately referred to as the 100-year flood.

BASEMENT: An area of the building having its floor sub grade (below ground level) on all sides.

BED & BREAKFAST: A single family dwelling, in which lodging or lodging and breakfast are offered to the lodgers for compensation, offering no more than three bedrooms for lodging purposes.

BEDROOM: A room in a dwelling unit which is not a bathroom, kitchen, living room, or dining room and which meets all of the following characteristics:

1. Has 100 square feet of floor area or more;
2. Has a door or a doorway no wider than 42 inches in which a door may be hung;
3. Meets the ingress and egress standards of the Arundel Building Code. *(Adopted January 24, 2000)*

BOARDINGHOUSE: Any residential structure where lodging and/or meals are provided to lodgers for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner; provided, however, that this term does not include a residential care facility or correctional pre-release facility. *(Amended November 25, 1996) (Amended June 13, 2007)*

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.

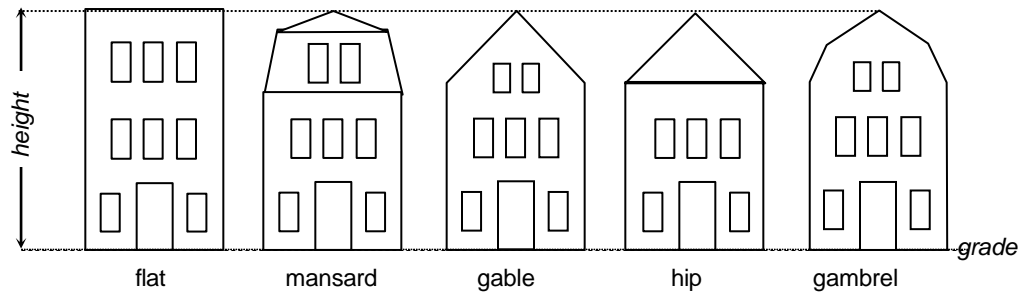
BUFFERING: The application of plant material, earthwork, fencing, structures, or any combination thereof that visually obstructs 76%-100% of a land use activity(s) from a specified vantage point(s) on another property(s). Visual obstruction shall be maintained on a year-round basis. In general, buffering shall be applied to separate residential and non-residential uses in all zoning districts. *(Adopted June 10, 2015)*

BUILDING: Any structure having a roof supported by columns or walls for the shelter of persons, animals, or personal property. *(Amended June 11, 2003)*

BUILDING SIGN FRONTAGE: A ratio used in determining the amount of sign area permitted on a lot or building, calculated by measuring the linear distance of that portion of the building fronting a public street or private way, improved driveway, or parking lot approved by the Arundel Planning Board. (Adopted June 10, 2015)

BUILDING TRADESMAN: A workman in a skilled trade, including a craftsman or an artisan. (Adopted June 13, 2007)

BUILDING HEIGHT: The vertical distance measured between the average finished grade of the ground at the front of a building to the highest point of the roof not including chimneys, spires, uninhabitable towers, or similar accessory structures not intended for human occupancy. (Amended June 13, 2007)



BUREAU: State of Maine Department of Conservation's Bureau of Forestry (Amended June 9, 2010).

BUSINESS: Any full or part-time enterprise or commercial facility, whether operated for profit or not-for-profit. (Amended June 13, 2007)

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

CANOPY: As applied to forestry and timber management, the more or less continuous cover formed by tree crowns in a wooded area. (Amended June 9, 2010)

CEMETERY: A burial place for human or pet remains. (Amended June 13, 2007)

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating compliance with all of the provisions of this ordinance. (Amended June 13, 2007)

CHANGE OF USE: The conversion of a principal use from one classification to another. (Amended June 13, 2007)

CHANGEABLE LETTER SIGN: A sign on which all or part of the message is composed of removable characters. (Adopted November 7, 2000) (Amended June 13, 2007)

CHANNEL: A natural or artificial watercourse with a mineralized bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

CHURCH: A building used by an organization to hold regularly attended religious services. (Amended June 13, 2007)

CLUB: A voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations. A service club is defined by its service mission, and by its membership benefits, such as social occasions, networking, and personal growth opportunities encourage involvement. Clubs offering alcoholic beverages to the public on the premises shall be governed by the conditions of a tavern, as defined herein. (Amended June 10, 2015)

CLUSTER DEVELOPMENT: A development for residential, commercial, industrial (or any combination of the above) purposes, in which individual lot sizes are reduced in exchange for 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.

COASTAL WETLANDS: All tidal and subtidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water habitat, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or during the maximum spring tide level as identified in the National Ocean Service Tide Tables.

CODE ENFORCEMENT OFFICER: The administrative official designated by the town manager to enforce this ordinance, also referred to as C.E.O. *(Amended June 13, 2007)*

COLLECTOR (STREET): A local street or highway which serves as a major collector route for minor streets and private ways, including the following: *(Adopted July 15, 2020)*

Brimstone Road Campground Road Curtis Road *(west of Irving Road)* Downing Road Hill Road Irving Road Lombard Road Mountain Road New Road Old Post Road River Road Sinnott Road Thompson Road

COLLOCATION: Locating by attachment or otherwise, more than one telecommunication facility (use) on a tower or alternative tower structure. *(Adopted April 15, 1998)*

COMMERCIAL SERVICE: A business other than a personal service business, home business, or professional office, engaged in the provision of a service and not goods or commodities. Examples include but are not limited to banks and other financial institutions, cleaning or repairing businesses, pet grooming, bottle redemption centers or funeral homes. *(Amended June 10, 2015)*

COMMERCIAL USE: The use of lands, buildings, or structures, other than a "home occupation," the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of the rental of residential buildings and/or dwelling units. *(Amended June 13, 2007)*

CONDITIONAL USE: A use permitted only after review and approval by the Planning Board or Staff Review Committee. A Conditional Use is a use that would not be appropriate without restriction, but which is permitted provided that all performance standards and other requirements of this ordinance are met. Any use not specifically allowed as either a permitted or a conditional use in a zoning district is specifically prohibited. *(Amended June 11, 2008; June 13, 2012, June 10, 2015)*

CONGREGATE CARE FACILITY: A type of medical care facility in which individual or family units have a private bedroom or living quarters, but share with other residents a common dining room, recreational facilities, and community facilities. Medical care can be provided in graduated levels ranging from periodic household maintenance and home health care to round the clock intensive medical care. *(Adopted June 10, 2015)*

CONSTRUCTED: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered a part of construction.

CONTRACTOR YARD 1: A yard, building, or combination thereof in which no more than four vehicles consisting of no more than one (1) Code 25 or Code 30 and one (1) Code 35 and Code 40 vehicle as illustrated in Figure 9.3.15-1 are stored along with equipment, building supplies, and/or earth material for use by a building, construction, or landscape tradesman solely for the conduct of the contract business and not for on-site display or resale to the general public. Asphalt paving businesses are excluded from Contractor Yard 1. *(Adopted June 10, 2015)*

CONTAINMENT WALL : [a wall surrounding all sides of an above ground tank to contain any spills or leaks.](#)

CONTRACTOR YARD 2: The principal place of business for a building, construction, or landscape contractor operating a fleet of four (4) or more construction /commercial vehicles and customarily consisting of offices, display areas, storage yards for building supplies, earth material, construction vehicle storage, and fueling storage facilities not exceeding 10,000 gallons in capacity and used exclusively for the fueling of the vehicles stored on- site. *(Adopted June 10, 2015)*

CONVENTION CENTER: A facility, with a minimum floor area of no less than 10,000 square feet, designed and used for conventions, conferences, seminars, product displays, recreation activities and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Lodging facilities, restaurants, and retail establishments may be associated with a convention center. *(Adopted June 10, 2015)*

CUT-OFF FIXTURE: An outside lighting fixture that is designed to minimize the amount of light which is not directed towards the ground. In order to be considered a cut-off fixture a minimum of 90% of the total lamp lumens must be directed below 80° from vertical and no more than 2.5% of the total lamp lumens may be allowed above a horizontal line from the bottom of the fixture. A cut off fixture may be either a pole-mounted or wall- mounted fixture. *(Adopted June 14, 2000)*

DAY CARE CENTER: A facility registered with or licensed by the state and that provides care or instruction during the day to thirteen (13) or more children. The term also includes centers that provide day care to the elderly or adults

with handicaps. (*Adopted November 7, 2000*) (*Amended June 13, 2007*)

DAY CARE HOME: A residential home occupied by the applicant and registered with or licensed by the state, as required, and that provides care or instruction during the day to three to twelve (3-12) children, exclusive of children who may be living in the home that is serving as the day care center. The term also includes centers that provide day care to the elderly or adults with handicaps. *(Adopted June 13, 2007)*

DBH (Diameter Breast Height): The diameter of a standing tree measured 4.5 feet from ground level. *(Adopted June 9, 2010)*

DECK: An uncovered structure with a floor, elevated above ground level. *(Adopted November 7, 2000)*

DEVELOPMENT: Any change caused by individuals or entities to any real estate, including but not limited to the construction of buildings or other structures; or construction of additional and/or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; the storage of equipment or materials, the storage, deposition, or extraction of materials; or public or private sewage disposal systems or water supply facilities. *(Amended June 11, 2003) (Amended June 13, 2007)*

DIGITAL ELECTRONIC MESSAGE SIGN - A sign or portion thereof that displays electronic, non-pictorial, text information defined via different combinations of light emitting diodes (LED's), fiber optics, or other illumination devices within the display area. Display can consist of static or scrolling display of text or symbolic messages. Electronic changeable copy signs do not include official or time and temperature signs. *(Adopted June 10, 2105)*

DIGITAL FUEL PRICE SIGNAGE: Digital LED electronic message board providing a static display of the current price of fuel sold at a retail automobile service station as defined herein. *(Adopted June 10, 2105)*

DIGITAL GRAPHIC DISPLAY SIGN - A sign or portion thereof that displays electronic, static images, static graphics and/or text information, via different combinations of light emitting diodes (LED's), fiber optics, other illumination devices within the display area and where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. *(Adopted June 10, 2015)*

DIGITAL SIGNAGE: Shall mean *Digital Electronic Message Sign, Digital Graphic Sign, Digital Time/Temperature Sign, and Digital Fuel Price Sign* as defined herein. *(Adopted June 10, 2105)*

DIGITAL TIME/TEMPERATURE SIGNS: Any sign which electronically displays exclusively current time and temperature information. *(Adopted June 10, 2105)*

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

DISPOSAL: The discharge, deposit, injection, dumping, leaking, spilling, incineration, or placing of any solid waste in or on any land, air or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. *(Amended November 7, 2000)*

DISRUPTION OF SHORELINE INTEGRITY: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions. *(Adopted June 9, 2010)*

DISTRICT: A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

DRIVE-THRU FACILITIES: Any use in which, goods, food, services, or money is dispensed directly to occupants of a motor vehicle. *(Adopted June 9, 2010)*

DRIVEWAY: A vehicular access-way serving two lots or less. *(Amended June 13, 2007)*

DWELLING: Any building designed or used only for residential purposes.

1. **Single-Family Dwelling:** A building containing only one (1) dwelling unit for occupation by not more than one (1) family. *(Amended June 13, 2007)*
2. **Two-Family Dwelling (Duplex):** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

3. **Multi-Family Dwelling:** A building containing three (3) or more dwelling units for occupation by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. (Amended June 13, 2007)

DWELLING UNIT: A room or suite of rooms designed and equipped exclusively for use by one family for habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Except for dwelling units located in the shoreland zone, the term does not include recreational vehicles including those that are associated with a campground and seasonal cottages that are part of a seasonal resort. (Amended June 13, 2007) (Amended November 13, 2007) (Amended June 9, 2010)

EDUCATIONAL FACILITY (Adopted November 7, 2000)

Public, Private and Parochial School: An institution for education or instruction that satisfies either of the following requirements:

- A) the school is not operated for a profit or as a gainful business; or
- B) the school teaches courses of study which are sufficient to qualify attendance there as compliance with State compulsory education requirements.

College: An institution accredited by the State of Maine to grant a post-secondary degree.

Commercial School: An institution that is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

ELEVATED BUILDING: A building without a basement built in Zones AE or A, as shown on the Flood Insurance Rate Map, with the top of the lowest floor, elevated above the ground level by means of pilings, columns, posts, piers, or "stilts" and 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. "Elevated building" also includes a structure elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of floodwaters. (Amended June 11, 2003) (Amended June 13, 2007)

ELEVATION CERTIFICATE: An official form (FEMA Form 81-31, July 2000, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and is required as a condition for purchasing flood insurance. (Amended June 11, 2003)

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.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

EQUESTRIAN STABLE, COMMERCIAL- A facility where no less than 11 and no more than 30 equines are used for rentals, riding lessons, rodeos, dressage, shows, or training, where training may include equines not boarded on-site. Both indoor and outdoor riding rinks, paddocks and corrals, bridle trails, and pasture may be permitted components of a Commercial Equestrian Stable operation. (Adopted September 25, 2017)

EQUESTRIAN CENTER- A facility where more than 30 equines are used for rentals, riding lessons, rodeos, dressage, shows, or training, where training may include equines not boarded on-site. Both indoor and outdoor riding rinks, paddocks and corrals, bridle trails, and pasture may be permitted components of an Equestrian Center operation. (Adopted September 25, 2017)

EQUINE(S): A horse, a mule, or other domesticated member of the Equus genus. (Adopted September 25, 2017)

ESTATE LOT: A lot with access established to a street or approved private way via a minimum 50-foot wide access strip owned in fee and contiguous to the estate lot. (Adopted June 9, 2010)

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, and greenhouses.

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

EXPANSION, SUBSTANTIAL: An increase in non-residential floor space, within or attached to a structure, by 1,000 sq. ft., or expansion of the lot area in use by 10,000 sq. ft. or more, since 1979. (Adopted June 12, 1996)

EXTRACTION: The removal of earth material from a site for commercial purposes or sale.

FAA: Federal Aviation Administration (*Adopted April 15, 1998*)

FAMILY: One or more persons occupying a premise and living as a single housekeeping unit.

FARM RETAIL: A permanent structure used to store, display, and sell agricultural and animal husbandry products produced on the site and other lands farmed by the principal owner. Prepared packaged foods, baked goods, handicrafts, Christmas trees and wreaths, agricultural hand implements and supplies manufactured by non-owner producers are permitted as secondary and seasonal uses in a Farm Retail operation. *(Adopted June 13, 2012)*

FARM STAND: A temporary structure not exceeding 200 square feet located on private property used for the sales of products such as fruit, vegetables, flowers, herbs, plants, unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and home-made handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand. *(Adopted June 13, 2007)*

FCC: Federal Communications Commission *(Adopted April 15, 1998)*

FILLING: Depositing or dumping any matter on or into the ground or water.

FINISHED GRADE: The average elevation of the ground surface within 5 feet of a building. *(Adopted June 13, 2007)*

FLEA MARKET: The sale of used or new merchandise, customarily involving the lease of sales space (indoors or outdoors) to others. *(Amended June 13, 2007)*

FLOOD(ING):

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) an unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along the shore of a 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 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 A(1) of this definition. *(Amended June 11, 2003)*

FLOOD ELEVATION STUDY: an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations .

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations. *(Amended June 11, 2003)*

FLOOD INSURANCE RATE MAP: The official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Arundel. *(Amended June 11, 2003)*

FLOODPLAIN: Any land area susceptible to being inundated by water from any source. *(Amended June 11, 2003)*

FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. *(Adopted June 12, 1996)*

FLOOD PROOFING: 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 their contents. *(Amended June 11, 2003)*

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, and in Zone A on the Flood Insurance Rate Map 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. *(Amended June 11, 2003)*

FLOODWAY ENCROACHMENT LINE - 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.

FREEBOARD - 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.

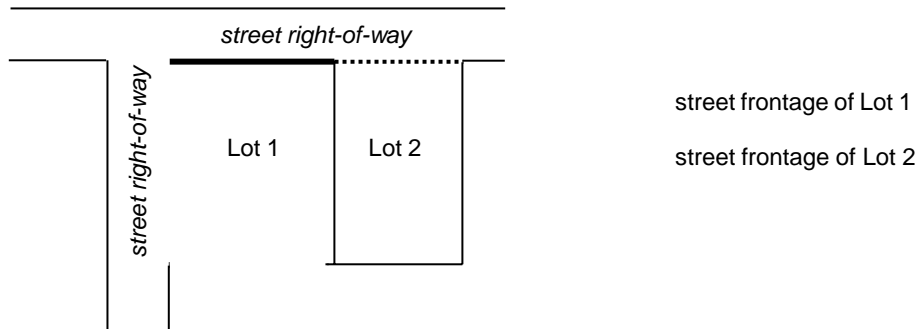
FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads. (*Adopted June 9, 2010*)

FOREST STAND: A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit. *(Adopted June 9, 2010)*

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is 20 feet tall or taller. *(Amended June 14, 2000)*

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

FRONTAGE, STREET: See STREET FRONTAGE. *(Amended June 9, 2010)*



FRONTAGE, SHORE: See SHORE FRONTAGE *(Amended June 9, 2010)*

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters. *(Amended June 11, 2003)*

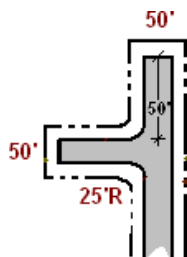
GARDEN CENTER: An agricultural related business establishment primarily involved in the retail sale of lawn and garden supplies, nursery stock, seeds, and seedlings, and not exceeding 2500 square feet in floor area. *(Amended June 13, 2007)*

GOLF COURSE: The ground or course laid out to facilitate the playing of the game of golf. For the purpose of this Ordinance a golf course may be public or privately owned, shall consist of 9 or more holes, and may support accessory uses such as practice putting greens, a driving range, maintenance facilities, clubhouse facilities containing meeting rooms, changing rooms, retail sales of golf equipment and apparel, food and alcoholic beverage service, and similar activities associated with but subordinate to the play of golf. Miniature golf courses are excluded from the definition of a golf course. *(Adopted June 15, 2011)*

GREAT POND: Brimstone Pond *(Amended June 14, 2000)*

GROUND COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. *(Adopted June 9, 2010)*

HAMMERHEAD: An alternative terminus to a private way in which a 90-degree backup lane is provided to the tangent of the travel lane. *(Adopted June 9, 2010)*



HARVEST AREA: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest. *(Adopted June 9, 2010)*

HAZARDOUS WASTE: Those wastes designated as hazardous by the Maine Board of Environmental Protection in accordance with 38 M.R.S.A. Sec. 1303-A but not including wastes resulting from personal residential household or agricultural activities.

HEALTH CLUB: A public or private facility providing exercise and/or weight-lifting equipment, aerobics, yoga, gymnastics, swimming, sauna, or similar type facilities for the promotion of exercise and health maintenance. *(Adopted June 10, 2015)*

HEALTH SERVICES: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. *(Adopted June 10, 2015)*

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places 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 historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic 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. *(Adopted June 12, 1996)*

HOME OCCUPATION / HOME BUSINESS: An occupation or use carried on for financial gain as an accessory use in a dwelling or structure accessory thereto that is secondary to the residential purpose and which does not alter the residential character of the dwelling. Home occupations shall be designated as Type 1 or Type 2. *(Amended June 12, 2019)*

HYDRIC SOILS: Poorly drained or very poorly drained soils as listed by the U.S.D.A. Natural Resources Conservation Service. *(Amended June 13, 2007)*

HYDROPHYTIC VEGETATION: Vegetation that is specifically adapted to submerged or saturated soil conditions and is classified by the U.S. Fish and Wildlife Service, U.S. Department of Agriculture, in the National List of Plant Species that Occur in Wetlands (NERC-88/18.19 or updated version). *(Adopted June 9, 2010)*

IMPERMEABLE SURFACE: The surface of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, stone, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas 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. *(Adopted June 13, 2007)*

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

INN: A building, which contains a dwelling unit occupied by an owner or resident manager, in which lodging or lodging and meals are offered to the general public for compensation, in which the entrances and exits to or from these rooms are made through a lobby or other common room.

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not otherwise developed and 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 gravel pads, parking areas, fire places, or tent platforms. An individual private campsite does not include the use of a tent or recreational vehicle by visitors to the occupants of a dwelling. *(Amended June 13, 2007)*

INTENSIFICATION: An increase in use or activity which will generate 10% or more (A.A.D.T.) traffic trips in accordance with the Institute of Traffic Engineers Trip Generation Manual or a use which requires an increase in parking by 10 or more spaces. *(Adopted June 12, 1996)*

INTERMITTENT STREAM: A free-flowing drainage outlet containing flowing water for less than three months out of the year. There must be the presence of aquatic vegetation and a defined channel devoid of topsoil. (Amended June 13, 2007)

JUNKYARD: A yard, field, or other outside area used to store, dismantle or otherwise handle: (Amended June 13, 2007)

1. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture;
2. Discarded, scrap and junked lumber; or
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

KENNEL: A facility where dogs, cats, or other household pets are temporarily housed for commercial purposes, for instance when their owners are away.

LED SIGNS: Type of electronic variable message sign made up of thousands of tiny lights called light emitting diodes (LEDs) that can emit full color in various intensity and can either portray a static graphic or images that appear to move with video-like quality. (Adopted June 10, 2015)

LICENSED FORESTER: A forester licensed under 32 M.R.S.A. Chapter 76. (Amended June 9, 2010)

LIVERY OPERATION: A motor vehicle or watercraft regularly engaged in the business of carrying passengers for hire and not operated on a fixed route, Taxis, limousines, vans, and private medical transport vehicles are examples of livery operations. Bus depots shall be categorized as Truck Terminals. (Adopted July 15, 2020)

LOCALLY ESTABLISHED DATUM: 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 (N.G.V.D.) or any other established datum and is used in areas where Mean Sea Level data is too far from specific site to be practically used.

LODGING: Building(s) providing overnight accommodations to itinerate guests for remuneration including hotels, motels, bed & breakfast establishments and inns but excluding boarding houses. Lodging facilities may also include restaurants, taverns, and other facilities as secondary and subordinate uses to the lodging use.

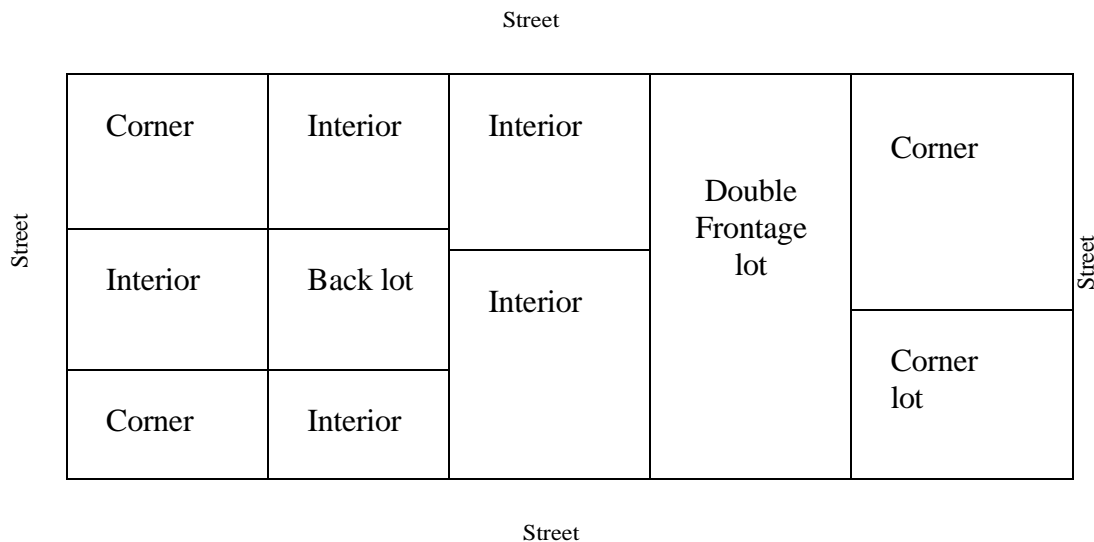
LOT: A contiguous area of land, with ascertainable boundaries established by deed, boundary lines on a recorded subdivision plan, or other instrument of record. not to include rights of way. (Amended June 13, 2001) (Amended June 13, 2007; June 9, 2010)

Lot, Back: A lot that does not abut a street or private way.

Lot, Corner: A lot with at least two contiguous sides abutting a street.

Lot, Double Frontage: A lot with at least two noncontiguous sides abutting a street.

Lot, Interior: Any lot other than a back lot, corner lot, or double frontage lot. (Amended Jan. 24, 2000)



LOT AREA: The total horizontal area within the lot lines.

LOT COVERAGE: The percentage of a lot covered by buildings, parking areas, driveways, sidewalks, patios, and other impermeable surfaces. *(Amended June 13, 2007)*

LOT FRONTAGE: The contiguous street frontage of a parcel of land required to meet the dimensional requirements of a zoning district. *(Adopted June 9, 2010)*

LOT LINES: The lines bounding a lot as defined below: *(Amended January 24, 2000)*

1. **Front Lot Line:** On an interior lot, the line separating the lot from the street. On a corner or double frontage lot, the lines separating the lot from either street. On a back lot, the line closest to and most parallel to the street from which vehicular access to the lot is gained. However, a lot line bounding a private way that was not created by the lot owner or his/her predecessors-in-title and over which the lot owner does not have a legal right of ingress and egress, shall be classified as either a side or rear lot line as defined below.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of lesser dimension. *(Amended June 13, 2007)*
3. **Side Lot Lines:** Any lot lines other than the front lot line or rear lot line.

LOT OF RECORD: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the York County Registry of Deeds. *(Amended June 13, 2007)*

LOT WIDTH: An alternative term for lot frontage. *(Adopted January 24, 2000) (Amended June 13, 2007; June 9, 2010)*

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure useable 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 in Subsection 7.4.G.12. *(Amended June 11, 2003)*

LOW IMPACT MANUFACTURING: Establishments engaged in the manufacturing, assembly, research, or processing of products and goods with all the operations occurring entirely within an enclosed structure not exceeding 6000 square feet of floor area, producing no objectionable noise, glare, odor, vibrations, smoke, or dust associated with the operations detectable outside the building, and where there is no outdoor storage of raw materials or products. *(Adopted June 13, 2007, amended June 10, 2015)*

MANUFACTURED HOUSING UNIT: Structures 14 or more feet in width and 750 square feet or more in area, transportable in two or fewer sections, which were constructed in a manufacturing facility and transported to a building site and designed to be used as dwellings when connected to the required utilities. For Section 7.4 Floodplain Management only, this also includes structures less than 14 feet in width, park model trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. *(Amended June 12, 1996) (Amended June 13, 2007)*

MANUFACTURING: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing.

MARINA: A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for water-craft and their equipment and accessories.

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions as determined by a Certified Real Estate Property Appraiser. *(Amended June 13, 2007)*

MEDICAL FACILITIES: Buildings and facilities providing medical diagnostics, treatment, rehabilitation, and patient care to persons under the supervision of health care professionals licensed to practice in the State of Maine, including but not limited to hospitals, medical clinics, nursing homes, physical rehabilitation facilities, and hospices. *(Adopted June 10, 2015)*

MEDICAL MARIJUANA-CAREGIVER PRODUCTION FACILITY: A facility used by a person or an assistant of that person who provides care for a qualifying patient who is registered by the State of Maine pursuant to 22 MRSA §2425-A. *(Adopted June 10, 2015; Amended July 15, 2020)*

MEDIUM IMPACT MANUFACTURING: Establishments engaged in the manufacturing, assembly, research, or processing of products and goods with all the operations occurring entirely within an enclosed structure not exceeding 50,000 square feet of floor area unless otherwise specified in a zoning district, producing no

objectionable noise, glare, odor, vibrations, smoke, or dust associated with the operations detectable outside the building, and where outdoor storage of raw materials or products is not visible nor produces noise, odor, or vibration nuisances to adjacent properties. *(Adopted June 10, 2015)*

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. *(Adopted June 14, 2000)*

MINERAL EXTRACTION: Any operation within any 12-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the removed product, away from the extraction site. *(Adopted June 14, 2000)*

MINOR DEVELOPMENT: 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 VI.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 FOOD TRUCK: A self-propelled motor vehicle licensed to travel on public highways and modified to prepare, cook, and serve food and non-alcoholic beverages to the public from private property in conformance with Section 9.3.22 of the Arundel Land Use Ordinance. *(Adopted April 1, 2019)*

MOBILE FOOD TRAILER: A towed trailer in excess of 3,000 pounds gross vehicle weight not to exceed 20 feet in length and meeting all of the standards of a Mobile Food Truck. *(Adopted April 1, 2019)*

MOBILE HOME: A manufactured housing unit constructed prior to June 15, 1976.

MOBILE HOME PARK: A plot of land under unified ownership approved by the Town for the placement of three (3) or more manufactured housing units. (For floodplain management purposes, two (2) or more manufactured housing units). *(Amended June 12, 1996) (Amended June 13, 2007)*

MONOPOLE: A telecommunications tower consisting of a single pole (non-latticed), constructed without guy wires or ground anchors. *(Adopted April 15, 1998)*

MOTEL OR HOTEL: A building or group of buildings built or converted to accommodate for a fee traveler(s) who are staying for 30 days or less. A motel or hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers. A motel is distinguished from a hotel only in that the sleeping rooms of a motel are accessed from the exterior of the building or from exterior hallways, parking is typically adjacent to the sleeping rooms. *(Amended November 7, 2000) (Amended June 13, 2007)*

MOVIE THEATRE: A facility where motion pictures are shown to the public and where food and beverages may be served.

MULTI-FAMILY DEVELOPMENT: A lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units. *(Adopted January 24, 2000)*

MUSEUM: An institution or establishment operated principally for the purpose of preserving and exhibiting structures and/or objects of historical, cultural, scientific or artistic interest which may contain associated facilities for meetings, education, restoration, and demonstration purposes. Sale of goods and services related to the museum's principle purpose is permitted as a subordinate and incidental use on the property. *(Adopted June 13, 2012; April 1, 2019)*

NATIONAL GEODETIC VERTICAL DATUM (NGVD): The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program. NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)." *(Adopted June 11, 2003)*

NEIGHBORHOOD CONVENIENCE STORE: A retail business of less than 2,500 square feet of floor sales area intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items, but not motor vehicle fuels. *(Amended June 13, 2007)*

NEON SIGN: A sign manufactured utilizing neon tubing, which is visible to the viewer. (Adopted June 10, 2015)

NEON TUBING: Electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases. (Adopted June 10, 2015)

NET DEVELOPMENT DENSITY (NDD): The area of a parcel suitable for building development, calculated by subtracting the area of site constraints as identified below from the total parcel area;

- 1) All wetlands and hydric soils;
- 2) All watercourses;
- 3) Slopes in excess of twenty-five (25%) percent. *(Adopted June 10, 2015)*

NET RESIDENTIAL ACREAGE: The gross acreage available for development excluding the area for streets or access and the areas which are unsuitable for development including areas of hydric soils, ponds, any portion of the site which is cut off from the main portion of the site by an existing road, water body, or similar physical condition which interrupts the continuity of the site, and slopes of 25% or more. *(Amended November 7, 2000) (Amended June 13, 2007)*

NET RESIDENTIAL DENSITY: The number of dwelling units per net residential acre.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after June 14, 1995 or the effective date of any amendment to this ordinance as well as any subsequent improvements to these structures. *(Adopted June 11, 2003) (Amended June 13, 2007)*

NIT: A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. *(Adopted June 10, 2015)*

NON-CONFORMING DEVELOPMENT: A property which consists of a use that is permitted in the district in which it is located, on a lot that meets the dimensional requirements of this ordinance, and a structure that meets the setback and height requirements, but that does not comply with all of the standards of Sections 6, 7, or 8 of this Ordinance. *(Adopted June 13, 2007)*

NON-CONFORMING LOT: A lot that does not meet the minimum lot area, lot frontage, shore frontage, or access requirements of this Ordinance. *(Amended June 10, 1997) (Amended June 13, 2007; June 9, 2010)*

NON-CONFORMING STRUCTURE: A structure that does not meet the setback or height requirements of this ordinance. *(Adopted June 13, 2007)*

NON-CONFORMING USE: The use of land or structures that is not permitted in the district in which it is located. *(Adopted June 13, 2007)*

NORTH AMERICAN VERTICAL DATUM (NAVD): 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 the vertical data used by other North American 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.

NORMAL HIGH-WATER MARK (OR LINE) OF COASTAL WATERS: Along coastal or tidal waters, the elevations at which vegetation changes from predominately aquatic predominantly terrestrial. By way of illustration, coastal or tidal vegetation includes, but is not limited to: salt marsh grass salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high-water mark shall be the identifiable debris or water line left by non-storm tidal action. *(Amended June 13, 2007)*

NORMAL HIGH-WATER MARK (OR LINE) OF INLAND WATERS: That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high-water mark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks) the normal high-water mark shall be estimated from places where it can be determined by the above method. In the case of wetlands adjacent to the Kennebunk River or Brimstone Pond, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water. *(Amended June 13, 2007)*

NURSING HOME: A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other

persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services. (Adopted November 7, 2000)

OFFICE: A place of business where activities such as bookkeeping, accounting, telephone sales, and telecommunications take place, but where there are no retail sales. (*Adopted November 7, 2000; Amended June 10, 2015*)

OFFICIAL BUSINESS DIRECTION SIGN: Shall mean a sign licensed by the Maine Department of Transportation which indicates to the traveling public the route to public accommodations, facilities commercial

service areas and points of scenic, historical, cultural, recreational, educational and religious interest. (Amended June 13, 2007)

PARKING SPACE: An area, exclusive of drives or aisles, for the parking of vehicles.

PERMITTED USES: A use that is permitted by right in a zoning district. Any use not specifically allowed as either a permitted or a conditional use in a zoning district is specifically prohibited. (Adopted June 10, 2015)

PENDING APPLICATION: Any complete application that has been filed in compliance with this ordinance and deemed complete by the permitting authority. (Amended June 13, 2007)

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.

PERSONAL SERVICE: An establishment primarily engaged in providing services involving the non-medical care of a person such as but not limited to, hairdresser, barber, beautician, massage therapist, tanning salon, and similar establishments. (Adopted November 7, 2000; Amended June 13, 2007; June 10, 2015)

PET DAY CARE CENTER: A commercial facility providing professional daytime boarding and care for domesticated pets, but not for exotic species or wild animals. (Adopted June 10, 2015)

PIERS, DOCKS, WHARVES, AND USES PROJECTING INTO WATER BODIES:

1. **Temporary:** Structures that remain in the water for less than seven (7) months in any period of twelve (12) consecutive months. (Amended June 13, 2007)
2. **Permanent:** Structures that remain in the water for seven (7) months or more in any period of twelve (12) months. (Amended June 13, 2007)

PLANNED DEVELOPMENT: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases, including shopping centers, industrial parks and office/business parks. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings.

PORTABLE SIGN: A sign that is designed to be moveable and not securely attached to the ground or a building. Any sign that is not attached to a building shall be considered a portable sign unless its supports are inserted into the ground. (Adopted November 7, 2000) (Amended June 13, 2007)

POWERED SPORTS FACILITY: A commercial recreational facility in which a track, course, or other accommodations are provided for the use of power sports vehicles such as ATVs, Motorcycles, Go-Karts, "dirt bikes", and other motorized vehicles operated by a driver. (Adopted June 10, 2015)

PRINCIPAL STRUCTURE: The structure in which the primary use of the lot is conducted.

PRINCIPAL USE: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

PRIVATE ROAD: A private way.

PRIVATE WAY: A privately-owned road within a 50-foot right-of-way constructed to standards specified in the *Street Design and Construction Ordinance* and providing legal vehicular access to lots lacking required street frontage on a public street. (Adopted June 9, 2010; April 1, 2019)

PROFESSIONAL OFFICES: The place of business for doctors, lawyers, accountants, architects, surveyors, real estate or insurance agents, psychiatrists, psychologists, counselors, and the like, but not including financial institutions or personal services (such as hair dressers, beauticians, masseuses, 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 or public entity. For purposes of this ordinance, a public facility shall be treated in the same manner as a privately owned facility of a similar nature. (Amended June 13, 2007)

PUBLIC UTILITY: Facilities for the transmission or storage of electricity, gas, oil, water, sewage, or electronic signals, either above or below ground, but not including the single or multiple locations of street poles subject to Municipal Officer review. (Adopted June 12, 1996) (Amended June 13, 2007)

RECENT FLOODPLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey: (Adopted June 9, 2010)

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

RECREATIONAL FACILITY, COMMERCIAL: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to miniature golf courses, tennis courts, indoor sports facilities, ice rinks, and amusement parks. (Adopted June 10, 2015)

RECREATIONAL FACILITY, PASSIVE: A recreation facility that is not operated for profit and is open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, but not including campgrounds or commercial recreational facilities. (Adopted June 10, 2015)

RECREATIONAL RENTALS: A business that rents recreational and sporting equipment to the general public for short term use including but not limited to equipment such as bicycles, canoes and kayaks, skateboards, and powered vehicles limited to motor scooters and motor bicycles. (Adopted June 10, 2015)

RECREATION VEHICLE: A vehicle or vehicular attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, or motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its axles attached but the wheels may be removed as long as they remain with the RV. (Amended June 13, 2007; September 25, 2017)

REGULATORY FLOODWAY

a. 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,

b. 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 septic 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 FACILITY: A laboratory or other facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation. (Adopted November 7, 2000)

RESIDENTIAL CARE FACILITY: A residential structure which provides shelter and support services as an integral function of the facility. This term does not include a correctional pre-release facility or shelter and services to family members related by blood, marriage, or adoption. (Adopted Nov. 25, 1996 - Amended June 10, 1997) (Amended June 13, 2007)

RESIDUAL: Solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers. (Adopted November 7, 2000)

RESIDUAL BASAL AREA: The average of the basal area of trees remaining on a harvested site. (Adopted June 9, 2010)

RESTAURANT: An establishment that serves food and beverages primarily to persons seated within the building. This includes outdoor cafes, decks, and picnic tables.

RESTAURANT, TAKE OUT: An establishment that offers quick food service, which is accomplished through a

limited menu of items already prepared and held for service, or prepared, fried or griddled quickly or heated in a device such as a microwave. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers.

RETAIL: The sale of goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail sale business does not include automobile service station, automobile and watercraft sales, a garden center, a farm stand or a restaurant. *(Amended June 13, 2007; June 11, 2008; June 10, 2015; July 15, 2020)*

RIGHT-OF-WAY: An area or strip of land described in a recorded deed and dedicated to the purpose of providing legal access and lot frontage to a parcel or parcels of land. The right of way of a public street or private

way shall not be counted for as part of any other parcel and the shared boundary between the right-of-way and any parcel of land shall be defined as the front lot line of adjacent parcels. *(Adopted January 24, 2000; July 14, 2017)*

RIPRAP: A permanent, erosion-resistant ground cover constructed of large, loose, angular or sub-angular (rounded) stone. *(Amended June 13, 2007)*

RIVER: The freshwater portions of the Kennebunk River. *(Amended June 14, 2000)*

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. *(Adopted June 12, 1996)*

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. *(Adopted January 24, 2000)*

SALT MARSH: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. *(Adopted June 9, 2010)*

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas. *(Adopted June 9, 2010)*

SCHOOLS: Institutions that that provide on or off-site organized and systematic education of students in curriculums mandated by the State of Maine or provide accredited post-secondary school education or provide instruction in technical, scientific, artistic, professional, vocational, or religious careers.

Schools: Public and private educational institutions, including: boarding schools; community colleges, colleges and universities; elementary, middle, and junior high schools; high schools; and military academies. Does not include pre-schools and Day Care facilities (see “Day Care Facilities”).

Schools, Specialized: Public and private educational institutions offering instruction in the following: art; ballet and other dance; computers and electronics; drama; driver education; language; music; and other similar activities. Includes business, secretarial, and vocational schools: establishments providing courses by mail; professional schools (law, medicine, etc.); seminaries/religious ministry training facilities. Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. *(Adopted June 10, 2015)*

SCREENING: The application of plant material, earthwork, fencing, structures, or any combination thereof that visually obstructs 33%-74% of a land use activity(s) from a specified vantage point(s) on another property(s). Visual obstruction shall be maintained on a year-round basis. In general, screening shall be applied to separate non-residential uses on adjacent properties. *(Adopted June 10, 2015)*

SEASONAL COTTAGE: A detached one-story single unit structure, designated as part of an overall Seasonal Resort, made up of a room or group of rooms containing cooking, sleeping, bathing and sanitary facilities and that is not occupied between January 1 and April 30. As a requirement of this designation, water service to the unit shall be turned off during the same period. *(Adopted November 13, 2007) (Amended Nov. 24, 2014)*

SEASONAL PARKING AREA OR LOT: A parking area or lot generally used for a time period of up to eight (8) months between May 1 and December 31. *(Adopted November 2, 2010) (Amended Nov. 24, 2014)*

SEASONAL RESORT: A business consisting of a minimum of twenty (20) seasonal cottage units as part of a comprehensively planned and designed development operated by an identified management group on a minimum of 10 acres. The seasonal cottage units may be occupied for a time period of up to eight (8) months between May 1 and December 31. Such a resort would also typically have associated guest amenities including, but not limited to, a community center, swimming pool facilities, convenience store and active and/or passive recreational facilities. The resort’s management group would be responsible for operating and maintaining the complex, including providing year ’round maintenance and on-site security. *(Adopted November 13, 2007) (Amended Nov. 24, 2014)*

SECONDARY CONTAINMENT TANK: A tank meeting the requirements of the 1996 edition of the NFPA 30 Flammable and Combustible Liquids Code having an inner and outer wall with an interstitial space between and having means for monitoring the interstitial space for a leak in either wall. *(Adopted November 7, 2000)*

SELF-STORAGE FACILITY: A business establishment that provides individual spaces for lease or rent to individuals for the storage of personal property. *(Adopted June 15, 2005)*

SETBACK: The horizontal distance from a lot line to the nearest part of a building or structure.

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SETBACK FROM WATER OR WETLAND: The horizontal distance from the normal high-water mark or upland edge of wetland to the nearest part of a structure. *(Amended June 13, 2007)*

SHOPPING CENTER: Two or more retail stores or service establishments, containing 10,000 square feet or more of gross floor space, on one lot. *(Amended June 13, 2007)*

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. *(Adopted June 9, 2010)*

SHORELAND ZONE: The land area within 250 feet of the normal high-water line of Brimstone Pond, the Kennebunk River, or Goff's Mill Brook, within 250 feet of the upland edge of a coastal wetland including all areas affected by tidal action; within two hundred fifty(250) feet of the upland edge of a Resource or Shoreland wetland; within one hundred (100) feet of the high-water line of a stream, or within fifty (50) feet of the high water line of a tributary stream. *(Adopted June 14, 2000) (Amended June 13, 2007) (Amended June 9, 2010)*

SHORELINE: The normal high-water line or upland edge of an inland or coastal wetland. *(Amended June 9, 2010)*

SIGN: A name, identification, description, display, notification or illustration which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel or lot and which related to an object, product, place, activity, person, institution, organization or business on the premises.

SIGN AREA: The area of a sign is the space within a parallelogram, which encloses the limits of the advertising message, illustration, insignia, surface or a space of a similar nature, together with any frame, color or other material which is an integral component of the display and is used to differentiate such sign from a wall or other background but excluding supporting posts or brackets. When a sign consists of individual letters, numerals, symbols or other similar components painted on or attached to a building, without a definitive background or frame area, the total area of the sign shall be the area of the parallelogram surrounding the sign wording, message or logo. *(Amended June 13, 2007)*

SIGN, CANOPY: Any sign that is part of or attached to an awning or canopy. For purposes of this ordinance, a canopy or awning is any fabric, plastic, or structural protective cover over a door, window, entrance, or outdoor service area.

SIGN, MARQUEE: Any sign or permanent roof-like structure designed and constructed to serve as a sign, utilizing manually or electronically changeable copy for the purpose of advertising events at a movie or other type of theater.

SIGN, POLITICAL: A political sign is any sign normally denominated as such.

SIGN, POLITICAL CAMPAIGN: A political sign for or against a candidate, measure on an election ballot, proposition or other issue submitted to the electorate for a vote.

SIGN, POST: A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, PROJECT IDENTIFICATION: A sign naming a residential subdivision, commercial or industrial development site where there are multiple lots or businesses (more than 3). *(Adopted June 12, 1996)*

SIGN, SANDWICHBOARD: A freestanding portable sign consisting of two (2) board faces of no greater dimensions than two (2) feet by three (3) feet each, hinged at the top. The faces of Sandwichboard signs in the DB-

1 District shall consist of either black chalkboards, dark reader boards with lighter removable lettering, white boards with black lettering, or a permanent sign designed in conformance with the standards of Section 7.2.5 of this Ordinance. *(Adopted June 10, 2015)*

SIGN, TEMPORARY: A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, metal or other material, with or without a structural frame, and intended for a limited period of display.

SIGNS, TEMPORARY OFF-PREMISES FARM STAND: A temporary sign displayed off the premises of the agricultural operation that advertises agricultural products produced on the premises for sale to the public. *(Adopted June 15, 2011)*

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. *(Adopted June 9, 2010)*

SLASH: The residue, specifically treetops and branches, left on the ground after a timber harvest. *(Adopted June 9, 2010)*

SOLID WASTE: Solid, material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but excepting fill material which consists solely of mineral material (soil) and rock, and also not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste, or constituent of the waste, may have value, be beneficially used, have other use, or be sold or exchanged, does not exclude it from this definition. *(Adopted November 7, 2000)*

SOLID WASTE FACILITY: Any land area, structure, location, equipment or combination of them, used for the handling of solid waste. These include but are not limited to solid waste transfer stations, landfills, incinerators, processing facilities, storage facilities and agronomic utilization sites. The following facilities are not included:

- (1) A facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;
- (2) Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers which combust solid waste generated exclusively at the facility; and
- (3) An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:
 - (a) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;
 - (b) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;
 - (c) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and
 - (d) The boiler combusts no other forms of solid waste except as provided in this subparagraph.

For the purposes of this ordinance there are five types of solid waste facilities:

AGRONOMIC UTILIZATION: The land application of residuals in a controlled manner in order to:

- (1) Increase the nutrient content of the soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil;
- (2) Otherwise improve agricultural soil conditions; or
- (3) Provide some other horticultural benefit.

DISPOSAL FACILITY: A solid waste facility for the incineration or landfilling of solid waste. 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.

PROCESSING FACILITY: Any land area, structure, equipment, machine, device, system, or combination thereof, other than incinerators, which is operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing facilities include but are not limited to facilities which employ

shredding, baling, mechanical and magnetic separation, and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste. Composting of animal manure generated on the site shall not constitute a processing facility

TRANSFER STATION: Any solid waste facility constructed and managed to receive, store, accumulate, and/or consolidate solid waste in sufficient volume to be able to containerize solid waste for efficient transportation to another facility.

OTHER FACILITY: A solid waste facility that does not meet the definition of the previous four types of facilities. *(Adopted November 7, 2000)*

SPECIAL EVENT: Any temporary activity serving a specific event or activity. A Town permit for such a special event may be required. *(Adopted April 15, 1998)*

SPECIAL WASTE: Any waste emanating from sources other than typical domestic and commercial establishments that is not readily compatible within a waste facility at which it may be handled. A waste is considered special when it exists in such an unusual quantity or such a chemical or physical state, or any combination thereof, as to disrupt or impair effective waste management or threaten public health, human safety or surrounding natural resources when it is to be handled at a waste facility that is not appropriately located, designed, or operated to receive such waste.

STAFF REVIEW COMMITTEE: A committee comprised of the Code Enforcement Officer, Town Planner, Public Works Director, Fire Chief, and Town Assessor or their designee. *(Amended June 13, 2007; June 11, 2008; June 13, 2012; July 15, 2020)*

START OF CONSTRUCTION: The first placement or 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 housing unit on a foundation. For the purposes of Section 7.4, start of construction does not include land preparation, such as clearing, grading and filling; nor does it include the 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 nor part of the main structure. For a substantial improvement, the 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. *(Added June 11, 2003)*

STREAM: Any perennial watercourse characterized by defined channel(s), mineral bottoms, and a main channel depicted as a blue line on the most recent United States Geological Survey 7.5-minute series topographic map. *(Amended June 14, 2000; June 13, 2007; June 14, 2017)*

STREET: An existing state, county, or town way; a way dedicated for public use and shown upon a subdivision plan approved by the Planning Board and recorded in the York County Registry of Deeds; or a way dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways that have been discontinued or abandoned, nor shall it include a private easement or right of way not dedicated for public use. *(Amended January 24, 2000)*

STREET FRONTAGE: The portion of a property lot line, measured in horizontal distance that directly abuts a public street or approved Private Way. Any property line that can be defined as "street frontage" is also defined as the "front lot line" of a parcel. *(Adopted June 9, 2010)*

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on or in the ground, including buildings, billboards, gas or liquid storage tank that is principally above ground, signs, commercial park rides and games, carports, porches, decks and other building features, but not including sidewalks, field or garden walls, fences, flagpoles, driveways, and parking lots. For the purposes of Section 7.4 Floodplain Management only, a structure is only a building and a gas or liquid storage tank that is principally above ground. *(Amended June 12, 1996) (Amended June 11, 2003) (Amended June 13, 2007)*

STRUCTURE HEIGHT: The vertical measurement from a point on the ground from the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finish grade around the structure, to the highest point of the structure. Telecommunication facilities shall be measured from ground level (including the height of the base-pad) to the highest point on the tower, including attached antennas. Transmitting devices co-located on alternative support structures shall extend no more than twelve feet (12) above the support structure. *(Amended April 15, 1998) (Amended June 13, 2007)*

SUBDIVISION: See Arundel Planning Board Subdivision Regulations. *(Amended June 13, 2007)*

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. *(Adopted June 12, 1996) (Amended June 11, 2003)*

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 that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: *(Amended June 13, 2007)*

1. Any project for improvement of structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local codes enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided the alteration will not preclude the structure's continued designation as a historic structure. *(Amended June 12, 1996)*

TAVERN: An establishment where drink is served to or consumed by the public. The fact that food is also served does not disqualify an establishment from being a tavern. *(Adopted November 2, 2010)*

TELECOMMUNICATION STRUCTURE / FACILITY: Any structure, antenna, tower, or other device of any height which supports or provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services (unless otherwise Exempted in 8.13.B). *(Adopted April 15, 1998)*

THEATER: A facility for the production of live performances such as plays and concerts. *(Adopted June 13, 2007)*

TIDAL AREA: Any land or water area upon which tidal action occurs.

TIMBER HARVESTING: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction or for the conversion of forest to some other land cover. *(Amended June 13, 2007)*

TOWER: Any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carriers, cellular telephone towers, alternative tower structures, and similar structures. *(Adopted April 15, 1998)*

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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 zone of the receiving water body or wetland.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another, or used for the garaging of the trailer portion of a tractor trailer unit, and/or a storage facility for a motor freight business consisting of one or more truck tractors. On-site repair facilities dedicated only for the trucks associated with the terminal. The terminal shall not be used for long-term or permanent accessory storage or warehousing for principal land uses at other locations. *(Adopted June 15, 2011)*

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 maximum spring tide level, including all areas affected by tidal action. For purposes of an inland 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 (6) meters (approximately twenty (20) feet) tall or taller. *(Amended June 9, 2010)*

VAPOR BARRIER: Natural or synthetic material such as *Tyvek*, *Housewrap*, tarpaper, or roofing felt used as a vapor barrier installed between the sheathing and the siding on the exterior of a building. *(Adopted June 10, 2015)*

VARIANCE: A relaxation of the terms of this ordinance that relate to dimensional requirements such as lot size, setback, or lot coverage. *(Amended June 13, 2007)*

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level. *(Adopted June 9, 2010)*

VEHICLE: An automobile, truck or motorcycle. *(Adopted November 2, 2010)*

VETERINARY HOSPITALS: Any building used for the diagnosis and treatment of animals under the supervision of a licensed veterinarian. Such facilities shall not provide long-term lodging for animals on a fee basis and shall not be construed as a home occupation, kennel, or a professional office under the definitions and terms of this Ordinance. *(Adopted June 13, 2007)*

VIEWSHED ANALYSIS: The land area in which a new structure is visible with unaided viewing. An analysis of this area shall entail various perspectives throughout Arundel and for a distance of one mile from the proposed structure. *(Adopted April 15, 1998) (Amended June 13, 2007)*

VIOLATION: The failure of a structure or development to comply with the provisions or standards of this ordinance. *(Adopted June 12, 1996) (Amended June 10, 1997) (Amended June 13, 2007)*

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 building, other than a self-storage warehouse, where materials are held in storage for commercial purposes or as part of a business operation. *(Adopted June 13, 2007)*

WASTE: This term shall include hazardous waste, solid waste, special waste, sludge, and septage.

WATERBODY: An impounded area of water, including but not limited to ponds, lakes, streams, and tidal waters, but excluding drainage ditches and other manmade structures constructed principally for stormwater control purposes. *(Amended June 9, 2010)*

WATERCOURSE: A periodic or perennial free-flowing body of water within a channel, including but not limited to streams, brooks, tributaries, and perennially flowing drainage swales. *(Adopted June 9, 2010; Amended June 14, 2017)*

WATER CROSSING: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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 crossing.

WETLAND: A coastal wetland or an inland wetland. *(Adopted June 14, 2000) (Amended June 9, 2010)*

WETLANDS ASSOCIATED WITH BRIMSTONE POND AND THE KENNEBUNK RIVER: **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 June 13, 2007)*

WETLAND, COASTAL: All tidal and subtidal lands including all areas below any definable debris line left by tidal action; all areas with vegetation present that is tolerant of saltwater and that occurs primarily in a saltwater or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the national ocean service. Coastal wetlands may include portions of coastal sand dunes. *(Adopted June 9, 2010)*

WETLAND, CONTIGUOUS: An inland, coastal, or jurisdictional wetland measuring a minimum of 100 horizontal feet in width for a lateral distance of 100 horizontal feet. Wetlands separated by roads, dikes, or topography for a horizontal distance of less than 100 feet shall be regarded as contiguous. *(Adopted June 9, 2010)*

WETLAND, INLAND: Land areas periodically inundated by fresh surface water or groundwater creating a condition whereby a predominance of hydrophytic (wetland) vegetation, hydric soils, and wetland hydrologic conditions exist, as defined and classified by the *Federal Manual for Identification and Delineation of Jurisdictional Wetlands* as published by the U.S. Fish and Wildlife Service (1989). Inland wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. *(Adopted June 9, 2010)*

WHOLESALE: A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and

buying merchandise for, or selling merchandise to, such individuals or companies. *(Adopted June 13, 2007; Amended June 11, 2008; June 10, 2015)*

YARD SALE: The term "yard sale" shall include so-called garage sales, porch sales, tag sales, and the like. Unless they occur on more than five consecutive days or more than twice a year, they shall not be considered to be retail sales. *(June 13, 2007)*