

CHAPTER 300 – DEFINITIONS

301. Meaning of Words

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

302. Definitions

Golf Course:

A tract of land for playing golf, improved with trees, greens, fairways, and hazards, and which may include clubhouses and shelters. The term excludes miniature golf courses.

Commercial Parking Facility:

A lot, or any portion of a lot, used for the parking of motor vehicles where that use is a primary use.

Solid Waste Facility:

A building, yard, field or other land area used to temporarily or permanently store discarded household or commercial waste.

Golf Range:

A facility designed for the practice of golf, typically featuring a series of designated areas where individuals can hit golf balls for practice. This may include driving ranges, putting greens, and associated amenities such as a clubhouse, restrooms, and equipment rental services. Golf ranges are intended for recreational use and may be open to the public or restricted to members.

Resort: *See Motel and Hotel*

Medical Clinic: a healthcare facility, smaller than a hospital, that primarily offers outpatient services.

Commercial Fish Pier: a structure, typically built out into the water, to facilitate the unloading, processing, and distribution of fish and other seafood caught by commercial fishing operations.

Outdoor Storage Facility: is a designated area used for storing various items like equipment, materials, vehicles, or goods outside of a building.

Storage Building: is a structure primarily designed and used for storing or sheltering goods, materials, equipment, and/or vehicles.

Miniature Golf Course (Mini-Golf, Putt Putt Golf): An area of land or a building, structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or

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any aspect of the game on a small scale, but does not include a Golf Rang.

Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including but not limited to changes to the physical state or form of the agricultural product, as an accessory use to an agricultural use. A minimum of 51% of the agricultural products used for the processing, preparation, and/or manufacturing shall be derived from the agricultural use.

Abutting Property: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

Accessory Building or Structure: A subordinate building or structure or a portion of the main building, the use of which is incidental to that of the main or principal building. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure in the Shoreland Zoning Overlay District.

Accessory Buildings within Setbacks: In all districts, accessory buildings or structures, including, but not limited to woodsheds, garden sheds and tool houses, may be placed within the side and rear yard setbacks under the following conditions:

1. Total ground coverage shall not exceed 150 square feet.
2. Building height shall not exceed 12 feet.
3. Building shall not be used to store more than 5 gallons of flammable liquids or gases.
4. No portion of building shall be placed closer than 6 feet from the property line.
5. More than 1 accessory structure under these criteria is prohibited.

Accessory Use: A use clearly incidental and subordinate, to the principal building or permitted use and located on the same lot with such principal building or use. A dwelling unit shall not be considered an accessory use.

Affordable Housing: For definition, see Maine Statute 30-A- MRSA § 4364 (1).

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.

Agriculture (or Farming): The cultivation of the soil, production of crops and/or raising of livestock, including but not limited to: the production, keeping or maintenance for

sale or lease, of plants and/or animals, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Alley: A narrow street or passageway between or behind buildings; *especially:* a thoroughfare through the middle of a block giving access to the rear of lots or buildings. In the *Traditional Village District*, alleys usually run between or behind buildings to allow for delivery and access for fire engines and parking.

Animal Kennel: An establishment, in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Art Gallery: A business providing space for the display and sale of graphic art, sculpture, textiles and photographs to the public.

Artisan living/working use: The manufacture and sale of artifacts, works of art, and products by hand or with table mounted or electric hand tools such as, but not limited to, pottery, ceramics, hand-blown glass objects, within the same dwelling unit(s) in the same building(s).

Assistant Code Enforcement Officer: A state of Maine Certified Code Enforcement Officer appointed by the Rockport Board of Selectmen to act in coordination with the Code Enforcement Officer.

Association of Unit Owners: All of the unit owners acting as a group in accordance with the bylaws and declaration.

Automobile Repair Garage: A business which services and repairs automobiles, vans and light trucks.

Automobile Sales, Both New and Used Cars and Trucks: A business that sells new or used automobiles or trucks.

Barber Shops and Salons: A place of business where the cutting, styling, coloring, cleaning, shaving, waxing, or otherwise altering the characteristics of hair on the

head or face is performed for a fee. Also includes the practice of cosmetology, and nail care, but does not include tattooing or the use of electrolysis for hair removal.

Barn: An accessory structure for the housing of farm animals and/or for the storage of the animal feeds for those farm animals and agricultural equipment,

Basal Area: The area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

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

Bed and Breakfast: An owner-occupied dwelling in which 3 to 6 sleeping rooms are, for a fee, occupied by guests staying for a limited duration (less than 2 weeks). Only breakfasts for guests may be served. Adequate off-street parking shall be provided. There shall be no kitchen facilities in rented units or rooms. There shall be no separate ownership of units or rooms. The renting of 1 or 2 bedrooms in a dwelling, used as living quarters for 1 family, shall not be considered a bed and breakfast, but rather shall be considered an accessory use to the single family dwelling.

Best Management Practices (BMPs): Practices, methods or measures that when installed or performed will prevent, reduce or correct a non-point source(s) (NPS) water pollution problem(s). Agricultural BMPs are used to encourage the accurate use of herbicides and pesticides.

Blaster: An individual, licensed by the State, who is in charge of the loading and firing of a blast and who supervises other individuals engaged in this activity.

Blasting: An activity using explosives for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation, site development, and other construction projects.

Blasting Operation: All work involving the preparation, drilling, loading, detonation, excavation, and cleanup of the blasted area.

Notification Radius for Blasting Operations: The notification radius is a linear measurement from the site of the blasting operation to property owners within the proscribed radius. Notice shall be provided to all owners of property within the notification radius; District 908 - 500 ft., Districts 903, 904, 906, 907, 909 - 300 ft., and Districts 901, 902, 916 - 150 ft.

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Boarding Care Facilities: A residential facility for four or more elderly or disabled persons within which are provided living and sleeping facilities, meal preparation, laundry services, room cleaning and physical therapy. Such facilities may also provide other services, such as, but not limited to, transportation for routine social and medical appointments, minor nursing or medical care and/or counseling.

Boat/Ship Yard/Sales: A facility, whether open or enclosed, providing one or more of the following services to the public: boat/ship repair, boat/ship construction, boat/ship storage, boat/ship sales.

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.

Boat Storage: The commercial storage of boats, boat motors and/or boat trailers at a marina, boat/ship yard or marine repair facility or storage building. This does not include retail sales.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or objects regardless of the materials of which it is constructed.

Building Maintenance: The repair or refinishing of an existing building with no change to structural features. Examples of building maintenance include repainting, reroofing or residing.

Camping and Tenting Area or Campground: A facility licensed by the State of Maine, and including any area or tract of land to accommodate two (2) or more parties in overnight or temporary living quarters, including, but not limited to tents, campers, camping trailers, motor homes and travel trailers, that also maintains offices, sanitary, washing and other facilities accessory thereto.

Campsite – Private Individual: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking areas, fire places or tent platforms.

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

Care Facility: A facility licensed by the State of Maine to provide a residence for persons who have physical infirmities such that they are in need of custodial care but not to such a degree as to require nursing home facilities.

Cellar: See definition for Basement.

Cemeteries: Land or lots used, or intended to be used, for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Occupancy: a certificate provided after the inspection of a structure by the CEO, LPI, and the Fire Chief or their designee for habilitation of living space or dwelling.

Change of Use: Any alteration of the activity habitually taking place on a property or in a structure that results in a change in the classification or description of that activity under this Ordinance. Examples include, but are not limited to: Changing from Residential to Commercial Use; Changing from a Restaurant to a Professional Office.

Charitable, Educational or Scientific Institutions: Any society, organization, museum, association, or other such institution dedicated to charitable, educational or scientific purposes, as defined by United States Internal Revenue Service Code Section 501(C)(3).

Churches: Place of worship, with or without living quarters for persons engaged in carrying on church activities provided that any such church is recognized under the laws of the State of Maine and under the laws of the United States of America as a charitable organization.

Clear Cut: The harvesting of a stand of trees within a forested area of 5 or more acres such that more than 60% of the crown closure has been removed.

Clustered Residential Development: A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the maximum residential dwelling density of this ordinance.

Clustered Non-Residential Development: To encourage development more in keeping with the existing patterns of development in historic New England (see also Traditional Neighborhood Development), industrial or business parks, to reduce strip development, the number of curb cuts, traffic problems, and proliferation of parking areas caused when each lot has its own separate entrance onto a major road.

Code Enforcement Officer: The official responsible for enforcement of this Land Use Ordinance, the Rockport Shoreland Zoning Ordinance, the Rockport Sign Ordinance, and structural requirements as adopted by the Town. The Code Enforcement Officer shall also be responsible for other duties set forth by State Statute and any other ordinance. The Code Enforcement Officer shall also have the duties of a building inspector. The Code Enforcement Officer shall be certified by the State of Maine, in accordance with 30-A M.R.S.A. Section 4451 and as amended.

Collocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

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

Commercial Greenhouse: A greenhouse engaged in the raising for sale: flowers, vegetables, trees and shrubs. This activity includes plant stock grown outdoors and incidental sale of related goods and materials used for plant care, feeding and similar items.

Commercial Storage Building: A structure built for the rental of enclosed spaces for the storage of boats, automobiles, motor homes, motor cycles, snowmobiles, and similar vehicles. The minimum size of rental spaces, accessed from the exterior, shall be 250 sq. ft.

Community Building: A private building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

Community Living Use: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. Disability has the same meaning as the term handicap in the federal Fair Housing Act, 42 United States Code, and Section 3602.

Community Use: One or more of the following: schools, public and private, day care centers, libraries, churches and other houses of worship, community buildings, municipal uses and quasi-public uses which involve frequent on-site interaction with the public.

Conditional Use: A conditional use is a use that is permitted in a zoning district conditioned upon review by the Planning Board and approval that the use conforms to the criteria established in Section 919 of the Rockport Land Use Ordinance.

Condominium Form of Ownership: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to this Act. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Congregate Housing: A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied as a residential shared living environment. Such construction will normally include small individual apartments, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance and specialized shared services.

Connector: An enclosed or unenclosed structure built to create a visual separation between the structures it connects. The following design elements shall be used to create the desired visual separation:

1. Change in roof form (e.g. height, slope, ridge direction)
2. The face of the connector shall be offset from the buildings it connects by at least 4 feet.
3. The maximum footprint of a connector shall not exceed the following percentage of the largest of the two buildings it connects: 4,000 sf limit = 20%, 6,000 sf limit = 15%, 10,000 sf limit = 10%

Connectors shall not count toward maximum building footprint.

Convenience Store: A store intended to serve the convenience of travelers primarily through the sale of merchandise, including such items as, but not limited to, prepared foods, basic foodstuffs, newspapers, emergency home repair articles and other household items. Exterior take-out windows, drive throughs and the sale of gasoline are not permitted in convenience stores.

Corner Lot: Lot located at the intersection of two streets. Corner Lots shall conform with the front yard setback requirements facing the primary street and the side yard setback requirements facing the secondary street.

Crawl Space: Any portion of a structure with a floor-to-ceiling height of less than 6 feet.

Day Care Center : A facility licensed by the State of Maine for the care or instruction of children exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

Developed Land: Any land on which site improvements are made, including buildings, landscaping, parking areas and streets.

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

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

Disability Variance: The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental disability under 5 M.R.S.A., § 4553, and is defined as any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services, and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

Dormitories: A residential building used as group living quarters for a student body, religious order, or other group as an accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents. Up to 20 percent of the useable square footage of a dormitory may be used as meeting space, such as meeting rooms, conference rooms, classrooms, chapels and other similar uses.

Drive Through: An element of a business enabling customers to obtain its service or product while occupying their vehicles.

Driveway: A vehicular access way serving two dwelling units or less.

Dwelling, Single-Family: A building designed and/or used exclusively for residential purposes for 1 family only and containing not more than 1 dwelling unit.

~~**Dwelling, Two-Family:** One or more buildings used for residential occupancy by 2 families living independently of each other.~~

Dwelling, Multi-Family: One or more buildings used for residential occupancy by 2 or more families, each living independently of each other.

Dwelling, Multi-Family 20: One or more buildings used for residential occupancy by more than 20 families per building, each living independently of each other.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only 1 family, including provisions for living, sleeping, cooking, bathing and eating. The term shall include mobile homes but not travel trailers or motor homes. Guest quarters that meet this definition shall be considered a separate dwelling unit and must meet all applicable requirements.

Dwelling Unit, Accessory (ADU): a self-contained dwelling unit that is located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. Access to the interior of ADU must be provided without the need to pass through another dwelling unit.

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

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

Expansion of a Structure: An increase in the footprint or height of a structure, including all extensions such as, but not limited to, decks, garages, porches 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 footprint or ground area devoted to a particular use.

Explosive: Any chemical compound mixture or device, the primary purpose of which is to cause an explosion.

FAA: The Federal Aviation Administration, or its lawful successor.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding home, lodging house or hotel.

FCC: The Federal Communications Commission, or its lawful successor.

Flea Market: An outdoor market selling antiques, used household goods, curios and the like, at a frequency of more than 4 days in any 6 month period. Flea markets, as distinguished from yard (or garage) sales, shall be prohibited under this Ordinance.

Float: A structure, permanent or temporary, supported by its buoyancy, whether attached to the shore, a wharf, a pier or moored to the bottom, having no installed means of propulsion and constructed with a deck. Temporary, as used herein, means a structure that remains in the water for less than 7 months in any consecutive 12 months. No structure shall extend more than 4 feet above the deck of the float

and no dwelling shall be located thereon. With the exception of public utilities, all floats in all lakes and ponds must be removed by November 1 of each year.

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.

Food Cart or Truck: A movable vehicle from which food and/or beverages are sold to the public who walk or drive up to the food cart.

Footprint: The building area as measured around the foundation, including any attached structure within four (4) feet of the ground.

Footprint (Applicable to the Shoreland Overlay District): The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

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

Frontage: The dimension between the two sidelines of any lot, measured along the property line that border upon:

1. A way accepted by or established as belonging to the Town of Rockport, Knox County, or the State of Maine, provided access is not specifically prohibited; or
2. A way as shown on an approved final subdivision plan; or
3. A private way existing prior to the enactment of the Subdivision Ordinance of the Town of Rockport, which is shown on a plat recorded in the registry of deeds prior to such enactment. If such private way is part of a proposed subdivision plan, however, its use shall be subject to the approval of the Planning Board; or
4. A private way only as allowed in this Ordinance.

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

fishing and boating facilities, and publicly-owned facilities, but excluding recreational boat storage facilities.

Gasoline, Filling Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises and which may involve servicing or repairing vehicles.

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

Great Pond Classified GPA: Any great pond classified GPA, pursuant to Title 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Green: Land in a Traditional Village which is dedicated to public use and which shall be landscaped, but from which trees of 8” or greater caliper shall not be removed unless diseased, unsound or overly crowded. A green shall have Streets along at least 50% of its perimeter. Structures compatible with public use such as flagpoles, gazebos, fountains, playground equipment, outdoor furniture, sculpture, etc. may be located on a Green. No other buildings may be located on a Green. Athletic and recreational uses such as baseball, football and soccer fields, basketball, handball and tennis courts and golf courses shall not be located on a Green. Parking shall not be permitted on a Green.

Greenhouse: A structure dedicated to the cultivation of plants (flowers, vegetables, trees and shrubs).

Grocery Stores: Any place of business at which the sale of, foodstuffs; household items; fresh and/or canned fruit, vegetables or meats; breads, cakes and/or pastries, liquor; and other similar items to the general public take place. Take-out windows and the sale of gasoline are not allowed in grocery stores.

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

Health Practitioners: Health professionals providing primary services to humans, including physicians, dentist, nurse practitioners, physician assistants and other similar professionals. Not included in this definition are those working in support

roles for primary care health professionals such as nurses, nurse’s aides, medical assistants, patient care representatives and other clerical support staff.

Height of Building: The vertical distance measured from the uniform finished grade to the highest point of the roof surface, unless otherwise specified in this ordinance; this measurement excludes cupolas, turrets, spires, etc., and projections, such as antennae, chimneys, windmills, and ventilators.

~~Except as otherwise specified in this Ordinance, measured from the ridge line of the structure, no structure shall measure more than thirty-four~~

~~(34) feet in height at the highest point of the original grade adjacent to the foundation and shall measure no more than forty two (42) feet in height at any other point above the finished grade adjacent to the foundation, provided the roof pitch is 8/12 or greater for residential structures and 4/12 or greater for commercial structures.~~

~~The maximum building height for structures with a roof pitch of less than 8/12 for residential structures and 4/12 for commercial structures shall be no more than thirty four (34) feet from all points above the original grade adjacent to the foundations.~~

~~This measurement shall not include uninhabitable architectural elements such as cupolas, turrets, spires, etc., and projections, such as antennae, chimneys, windmills, and ventilators and these uninhabitable elements, including chimneys, shall not exceed a total height above the thirty four (34) foot height line by six (6) feet.~~

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Height of Building, continued: ~~This Ordinance permits a maximum limit of fifty five (55) feet for hospitals, hotels and inns, including resorts in the Resort District, and schools in District 907. The highest point above the original grade cannot exceed fifty five (55) feet for these structures. These higher buildings are permitted to have flat roofs without loss in the maximum building height.~~

~~In all districts, any building designed and used as a church prior to the enactment of the Rockport Land Use Ordinance (June 11, 1974), replacement of church steeples is allowed as long as the replacement steeple does not exceed the height of the original steeple, and so long as the applicant has established, to the satisfaction of the Rockport Code Enforcement Officer, that the following criteria have been met:~~

- ~~1. The space inside the steeple must be uninhabitable space. If the building is used as a church, then a bell or chime is permitted inside the steeple.~~
- ~~2. The architectural design of the steeple must be consistent with the design of the original steeple, and/or must be in keeping with the architectural design of the existing church or existing building. A scaled drawing of the proposed steeple and the existing church or existing building must accompany the application. The drawing must contain the seal of a licensed Maine architect or engineer accompanied by a written statement stating that the steeple is structurally sound. If the building is not used as a church, no bell or other sound system is permitted in the steeple.~~

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Historic or Archaeological Resources: are areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as historic or archaeological resources and any areas identified by the Town of

Rockport's Comprehensive Plan.

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Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit and is in conformance with the performance standards of Section 811 of the Rockport Land Use Ordinance.

Horizontal Distance on the Ground: Ground distance shall be measured horizontally. Examples include, but are not limited to: distance from high water, width of a setback, and distance from edge of pavement.

Horticultural Use: The growing of fruits, vegetables, flowers or ornamental plants, other than that accessory to residential uses, whether for sale, display or scientific purposes.

Hospital: A facility, licensed by the State of Maine, providing acute medical, surgical and/or psychological care on an in-patient basis and which may also provide emergency and other care on an out-patient basis.

Hospitals on Sites of at Least Ten (10) Acres: An institution providing, but not limited to, overnight health services, primarily for in-patients and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, substance abuse facilities, training facilities, central services facilities and staff offices.

Hotel: See "Motel and Hotel."

Hybrid System: An energy system that uses more than one technology to produce energy (for example, a wind-solar system).

Indoor Recreation Facility: A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors. Restaurants which are incidental to the primary recreational use of the structure are allowed.

Industrial: Manufacturing altering, processing, assembling, warehousing, or servicing goods in a manner which will not create noise, vibration, glare, dust, heat, smoke, odor, or other substance or condition which would interfere with or be incompatible with other uses permitted in the district.

Inn or Lodging House: A commercial structure built or dwelling converted for commercial purposes to accommodate for a fee travelers and other transient guests who are staying for a limited duration, with sleeping and dining facilities and services, having 10 or fewer sleeping rooms and in which some or all have a bath, sitting and dining rooms may be used or intended for use in common by such guests. There shall be no kitchen facilities in rented units or rooms. There shall be no separate ownership of rooms or units.

Inns on Sites of at Least Five (5) Acres: A building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation and in

which entrance to bedrooms is made through a lobby or other common room.
Inn includes such terms as guest house, lodging house and tourist house.

Landscaping (see also Heavy Landscaping): Landscaping businesses provide landscape services which require light equipment and machinery use or less (riding mowers, push mowers, chainsaws, tillers, weed trimmers, etc.). The machinery required to perform the services they provide does not need to be registered with the Bureau of Motor Vehicles. Their services include, but are not limited to: lawn mowing, lawn installation, removal and/or planting of trees, shrubs and flowers, trimming of trees and shrubs, and general plant maintenance.

Landscaping, Heavy (see also Landscaping): Heavy landscaping or construction businesses provide land development services with large equipment requiring registration by the Bureau of Motor Vehicles such as excavators, front-end loaders, and tractors. Such businesses also use dump trucks and trailers to transport stone, soil and other material. Their services may include: driveway installation and repair, building structures, excavation of foundations for building structures, installation of culverts and other drainage improvements, installation and repair of septic systems, installation and repair of sewer lines, installation of boulder walls and granite steps, patio installations and associated services. Such businesses may process and stockpile their own materials on site, including screening and chipping, and generally require large structures to house and maintain heavy equipment and trucks.

Large Solare Energy Systems (LSES): a facility whose primary purpose is to harvest energy by transforming solar energy into another electrical energy. For purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground is greater than 20,000 square feet; and (c) that is not directly connected to a Residential Structure.

Large Solare Energy System Lot coverage: the total airspace projected over the ground from solar panels and supporting equipment.

Laundry and Dry Cleaning Establishment:

Laundry: A business that provides home-type washing, drying and/or ironing machines for clothing or apparel to be used self-service style by the general public on the premises for a fee.

Dry Cleaning Establishment: A business that provides washing, drying, cleaning, ironing or other similar services of clothing or apparel to the general public for a fee.

License: A license issued pursuant to any chapter in this Land Use Ordinance.

Licensee: Any person who maintains an unexpired license pursuant to this Land Use Ordinance.

Line of Sight: The direct view of the object from the designated scenic resource.

Liquor Stores: A retail business establishment engaged in the selling of spirituous liquors, wines and beers to the general public for off-premises consumption.

Long Term Rental: Dwelling Unit offered for rent for a minimum duration of one year.

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Lot Coverage: That portion of a lot covered with structures, sidewalks, streets, driveways, parking or storage areas and patios. Areas not included as lot coverage are naturally vegetated or landscaped open space, including such areas for visual screening, surface water drainage, parking area division or subsurface sewage disposal.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of connected wetland within the Shoreland Zone, and areas beneath roads serving more than two lots.

Lot: All contiguous land in parcels in single or joint ownership described on a deed, plot plan or similar legal documents recorded at the Knox County Registry of Deeds, including such open space as is required by this Ordinance and having frontage upon an approved street or private right-of-way. Lots located on opposite sides of a public or private road shall be considered each a separate lot.

Lumber Mill: A commercial facility designed and intended for the conversion of long logs and/or bolt wood to finished or semi-finished lumber or stock which may include equipment and structures for sawing, planning, shaping, treating, drying and storage of wood.

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

Marine Research Facility: A facility for the study of physical, geological, biological and chemical oceanography, including laboratories, but not including commercial aquaculture or the commercial production of materials obtained from marine environments.

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

Minimum Area Per Dwelling Unit: The land area in square feet required to support the development of each dwelling unit.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

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

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

Mini-storage: Subdivided storage buildings with storage units leased to individual lessees, which units have individual access to the exterior.

Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its wheels, or on a flat bed or other trailer and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly, such as locating on jacks or other foundation or connection to utilities. For the purpose of the Ordinance, a mobile home shall be treated as a single-family dwelling and be subject to all land use regulations applicable thereto.

Mobile Home Park: A plot of land laid out to accommodate on the same parcel 3 or more mobile home sites, subject to the space and bulk standards of this Ordinance and to the design standards and review process of the Subdivision Ordinance and subject to all other applicable State and local codes and ordinances.

Motel and Hotel: A commercial building or group of buildings built to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities), each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. Hotels on at least 25 contiguous acres of land shall also be known as resorts. Resorts also may contain any combination of the following: office space, residential condominiums, time share units, golf course, health club, spa, convention center and all types of athletic facilities accessory to the hotel.

Municipal Use: A use of land, structure or building, owned or controlled by the Town of Rockport or any district, agency or commission thereof, which services a public purpose.

Municipal Building: Any structure used by, or use of any space solely for the conduct of governmental affairs of the municipality, its agents, officers, officials, employees and its subsidiary agencies.

Municipal Wastewater Pumping Stations (*municipal pump stations are exempt from all setback requirements in all districts*): In ground structure and equipment which is required as part of the municipal wastewater collection system

to carry away and treat domestic waste.

Net Residential Density: The average number of dwelling units per net residential acre.

Newspaper or Printing Facility: A business facility primarily used for the gathering of news, writing, editing, editorializing and merchandising of a newspaper and which may include large format printing equipment used for the production of a newspaper, magazine, or other large-format or large circulation publications.

Nonconforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot area, minimum lot width, lot area per unit, lot coverage or frontage requirements of the District in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming Structure: A structure that does not meet the setback, lot coverage, height, footprint or, if applicable, unit size standards of the District in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonconforming Use: A use of a building, structure or area of land which does not conform to the regulations of the district or zone in which it is situated but is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

Normal High-Water Line or Normal High Water Mark of Inland Water: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nursing Home: A facility in which nursing care and medical services are performed under the general direction of persons licenses to practice medicine 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, skilled nursing care and related medical services.

Open Space: is the portion of a lot or site which is maintained in its natural state to preserve scenic resource, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive areas or to be used for outdoor recreation purposes.

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Ordinance: The Town of Rockport, Maine, Land Use Ordinance; also referred to as “this Ordinance.”

Outdoor Boat Sales and Storage: A lot or lots used for the display and sale of boats and ships not associated with the manufacturing, fabricating or repair thereof. (See requirements under section 1004.1.

Outdoor Recreation Facility: A recreation facility designed and equipped for the conduct of sports leisure time activities and other customary and usual recreational activities which take place predominantly in the outdoors. This includes any accessory structures such as restrooms, storage and other buildings necessary to operate the facility.

Outdoor Sales and Service Use: A permanent seasonal display of merchandise or articles for sale in which said articles are displayed in the open, or under tents or other structures having no walls but not including any spaces, tables or other defined areas leased or rented to the public as in a flea market. Outdoor sales and service uses may include a structure serving as a sales office and may be accessory to permit enclosed uses on the same lot. Where allowed, outdoor displays shall be set back at least twenty-five (25) feet from all property lines including the road right-of-way.

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

Overlay District: A set of land use regulations designed to address special physical characteristics which are described in the ordinance text, whose area boundaries are delineated on the official land use map and which is imposed in addition to those of the underlying district(s). Land uses and developments within the overlay district must also conform to the requirements of the underlying district(s) or the provisions of the more restrictive district(s).

Parabolic Antenna (also known as a satellite dish antenna): An antenna that is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking: An area where motor vehicles may be located for the purpose of temporary, daily or overnight off-street parking.

Parking Space: An area not less than nine (9) feet wide and eighteen (18) feet long, not including the access thereto, accessible from the street or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be constructed as to be usable year round. A parking space to accommodate the handicapped shall be an area not less than twelve (12) feet wide and eighteen (18) feet long.

Pathways: A designated Pathway is wider than four feet (4 ft.) and has been specifically constructed under State or Federal Pathways programs. Non-motorized vehicles (such as bicycles, skateboards, and in-line skates) may be used on designated Pathways.

Peddler – Itinerant: A person engaged in a temporary or transient business within the Town of Rockport to sell goods and products within the public right of way or on private property.

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

Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland: An above-water structure designed to allow access to deeper water that extends perpendicular to the coastline and contiguous to it. Except for mooring devices, safety equipment, equipment and structures directly associated with the services rendered to vessels using the pier, no building or structure shall extend above the level of the deck of the pier and no dwelling shall be located thereon. With the exception of public utilities, all piers and wharves, including floating wharves, in all lakes and ponds must be removed by November 1 of each year. There shall be no permanent piers in lakes and ponds.

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

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

Planned Unit Development (PUD): is a housing development consisting of either single family homes, multifamily homes, condos or townhomes, or combinations thereof, and in which every homeowner belongs to a homeowners association or equivalent. PUDs are intended to cluster housing units on a lot and allow for increased density with incentives outlined in Section 817 of the Rockport Land Use Ordinance.

Primary Residence: See Principal Residence.

Prime Farm Land: Land that has not been urbanized, has slopes that are predominantly 8% or less and that has soils identified by the National Cooperative Soils Survey as within 1 or more of the following soils classifications: Agawam, Buxton, Charlton, Elmwood, Paxton, Sudbury, Sutton or Woodbridge.

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Principal Residence: is the location where the owner resides most of the year, or the property owner uses this address as their legal address for tax returns, driver's license, and/or voter registration card.

Private Way: A privately owned road, for vehicle access to structures or uses on lots.

Principal Structure: A structure other than one that is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal Use: A use other than one that is wholly incidental or accessory to another use on the same lot.

Private Club: Buildings or facilities owned or operated by a corporation, association, or persons for social, educational, or recreational purposes; but not primarily for profit or to render a service that is customarily carried on as a business.

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

Professional Offices: Any structure that houses the business office of a person or persons who supply a service to the public.

Municipal Waste Treatment Facilities: The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of effluent.

Public Utility: Those essential, public services, such as, but not limited to, water, electricity, telephone, gas and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation or Federal Communications Commission. The provisions of this Ordinance shall apply to those buildings and structures located outside of public rights-of-way but shall not apply to facilities, either above or below ground, lying wholly within public rights-of-way.

Public Utility Installations and Municipal Utility Installations including Structures, Substations, Pumping Stations (*setback requirements do not apply nor does the minimum lot size requirement*): Those essential, public services, such as water, electricity, telephone and gas, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, or the Federal Communications Commission.

Quasi-Public: An entity organized for a recognized public purpose and that renders a

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public service or services but which may be under private control or under the control of a public agency other than the municipality.

Recreational Boating Facility: A facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

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

Recycling Center: A building in which stable, non-toxic recyclable material such as glass, paper, metal and rubber is received, sorted, cleaned, prepared for shipping and not held on the premises for more than thirty days.

Rental Housing Unit: includes Long Term Rental, Seasonal Rental, and Short-Term Rental units.

Research Facility: A building or group of buildings, together with associated grounds, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential Structure: A dwelling and any building accessory thereto.

Residual Basal Area: The sum of the basal areas of trees remaining on a harvested site.

Restaurant: A place for serving prepared food and beverages to the public for consumption on the premises and where no food or beverages are served directly to occupants of motor vehicles. Take out is permitted in restaurants. Drive throughs are not permitted in restaurants, unless otherwise specified in this ordinance.

Retail Uses: A facility used for the selling of goods or merchandise to the general public for personal or household consumption or to businesses who will be consumers or end-users of the goods. The term may include services incidental to the sale of such goods. The term does not include gasoline filling stations or restaurants.

Retail Uses of 10,000 Square Feet or Less: A facility of ten thousand (10,000) square feet or less used for the selling of goods or merchandise to the general public for personal or household consumption or to businesses who will be consumers or end-users of the goods. The term may include services incidental to the sale of such goods. The term does not include gasoline filling stations or restaurants.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units

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horizontal to one (1) unit vertical or less.

River: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. **NOTE:** The portion of a river that is subject to tidal action is a coastal wetland.

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

Rooming or Boarding House: A building of residential character in which 3 or more rooms are rented for periods of 2 weeks or more for the purpose of lodging and possibly the taking of meals. The renting of 1 or 2 bedrooms in a dwelling otherwise used as living quarters for 1 family shall not be considered a rooming or boarding house but rather shall be considered an accessory use to the single family dwelling. The bedroom(s) shall not have any separate kitchen facilities.

Sapling: A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level

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 regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

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 threesquare occurs in fresher areas.

School: A facility that provides a curriculum of academic instruction, including kindergartens, elementary schools, junior high schools, high schools, and institutions for post-secondary education. Schools may include a place or institution for teaching and learning, including by way of example only, schools for dance, music, riding, gymnastics, photography, driving or business.

Seasonal Rental: Living quarters offered for rental for a duration of more than 30 days but not to exceed one year.

Seedling: A young tree species that is less than four and one half (4.5) feet in height above ground level.

Seismograph: An instrument that measures and records earth borne vibration induced by the detonation of explosives. The instrument shall produce a direct printout of ground motion frequency, acceleration, particle velocity, and amplitude, or produce a record from which any of these parameters can be calculated. The instrument shall be located as per the manufacturer's recommendations.

Senior Citizen Housing: Housing designed, intended for and generally limited to persons aged 55 years and older and/or those with physical disabilities.

Service Drop: Any extension of an essential service to public or private property.

Setback, Front (Front Yard): The distance measured from the edge of pavement to the nearest part of any principal or accessory structure.

Setback, Rear (Rear Yard): An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Setback, Shoreland: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Setback, Side (Side Yard): An open unoccupied space on the same lot line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Sewered: Refers to a structure whose wastewater facilities consist of a pipe or system of pipes that collects and carries sewage and other wastewater to an approved municipal waste treatment facility, not including an individual septic system or other private underground system that relies on the soils for dispersion of wastewater, prior to discharge to open waters.

Ship Chandlery: A facility that sells parts, equipment, accessories and other items for boating, fishing, shipping and other maritime uses.

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.

Short-Term Rental (STR): The use, control, management or operation of a legally existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by short-term rental guests for a tenancy of less than 30 consecutive days, for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Signs: A name, word, letter, writing, identification, description or illustration which is erected, placed upon, affixed to, painted or represented upon a building or structure, or any part thereof, or any manner upon a parcel of land or lot, and which publicizes an object, product, place, activity, opinion, person, institution, organization or place of business, or which is used to advertise or promote the interests of any person. The word “sign” shall also include “banner,” “pennants,” “insignia,” “bulletin boards,” “ground signs,” “billboard,” “poster billboards,” “illuminated signs,” “projecting signs,” “temporary signs,” “marquees,” “yard signs,” “electric signs,” “wall signs” and

‘window signs,’ wherever placed out of doors in view of the general public or wherever placed indoors as a window sign.

Flags, Banners and Pennants: Flags, banners and pennants shall be manufactured from flexible materials such as nylon, polypropylene, or silk. ~~They shall be fifteen (15) sq. ft or less in size.~~

Commented [OT4]: Already in Section 1112.

Internally Illuminated Sign: A sign that has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.

Externally Illuminated Sign: An illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residential zones or public streets.

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

Street: A public or private way which affords the principal means of access to abutting properties and which has been duly recorded as such in the Knox County Registry of Deeds.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream..

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, wireless telecommunication facilities and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins on or after September 23, 1971. This definition applies

whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. See expanded definition in Subdivision Ordinance.

Subdivision Ordinance: The Subdivision Ordinance of the Town of Rockport, Maine.

Substantial Completion: A building is substantially completed when it is roofed, sheathed, and doors and windows are installed.

Substantial Start: A building is substantially started when the foundation is complete. A substantial start must be completed within one year of the issuance of a building permit.

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

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

System Height: The tower height plus the blade radius from the hub.

Take Out: The ability of the customer of a business to obtain its services or product by entering the business facility or by approaching a window, counter, service opening or any combination of the foregoing of the facility and removal of goods from the premises.

Targeted Market Coverage Area: The area that is targeted to be served by this proposed telecommunications facility.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 1415.16, Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

Timeshare: *see Motel and Hotel.*

Tote Road: An access road with no gravel base for timber harvesting or other

agricultural pursuits.

Tower: The structure on which a wind energy system is mounted.

Tower Height: The height above grade of the fixed portion of a tower, excluding the wind turbine.

Tradesman's Shop: The shop of a self-employed craftsman or person in a skilled trade. For the purpose of this Ordinance, the activities of a tradesman's shop 1) shall not include outdoor sales or displays; 2) shall not employ more than three apprentices; 3) shall be no nuisance, nor exhibit offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking problem; and [4) shall not contain an exterior variation from the residential character of the principal building. Tradesman shop may be located on an individual plot of land adjacent or distinct from an adjoining lot.

Traditional Village: A parcel of land that is planned and developed in accordance with the provisions of the Traditional Village District.

Tree: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity

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. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the Shoreland zone of the receiving water body or wetland.

Turbine: The parts of a wind system including the blades, generator and tail.

Undeveloped Land: Land, without structures or roads, excepting tote roads. Activities of agriculture and forestry may be conducted on undeveloped land. Fields are considered to be undeveloped land and may be mowed as appropriate. Undeveloped land may include land with slopes of 20% or greater, wetlands, and State and Federally recognized wildlife protection and habitat areas. The vegetated areas of those portions of golf courses existing prior to June 2005 shall be considered undeveloped land. Undeveloped land may be owned in common by a home owners' association, deeded to a third party conservation organization or land trust, be retained by the owner of a proposed subdivision, or owned outright by individual owners so long as it is deed restricted to remain undeveloped or protected by appropriate conservation easements.

1. Setbacks between building envelopes, in a clustered development, and

other similar buffers within developed areas shall not be considered undeveloped land.

2. To the greatest practical extent, undeveloped land shall be created in large areas.
3. Small strips of land scattered throughout a subdivision shall not be considered undeveloped land.
4. To the greatest possible extent undeveloped land in one parcel shall abut undeveloped land in adjacent parcels.
5. Undeveloped land shall be clearly monumented.
6. Small wind energy systems shall be allowed on undeveloped land of the owner's parcel within approved subdivisions.

Undue Hardships: See Section 703.4 of this Ordinance.

Unreasonable Adverse Impact: That the proposed project would produce an end result which:

1. is excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource; and
2. would significantly diminish the scenic value of the designated scenic resource.

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 highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Use: Any activity that is habitually carried out on a property or in a structure as classified in this Land Use Ordinance and which is permitted in the district in which the property or structure is located.

Variance: A variance is a relaxation of the terms of this Ordinance. It can be granted only where such variance will not be contrary to the public interest and only where a literal enforcement of the Ordinance will result in undue hardship. As used in this Ordinance, a variance is authorized only for height, area of lot and density associated therewith and size of structures and/or size of yards or setbacks.

However, a side yard or rear yard variance shall not be granted if it will interfere with the access of firefighting apparatus to a structure on the land in question or adjacent property. In general, the amount of variance granted should be only sufficient to relieve the undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at four and

one-half (4-1/2) feet above ground level.

Velocity Zone: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Veterinary Clinic/Hospital: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Victualers: Any person who serves food or drink of any kind prepared for consumption on the premises by the public.

Viewpoint: That location which is identified either in the municipally adopted Comprehensive Plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Viewshed: is an unobstructed location, position, or area that permits an unhindered panoramic vista of particular interest or pleasures or unique view to or from a particular point.

Village Lot Coverage: That portion of a lot covered with structures.

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.

Wall Sign: Any sign attached to the vertical plane of any structure. A single row of letters identifying the business occupying the premises is not a wall sign.

Warehouses and Storage Facility: A facility that is dedicated to the storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Water Body: Any great pond, river, stream or tidal area.

Watershed: Any area of land that water flows or drains underground or across on its way to a lake, river or streams. Watersheds can be delineated on a topographical map by connecting the high points of the contour lines surrounding any water body.

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 crossings.

Wetland: A freshwater or coastal wetland.

Coastal Wetland: All tidal and sub tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is

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tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the highest annual tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. **Note:** All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Freshwater Wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that, in a natural state, the combined surface area is in excess of 10 acres; and inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Inland Wetlands: Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation or other criteria as inland wetlands including, but not limited to, swamps, marshes or bogs.

Upland Edge of a Wetland: 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 a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands that are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (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.

Wharf: An above-water structure designed to allow access to deeper water that extends out from the coastline but mostly parallel to it. Except for mooring devices, safety equipment, equipment and structures directly associated with the services rendered to vessels using the wharf, no building or structure shall extend more than 4 feet above the level of the deck of the wharf and no dwelling shall be located thereon.

Wholesale Business: A business serving as a distribution facility for one or more manufacturers or processors, including storage and handling facilities, which sells to other wholesale or retail businesses but not to the public.

Wind Energy System: A wind energy conversion system consisting of a tower, wind turbine, and associated control conversion electronics which will be used to produce electrical power exclusively for the parcel on which it is located. All wind energy systems in Rockport must meet the standards of Section 812.

Wireless Telecommunications Facility or Facility: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

Yard or Garage Sale: A sale, conducted indoors or out-of-doors, of used household goods, curios and the like. Yard or garage sales, as distinguished from flea markets, shall be considered to be accessory uses under this Ordinance and shall not be conducted more frequently than four (4) days in any six (6) month period.