

**City of Ellsworth
Chapter 56
Unified Development ordinance**

**Article 14
Definitions**

Amended August 20, 2012
Amended January 14, 2013
Amended March 17, 2014
Amended May 21, 2018
Amended April 20, 2020



ARTICLE 14 DEFINITIONS

AASHTO: American Association of State Highway and Transportation Officials.

Accessory Use or Structure: A subordinate use or structure customarily incidental and subordinate to the principal use and located on the same lot. Accessory uses, in the aggregate, shall not subordinate the principal use(s) on a lot. An accessory use located in an accessory structure shall conform to the space standards of each zone.

Accessory, Dwelling: A separate residential dwelling unit, but not a mobile home, which is located within a single-family dwelling unit or in a detached building and is clearly subordinate to the primary use.

Accessway: Any public or private street, right-of way, or driveway used to enter or leave a public or private street or adjacent land using an on-road vehicle. All streets are considered accessways but not all accessways are considered streets. Within the Shoreland Zone, an accessway also includes a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a residential driveway less than 500 feet in length.

Adverse Impact: A negative consequence for the physical, social, or economic environment resulting from an action or project.

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.

Agricultural Activity and Processing, Commercial: Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); grazing or raising of livestock (except in feedlot); aquaculture; sod productions; orchards; tree farms; nurseries and green houses. It also includes activities involving a variety of operations on crops or livestock, and on crops after harvest to prepare them for harvest or further processing and packaging at a distance from the agricultural area. These uses include but are not limited to slaughterhouse, mills, refineries, canneries, milk processing plants, cleaning, milling, pulping, drying, roasting, storing, packing, selling and other similar activities.

Agricultural, Activity: Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber

products (except timber harvesting); grazing or raising of livestock (except in feedlot); aquaculture; sod productions; orchards.

Agricultural, Feedlot: A lot, structure, building, or confined area used intensively for the keeping of farm animals, including but not limited to, of bovine, equine, swine, or sheep species in close quarter for the purpose of fattening for market or slaughter and where animal waste may accumulate. Does not include a barn or similar structure.

Alteration: A change, addition, or modification requiring construction, including any change in the location of structural members of buildings such as bearing walls, columns, beams, or girders, but not including cosmetic or decorative changes.

Animal Hospital: A commercial establishment for the care and treatment, and boarding of animals, including household pets.

Apartment, Accessory: A separate dwelling unit, which is located within, and subordinate to a single family detached dwelling.

Application: The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department or board of the City from development review, approval, or permitting process.

Arterial Road: Roads or streets which are expected to provide a high degree of mobility for the longer trip length. They are to provide a relatively high operating speed and level of service. Access to abutting property is not the major function and thus some degree of access control is desirable to enhance mobility.

ASTM: International standards organization formerly known as the American Society for Testing and Materials.

Automobile rental/leasing: Leasing or renting of automobiles, motorcycles, and light load vehicles.

Automobile Repair: The use of a site for the repair of vehicles such as automobiles, trucks, vans, trailers, recreational vehicles, or motorcycles or other similar motorized transportation vehicles including the sale, installation, and servicing or equipment and parts. This use includes muffler shops, repair garages, oil change and lubrication, painting, tire sales and installations, wheel and brake shops, body and fender shops and similar repair and maintenance activities but excludes dismantling or salvage.

Automobile Sales, Major: Any business establishment that sells or leases, and maintains an inventory of more than 26 new or used vehicles for sale or long-term lease such as new or used

automobiles, trucks, vans, trailers, recreational vehicles, or motorcycles or other similar motorized transportation vehicles.

Automobile Sales, Minor: Any business establishment that sells or leases, and maintains an inventory of 5 to 25 new or used vehicles for sale or long term lease such as automobiles, trucks, vans, trailers, recreational vehicles, or motorcycles or other similar motorized transportation vehicles.

Average Daily Traffic (ADT): Average Daily Traffic. See Trip Generation.

Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefore by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of such beverages comprises less than 25% of the gross receipts.

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

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

Bed and Breakfast: Any dwelling in which lodging is offered for compensation to persons either individually or as a family with or without meals.

Best Management Practices (B.M.P.): Established guidelines for control and reducing point and non-point source pollution.

Bikeways: A continuous unobstructed, reasonably direct route between two points that is intended and suitable for bicycle use. Bikeways include, but are not limited, to bike paths, and multi-use paths.

Boarding House, Congregate Housing, Assisted Living: Any dwelling in which three or more rooms are offered for compensation to persons either individually or as families with or without meals for more than three consecutive days.

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.

Buffer, Vegetated: A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building Height, Non-residential: The vertical distance measured from the average elevation of the finished grade within 20 feet of a building to the eaves or start of a roofline. The highest point of the roof is not included in the height limitations.

Building Height, Residential: The vertical distance measured from the average elevation of the finished grade within 20 feet of a building to the highest point of the building. The highest point shall not include attachments or structures such as transmission towers, windmills, chimney, antennas, and similar structures having no floor area.

Building: Any structure having a roof or partial roof supported by columns or walls and which is used for the shelter or enclosure of persons, animals, goods or property of any kind.

Bulk Materials: Uncontained solid matter such as powder, grain, stone, sand, etc.

Bulk Tank Facilities: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for businesses use, wholesale, or wholesale distributing.

Bureau: State of Maine Department of Conservation's Bureau of Forestry.

Business and Trade School: A specialized instructional establishment that provides on-site training of business, commercial, and /or trade skills such as accounting, driving, and auto repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone where it is to locate. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

Campground: A business, public or private establishment operated as a recreational site for tents, camper, trailer, and travel trailer or other forms of temporary living shelter that can accommodate two or more parties.

Campsite: Private land for exclusive personal use, not associated with a business or a campground, which is developed for repeated camping and which involves site improvements that may include, but not limited to gravel pads, parking areas, fireplaces, or tent platform.

Canopy Trees: A deciduous tree whose mature height and branch structure provide foliage primarily in the upper half of the tree.

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

Cardholder, Qualified Employee (medical marijuana): Cardholder means a principal officer, board member or employee of a dispensary who has been issued and possesses a valid registry identification card.

Cemetery: A burial ground for the interment of the dead, includes crematoriums, and mausoleums.

Change in Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use. Example: Residential to Business, Business to Assembly.

Changeable Display Sign. A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space owned in common by lot/unit owners, the City, or a land conservation organization.

Code Enforcement Officer: A person appointed by the City Council to administer and enforce this ordinance. Reference to the Code Enforcement Officer may include the Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Collector Road: These roads serve a dual function in accommodating short trips and feeding Arterial roads. They should provide some degree of mobility and also serve abutting property. An intermediate design speed and level of service is appropriate.

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

Commercial: A land use which is primarily occupied or engaged in commerce or work intended for commerce other than a home occupation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board may issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of the municipality as defined in Title 30-A M.R.S.A. Section 4301.

Connector: An accessway whose primary function is to allow traffic access between adjacent lots or developments without providing access to a public right-of-way.

Conservation Plan: A customized document that outlines the use and best management practices of the natural resources on public or private lands. Typically, the plan will include land use maps, soil information, inventory of resources, engineering notes, and other supporting information.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than 15 feet wide.

Cross Access: An easement or accessway providing for vehicular access between two or more sites.

Cross-sectional Area: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

Curb Cut: The providing of vehicular ingress or egress between property and abutting street.

Curb Ramp: A short ramp cutting through a curb or built up to it.

Custom Manufacturing: Establishments primarily engaged in the onsite production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln.

Day Care: Any facility operated for the purpose of providing care, protection and guidance to individuals during only part of a 24-hour day. This term includes nursery schools, pre-schools, day care centers for individuals, and other similar uses but excludes educational facilities or any facility offering care to individuals for a full 24-hour period.

DBH: The diameter of a standing tree measured 4.5 feet from ground level

Deck: A level structure adjacent to a building elevated above the surface of the ground which has a railing but no roof, awning, or other covering.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking lots, and streets.

Development: Uses including but not limited to the construction of a new building or other structures on a lot or below the shoreline or in a wetland, the relocation of an existing building

on another lot, or the use of open land for a new use; any man-made change to improved or unimproved real estate, including but not limited to parking, temporary uses, clearing of land or vegetation, mining, dredging, filling, grading, paving, excavation, or drilling operations; it includes a building, a development site under the same ownership, a consolidated development, and phased development.

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.

Dispensary: A Registered Dispensary or Dispensary means a not-for-profit entity registered pursuant to 10-144 CMR Chapter 122 Section 6 consisting of a Medical Marijuana Cultivation Facility, a Medical Marijuana Retail Facility, or a Medical Marijuana Combined Facility (Medical Marijuana Cultivation Facility and a Medical Marijuana Retail Facility as defined: 1)

Medical Marijuana Cultivation Facility (Cultivation Facility): A not-for-profit facility limited to the acquisition and possession of medical marijuana; cultivation or growing of medical marijuana; manufacturing of medical marijuana; delivering, transporting and transferring of medical marijuana to a Medical Marijuana Retail facility; and 2) **Medical Marijuana Retail Facility (Retail Facility):** A not-for-profit facility limited to acquisition and possession of medical marijuana; the selling, supplying or dispensing of medical marijuana and of paraphernalia or related supplies and educational materials to registered patients who have designed the Medical Marijuana Retail Facility to dispense medical marijuana for their medical use and to registered primary caregivers of those patients.

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.

Disturbed Area: All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

Downtown Area: Geographic area delineated by the City Council on November 17, 2008.

Drainageway: A natural or man-made channel or course within which surface discharge of water may occur. Drainageways include, but are not limited to rivers, streams and brooks

(whether intermittent or perennial), swales ditches, pipes, culverts, and wetlands with localized discharge of water.

Driveway, Commercial: Any accessway serving a commercial use generating less than 50 average daily traffic (ADT).

Driveway, Residential: A means of access from a public or private road which will serve no more than two dwelling units. .

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities; includes single-family houses, and the units in a duplex, apartment house, multi-family dwellings, and residential condominiums. Dwelling units created after June 19, 1989, must contain a minimum of 500 square feet of living space.

Dwelling, Multi-Family: A building designed or intended to be used, or used exclusively for residential occupancy by three or more families living independently of one another including apartment buildings and condominiums, but excluding single-family and two-family dwellings. Ellsworth has two types of multi-family dwelling: a) the 3- to 6-unit complex; and b) the 7-unit and more.

Dwelling, Single - Family Detached: A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one dwelling unit.

Dwelling, Single Family Attached: A building designed or intended to be used exclusively for residential occupancy by no more than two families and containing two separate dwelling units in one structure.

Dwelling: Any building or structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, inn, or similar use.

Earth: Topsoil, sand, gravel, clay, peat, rock, or other minerals.

Educational Institution: Parochial, private, charitable or nonprofit schools, junior college, or university other than business and trade schools, with or without living quarters, dining rooms, restaurants, and other incidental facilities for students, teachers, and employees.

Emergency Mobile Home Park: A parcel of land used to accommodate several mobile homes for a temporary period.

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.

Enclosure Ratio: The ratio of building height to the distance between building and the center of the right-of-way. The front setback distance shall be measured from the front façade, including any porch, stoop, or other area integral; to the building.

Energy Storage Systems (ESS), Accessory: ESS store energy for industrial and general uses utilizing various technologies. Accessory use ESS, are considered part of the principal use for zoning purposes including allowable locations. To be considered as accessory, ESS shall be designed with appropriate storage capacity to serve the principal use only and not the electric power grid.

Energy Storage Systems (ESS), Stand Alone: ESS store energy for industrial and general uses utilizing various technologies. Chemical batteries are a type of ESS that are installed as a stand-alone use.

Engineer: Professional Engineer licensed to practice in the State of Maine.

Entrance: An accessway serving one of the following uses: retail, office, industrial, institutional, or service business uses. (Am. 6/09/03)

Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of large tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Included in this type of use is the incidental storage, maintenance, and servicing of such equipment.

Essential Services, Distribution: Small-scale facilities serving a local area, including power lines, water and sewer lines, storm drainage facilities, transformers, pump stations and hydrants, switching boxes, and other buildings normally, but not always, found in a street right-of-way to serve adjacent properties.

Essential services, Facilities: A building or other structure used or intended to be used by public or private utilities, including but not limited to gas tank and other storage facilities; water or sewer storage facilities; compost facility; and electrical transmission and distributions substations.

Essential Services, Transmission: Large-scale facilities serving the entire city or region such as power transmission lines, natural gas transmission lines, water storage tanks and reservoirs, major water transmission lines or sewer collectors and interceptors, solid waste disposal or processing facilities, excluding landfill, sewage or wastewater treatment plants, and generating facilities.

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

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

Façade: That portion of any exterior elevation on the building extending from grade to top pt the parapet, wall, or eaves and the entire width of the building elevation.

Family: One or more persons occupying a dwelling unit as a single non-profit housekeeping unit whether or not related to each other by birth, marriage or adoption, but not to consist of more than five unrelated persons.

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

Financial Security: Any security used as a guarantee that improvements required as part of an application are satisfactorily completed.

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

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.

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.

Foot-candle: A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Foot-candle measurements shall be made with a photometric light meter three feet above the ground.

Footprint: 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. *[This definition is needed for Shoreland Zoning and is from the State Model, Chapter 1000]*

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 accessways and land management roads.

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.

Formal Easement. An interest in real property recorded at the Hancock County Registry of Deeds dedicating a portion of land to be used specifically for a sign.

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

Freestanding. A sign that is attached to, erected on, or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

Frontage, Shore: 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.

Frontage, Street: The horizontal distance measured in a straight line between the intersections of the side lot lines of a lot with the right-of-way of a street.

Functional Area (of an intersection): The area beyond the physical intersection of two accessways that comprises decision and maneuvering distance, plus any required vehicle storage length, and the area protected through corner clearance standards and access spacing standards.

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

Gas Station: A place where gasoline, motor oil, lubricants or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store.

Glare: Light exceeding an accustomed level resulting in annoyance, discomfort, or reduced visibility.

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 30 acres. For the purposes of this Article, Ellsworth's Great Ponds are: Branch Lake, Graham Lake, Green Lake, Jesse Bog, Little Duck Pond, Little Rocky Pond, Lower Patten Pond, Upper Patten Pond, Wormwood Pond, and Leonard Lake.

Gross Floor Area (GFA): the total interior floor area of a building or structure measured at the inside face of the exterior walls, but excluding stairwells, elevator shafts, lobbies, and bathrooms located for common or public usage of the total building rather than for tenant or internal usage, and space occupied by mechanical equipment or space related to the operation and maintenance of the building.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Growth Area: Area of land defined in the Comprehensive Plan as the Growth Area.

Half Story: That portion of a building immediately beneath a sloping roof when there is less than four feet vertically between the floor and the intersections of the bottoms of the rafters at the plate with the interior faces of the walls. A half story may be as completely used for any purpose as a full story.

Harvest Area: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated accessways and land management roads 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.

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

High and Moderate Value Waterfowl and Wading Bird Habitat: High and moderate value waterfowl and wading bird habitats are significant wildlife habitats. Waterfowl are members of the family Anatidae including but not limited to brant, wild ducks, geese, and swans. Wading

birds include but are not limited to herons, glossy ibis, bitterns, rails, coots, common moorhens, and sandhill cranes. High and moderate value waterfowl and wading bird habitats are depicted on a GIS data layer maintained by the Maine Department of Inland Fisheries and Wildlife (IF&W) and available from either IF&W or the Maine Department of Environmental Protection. The IF&W rating procedure and list of waterfowl and wading bird species was created December 22, 1993, updated September 1, 2005, and is available at IF&W offices.

High Intensity Soil Survey: A map prepared by a certified Soil Scientist, identifying the soil types down to 1/8 of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

High Pollutant Land Uses: Land uses with high pollutant loads including, but not limited to, the following categories and uses: 1) Manufacture involving: Asphalt, petroleum or lubricants; chemical products or hazardous substances; food products; glass, clay, cement, concrete or gypsum products; paper or paper products; rubber or plastic; leather, textiles or fabric; and timber or wood products. 2) Transportation uses: air, land & water transportation facilities; vehicles service, fueling and maintenance facilities; vehicle equipment and cleaning facilities; vehicle fleet storage areas; road salt storage and loading areas (if exposed to rainfall); and parking lots generating 400 ADT or greater. 3) Industrial/other commercial uses: auto salvage or recycling; electricity generation; hazardous waste treatment, storage or disposal; landfill, land application or dump operation; landscape nurseries; outdoor storage and loading areas; oil and gas refining; printing and publishing; recycling facility; sewage treatment works; and warehousing. 4) Mining/extraction of: coal, oil or gas; metals; and minerals.

Home Occupation: Any occupations, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing on the dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.

Homeless Shelter: A building or group of buildings, which offer overnight and/or longer-term transitional lodging, consisting of separate units and/or dormitory style, multiple bed units. Meals may be provided to occupants. All of the services may be given without charge and in no case shall such a shelter be run on a for-profit basis.

Hotel/Motel: A business establishment having guest rooms consisting of a building or series of building in which lodging is offered for compensation and where related ancillary uses shall be allowed only if the use is expressly permitted in the subject zone.

Impervious surface/area: Low-permeability man-made material that prevents stormwater from penetrating the ground, such as structures and areas covered with asphalt, concrete and compacted gravel used for parking and roadways. A natural or man-made waterbody is not considered an impervious area except for the purpose of stormwater calculations. (proposed in the draft stormwater)

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

Industrial Service: Establishment providing industrial services to individuals or businesses. This classification include dry cleaning plants, metal machine and welding shops; furniture upholstery shop; and similar business engagements in custom fabrication and repair.

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

Industry, Heavy: A use involving the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or use involving storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Infill Development: Development on vacant or underused lots in otherwise built-up areas.

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

Junk Yard: 1) a place occupied by three or more unregistered, unserviceable, discarded, or junked automotive vehicles, or bodies, engines, or other parts thereof sufficient in bulk to equal two vehicles or bodies, also referred to as a motor junk yard but excluding vehicle repair garages where autos are being overhauled or held temporarily pending insurance claims, etc.; or 2) a yard, field or other area used as a place of storage for discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material, including garbage dumps, waste dumps and sanitary landfills.

Laboratory, Research and Development Facility: An establishment which conducts research, development, production of scientific commodities for sale, or the breeding and managing of animals for the purpose of distribution to other research facilities. It also includes laboratories conducting educational or medical research or testing such as, but not limited to, a biotechnology or biomedical establishments. Excluded from this definition are activities incorporating high concentration of chemicals, biological and radiological hazards that are usually associated with general manufacturing uses.

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

Landing Area: A landing pad area, strip, deck, or building roof used to launch or receive non-emergency aircraft.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground cover, flowers or grass, as well as fences, retaining wall, benches, and other similar structures.

Level of Service (LOS): is a measure of effectiveness for transportation infrastructure elements such as intersections that considers mobility, timing and other factors.

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

Light Fixture, Outdoor: An outdoor illuminating device, outdoor lighting, or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement.

Light Trespass: Any light spill falling over property lines that illuminate adjacent ground or buildings.

Lighting Maintenance: The servicing, repairing, or altering of any premises, appliance, apparatus, or equipment to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended. Activities that change the character, size, or scope of a project beyond the original design are not included in this definition.

Lighting, Fully Shielded: A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture are projected below the horizontal plane.

Loading, off-street: An unobstructed area provided for the temporary parking of trucks and other motor vehicles for the purpose of loading, and unloading goods, wares, materials, and merchandise.

Local Road: Roads or streets with relatively short trip lengths and which have as a primary function property access. They are intended to provide access to residences, businesses, farms and other abutting property and are not intended to provide through traffic, although a limited amount of through traffic may use some local roads. These roads are not designed for mobility or higher operating speeds. This function is reflected by use of lower design speeds and level of service.

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

Lot Coverage, Shoreland: The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone for the lot or for a portion thereof that is located within the shoreland zone, including land area previously developed.

Lot Lines: The property lines bounding a lot as defined below: 1) Front Lot Line is, on an interior lot, the line separating the lot from the street or right-of-way. On a corner or through lot, the line separating the lot from each street or right-of-way. On lots with shore frontage, the shoreline constitutes the front lot line. 2) Rear Lot Line is the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension. 3) Side Lot Line is any lot line 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 with the Hancock County Register of Deeds.

Lot Size, Minimum Area: The lot area, less the area of any land subject to right-of-way or easements, other than utility easements servicing the lot, and also excluding lands which are below the normal high water mark or defined wetlands.

Lot Width: The width of a lot at the front setback line.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right-of-way.

Lot, Interior: Any lot other than a corner lot.

Lot, Minimum Width, Shoreland: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Lot, Occupied: A parcel with a primary structure erected and ready for occupancy.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances and having frontage upon a public street, right-of-way, or private way.

Low Impact Design: Low Impact Development (LID) is a stormwater management strategy designed to maintain site hydrology and mitigate the adverse impacts of stormwater runoff and nonpoint source pollution. LID actively manages stormwater runoff by mimicking a project site's pre-development hydrology using design techniques that infiltrate, store, and evaporate runoff close to its source of origin. LID strategies provide decentralized hydrologic source control for stormwater runoff. In short, LID seeks to manage the rain, beginning at the point where it falls.

Lumen: A quantitative unit measuring the amount of light emitted from a light source.

Maintenance: The servicing, repairing, or altering of any sites, appliances, apparatus or equipment to perpetuate the use or purpose for which such sites, appliances, apparatus, or equipment was originally intended. Activities resulting in a substantial change are not considered maintenance – see redevelopment definition.

Manufacturing: Uses include factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing.

Marijuana: Marijuana means the leave, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, and other compound,

manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Marina: A use of waterfront land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, chartering, launching, and dry-storage and boating equipment.

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.

MDEP: Maine Department of Environmental Protection

MDOT: Maine Department of Transportation

Medical Use (medical marijuana): Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the registered patients debilitating

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 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 to transport the product removed, away from the extraction site (for commercial purposes).

Mobile Home Pad: That portion of a mobile home site reserved for the placement of a mobile home, appurtenant structures or additions.

Mobile Home Park: A parcel of land with accommodations for three or more mobile homes in use as dwellings.

Mobile Home Site [aka mobile home park lot]: An area of land in a Mobile Home Park used for installation of a mobile home and the exclusive use of its occupants that shall be designated on the Mobile Home Park plan meeting all of the requirements of this Article 8 Performance Standards section 819 Mobile Home Park Standards.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and suitable for year round single family occupancy, with or without permanent foundation.

Modular Home: Dwelling units that are designed to be placed on a permanent perimeter foundation which extends below the frost line. These units come into multiple sections.

Multi-unit Residential: A residential structure containing three or more residential dwelling units.

Municipal Officers: Municipal Officers shall mean the Ellsworth City Council.

Native: Indigenous to the local forests.

Net Residential Acreage: The total acreage available for the project, as shown on the proposed plan, minus the area for streets or accessways and the areas, which are unsuitable for development.

Noise: the intensity, duration and character of sounds from any and all sources.

Noise-Sensitive Use: Where people normally sleep such as homes, hospitals, and hotels; and within classroom and contemplative settings such as schools, libraries, churches and funeral homes.

Non-conforming Condition, Shoreland: Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Article 4 Shoreland Zoning or subsequent amendment took effect.

Non-conforming Lot, Shoreland: A single lot of record which, at the effective date of adoption or amendment of this Article 4 Shoreland Zoning, does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming Lot: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the zoning district because of a change in the applicable zoning district regulations or a government action.

Non-conforming Structure, Shoreland: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Article or subsequent amendments took effect.

Nonconforming Structure: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

Non-conforming Use, Shoreland: Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Article or subsequent amendments took effect.

Nonconforming Uses: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

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

Obstruction: Any building, structure, sign, apparatus, mechanical equipment, parked spaces, fence, landscaping or other element of a long term nature placed above or on the ground with a visibility triangle.

Open Space: The portion of a lot or site which is maintained in its natural state or planted with grass, shrubs, trees, or other vegetation and which is not occupied by buildings, structures, or other impervious surfaces.

Parapet: That portion of a wall, which extends above the roof line.

Parking Lot, Private: Parking for the exclusive use of the owners, tenant, lessees, or occupants of the lot on which the parking area is located or their customers, employees or whomever else they permit to use the parking area.

Parking Lot, Public: Parking available to the public, with or without payment or fee.

Parking Lot: An open area other than an accessway used for the parking of two or more vehicles, excluding an area associated with a residential driveway serving no more than two residential dwelling units.

Parking, Commercial: Parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premise.

Parking, Excess: Required parking which has been demonstrated as being unused by an existing land use or exceeds the minimum ordinance requirements.

Parking, Satellite: Parking not located on a parcel or lot that is contiguous or adjacent to the parcel or a lot not containing the use for which the parking is intended.

Parking, Shared: A public or private parking area used jointly by two or more users.

Parking, Valet: Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Patio: A level area adjacent to a dwelling unit constructed of stone, cement or other material located at ground level, with no railing or other structure above the level of the ground.

Peak Flow: The greatest rate of flow in a drainageway, measured as volume per unit of time, resulting from a storm of specified frequency and duration.

Peak Period: Period of maximum parking activity: can be by the hour, day of week, or season.

Permeability: The capacity of a material to transmit a liquid, which is expressed in terms of hydraulic conductivity of water in centimeters-per-second units of measurement.

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 Establishment: Businesses primarily engaged in providing services involving the care of an individual and his/her goods or apparel which does not in itself produce tangible commodity.

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-water Line or Within a Wetland: 1) Temporary: Structures which remain in or over the water for less than 7 months in any period of 12 consecutive months; 2) Permanent: Structures which remain in or over the water for 7 months or more in any period of 12 consecutive months.

Planned Unit Development: A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The Planning Board of the City of Ellsworth created by the Ellsworth City Charter in accordance with State Statutes.

Point of Interest: An outdoor area or other places of scenic, historical, cultural or religious interest, whether publicly or privately owned.

Portable Sign. A sign such as but not limited to, a sign on wheels, interchangeable message board, A- or T-frame sign, menu board, or sandwich board.

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

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

Privy: A pit in the ground into which human excrement is placed.

Processing, Fish Wholesale: The loading, unloading, packing, processing, and packaging of edible fish and other seafood products but not including re-processing of fish wastes or fish by-products.

Professional and Business Offices: The place of business, other than a residential unit, of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance agents, psychiatrists, psychologists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations and, with the exception of the Business and Technology Park Zone, it also includes providers of personal services such as barbers, hairdressers, and beauticians.

Professional Establishment: Any establishment home occupation, whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government and other enterprises such as lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance agents, psychiatrists, psychologists, counselors, doctors and therapists, and the like, includes Health Care Facilities.

Project Data Sheet: A summary sheet of no more than two pages showing Land Use Information (site area, total dwelling units, gross density, parking), Land Use Plan (buildings, streets/parking, detention ponds, open space in acres, and percent of total land), Unit Information (type, square footage, sales price) Economic Information (site acquisition, site improvement, construction costs).

Projecting Sign. A sign attached to and projecting from a building or structure face or wall, generally at right angles to the building.

Public Drinking Water: A public water system delivers water through a set of pipes for human consumption and has at least 15 service connections, or regularly serves at least 25 residents for 60 or more days per year.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and accessways, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Way: A street that allows vehicular and/or pedestrian use by the general population.

Recent Floodplain Soils: The following soil series as described and identified by the National Cooperative Soil Survey: Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Alluvia, Cornish, Charles, Podunk, Rumney, Saco, Suncook, Sunday, and Winooski.

Reconstruction, Street: The rebuilding of a street in such a manner and to such an extent as to substantially replace the existing street or a portion of the existing street, including but not limited to widening, extending, straightening, and layout of an existing street.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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

Recreational, Trailer and Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, including, without limitation, a pickup camper, travel trailer, tent trailer, motor home, or converted van or truck.

Redevelopment: The servicing, repairing, or altering of any structures, buildings, sites, appliances, apparatus or equipment resulting in a substantial change irrespective of whether a change occurs in the land use.

Registered Patient (medical marijuana): Registered patient means a patient who has a registry identification card issued by the State of Maine.

Religious Institutions: Place of worship of religious assembly with related facilities such as the following in any combination: rectory or convent, meeting hall, offices for administration of the institution, and playground.

Repair, Street: Repair of a street or section thereof to maintain its serviceability including, but not limited to patching, brush cutting, ditching, grading, erosion control measures and storm water management, etc. It does not include construction, relocation and alterations.

Replacement System [subsurface wastewater disposal]: A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residential: A use intended primarily for human living accommodations.

Residual Basal Area: The average of the basal area of trees remaining on a harvested site.

Residual Stand: A stand of trees remaining in the forest following timber harvesting and related activities

Restaurant: An establishment where food and drink are prepared and served to the public.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivide not indicated on the approved plan.

Retail Business: A business establishment engaged in the sale of goods or services to an ultimate consumer for direct use or consumption, and not for resale, not including automobile oriented businesses and not including electronic, mechanical, or video game arcades.

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

River: A free-flowing body of water including its associated floodplain wetlands. For the purposes of this Ordinance Ellsworth's only River is the Union River from the Graham Lake dam to Leonard Lake. The Union River below the Leonard Lake dam is a tidal estuary considered a coastal wetland.

Road (street): A public or private way including but not limited to roads, alley, and other rights-of-way for vehicular and/or pedestrian use.

Road Frontage: The linear distance connecting the intersections of the front lot line with the side lot lines.

Road Types: Classification of roadways based on the character of service and access functions they are intended to provide as determined by the City Planner or Planning Board for projects reviewed or to be reviewed by the Planning Board and by the Code Enforcement Officer for all other projects.

Road, Gravel: An unpaved road constructed of material as described in section 916.5.

Rubbish: Any discarded, worn-out, abandoned, or non-functioning article or articles or materials including but not limited to tin cans, bottles, used wood products, junk appliances, junk automobiles, or parts thereof, old clothing, or household goods. The word "rubbish" shall include the words "trash," "waste materials," and "refuse."

Rural Area: Area of land as defined in the Comprehensive Plan.

Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that: 1) in the case of electric service: a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon an accessway right-of-way; and b. the total length of the extension is less than 1,000 feet. 2) in the case of telephone service: a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or b. the extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

Service Road: A public or private road, auxiliary to a collector or an arterial road, which has as its purpose the maintenance of traffic mobility and safety off the collector and arterial to which it serves, and access management to the parcels adjacent to it.

Setback from a Property Line: The horizontal distance from a side or rear property line to the nearest part of a structure or other regulated object or area.

Setback from the Edge of a Right-of-way: The horizontal distance from a right of way to the nearest part of a structure or other regulated object or area

Setback, Shoreline: The horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, accessway, parking lot or other regulated object or area.

Setback: The horizontal distance from a lot line to the nearest part of a structure.

Shared Access: An access connecting two or more sites to the public street system.

Shopping Center: One or a group of retail and other commercial establishments that is planned, owned and managed as a single property. On-site parking is provided: 1) **Small:** Maximum of three businesses; total maximum building square footage of 15,000; 2) **Community:** Total maximum building square footage of 100,000 square foot; and 3) **Big-Box:** Any establishment

having a gross floor area of 75,000 square feet or more in one or more buildings at the same location, and any expansion or renovation of an existing building or buildings that results in a retail business establishment's having a gross floor area of 75,000 square feet or more in one or more buildings except when the expansion of an existing retail business establishment is less than 20,000 square feet. Other retail business establishments on the same site as the large-scale retail business establishment are not included in this definition unless they share a common check stand, management, controlling ownership or storage areas.

Shoreland Zone: The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream, as defined, and/or streams mapped on the Official Land Use Map.

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

Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity.

Sidewalk: An improved pedestrian surface that is typically located adjacent to a road.

Sign Setback. The minimum distance required between any property line and any portion of a sign or sight structural support.

Sign, back-lit. An indirect source of light which illuminates a sign by shining through a translucent surfaced of a sign, including plastic signs, lit from an internal light source.

Sign: A sign is an object, devise or structure, or part thereof, situated outdoors or displayed in a window, visible from a public access way, free standing or attached, which is used to advertise, identify, display direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, fixtures, colors, illuminations or projected images.

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

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

Solar Energy System (SES), Accessory: SES of any size that primarily serves an on-site principal use or one on an adjacent parcel. Accessory use SES, are considered part of the principal use for zoning purposes including allowable locations.

Solar Energy System (SES), Stand Alone: SES of any size that primarily serves an off-site user such as the electric power grid or another use on a non-adjacent parcel.

Solar Energy System (SES), Small-Scale: A Solar Energy Collector System that has 1,750 square feet or less of collector panel surface area.

Solar Energy System (SES), Medium-Scale: A Solar Energy Collector System that has more than 1,750 but less than 40,000 square feet of collector panel surface area.

Solar Energy System (SES), Large-Scale: A Solar Energy Collector System that has more than 40,000 square feet of collector panel surface area.

Source Water Protection Area: The areas that contribute water to a pond, lake, stream or well as shown on the most recent Ellsworth Public Water Supply Source Protection Areas Maps prepared by the Maine Drinking Water Program, Source Protection section.

Special Use: A governmental or public service use providing public health, safety, comfort, convenience, or the general welfare for the general benefit of the citizens funded in whole or in part by the City of Ellsworth or a quasi-municipal organization, including by way of illustration, municipal buildings, schools, public parks and recreational facilities, cemetery, public art, museum, interpretation center, public parking, fire stations, ambulance services, highway garage, distribution and transmission of essential services ; essential facilities, hospital, Federal Aviation Administration –designated commercial service airport, heliport.

SSHB: Standard Specifications for Highways and Bridges as published by the Maine Department of Transportation

Stable: A structure or land use in or on which equines are kept for the sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Storage, Bulk: On-site storage of any soil, gravel, clay, mud, debris, vegetation, refuse of any other material, organic or inorganic in a concentrated state.

Store, Convenience: A retail establishment which accommodate neighborhood needs for groceries and which may sell, as accessory uses, prepared food for carry-out. The sales area of such use shall be indoors only, and the total enclosed area for such use shall not exceed 4,000 square feet.

Stormwater Management Plan: A comprehensive plan including notes, plans, specifications and details which, when implemented, provides methods, structures and mechanisms intended to manage stormwater on a site. The plan also incorporates methods, techniques, designs, practices and other means to control erosion and sedimentation.

Stormwater: The part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.

Story: That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average mean finished grade of the ground adjoining such building.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or a perennial or intermittent stream shown as such on the most recent edition of a United States Geological Survey 7.5 minute series topographic map and/or mapped on the Official Land Use Map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Street: A public or private way including but not limited to roads, alley, and other rights-of-way for vehicular use.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks and patios. Only structures covering more than ten square feet must comply with the requirements of zoning districts, exclusive of shoreland zoning districts, where all structures, regardless of size, must comply with the shoreland zoning requirements. The following are not considered structures: fences, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors, a retractable awning or shade used solely to shade a door or window. The following are not considered structures outside of shoreland zoning districts: parking lots, driveways, an awning or tent for a temporary event and backyard tents used for sleeping.

Subdivision Sign. A permanent sign that identifies the name of a residential subdivision or apartment building.

Subdivision, Major: Any division containing more than four lots or any subdivision containing a proposed public street.

Subdivision, Minor: Any division containing four lots or less, and in which no street is proposed to be constructed.

Subdivision: Means 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. A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless: (1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or (2) The division of the tract or parcel is otherwise exempt under this subchapter. B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing. C. A lot of 40 or more acres will be counted as a lot by this ordinance. D.1 A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance.

D.2 A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance. D.3 A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance. D.4 A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate. D.5 A division accomplished by a gift to the City if the City accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance. D.6 A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of Chapter 28 Subdivision Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection. D.7 The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision. F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land. G. Notwithstanding the provisions of this subsection, leased units, with the

exception of condominiums, are not subject to subdivision review as the units are subject to Major Site Development Review which is as stringent as that required under this subchapter.

Substantial Change: Activities that alter the character, or the size or scope of a project including structures, buildings, sites, appliances, apparatus or equipment beyond the existing design costing more than 50% of the existing value of the buildings, appliances, etc.

Substantial Start: Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

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

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

Technical Review Team: The Technical Review Team consists of the following Ellsworth Staff: Fire Chief, Police Chief, Public Works Director and/or designees (Water Superintendent, Sewer Superintendent, and Highway Foreman), and City Planner, and may include the City Manager and a member of the City Council.

Telecommunications Tower: A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction.

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

Timber Harvesting and Related Activities: Timber harvesting, the construction and maintenance of accessways and land management roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 410.14, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tract (or Parcel) of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road. Land in the same ownership that is separated by an intermittent or non-navigable stream or tidal waters where there is no flow at low tide shall be considered part of the same tract or parcel of land.

Trailer: A vehicle without motive power and not intended for human occupancy, designed to be towed by a motor vehicle including a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Transit: Passenger services provided by public, private, or nonprofit entities such as, but not limited to, fixed route bus.

Tree, shade: A woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer.

Tree: Any self supporting woody perennial plant which has a diameter at breast height (DBH) of two inches or more and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches.

Tributary Stream: Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Article, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trip Generation: An estimate of the peak number of vehicle trip ends generated for a selected use or project used to estimate an ADT. It shall be as determined from 1) "Trip Generation" as published by the Institute of Transportation Engineers (latest edition) or 2) specific traffic counts provided by an Engineer.

Trip or Trip End: A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site. For trip generation purposes, the total trip ends for a land use over a period of time are the total of all trips entering plus all trips exiting a site during a designated time period

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for

a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are 6 meters (approximately 20 feet) tall or taller.

Urban Core: An area of land shown on a map as defined by the City Council.

Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which it is occupied.

Utility Pole: Pole used to support essential services such as power, telephone, or cable television lines; or used to support street or pedestrian way lighting, typically located in public right-of-way.

Variance: A relaxation of the terms of this ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary or undue hardship.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ 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.

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.

Walkway: An off-street pedestrian path.

Wall Sign. A sign attached to or painted on a wall of a building, a window, or structure so that the wall forms the supporting structure or becomes the background of the sign. Also included as a wall sign are roof signs and awning signs.

Warehouse: Facilities characterized by extensive warehousing, frequent heavy trucking activity, or fully enclosed storage of material.

Water Body: Any great pond, river or stream.

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to accessways, fords, bridges, culverts, water lines, sewer lines,

and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Watershed: The land area that drains, via overland flow, drainageways, waterbodies or wetlands to a given waterbody or wetland.

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

Wetland, Forested: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately 20 feet) or taller.

Wetland, Freshwater: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are: 1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, such that in a natural state, the combined surface area is in excess of 10 acres; and 2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition

Wetland: A freshwater or coastal wetland.

Wholesaling: A business establishment engaged in the bulk sale of goods or materials not manufactured or processed on the premises.

Windfirm: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Window Sign. A sign that is applied to or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise display. Window signs, graphics and text located more than 12 inches from the face of the window are not considered signs.

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

Yard: On the same lot with a principal building, a space which is open to the sky and unoccupied by any structures except a fence not more than six feet in height.

Zoning Acre: A measure of land containing 40,000 square feet.

