

1 The following Code does not display images or complicated formatting. Codes should be viewed online. This  
2 tool is only meant for editing.

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3 § 140-9 **Definitions.**

4 In this chapter, the following terms shall have the following meanings:

5 **ABUTTERS**

6 All property owners within 250 feet of subject property lines, including property owners across  
7 roadways and bodies of water.

8 **ACCESSORY APARTMENT-DWELLING UNIT**

9 A separate dwelling unit located within attached to or standalone on the Primary homes property, and  
10 subordinate to a single-family detached dwelling. The unit must have a minimum of 190 square feet  
11 and be no larger than 750 square feet of living space.

12 **ACCESSORY USE OR STRUCTURE**

13 A use or structure which is customarily and in fact both incidental and subordinate to the principal use  
14 or structure. The term "incidental" in reference to the principal use or structure shall mean both  
15 subordinate and minor in significance to the principal use or structure and attendant to the principal use  
16 or structure. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the  
17 lot. Trailers utilized for storage are considered in this category.

18 **ADT**

19 Average daily trips. The number of trips generated for a particular use as found in the Institute of  
20 Transportation Engineers; Trip Generation Rate (latest edition available); an example of this is that a  
21 single-family home has 10 trip ends per unit. A trip end equals a vehicle coming and going from a  
22 property.

23 **AFFORDABLE HOUSING**

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24 "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a  
25 household whose income does not exceed 80% of the median income for the area as defined by the United States  
26 Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50  
27 Stat. 888, Section 8, as amended.

28 1. For rental housing, a development in which a household whose income does not exceed  
29 80% of the median income for the area as defined by the United States Department of  
30 Housing and Urban Development under the United States Housing Act of 1937, Public  
31 Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in  
32 the development without spending more than 30% of the household's monthly income on  
33 housing costs; and

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34 2. For owned housing, a development in which a household whose income does not exceed 120% of the  
35 median income for the area as defined by the United States Department of Housing and Urban Devel-  
36 opment under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as  
37 amended, can afford 51% or more of the units in the development without spending more than 30%  
38 of the household's monthly income on housing costs.

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39 3. For purposes of this definition, "housing costs" means:

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40 a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that  
41 the household pays separately from the rent; and

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b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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**AFFORDABLE HOUSING COVENANT**

"Affordable housing covenant" means any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable to lower income and moderate-income households.

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[Added 4-14-2015]

**AGGRIEVED PARTY**

A person who demonstrates standing to appeal from a decision rendered under this chapter.

**AGRICULTURE, LIVESTOCK**

See "animal husbandry."

**AGRICULTURE, NONLIVESTOCK**

The cultivation of soil and the producing or raising of crops, including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof; but those two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.

**ALTERATION**

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

**AMUSEMENT CENTER**

Any private or commercial premises which is maintained or operated primarily for the amusement, patronage or recreation of the public, containing an aggregate of four or more table sports, pinball machines, video games or similar mechanical or electronic games, whether activated by coins, tokens or discs, or activated through remote control by the management.

**ANIMAL HUSBANDRY**

The keeping of any domesticated animals other than household pets.

**AQUACULTURE**

See Chapter 110, § 110-11.

[Amended 6-15-2009]

**AREA OF SPECIAL FLOOD HAZARD**

See Chapter 110, § 110-11.

[Amended 6-15-2009]

82 **AUTHORIZED AGENT**

83 An individual or a firm having written authorization to act on behalf of a property owner, signed by the  
84 property owner and notarized.

85 **AUTOMOBILE GRAVEYARD**

86 A yard, field or other area, used as a place of storage for three or more unserviceable (incapable of  
87 passing a state highway safety inspection), discarded, worn out or junked motor vehicles. Temporary  
88 storage by an establishment or place of business which is engaged primarily in doing auto body repair  
89 for the purpose of making repairs to render a motor vehicle serviceable shall not constitute an  
90 automobile graveyard.

91 **AUTOMOBILE REPAIR GARAGE**

92 A place where, with or without the attendant sale of engine fuels, the following services may be carried  
93 out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service,  
94 (such as body, frame or fender straightening and repair), overall painting and undercoating of  
95 automobiles.

96 **AUTOMOBILE SERVICE STATION**

97 A place where gasoline or any other engine fuel (stored only in underground tanks), kerosene or motor  
98 oil and lubricants or grease are retailed directly to the public on the premises, including the sale of minor  
99 accessories and the servicing and minor repair of automobiles, not including storage or unlicensed  
100 vehicles and not including body, frame or fender straightening and repair.

101 **BANK**

102 An establishment for the custody, loan, exchange or issue of money, for the extension of credit and for  
103 facilitating the transmission of funds.

104 **BASAL AREA**

105 The area of cross section of a tree stem at diameter breast height (4.5 feet above the ground) and  
106 includes bark.

107 **BASAL AREA, RESIDUAL**

108 The total of the basal area of trees remaining on a harvest area.

109 **BASE DENSITY**

110 "Base density" means the maximum number of units allowed on a lot not used for affordable  
111 housing based on dimensional requirements in a local land use or zoning ordinance.

112 **BASE FLOOD**

113 See Chapter 110, § 110-11.

114 **[Amended 6-15-2009]**

115 **BASEMENT**

116 The enclosed area underneath a structure, typically having a masonry floor and walls which are part of  
117 the structure's foundation. The clear height up to the joists supporting the floor directly above is four  
118 feet or greater.

119 **BED-AND-BREAKFAST**

120 A single-family dwelling in which lodging or lodging and meals are offered to the general public for  
121 compensation, offering no more than five bedrooms for lodging purposes with a maximum stay of no

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122 more than 14 days.

123 **BOATHOUSE**

124 See Chapter 110, § 110-11.

125 [Amended 6-15-2009]

126 **BOAT LANDING**

127 See Chapter 110, § 110-11.

128 [Amended 6-15-2009]

129 **BODY OF WATER**

130 See Chapter 110, § 110-11.

131 [Amended 6-15-2009]

132 **BROOK**

133 See Chapter 110, § 110-11.

134 [Added 6-15-2009]

135 **BUFFER**

136 An area which serves to provide a visual, aesthetic, and noise-reduction barrier between conflicting land  
137 uses.

138 **BUILDING**

139 Any structure having a roof supported by columns or walls for the housing or enclosure of persons,  
140 animals or personal property.

141 **BUILDING HEIGHT**

142 The vertical distance between the highest point of the roof and the average grade of the ground  
143 adjoining the building.

144 **CAMP**

145 Any building, seasonal in nature, such as cabins or hunting shelters intended for temporary or  
146 intermittent use not to exceed three months per year. Each camp must have sanitation facilities in  
147 compliance with the State of Maine Subsurface Wastewater Disposal Rules.

148 **CAMPGROUND**

149 Any area or tract of land to accommodate two or more parties in temporary living quarters, including  
150 but not limited to tents, recreational vehicles or other shelters.

151 **CAREGIVER RETAIL STORE**

152 A store that has attributes generally associated with retail stores, including, but not limited to, a fixed  
153 location, a sign, regular business hours, accessibility to the public and sales of goods or services directly  
154 to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested  
155 marijuana for sale to qualifying patients. As defined in accordance with Maine State Statute or rule.

156 [Added 1-14-2020; amended 9-14-2021]

157 **CELLAR**

158 See "basement."

159 **CEMETERY**

160 Property used for interring the dead.

161 **CHANGE OF USE**

162 A change from one category in the land use table to another or the addition of a new category of use to  
163 an existing use.

164 **CHANNEL**

165 See Chapter 110, § 110-11.

166 **[Amended 6-15-2009]**

167 **CHURCH**

168 A building or structure or group of buildings or structures, designed, primarily intended and used for the  
169 conduct of religious services.

170 **CIVIC CENTER**

171 A building or complex of buildings that house municipal offices and services, and which may include  
172 cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a  
173 governmental agency.

174 **CLUB**

175 Any association of persons organized for social, religious, benevolent or academic purposes whose  
176 facilities are open to members and guests, including fraternities, sororities and social organizations.

177 **CLUSTER DEVELOPMENT**

178 A development in which dimensional requirements may be reduced in order to promote the retention of  
179 open space.

180 **COASTAL WETLANDS**

181 See Chapter 110, § 110-11.

182 **[Amended 6-15-2009]**

183 **CODE ENFORCEMENT OFFICER**

184 A person appointed by the Town Manager to administer and enforce this chapter. Reference to the  
185 "Code Enforcement Officer" may be construed to include Building Inspector, Plumbing Inspector;  
186 Electrical Inspector and the like, where applicable.

187 **COMMERCIAL CENTER**

188 Includes commercial premises such as retail stores or service establishments which occupy premises  
189 designed, operated or utilized as a single development, which accommodate more than one business and  
190 which use less than 12,000 square feet of gross floor space.

191 **COMMERCIAL COMPLEX**

192 Any concentration of retail stores or service establishments occupying premises which are designed  
193 operated or utilized as a single development which encompass 12,000 square feet or more of gross floor  
194 space. This definition shall also include large department stores or grocery stores which meet the above  
195 floor space requirements.

196 **COMMERCIAL RECREATION**

197 Any commercial enterprise which receives a fee in return for the provision of some recreational activity,  
198 including but not limited to racquet clubs, health facility, amusement parks, golf courses, etc., but not  
199 including amusement centers, as defined herein.

200 **COMMUNITY LIVING FACILITY**

201 A housing facility for eight or fewer mentally handicapped and developmentally disabled persons which  
202 are approved, authorized, certified, or licensed by the state. A "community living facility" may include a  
203 group home, foster home or intermediate care facility.

204 **COMMUNITY SERVICES**

205 Police and Fire Department protection, schools, library, rescue, etc., and not hereinafter defined as  
206 utility.

207 **CONFORMING USE**

208 A use of buildings, structures or land which complies with all applicable provisions of this chapter.

209 **CONGREGATE HOUSING**

210 **[Amended 4-10-2012]**

211 A. A dwelling or group of dwellings and shared community space, providing shelter and services for  
212 elderly persons, which may include meals, housekeeping, transportation, recreational activities,  
213 personal-care assistance, and the like. Elderly persons shall mean a person 55 years old or older, or a  
214 couple that constitutes a household with at least one member who is 55 years old or older at the time of  
215 entry into the facility. A person who meets the definition of "disabled" or "handicapped" as set forth in  
216 501(b) of the Housing Act of 1949, the Fair Housing Act, the Americans with Disabilities Act or the  
217 Rehabilitations Act of 1973, or in regulations issued by either the United States Department of Housing  
218 and Urban Development or the United States Department of Agriculture, Rural Development, shall be  
219 deemed to meet the congregate housing age requirements of this chapter, and may occupy units within  
220 such developments, even if that person is not 55 years or older or is not part of a household with another  
221 member who is 55 years or older.

222 B. Congregate housing shall include either or both of the following types of uses:

223 (1) Dwelling units as defined by this chapter; or

224 (2) Residential units which do not meet the definition of dwelling unit because they have no cooking  
225 facilities within each unit.

226 C. Congregate housing is distinct from "dwelling," "multifamily," or "nursing homes," and shall not be  
227 required to meet the standards of § 140-46.

228 **CONSTRUCTED**

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

232 **CORD**

233 A unit of measure of wood products four feet wide, four feet high, and eight feet long, or its equivalent  
234 containing 128 cubic feet when wood is ranked and well stacked. Any voids that will accommodate a  
235 stick, log, or bolt of average dimensions to those in that pile shall be deducted from the measured  
236 volume.

237 **DAY-CARE CENTER**  
238 An establishment where more than 12 children will be cared for in return for payment.

239 **DECORATIVE CHANGES**  
240 Repainting; residing, reroofing, removing or replacing trim, railings or other nonstructural architectural  
241 details; or the addition, removal or change of location of windows and doors.

242 **DESIGNATED GROWTH AREA.** "Designated growth area" means an area that is designated in  
243 a municipality's or multimunicipal region's comprehensive plan as suitable for orderly residential,  
244 commercial, or industrial development, or any combination of those types of development, and  
245 into which most development projected over ten (10) years is directed. designated growth areas  
246 may also be referred to as priority development zones or other terms with a similar intent.

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247 **DISPOSAL**  
248 The intentional discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or liquid  
249 waste into or onto any land or water so that the solid waste or any constituent thereof may enter into the  
250 environment or be emitted into the air or discharged into any waters, including groundwaters.

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

254 **DORMITORY or RESIDENCE HALL**  
255 A building or portion thereof providing sleeping rooms, bathrooms, and common areas for individuals  
256 or for groups affiliated with an educational institution. Each such dormitory or residence hall must have  
257 a full-time live-in adult resident supervisor to provide support services and oversight of occupants.

258 **[Added 1-10-2017]**

259 **DRIVEWAY**  
260 A private way providing access to no more than two buildings on separate abutting lots from a public or  
261 private street.

262 **[Added 4-14-2015]**

263 **DWELLING, MULTIFAMILY**  
264 A building containing three or more dwelling units, such buildings being designed exclusively for  
265 residential use and occupancy by three or more families living independently of one another, with the  
266 number of families not exceeding the number of dwelling units.

267 **DWELLING, SINGLE-FAMILY**  
268 Any structure containing only one dwelling unit.

269 **DWELLING, TWO-FAMILY**  
270 A building containing only two dwelling units for habitation by not more than two families.

271 **DWELLING UNIT**  
272 A building or portion thereof providing complete housekeeping facilities for one family and which  
273 contains independent areas for living, cooking, sleeping, bathing and sanitary facilities. The term shall  
274 not be deemed to include a recreational vehicle.

275 **EARTH**

276 Topsoil, sand, gravel, clay, peat, rock or other minerals.

277 **EQUESTRIAN FACILITY**  
278 A commercial riding stable which includes instruction in horsemanship which may also board horses  
279 not owned by the facility. Such a facility may also include both indoor and outdoor riding arenas.

280 **[Added 1-14-2020]**

281 **ESSENTIAL SERVICES**  
282 Gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems,  
283 collection, supply or disposal systems. Such systems may include poles, wires, mains, drains, sewers,  
284 pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories,  
285 but shall not include buildings which are necessary for the furnishing of such services or transmission  
286 towers as defined herein.

287 **EXCAVATION**  
288 Any removal of earth from its original position.

289 **EXISTING RIGHT-OF-WAY**  
290 A strip of land which is dedicated for the sole purpose of providing access to a parcel or parcels of land  
291 abutting, described on a deed recorded prior to the effective date of this chapter.

292 **EXPANSION OF A STRUCTURE**  
293 An increase in the floor area or volume of a structure, including all extensions such as, but not limited  
294 to, attached decks, garages, porches and greenhouses.

295 **EXPANSION OF USE**  
296 The addition of months to a use's operating season; or the use of more floor area or ground area devoted  
297 to a particular use.

298 **EXTRACTIVE INDUSTRY**  
299 Any operation engaged in the removal of more than 10 cubic yards in any twelve-month period of  
300 topsoil, sand, gravel, clay, rock or other like material from its natural location and for transportation off  
301 the lot except as may be exempted within the extractive industry performance standards in this chapter.

302 **FAMILY**  
303 One or more persons occupying a premises and living as a single housekeeping unit, as distinguished  
304 from a group occupying a boardinghouse, lodging house or hotel as herein defined.

305 **FAMILY DAY CARE**  
306 An establishment, including a private residence as defined under the Rules of the Maine Department of  
307 Human Services, Chapter 38, Licensing of Day-Care Homes.

308 **FILLING**  
309 Depositing or dumping any matter on, or into, the ground or water.

310 **FLOOD**  
311 See Chapter 110, § 110-11.

312 **[Amended 6-15-2009]**

313 **FLOOD INSURANCE MAP**

314 See Chapter 110, § 110-11.

315 [Amended 6-15-2009]

316 **FLOODPLAIN**

317 See Chapter 110, § 110-11.

318 [Amended 6-15-2009]

319 **FLOODPROOFING**

320 See Chapter 110, § 110-11.

321 [Amended 6-15-2009]

322 **FLOOD, REGIONAL**

323 See Chapter 110, § 110-11.

324 [Amended 6-15-2009]

325 **FLOODWAY**

326 See Chapter 110, § 110-11.

327 [Amended 6-15-2009]

328 **FLOOR AREA, GROSS**

329 The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the  
330 exterior faces of the exterior walls.

331 **FLOOR AREA, NET**

332 The total of all floor areas of a building, excluding the following: stairwells, elevator shafts, equipment  
333 rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when  
334 used or intended to be used for human habitation or service to the public.

335 **FORESTER, LICENSED PROFESSIONAL**

336 A forester licensed under 32 M.R.S.A. c. 75.

337 **FOREST MANAGEMENT ACTIVITIES**

338 Includes clearing and other forest resource evaluation activities, pesticide or fertilizer application,  
339 timber stand improvement, pruning, regeneration of forest stands, and other similar or associated  
340 activities, and the construction, creation or maintenance of land management roads.

341 [Amended 6-15-2009]

342 **FOREST MANAGEMENT PLAN**

343 A site-specific document signed by a professional forester outlining proposed activities to ensure  
344 complete standards and regeneration requirements established by 12 M.R.S.A. § 8868 et seq., and any  
345 rules promulgated by the Department of Conservation.

346 **FRESHWATER WETLANDS, MAJOR**

347 See Chapter 110, § 110-11.

348 [Amended 6-15-2009]

349 **FRESHWATER WETLANDS, MINOR**

350 See Chapter 110, § 110-11.

351 [Amended 6-15-2009]

352 **FRONTAGE**

353 The horizontal distance measured along the lot line between the intersections of the side lot lines with  
354 the private or public right-of-way.

355 **FRONTAGE, SHORE**

356 See Chapter 110, § 110-11.

357 [Amended 6-15-2009]

358 **FROST WALL**

359 A masonry foundation wall extending below the ground surface, supported by footings located below  
360 the frost line to protect the structure from frost heaves.

361 **FUNCTIONALLY WATER-DEPENDENT USES**

362 See Chapter 110, § 110-11.

363 [Amended 6-15-2009]

364 **FUNCTION HALL/BANQUET HALL**

365 A building or a portion of a building which is rented, leased or otherwise made available to individuals  
366 or groups for the purpose of hosting a function such as a conference, wedding, banquet, party, reception  
367 or other social event. Such a use may or may not include kitchen facilities for the preparation or catering  
368 of food.

369 [Added 5-12-2015]

370 **GRADE**

371 In relation to buildings, the average of the finished ground level at the center of each wall of a building.

372 **GREAT POND**

373 See Chapter 110, § 110-11.

374 [Amended 6-15-2009]

375 **GREENHOUSE**

376 A glass or plastic enclosure used for cultivation or protection of tender plants.

377 **GUEST HOUSE**

378 See "hotel."

379 **HEALTH-CARE FACILITY**

380 An institution providing overnight health services and/or medical or surgical care. Laboratories,  
381 outpatient, training, central service and staff offices are related uses. A medical-care facility includes  
382 hospitals, nursing homes, convalescent centers and similar service facilities.

383 **HEIGHT OF A STRUCTURE**

384 The vertical distance between the mean original grade at the downhill side of the structure and the

385 highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which  
386 have no floor area.

387 **HOME OCCUPATION**

388 An occupation or use which is conducted by a person(s) on the same lot where such person resides and  
389 which does not change the character thereof. Home occupations may be classified into either a "minor"  
390 or "major" home occupation as detailed in § 140-43.

391 **HOSPITAL**

392 An institution providing, but not limited to, overnight health services, primarily for inpatients, and  
393 medical or surgical care for the sick or injured, including as an integral part of the institution such  
394 related facilities as laboratories, outpatient departments, training facilities, central services facilities and  
395 staff offices.

396 **HOTEL**

397 A building containing guest rooms kept, used, maintained or held out to the public as a place where  
398 lodging and/or meals are provided. "Hotel" shall include motel, guest houses, tourist courts, cabins and  
399 motor lodges. The hotel may contain such accessory services and facilities for the benefit of its guests  
400 and only incidentally for the general public as newsstands, personal grooming facilities and restaurants.

401 **[Amended 5-11-2009]**

402 **HVAC SYSTEMS RELATED TO ODOR CONTROL FOR MARIJUANA**

403 A ventilation system designed to mitigate and prevent marijuana odors from detection outside the  
404 premises.

405 **[Added 1-14-2020]**

406 **INCINERATION**

407 A process used for volume reduction of solid waste by means of controlled combustion. This term does  
408 not include cone burners or the practice of open burning.

409 **INDIVIDUAL PRIVATE CAMPSITE**

410 An area of land which is not associated with a campground, but which is developed for repeated  
411 camping, by only one group not to exceed 10 individuals, and which involves site improvements which  
412 may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. Individual  
413 private campsites may be utilized for a period not to exceed three months total in any given calendar  
414 year.

415 **INDUSTRIAL**

416 The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the  
417 extraction of minerals.

418 **INN**

419 A single building containing 25 or fewer sleeping rooms and built or converted to accommodate, for a  
420 fee, travelers who are staying for a limited duration. An inn may provide dining services to its guests  
421 and may host special functions, such as weddings, but does not include a restaurant to serve the public  
422 at-large, unless restaurants (eating places) are otherwise allowed in the district.

423 **[Added 5-11-2009; amended 1-10-2017]**

424 **JUNKYARD**

- 425 A yard, field or other area used as place of storage for any of the following:
- 426 A. Discarded, worn-out or junked plumbing and heating supplies, household appliances and furniture.
- 427 B. Discarded, scrap and junk lumber.
- 428 C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap  
429 iron, steel and other scrap ferrous or nonferrous material.
- 430 D. Garbage dumps, waste dumps and sanitary fills.
- 431 E. Unserviceable, discarded, worn-out or junked motor vehicles and motor vehicle parts, unserviceable  
432 bikes, lawn mowers and other similar items.

433 **KENNEL**

434 Any place, building, tract or land, abode, enclosure or vehicle where three or more dogs or three or more  
435 cats are kept for any purpose for a fee. This definition shall also include dog day-care facilities, dog  
436 grooming and agility facilities for dogs.

437 **[Amended 1-14-2020]**

438 **LANDFILL**

439 A system of trash and garbage disposal in which the waste is buried between layers of earth.

440 **LIGHT INDUSTRY**

441 Uses intended primarily for the conduct of light manufacturing, assembling and fabrication and for  
442 associated warehousing, wholesaling and service operations that do not depend primarily on frequent  
443 personal visits of customers or clients or a high number of truck and/or freight visits per day. Such uses  
444 should accommodate a broad spectrum of clean industries; but noticeable glare, noise, vibration, odor or  
445 other nuisances at the property lines of the property on which the use is situated are prohibited. Light  
446 industrial uses might include software or computer development, electronics assembly, book,  
447 publishing, science and research facilities, and microbreweries. Light industrial uses also include  
448 contractor services such as landscaping, lawn care, tree care, plumbing and heating where such services  
449 require facilities to store equipment, materials and vehicles.

450 **[Amended 1-14-2020]**

451 **LOT**

452 A parcel or tract of land occupied or capable of being occupied by one or more principal use or building  
453 and the accessory buildings or uses customarily incidental to it, including such open spaces as are  
454 required by the chapter, having frontage upon a street, and existing deeded right-of-way or a new  
455 deeded right-of-way with a minimum fifty-foot width and with each principal building located on land  
456 identified as allocable to that building which meets the minimum dimensional requirement for that  
457 district as provided in this chapter.

458 **LOT AREA**

459 The total horizontal area within the lot lines.

460 **LOT, CORNER**

461 A lot with at least two contiguous sides abutting upon a street or right-of-way.

462 **LOT COVERAGE**

463 The percentage of the lot covered by all buildings, parking areas, roadways, sidewalks and driveways.

464 **LOT, INTERIOR**

465 Any lot other than a corner lot.

466 **LOT LINES**

467 The lines bounding a lot as defined below:

468 A. **FRONT LOT LINE**

469 (1) On an interior lot, the line separating the lot from the street or right-of-way.

470 (2) On a corner or through lot, the line separating the lot from either street or right-of-way.

471 B. **REAR LOT LINE**The lot line opposite the front lot line.

472 (1) On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel  
473 to the front line, not less than 10 feet long, lying farthest from the front lot line.

474 (2) On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

475 C. **SIDE LOT LINE**Any lot line other than the front lot line or rear lot line.

476 **LOT OF RECORD**

477 A parcel of land, a legal description of which or the dimensions of which are recorded on a document or  
478 map on file with the County Registry of Deeds.

479 **LOT, SHOREFRONT**

480 See Chapter 110, § 110-11.

481 [Amended 6-15-2009]

482 **LOT, THROUGH**

483 Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street  
484 and a body of water or a right-of-way and a body of water or between two bodies of water, as  
485 distinguished from a corner lot. All sides of "through lots" adjacent to streets, rights-of-way and bodies  
486 of water shall be considered frontage, and front yards shall be provided as required.

487 **LOT WIDTH**

488 The horizontal distance between the side lot lines, measured at the front setback line.

489 **MANUFACTURED HOME**

490 A structural unit or units designed for occupancy and constructed in a manufacturing facility and  
491 transported by the use of its own chassis or an independent chassis to a building site. This shall include:

492 A. Units constructed after June 15, 1976, commonly called "newer mobile homes" and constructed in  
493 compliance with the U.S. Department of Housing and Urban Development Standards.

494 B. Units commonly called "modular homes" which are constructed in compliance with 10 M.R.S.A § 9001  
495 et seq.

496 **MANUFACTURING**

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

499

500 **MARIJUANA**  
501 As defined by Maine State Statute or rule.

502 **[Added 1-14-2020]**

503 **MARINA**  
504 See Chapter 110, § 110-11.

505 **[Amended 6-15-2009]**

506 **MEDICAL MARIJUANA CULTIVATION/GROWING FACILITY**  
507 A facility used by three or more registered caregivers for cultivating, processing, and/or storing of  
508 medical marijuana by a registered caregiver at a location which is not the registered caregiver's primary  
509 year-round residence or their patient's primary year-round residence. This definition also includes  
510 cultivating marijuana, harvesting marijuana, drying marijuana, and the packaging and transportation of  
511 the product from the premises. Medical marijuana shall not be transported to the licensed facility from  
512 any other growing facility. Only marijuana grown on the premises shall be allowed on the facility at any  
513 time. No marijuana grown off the premises shall be transported to, stored at, packaged, or processed at  
514 the facility. The maximum size of a medical marijuana cultivation/growing facility on a single lot of  
515 record shall be 2,500 square feet of cultivation area.

516 **[Added 8-17-2021]**

517 **MINERAL EXPLORATION**  
518 Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources  
519 which create minimal disturbance to the land and which include reasonable measures to restore the land  
520 to its original condition.

521 **MINIMUM LOT AREA**  
522 The land area of a parcel not including the area of any land which is part of a right-of-way for a  
523 thoroughfare or easement, such as but not limited to surface drainage easements or traveled rights-of-  
524 way (but not including utility easement servicing that lot), subject to tidal action or which is part of a  
525 major or minor freshwater wetland.

526 **MINI-STORAGE FACILITY**  
527 Fully enclosed structures with individual, secured units which are available for lease or rent by persons  
528 other than residents of the premises for the storage of nonhazardous goods not related to the sale or  
529 manufacture of goods on the same lot.

530 **[Added 1-14-2020]**

531 **MOBILE HOME**  
532 See "manufactured home."

533 **MOBILE HOME PARK**  
534 A parcel of land under unified ownership approved by the municipality for the placement of three or  
535 more "newer mobile homes." This does not apply to modular homes as described.

536 **MODULAR HOME**  
537 A home in which entire sections are constructed in a factory and shipped to their eventual location  
538 where very little on-site labor is required to piece the sections together.

539 **MOTEL**

540 A building or group of buildings in which lodging is offered to the general public for compensation and  
541 where entrance to rooms maybe made directly from the outside of the building.

542 **NEIGHBORHOOD CONVENIENCE STORE**

543 A store of less than 1,500 square feet of floor space intended to service the convenience of a residential  
544 neighborhood and not serving gas or food that would normally be served in either a restaurant or fast-  
545 food restaurant as defined herein. Allowed is the sale and preparation of food which is:

546 **[Added 5-11-2009]**

- 547 A. Primarily intended for immediate consumption;
- 548 B. Available upon a short waiting time;
- 549 C. Served over the counter rather than at a table; and
- 550 D. Prepackaged or presented in a manner that can be readily eaten off the premises where sold.

551 **NET RESIDENTIAL ACREAGE**

552 The gross acreage available for development, excluding the area for streets or access and the areas  
553 which are unsuitable for development.

554 **NET RESIDENTIAL DENSITY**

555 The number of dwelling units per net residential acre.

556 **NOISE**

557 Related definitions:

- 558 A. dB(A) — The abbreviation designating both the unit of measuring sound level, the decibel, and the  
559 mode of measurement that uses the A-weighting of a sound level meter.
- 560 B. **DECIBEL (dB)**The practical unit of measurement for sound pressure level. The number of "decibels"  
561 of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound  
562 pressure of the measured sound to the sound pressure of a standard sound (20 micropascals),  
563 abbreviated "dB."
- 564 C. **LOUD AND UNREASONABLE NOISE**Any sound, the intensity of which exceeds the standards set  
565 forth in § 140-28 of this chapter.

566 **NONCONFORMING LOT OF RECORD**

567 A single lot of record which, at the effective date of adoption of or amendments to this chapter, does not  
568 meet the area, frontage, width or depth requirements of the district in which it is located.

569 **NONCONFORMING STRUCTURE**

570 A structure that does not meet one or more of the following dimensional requirements: setbacks, height,  
571 yard and lot coverage. It is allowed solely because it was in lawful existence at the time this chapter or  
572 subsequent amendments took effect.

573 **NONCONFORMING USE**

574 Use of premises that is not permitted to locate in the district in which it is situated, but which is allowed  
575 to remain solely because it was in lawful existence at the time this chapter or subsequent amendments  
576 took place.

577 **NONHAZARDOUS SOLID WASTE**

578 Solid waste which does not present a potential or present danger to people, animals or the natural  
579 environment.

580 **NONHAZARDOUS SOLID WASTE FACILITY**

581 Any land, buildings, structures or combination thereof used for the processing of nonhazardous solid  
582 waste, excluding municipally operated facilities for disposal of nonhazardous used building materials  
583 and discarded vegetation resulting from normal residential maintenance activities.

584 **NORMAL HIGH-WATER LINE**

585 See Chapter 110, § 110-11.

586 **[Amended 6-15-2009]**

587 **NURSERY**

588 An area where plants (trees and shrubs) are grown for transplanting, for use as stocks for budding or  
589 grafting or for sale.

590 **NURSING HOMES**

591 A facility where maintenance and personal or nursing care are provided for persons who are unable to  
592 care for themselves.

593 **OFFICIAL BUSINESS DIRECTIONAL SIGN**

594 A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23  
595 M.R.S.A. § 1901 et seq., which points the way to public accommodations and facilities.

596 **PARKING SPACE**

597 A minimum area of 180 square feet, exclusive of drives, aisles or entrances, fully accessible for the  
598 storage or parking of vehicles.

599 **PERIOD OF OPERATION**

600 The opening and closing times of certain businesses or activities regulated under the conditional use  
601 process. This term may apply to hours of the day or night, days of the week or months of the year.

602 **PERSONAL SERVICE ESTABLISHMENT**

603 A commercial use, the primary concern of which is the rendering of services rather than the sale of  
604 products, and which does not meet the home occupation standards and definition as stated in this  
605 chapter. Personal services may include but not be limited to barbershops, hairdressers, clothing rental,  
606 shoe repair and dog grooming. They shall not include gasoline stations, hotels, bed and breakfasts,  
607 banks, or restaurants.

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

610 See Chapter 110, § 110-11.

611 **[Amended 6-15-2009]**

612 **PLANNED RESIDENTIAL DEVELOPMENT**

613 A land development project comprehensively planned as an entity via a unitary site plan which permits  
614 flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the  
615 preservation of significant natural features.

616 **PLANNED UNIT DEVELOPMENT (PUD)**

617 See "planned residential development."

618 **PRINCIPAL BUILDING**

619 The building in which the primary use of the lot is conducted.

620 **PRINCIPAL USE**

621 The primary use to which the premises are devoted and the main purpose for which the premises exist.

622 **PRIVATE ROAD**

623 A road that is privately maintained. A private road shall not receive road maintenance services,  
624 including but not limited to snowplowing, drainage, grading, etc., from the Town until the private road  
625 is classified and built to the standards of a residential access street, as defined in Chapter **121**, § **121-**  
626 **44N**, Type of street, and approved by the Code Enforcement Officer, and accepted by the South  
627 Berwick Town Council.

628 **[Amended 4-14-2015]**

629 **PROFESSIONAL OFFICES**

630 The place of business, which can not be classified as a home occupation by the definition and standards  
631 of this chapter, for doctors, lawyers, accountants, architects, surveyors, real estate agents, insurance  
632 agents, psychiatrists, psychologists, counselors, engineers, and the like, but not including financial  
633 institutions or personal services.

634 **PUBLIC PARK**

635 An area designated specifically for passive recreational use by the general public and involving minimal  
636 structural development.

637 **PUBLIC RECREATION**

638 A recreational facility operated by a governmental agency and open to the general public.

639 **PUBLIC SEWERS**

640 Those owned and operated by a public utility.

641 **PUBLIC UTILITY**

642 Any person, firm, corporation, municipal department, board or commission authorized to furnish gas,  
643 steam, electricity, waste disposal, communication facilities, transportation or water to the public.

644 **RECENT FLOODPLAIN SOILS**

645 See Chapter **110**, § **110-11**.

646 **[Amended 6-15-2009]**

647 **RECREATIONAL VEHICLE**

648 A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more  
649 persons which is not a dwelling and which may include a pickup camper, travel trailer, camp trailer and  
650 motor home.

651 **REGISTERED CAREGIVER**

652 A person that provides care for a qualifying patient in accordance with Maine State Statute or rule.

653 **[Added 1-14-2020]**

654 **REGISTERED CAREGIVER ASSISTANT**

655 A person paid to perform a service for a caregiver whether as an employee or independent contractor, in  
656 accordance with Maine State Statute or rule.

657 **[Added 1-14-2020]**

658 **RESTAURANT**

659 An establishment, located in an enclosed building, which may provide additional outdoor seating, where  
660 meals are prepared on the premises and served to the public for consumption on the premises; and where  
661 no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic  
662 from an exterior service opening or counter, or any combination of the foregoing; and where customers  
663 are not encouraged by the design of the physical facilities, by advertising or by the servicing or  
664 packaging procedures to take out food or beverages for consumption off of the premises.

665 **[Amended 12-9-2014]**

666 **RESTAURANT, TAKE-OUT/FAST-FOOD**

667 An establishment, located in an enclosed building, which may provide additional outdoor seating, where  
668 food is prepared on the premises and where the normal operation of the business is described  
669 substantially by the following factors:

670 **[Amended 12-9-2014]**

- 671 A. The establishment offers both "eat-in" and "take-out" service.
- 672 B. Customers place their orders at a counter or window (including drive-up windows) rather than at a table  
673 served by a waiter or waitress.
- 674 C. The predominant method of delivery is that customers pick up their own orders at a counter or window  
675 and then either carry the orders to a table or seating area within the restaurant or take the orders out of  
676 the restaurant for consumption outside of the building. (Table service by the establishment's staff during  
677 limited hours or occasional delivery of food items to a customer table or seating area will not be deemed  
678 to be the predominant method of delivery.)
- 679 D. The manner in which the food is prepared, presented and packaged is essentially the same whether the  
680 customer chooses "eat-in" or "take-out."

681 **RETAIL BUSINESS**

682 A business establishment operating from an enclosed building on the premises, engaged in the sale,  
683 rental or lease of goods or services to the consumer for personal use or household consumption and not  
684 for resale.

685 **[Amended 12-9-2014]**

686 **RIPRAP**

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

689 **RIVER, STREAM OR BROOK**

690 See Chapter 110, § 110-11.

691 **[Amended 6-15-2009]**

692 **SCHOOLS**

693 A. **PUBLIC and PRIVATE**(Including parochial schools); Institutions for education or instruction of any  
694 branch or branches of knowledge or a place where knowledge is imparted and which satisfies either of  
695 the following requirements:

- 696 (1) The school is not operated for a profit or as a gainful business; or  
697 (2) The school teaches courses of study which are sufficient to qualify attendance there as compliance with  
698 state compulsory education requirements.

699 B. **COMMERCIALS**Schools or institutions which are commercial or profit-oriented. Examples thereof are  
700 dancing, music, riding, and correspondence, aquatic schools, driving or business.

701 **SERVICE DROP**

702 Any utility line extension which does not cross or run beneath any portion of a water body, provided  
703 that:

704 A. In the case of electric service:

- 705 (1) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the  
706 customer requesting service or upon a roadway right-of-way; and  
707 (2) The total length of the extension is less than 1,000 feet.

708 B. In the case of telephone service:

- 709 (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility  
710 poles; or  
711 (2) The extension requiring the installation of new utility poles or placement underground is less than 1,000  
712 feet in length.

713 **SETBACK**

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

715 **SETBACK FROM WATER**

716 See Chapter 110, § 110-11.

717 **[Amended 6-15-2009]**

718 **SHORELAND ZONE**

719 See Chapter 110, § 110-11.

720 **[Amended 6-15-2009]**

721 **SIGNS**

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

725 **SIGN, EXTERNALLY ILLUMINATED**

726 A sign that is illuminated by a light source that is not contained within or on the surface of the sign  
727 itself.

728 **[Added 11-22-2016]**

729 **SIGN, INTERIOR**

730 Any temporary or permanent sign located more than three feet from the window glass on any part of any  
731 building and which is not visible from the outside of the building.

732 **[Added 11-22-2016]**

733 **SIGN, INTERNALLY ILLUMINATED**

734 A sign that is illuminated by light from a source within the sign. Examples of internally illuminated  
735 signs include internally illuminated translucent signs, which may have opaque surfaces with translucent  
736 letters or translucent surfaces with opaque letters and channel letter signs. Other types of internally  
737 illuminated signs include signs using luminous gas-filled tubes (e.g., neon) or light-emitting diodes  
738 (LED).

739 **[Added 11-22-2016]**

740 **SIGN, WINDOW**

741 Any temporary or permanent sign affixed to the surface of the window glass on any part of any building  
742 or any sign which is within three feet of the window glass and which is visible from the outside of the  
743 building shall be considered a window sign even though it may not be affixed directly to the glass.  
744 Window displays of actual products or merchandise for sale or rent on the business premises shall not be  
745 considered interior signs.

746 **[Added 11-22-2016]**

747 **SLUDGE SPREADING**

748 The land application of a mixture of organic and residual materials produced by industrial processes,  
749 water or sewage treatment processes or domestic septic tanks.

750 **SOLID WASTE**

751 Useless, unwanted or discarded solid material with insufficient liquid or gaseous content to be free-  
752 flowing, including, by way of example and not limitation, rubbish, garbage, scrap materials, junk,  
753 refuse, inert fill material and landscape refuse, but not including septic tank sludge, other liquid waste  
754 treatment sludge and agricultural waste.

755 **SOUND LEVEL**

756 The sound pressure level measured to decibels with a sound level meter set for A-weighting. Sound  
757 level is expressed in dB(A).

758 **SOUND LEVEL METER**

759 An instrument for the measurement of sound levels conforming to American National Standards  
760 Institute Type I or II Standards.

761 **SOUND PRESSURE LEVEL**

762 The level of a sound measured in dB units with a sound level meter which has a uniform (flat) response  
763 over the band of frequencies measured.

764 **STANDING**

765 The legal right to challenge a decision rendered under this chapter. In order to have standing, a person  
766 must demonstrate particularized injury from the challenged decision.

767 **STORAGE**

768 The collection and/or containment of solid waste on a temporary basis pending permanent disposal.

769 **STREAM**

770 See Chapter 110, § 110-11.

771 **[Amended 6-15-2009]**

772 **STREET**

773 An existing state, county or Town way, road or a street dedicated for public use and shown upon a plan  
774 duly approved by the Planning Board and recorded in the York County Registry of Deeds or a street  
775 dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior  
776 to the establishment of the Planning Board and the grant to the Planning Board of its power to approve  
777 plans or a private road. (See definition of Private Road.) The term "street" shall not include those ways  
778 which have been discontinued or abandoned.

779 **[Amended 4-14-2015]**

780 **STRUCTURAL MODIFICATIONS**

781 Any change involving the removal or replacement of supporting members of a building, such as posts,  
782 columns, plates, joists or girders.

783 **STRUCTURE**

784 Anything constructed or erected, the use of which requires a fixed location on or in the ground or an  
785 attachment to something having a fixed location on the ground, including buildings, billboards, signs,  
786 commercial park rides and games, carports, porches and other building features, but not including  
787 fences.

788 **SUBDIVISION**

789 As defined in § 121-11 of Chapter 121, Subdivision of Land, of the South Berwick Code.

790 **SUBSTANTIAL IMPROVEMENT**

791 Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of  
792 the market value of the structure either before the improvement or repair is started or, if the structure has  
793 been damaged and is being restored, before the damage occurred. For purposes of this definition,  
794 substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or  
795 structural part of the building commences, whether or not that alteration affects the external dimensions  
796 of the structure. The term does not, however, include any project for improvement of a structure to  
797 comply with existing state or local health, sanitary or safety code specifications which are solely  
798 necessary to assure safe living conditions or for any alteration a structure listed on the National Register  
799 of Historic Places or a State Inventory of Historical Places.

800 **SUBSTANTIAL START**

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

802 **SWIMMING POOL**

803 A man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily  
804 for swimming or bathing, whether in the ground or above the ground.

805 **TEMPORARY STORAGE FACILITIES**

806 A structure without a permanent foundation capable of providing shelter to anything placed on, in or  
807 under the structure, including but not limited to tents and trailers. Specifically excluded are pole barns  
808 used to shelter farm animals and/or farm equipment.

809 **TIMBER HARVESTER**

810 A person, company, or other entity who harvests, or contracts to harvest, a forest product.

811 **TIMBER HARVESTING**

812 The cutting or removing of timber for the primary purpose of selling or processing forest products.

813 "Timber harvesting" does not include the clearing of land for approved construction.

814 **TRANSMISSION TOWER**

815 A structure used commercially for transmitting and/or receiving radio, television or electrical waves but  
816 not including telephone and electrical poles.

817 **TRIBUTARY STREAM**

818 See Chapter 110, § 110-11.

819 **[Amended 6-15-2009]**

820 **UNDUE HARDSHIP**

821 A. That the land in question cannot yield a reasonable return unless a variance is granted.

822 B. That the need for a variance is due to the unique circumstances of the property and not to the general  
823 conditions of the neighborhood.

824 C. That the granting of a variance will not alter the essential character of the locality.

825 D. That the hardship is not the result of action taken by the applicant or a prior owner.

826 **VARIANCE**

827 A relaxation of the terms of this chapter. Variances permissible under this chapter are limited to  
828 dimensional and area requirement. No variance shall be granted for the establishment of any use  
829 otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the  
830 immediate or adjacent areas.

831 **VEHICLE SALES**

832 Any business which involves a parking or display area for the sale of new or used cars, trucks,  
833 motorcycles, campers, farm equipment, recreational vehicles, mobile homes or similar products.

834 **VERMIN**

835 Animals, birds or insects capable or acting as a host for, or carrier of, germs.

836 **VETERINARY HOSPITAL OR CLINIC**

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

839 **VOLUME OF A STRUCTURE**

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

842 **WAREHOUSE**

843 A structure or room for the storage, deposit or stocking of merchandise or commodities.

844 **WATER BODY**

845 See Chapter 110, § 110-11.

846 [Amended 6-15-2009]

847 **WATER CROSSING**  
848 See Chapter 110, § 110-11.

849 [Amended 6-15-2009]

850 **WATER-ORIENTED BUSINESS**  
851 See Chapter 110, § 110-11.

852 [Amended 6-15-2009]

853 **WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS**  
854 See Chapter 110, § 110-11.

855 [Amended 6-15-2009]

856 **WHOLESALE DISTRIBUTION**  
857 On-premises storage, repacking, sale and/or distribution of goods to customers engaged in the business  
858 of reselling or conveying the goods to others. This definition shall not include the sale and/or  
859 distribution of commodities to consumers on a retail basis.

860 **YARD**  
861 The area of land on a lot not occupied by the principal building.

862 **YARD, FRONT**  
863 The area of land between the front lot line and the nearest part of the principal building.

864 **YARD, REAR**  
865 The area of land between the rear lot line and the nearest part of the principal building.

866 **YARD SALE**  
867 The activity of selling or offering to sell household or personal articles (such as, but not limited to,  
868 furniture, tools, or clothing) on the lot on which the owner of the articles resides, provided that such  
869 activity occurs on no more than twelve days during any calendar year commencing on or after January  
870 1, 1994. Any such activity occurring on more than twelve days per calendar year shall constitute a retail  
871 store. Any such activity commenced prior to the adoption of this chapter (10-25-1993) shall not  
872 constitute a lawful nonconforming use under § 140-5 of this chapter and can occur only as permitted  
873 pursuant to this definition. The term "yard sale" shall include garage sales, porch sales, tag sales, and the  
874 like.

875 **YARD, SIDE**  
876 The area of land between the side lot line and the nearest part of the principal building.

877