



TOWN OF WINSLOW, MAINE

PHONE: (207) 872-2776
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114 BENTON AVENUE
WINSLOW, ME 04901

WWW.WINSLOW-ME.GOV

Public Hearing: January 15, 2024

TOWN COUNCIL

ORDINANCE NO. 03-2024

AN ORDINANCE

Providing for: An Amendment to §300-91. Definitions to the Town Code to add the definition of "Event Venue" and §300-47 C.3 of the Town Code, to add to the conditional uses "Event Venue" by adding the underline text per the attached copy.

WHEREAS, the Planning Board voted to recommend that "Event Venue" should be added to the conditional uses in the §300-47. Rural District; and

WHEREAS, the term "Event Venue" needs to be defined, now, therefore,

BE IT ORDAINED by the Town Council to amend §300-91. Definitions to the Town Code to add the definition of "Event Venue" and §300-47 C.3 of the Town Code, to add to the conditional uses "Event Venue" by adding the underline text per the attached copy.

SPONSORED BY: Administration

IN THE TOWN COUNCIL

February 12, 2024

First Reading 7 0
accepted rejected

February 26, 2024

Second Reading 7 0
adopted rejected

Audra Henry
Town Clerk

APPROVED: February 26, 2024

CHAIRMAN:

[Signature]
[Signature]
[Signature] [Signature]
[Signature] [Signature]



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To: Winslow Town Council

From: Winslow Planning Board

Date: February 1st, 2024

RE: Proposal to amend the conditional use in the Rural District to include "Event Venue".

Esteemed Councilors,

The Winslow Planning Board considered the request to amend the conditional use in the rural district to include "Event Venue" at the joint public hearing between the Council and Planning Board on January 15th, 2024, and the public Planning Board meeting on January 31st, 2024. Elery Keene, and Mark Ward were not in attendance at either meeting, so they abstained from voting.

The Planning Board in issuing an "Ought to Pass" recommendation on amending the conditional use in the Rural District to include "Event Venue". The Planning Board recommends the amended conditional use by a vote of 5-0 with all members in attendance voting to approve the change. All members who voted to approve this amendment were in attendance of both meetings. The basis of this recommendation is that there are similar uses such as community centers and outdoor recreation that are allowable conditional uses in the Rural District.

Sincerely,

Gary Owen,
Planning Board Chair

§ 300-47. Rural District. [Amended 3-8-1999 by Ord. No. 3-1998 ; 7-11-2005 by Ord. No. 5-2005 ; 3-12-2007 by Ord. No. 2-2007 ; 12-8-2008 by Ord. No. 3-2008 ; 10-13-2015 by Ord. No. 8-2015 ; 1-11-2016 by Ord. No. 15-2015]

- A. Purpose. The vast majority of the Town's land area is within the Rural District which consists of open space, forest, farmland, residential homes, resource based activities and some commercial operations. The goal of the Rural District is to preserve and encourage existing open space, agriculture, forestry and resource based activities while at the same time allowing very-low-density residential and some limited commercial development. All nonagricultural development in this district is designed to grow at a slow pace and in such a manner that the traditional rural character is maintained for future generations. Proposed development that might create negative traffic impacts, environmental damage, loss of farmland, increased traffic, suburban land use and loss of rural character shall not be permitted in this district.
- B. Minimum dimensional requirements. All dimensions are minimum requirements unless otherwise indicated

Dimensional Requirements	Principal and Conditional Uses
Lot area	2 acres
Lot width	200 feet
Lot frontage	200 feet
Maximum building height	35 feet
Street yard	50 feet
Rear yard	25 feet
Side yard principal structure	25 feet
Side yard accessory structure	25 feet

- C. Allowed uses.

(1) Principal uses:

- Agriculture
- Bed-and-breakfast
- Boarding house
- Cemeteries
- Churches
- Commercial greenhouses
- Congregate housing
- Convenience store
- Essential services

Farm stands
farmers markets
Forestry
Home child care
Home occupations
Indoor recreation
Kennels
Medium-scale principal solar energy systems (MSPSES)
Minor home occupations
Mobile homes
Nursing homes
Parks and playgrounds
Passive recreation
Single-family dwellings
Small stores - 3,000 square feet
Temporary and seasonal itinerant vendors
Temporary vendors
Timber harvesting
Two-family dwellings
Veterinary clinic
Yard sale

- (2) Special uses: reuse of agricultural structures after public hearing and review by the Zoning Board of Appeals
- (3) Conditional uses: **[Amended 1-14-2019 by Ord. No. 8-2018]**

Auto service and repair
Automobile junk yard
Campgrounds
Child care center
Community centers
Companion animal care center
Golf courses
Large-scale principal solar energy systems (LSPSES)
Mineral extraction

Outdoor recreation

Radio/communication towers

Small stores - 3,000 square feet

Warehousing/storage

Event Venue

§ 300-91. Definitions. [Amended 7-8-1996 by Ord. No. 3-1996 ; 10-21-1996 by Ord. No. 6-1996 ; 2-10-1997 by Ord. No. 1-1997 ; 4-14-1997 by Ord. No. 2-1997 ; 3-8-1999 by Ord. No. 3-1998; 12-10-2001 by Ord. No. 10-2001 ; 9-9-2002 by Ord. No. 1-2002 ; 9-13-2004 by Ord. No. 5-2004 ; 6-13-2005 by Ord. No. 4-2005 ; 7-11-2005 by Ord. No. 5-2005 ; 10-11-2005 by Ord. No. 6-2005 ; 3-12-2007 by Ord. No. 2-2007 ; 3-10-2008 by Ord. No. 1-2008 ; 9-8-2008 by Ord. No. 11-2007 ; 12-8-2008 by Ord. No. 3-2008 ; 12-8-2008 by Ord. No. 4-2008 ; 12-13-2010 by Ord. No. 1-2010 ; 6-14-2010 by Ord. No. 2-2010 ; 12-13-2010 by Ord. No. 7-2010 ; 4-11-2011 by Ord. No. 1-2011; 5-14-2012 by Ord. No. 3-2012 ; 7-9-2012 by Ord. 4-2012; 1-13-2014 by Ord. No. 4-2013 ; 1-13-2014 by Ord. No. 5-2013 ; 12-8-2014 by Ord. No. 7-2014 ; 6-8-2015 by Ord. No. 4-2015; 10-13-2015 by Ord. No. 5-2015; 10-13-2015 by Ord. No. 6-2015 ; 10-13-2015 by Ord. No. 7-2015 ; 10-13-2015 by Ord. No. 8-2015; 11-9-2015 by Ord. No. 11-2015 ; 1-11-2016 by Ord. No. 13-2015; 1-11-2016 by Ord. No. 14-2015 ; 1-11-2016 by Ord. No. 15-2015; 7-11-2016 by Ord. No. 5-2016 ; 8-8-2016 by Ord. No. 6-2016 ; 12-12-2016 by Ord. No. 14-2016 ; 12-12-2016 by Ord. No. 15-2016]

As used in this chapter:

ACCESSORY SOLAR ENERGY SYSTEMS (ASES) — An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power: (a) primarily; or (b) solely for on-site use. An accessory solar energy system consists of one or more freestanding ground, or roof-mounted, solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. ASES's generally occupy 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of less than 10 kW DC). ASES only require an electrical permit.

ACCESSORY USE OR STRUCTURE — Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADDITION — An extension or increase in floor area or height of a building or structure.

AGRICULTURE — The production of plant and livestock products and the keeping and maintenance of Livestock for personal use, sale or lease. Plant production includes, but is not limited to, forages, grains, seeds, fruits, vegetables, ornamentals and/or greenhouse plants. The keeping and maintenance of livestock includes, but is not limited to, the keeping of dairy and ruminant animals (cows, beef, sheep, goats, alpacas, llamas); poultry (chickens, turkeys, ducks); and horses. The keeping and maintenance of livestock is limited to lots two or more acres in size, except as provided in Chapter 94, Article II, Domesticated Chickens, of the Town Code. Agriculture does not include forest management and timber harvesting activities. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

ALTERATION — As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AREA — The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor area.

ARTERIAL STREET — A public street or highway used or intended to be used primarily for fast

or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

AUTOMOBILE JUNK YARD, AUTOMOBILE GRAVEYARD, SALVAGE YARD — A yard, field or other place of storage for the following items:

- A. Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto repair work for the purposes of rendering a motor vehicle serviceable;
- B. Discarded, worn-out, or junk plumbing, heating supplies, household appliances, and furniture;
- C. Discarded, scrap, junked lumber;
- D. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or nonferrous material.

AUTOMOBILE SERVICE AND REPAIR — A business establishment engaged in general repair, engine rebuilding, parts replacement, muffler replacement, oil and lube service, brake service, auto glass, body repair, auto painting, car washing, undercoating, motorcycle repair, recreational vehicle repair such as snowmobiles, ATVs boat engines, and small engine repair such as lawn mowers and similar lawn and garden equipment.

BASEMENT — That portion of any structure located partly below the average adjoining lot grade.

BED AND BREAKFAST — A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the bed-and-breakfast shall live on the premises or in adjacent premises.

BILLBOARD — Either freestanding or attached to a building or the wall of a building, the surface of which is available for hire of advertising purposes.

BOARDING AND ROOMING HOUSE — Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

BUILDING — Any three-dimensional enclosure, of any building materials, of any space, for any use or occupancy. Building includes the word structure unless the context unequivocally indicates otherwise.

BUILDING HEIGHT — Vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm buildings components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, tanks, or other building accessory features usually erected at a height greater than the main roofs of a building, provided such accessory features are not for human habitation. Maximum building height provisions in this chapter shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor

area.

BUILDING SITE — The area occupied by a building or structure, including yards and courts required for light and ventilation, and such areas that are prescribed for access to the street.

BUILDING WIDTH — The horizontal distance between the outer edges of the living area of the building as measured in a straight line parallel to the lot frontage.

BULK OIL/FUEL STORAGE — Structures, buildings, and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

CAMP SITE — A place designated to be used for a tent, trailer or recreational vehicle in a campground.

CAMPGROUND — Land upon which one or more tents, trailers or recreational vehicles are placed for temporary family recreational use on sites arranged specifically for that purpose. Campgrounds include tenting grounds, and trailer and recreational vehicle park sites.

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

CERTIFICATE OF OCCUPANCY — The certificate issued by the Code Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

CHANGE OF USE — An alteration by change of use in a building heretofore existing to a new use group that imposes other special provisions of law governing building construction, equipment or means of egress.

CHEMICAL MANUFACTURING AND STORAGE — A facility designed and used for the manufacturing and/or storage of hazardous materials and chemicals as defined in Title 37-B, M.R.S.A. § 791.

CHILD CARE CENTER — A private establishment providing day care for eight or more children under the age of 16 which charges for the care of the children and holds all legally required licenses and approvals.

CHILD CARE HOME — A private home providing day care for less than eight children under the age of 16 which charges for the care of children and which holds all legally required licenses and approvals.

CHURCH — A place of religious worship.

COMMERCIAL GREENHOUSE — The structures and land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting which may also include associated retail or wholesale sales structures.

COMMUNITY CENTER — A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPANION ANIMAL — A cat or dog.

COMPANION ANIMAL CARE CENTER — A residence where one cares for companion

animals for an owner, between the hours of 5:00 a.m. and 9:00 p.m. in one's home (dwelling unit) or in a building or other structure accessory to one's home (dwelling unit) as one would his/her own companion animal. Keeping companion animals outside during the period from 6:01 p.m. and 5:59 a.m. shall be prohibited.

CONGREGATE HOUSING — A type of dwelling consisting of private living quarters and that provides shared community space and shared dining facilities and might also provide its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities and/or specialized services such as medical support.

CONVENIENCE STORE — A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It shall not include retail fuel sales.

CORNER LOT — A lot abutting two or more streets at their intersections provided that the corner of such intersection shall have an angle of 135° or less measured on the lot side.

DWELLING — A building, modular home or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multifamily dwellings; not including hotels, motels, lodging houses or boarding homes. Dwelling includes the word "residence."

DWELLING MULTIFAMILY — A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

DWELLING TWO-FAMILY — A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

DWELLING UNIT — A room or suite of rooms used by one family as a habitation which is separate from other rooms or suites of rooms and which contains cooking facilities.

EFFICIENCY — A dwelling unit consisting of one principal room with no separate sleeping room.

ESSENTIAL SERVICES — Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure, and electric power transmission or distribution lines, and related equipment. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewers, stormwater drains and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

EVENT VENUE — A public or privately owned structure or area used for the purposes of public performances, special occasions and holding events.

FAMILY — One or more persons occupying a premises and living as a single housekeeping unit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

FARM STAND — A booth, stall or building located on a farm from which produce and farm products are sold to the general public.

FARMERS MARKET — A public or private entity for farmers to provide a building or open area in which stalls or sales areas are set aside or rented and which are intended for use by its members to sell produce and farm products.

FLOOR AREA NET — For the purpose of determining the number of persons for whom exits are provided, net floor area shall be the actual occupied area, not including accessory unoccupied

areas or thickness of walls.

FORESTRY — Timber management and other forest evaluation or management planning activities, cruising, pesticide or fertilizer application, pruning and other stand improvement, timber harvesting, regeneration of forest stands, and other similar associated activities.

FRONTAGE — The length of a lot bordering on a public or private street, road or right-of-way shall mean the length in a straight line measured between the intersections of the side lot lines.

FUNERAL HOME — A building or part thereof used for human funeral services. Such building may contain space and facilities for the following: embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE — Any garage for four or less passenger motor vehicles without provision for repairing or servicing such vehicles for profit.

GOLF COURSE — A tract of land for playing golf, improved with tees, greens, fairways, and hazards, and which may include clubhouses and shelters.

GOVERNMENT BUILDINGS — Any structure or building necessary for the administrative and service functions of state and federal government. This does not include utilities which are defined in this section.

GRADE — A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

HABITABLE SPACE — Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet, compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

HEAVY INDUSTRIAL — Industrial activity which involves the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or activity involving the storage of, or manufacturing processes using flammable or explosive processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial uses shall include steel fabrication, and paper production.

HEIGHT, COURT — The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

HEIGHT, STORY — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, the topmost story, from the top of the floor finish to the top of the ceiling joist, or, when there is not a ceiling, to the top of the roof rafters.

HEIGHT, WALL — The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

HISTORIC AND ARCHEOLOGICAL SITES — Characteristics: any site, building, group of buildings, structure or object may be designated for preservation as a historic property, landmark

or district if it meets one or more of the criteria established for inclusion in the National Register of Historic Places, which are as follows:

The quality of significance in American history, architecture, archeology, engineering and culture on the local, state and national levels is present in district, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield information important in prehistory or history. Ordinarily, cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of a district that do not meet the criteria or if they fall within the following categories:
 - (1) A religious property deriving primary significance from architectural artistic distinction of historic importance; or
 - (2) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with productive life; or
 - (4) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
 - (5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - (6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
 - (7) A property achieving significance within the past 50 years if it is of exceptional importance.

HOME OCCUPATION — An occupation or profession which is carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the

family permanently residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which does not change the essential residential character of the dwelling unit or neighborhood.

HOME OCCUPATION MINOR — A type of home occupation that has a low impact on the residential character of a dwelling and neighborhood and conforms to specific performance standards contained in this chapter.

HOSPITAL — An institution providing health care services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

HOTEL/MOTEL — A building in which lodging or meals and lodging are offered to the general public for compensation on a short term basis. The use may include such accessory services and facilities as newsstands, personal grooming facilities, restaurants, and recreational facilities.

INDOOR RECREATION — A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement arcades, gyms, health clubs, theaters, and bowling alleys. Restaurants that are incidental to the primary recreational use of the structure are also allowed.

JURISDICTION — The governmental unit which has adopted this code under due legislative authority.

KENNEL — An establishment, other than a companion animal care center housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

LABORATORIES — A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LARGE SCALE PRINCIPAL SOLAR ENERGY SYSTEMS (LSPSES) — LSPSES generally occupy more than 19,500 square feet of surface area (equivalent to a rated nameplate capacity of more than 250 kW DC).

LIGHT MANUFACTURING — 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.

LIVING AREA — The total living area bounded by the exterior walls of a building at the front levels, but not including unfinished basements, utility rooms, garages, porches, breezeways, and unfinished attics.

LOADING AREA — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

LOT — A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open space as are herein required. The word lot includes the words "plot" or "parcel."

LOT WIDTH — The width of a parcel of land measured at the street right-of-way equal to the specified street yard distance. The lot width shall not include any part of the lot for which a right-of-way has been granted which denies to the owner the right of exclusive use of the ground surface of such right-of-way for pedestrian or motor vehicle use or otherwise, or which interest in such right-of-way the owner has transferred to another, either fully or partially.

MANUFACTURED HOUSING — A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.

MEDIUM SCALE PRINCIPAL SOLAR ENERGY SYSTEMS (MSPSES) — MSPSES generally occupy 19,500 square feet or less of surface area (equivalent to a rated nameplate capacity of between 10 to 250 kW DC).

MINERAL EXTRACTION — Any operation within any twelve-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 transport, the product removed, away from the extraction site.¹

MINOR STRUCTURE — Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under six feet in height.

MOBILE HOME — A structure transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and to be used as a dwelling, with permanent foundations, with tie-downs, when connected to the required utilities including the plumbing, heating, air conditioning, or electrical systems contained in the unit. The structure complies with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Units constructed after June 15, 1976, are deemed to meet these standards. Units constructed prior to June 15, 1976, shall be modified or renovated as necessary in order to comply with these standards.

MOBILE HOME PARK — A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile homes.

MODULAR HOME — Manufactured housing unit constructed in compliance with M.R.S.A. Title 10, Chapter 951, and rules adopted under that chapter, meaning a structure, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as a dwelling of a foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

MUNICIPAL FACILITY — Any land, building, or structure necessary for the administration and service function of the Town of Winslow.

NEWER MOBILE HOME — Manufactured housing unit constructed after June 15, 1976, that the manufacturer certifies is constructed in compliance with the United States Department of Housing

1. Editor's Note: The original definition of "minor repairs," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

and Urban Development standards, meaning a structure transportable in one or more sections, that in the traveling mode is 14 body feet or more in width and is 750 or more square feet, and that is built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

NIGHTCLUB — A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing or other entertainment may be provided.

NONCONFORMING LOT — A lot which does not meet the requirements of this chapter.

NONCONFORMING USES OR STRUCTURES — Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to the use but not in respect to frontage, width, height area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NORMAL REPAIRS — Usual or regular maintenance of decayed or damaged property such as: window frame replacement, siding replacement, roofing, re-shingling, etc.

NURSING HOME — Any dwelling in which three or more aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

OCCUPANCY — The purpose for which a building, or part thereof, is used or intended to be used.

OCCUPIED — As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied."

OUTDOOR RECREATION — A commercial recreation facility designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities which take place predominately in the outdoors. Activities include, but are not limited to, golf driving ranges, miniature golf, amusement parks, and swimming pools. This includes any accessory structures such as rest rooms, storage, and other buildings necessary to operate the facility.

OWNER — Any person, agent, firm, or corporation having a legal or equity interest in the property.

PARKING LOT — An area or structure where the parking of motor vehicles, trucks, and trailers is the primary use.

PARKING SPACE, OFF-ROAD — An off-street parking space comprises not less than 180 square feet of parking stall plus maneuvering space. Space for maneuvering incidental to parking or un-parking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

PARKS AND PLAYGROUNDS — Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers, docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities.

PASSIVE RECREATION — Outdoor recreational activities which involve no structural or mechanical components or facilities, such as hiking, fishing, hunting, etc.

PERMANENT OUTSIDE STORAGE — The presence of any item of personal property outside of a building more than 30 days after being placed there. The time limitation also applies to items of personal property such as gravel piles or building materials that are removed and then replaced with similar items. The term does not include motor vehicles with current registration and inspection, equipment upon which payment of excise tax is current or items taxed as personal property.

PERMIT — An official document or certificate issued by the Code Enforcement Officer which authorizes performance of a specified activity.

PERSON — Includes a corporation or co-partnership as well as individual.

PHARMACEUTICAL — A building or group of buildings used for the manufacture of drugs or medicine and which may also include laboratories.

PIERS, DOCKS, WHARVES, BREAKWATERS, CAUSEWAYS, MARINAS, BRIDGES OVER 20 FEET IN LENGTH AND USES PROJECTING INTO WATER BODIES —

- A. Temporary: Structures which remain in the water for less than seven months in any period of 12 consecutive months.
- B. Permanent: Structures which remain in the water for seven months or more in any period of 12 consecutive months.

POSTED USE AND OCCUPANCY — The posted classification of a building in respect to use, fire grading, floor load and occupant load.

PRINCIPAL BUILDING — The building occupied by the chief use or principal use on the premises.

PRINCIPAL SOLAR ENERGY SYSTEMS (PSES) — An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one or more freestanding ground, or roof-mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

PRINTING — A use that provides duplicating services using digital equipment, photocopy, blueprint, and offset printing equipment directly to business and commercial customers and does not include retail sales. Retail printing and photocopy services provided directly to the consumer shall be considered as a service store and business.

PROFESSIONAL ENGINEER OR SURVEYOR — An individual technically and legally qualified to practice the profession of engineering or surveying.

PROFESSIONAL OFFICE — The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of less than 2,000 square feet of floor

area.

PROFESSIONAL OFFICE COMPLEX — The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate, insurance, doctors, psychiatrists, counselors, engineers and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services and consists of more than 2,000 square feet of floor area.

PUBLIC WAY — Any street, alley or other parcel of land open to the outside air leading to public street; deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

RADIO AND COMMUNICATION TOWER — A structure on which commercial transmitting and/or receiving antenna are located.

REUSE OF AGRICULTURAL STRUCTURES — The use of existing agricultural structures such as barns, dairy barns, chicken barns and other similar structures for low-intensity light manufacturing or warehousing.

REAR YARD — A yard extending across the lot width which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. The yard shall be opposite the street yard or one of the street yards on a corner lot. All construction, structures and uses of land including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements of each zoning district.

RECYCLING CENTER — A facility/building where recyclable solid waste material, including tires, are brought for processing (sorting, bailing, densifying, etc.) in return for sale or disposition to a broker or company that will further process the material into a reusable product. Note: A recycling facility does not include a junk yard for automobiles or a composting operation, but it may include a bottle redemption and can redemption center.

REDEMPTION CENTER — A facility where persons may return bottles and cans or other such containers as identified in the "Maine Bottle Bill" and for which a deposit on the container may be redeemed in exchange for delivery of the containers. A redemption center may be operated in conjunction with other retail activities.

REPAIR — The reconstruction or renewal of any part of an existing building for the purposes of its maintenance.

RESTAURANT — An establishment where food and drink are prepared and served to the public for consumption and compensation. The facility is designed primarily for the consumption of meals on the premises.

RESTAURANT, FAST-FOOD — A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers. Drive-in service is usually but not always offered for the public.

RETAIL — The sale to the ultimate consumer for direct consumption and not for resale.

RETAIL FUEL SALES — The buildings, structures and appurtenances, including fuel storage and delivery systems, required for the retail sale of petroleum products, including propane,

gasoline and diesel fuel, directly to the consumer; in addition, food and convenience items may be stocked for retail sale.

RETAIL STORE — A retail and/or service store or business that consists of more than 2,000 square feet of floor area.

ROAD — A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other material constructed for or created by the repeated passage of motorized vehicles.²

ROOF — The roof slab or deck with its supporting members, not including vertical supports.

SCHOOL, COMMERCIAL — An institution for education or instruction that does not comply with the definition as a public and private school and may include but is not limited to the following: post secondary, dancing, music, driving, business, and correspondence.

SCHOOL, PUBLIC AND PRIVATE — Primary and secondary schools or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

SEASONAL USE — The occupation of a lot or dwelling for residential purposes only during any time between April 1 and December 1.

SERVICE STORE AND BUSINESS — A commercial use in which the principal source of income is the provision of labor for compensation. The term shall include professional as well as contracted services and shall include, but is not limited to, the following: barbershop, beauty salon, repair, film processing, and printing. The term does not include automobile service and repair, truck and heavy equipment repair, and vehicle sales.

SETBACKS — Unless otherwise stated, a structure setback is the distance as measured from the outer most limits or line of the imprint a structure, including any projections associated with the structure, that would be cast upon the ground, pier, dock or otherwise, as viewed from above measured to the street, road or property line. Projections associated with a structure shall include but are not limited to, attached or detached decks, porches and roof overhangs normally associated with a structure. Also included shall be any basement area projections such as below grade basement entrances, rooms or storm shelters. Exceptions are code compliant fire escape stairs, ramps, basement window wells, landings and overhead weather protections (fire escape roofs) that are not greater than the code required width. Also, exempt are rain gutters, and the customary TV dish antennas, steps that are no more than 36 inches in height and no more than 60 inches run or in length.

SIDE YARD — A yard lying between the side line of the lot and the nearest line of the building and extending from the street yard to the rear yard.

SIGN — Any object, device, fixture, placard, display, or structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SMALL STORE — A retail and/or service store or business consisting of less than 2,000 square feet of floor space but not including retail fuel sales and restaurants.

2. Editor's Note: The original definition of "road yard," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

SOLAR ENERGY — Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM — A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

- A. **SOLAR ARRAY** — A grouping of multiple solar modules with the purpose of harvesting solar energy.
- B. **SOLAR CELL** — The smallest basic solar electric device which generates electricity when exposed to light.
- C. **SOLAR MODULE** — A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR-RELATED EQUIPMENT — Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

STREET — The full width of the right-of-way of a public way or private way open to travel by the general public, or a way shown on a plan of subdivision duly approved by the Planning Board.

STREET YARD — A clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, or girders.

STRUCTURE — Anything built or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind. Structures include buildings, platforms, decks, mobile homes, billboards, carports, garages, and piers. The term structures also includes anything constructed or erected and having an ascertainable stationary location with a fixed location on or in the ground or water. The term also includes walls, fences over six feet in height, and dish-type satellite antennas. **[Amended 8-14-2017 by Ord. No. 8-2017]**

SUBDIVISION — Shall be subject to the statutory definition contained in Title 30-A, M.R.S.A. § 4401 et seq.

TIMBER HARVESTING — The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing the land for approved construction. Timber harvesting does not include forest management activities such as timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities.

TIRES — A ring or band of rubber, either solid or hollow and inflated, for placing over the rim of a wheel to provide traction, resistance to wear etc.

TRUCK AND HEAVY EQUIPMENT, REPAIR, SALES AND SERVICE — A business establishment engaged in the sale, repair, or storage of commercial trucks, construction equipment, and/or other industrial vehicles and equipment.

USED or OCCUPIED — Includes the words intended, designed or arranged to be used or occupied.

UTILITIES — Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, commercial microwave radio relays, and gas regulation stations, including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VARIANCE — A relaxation of the terms of this chapter where such variances shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and the size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining district. See § 300-22.

VEHICLE SALES — A business establishment engaged in the sales of automobiles, boats, recreational vehicles, and mobile and/or manufactured homes which are stored on the premise for sale.

VETERINARY CLINIC — A facility where animals or pets are given medical or surgical treatment and the boarding of animals is short term and incidental to the medical care.

WAREHOUSE — The storage, deposit or stocking of goods and materials, but excluding retail or wholesale sales on the premises.

WRITING — Shall be construed to include handwriting, typewriting, printing, photo offset, or any other form of reproduction in legible symbols or characters.

WRITTEN NOTICE — A notification in writing delivered in person to the individual or parties intended; or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

YARD — An open space on the same lot with a structure, unoccupied and unobstructed from the ground except for vegetation. The street and rear yards extend the lot width. All construction, structures and uses of land, including all accessory uses and structures except minor structures, must comply with all yard requirements, including all street, rear and side yard requirements for each zoning district.

YARD SALE — All general sales open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. If they occur on more than eight days within any twelve-month period, they shall be considered to be retail activities and shall conform to the applicable standards contained in this chapter. Yard sales are allowed in all zoning districts without a permit.

ZONING — The reservation of certain specified areas within a Town or city for building and structures, or the use of land for certain purposes with other limitations such as height, lot coverage and other stipulated requirements. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**