

SECTION 9 – DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot;” the word “building” includes the word “structure;” “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.”

In general words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual
2. The present tense includes the future tense, the singular number includes the plural and plural includes the singular
3. The word “shall” is mandatory
4. The word “may” is permitted
5. The words “used” or “occupied” includes the words “intended,” “designed,” or “arranged to be used or occupied”
6. The word “dwelling” includes “residence”

In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABUTTING – Having a common border with, or being separated from such common border by an access easement or right-of-way.

ACCESS – A means of approach or entry to or exit from property.

ACCESSORY BUILDING – See “Structural Terms”

ACCESSORY STRUCTURE – See “Structural Terms”

ACCESSORY USE – A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use

ACRE – A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AGGRIEVED PERSON – A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer

AGRICULTURAL ACTIVITY – Land clearing, tilling, fertilizing, including spreading and disposal of animal manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

ALTERATION – As applied to a building or structure, 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 height; or in moving from one location or position to another.

APARTMENT BUILDING – A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

APPEAL – A means for obtaining review or a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

AUTOMOBILE SALES – A lot arranged, designed or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair or automobiles or trailers displayed and sold on the premises.

AUTOMOBILE REPAIR SERVICE – A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender, straightening and repair; over-all painting and undercoating or automobiles.

BED AND BREAKFAST – Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 10 guests at any one time. Breakfast is the only meal, if any to be provided for compensation.

BILLBOARD – A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

BUFFERS – Areas of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING – See “Structural Terms”

BUILDING AREA – Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces or walls.

BUILDING INSPECTOR – Shall mean the inspector of buildings for the Town of Sebago.

BUILDING FRONT LINE – The line that is parallel to the front line transecting that point in the building face which is closest to the front line. This face includes porches and steps.

CAMPER/TRAILERS, TRAVEL TRAILERS, MOTOR HOMES – A self contained mobile unit supported on its own wheels, or those of another vehicle designed to be used for travel, recreational and vocational uses, but not intended for permanent residence.

CAMPGROUND – Any land area specifically designed and developed, containing two or more individual campsites which accommodate the public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

CERTIFICATE OF OCCUPANCY – This is the official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101, NFPA 31, and the Maine Oil and Solid Fuel Board Regulations) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CLUSTER DEVELOPMENT – The development, according to an approved plan, of a large tract land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district, and land not built upon is permanently preserved as common “open space.” The term also refers to the Planned Unit Development.

CODE ENFORCEMENT OFFICER [\(also referred to herein as the “CEO”\)](#) – A person employed by the Town of Sebago to administer [the CEO permitting process](#) and enforce this Ordinance.

COMPREHENSIVE PLAN – The Comprehensive Plan of the Town of Sebago, Maine

CONSTRUCTION DRAWINGS – Drawings showing the location, profile grades, size and type of drains, sewer and water mains, underground power and telephone ducts, pavements, cross-section of streets, miscellaneous structures.

COVERAGE – That percentage of the plot or lot area covered by the building area

DAY CARE CENTER – As defined in Title 22, MRSA, Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center – A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis.

Day Care Home – A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DEVELOPER – The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

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

DRAINAGE – The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

DWELLING UNIT – See “Structural Terms”

EASEMENT – Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

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

ENGINEER – Professional engineer licensed by the State of Maine

ENLARGEMENT OR TO ENLARGE – An “enlargement” is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES – The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

EXTENSION OR TO EXTEND – An increase in the amount of existing floor area used for an existing use within an existing building.

FAMILY – One (1) or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

FINAL SUBDIVISION PLAN – The final drawing on which the subdivider’s plan of the subdivision is presented to the Board for approval of which, if approved, shall be filed for record with the Town Clerk and Cumberland County Registry of Deeds.

FOREST MANAGEMENT TERMS:

1. Forest Management Activities – Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities but not the construction or creation of roads.
2. Timber Harvesting – The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. Timber harvesting does not include the clearing of land for approved construction.

FRONTAGE – The portion of a lot's boundaries measured in lineal feet, which abuts a public right-of-way or access easement.

GARAGE, RESIDENTIAL – This is an accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or persons not resident on the premises.

GROCERY STORE – A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

GUEST ROOM – A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

HEIGHT OF BUILDING – The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of roof intersects the plane of the outside wall on a side containing the eaves.

HOME OCCUPATION – An occupation or profession which is: customarily 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 residing in the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character or appearance of such building.

INDUSTRY – The use of premises is for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

JUNKYARDS:

1. Automobile Graveyards – A yard, field, or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out or junked automobiles.
2. Junkyard – A yard, field, or other area used as a place of storage for discarded worn-out or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material including garbage dumps, waste dumps and sanitary landfills.

3. Auto Recycling Business – An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale.

KENNEL (COMMERCIAL) – Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training, or breeding, for which a fee is charged.

KENNEL (NON-COMMERCIAL) – An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

LAND USE PERMIT – A permit used for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

LEGISLATIVE BODY – The registered voters of the Town of Sebago

LIGHT MANUFACTURING – The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting, or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

LOADING SPACE – An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT – A parcel of land undivided by any street or public road in single ownership occupied or capable of being occupied by one building and the accessory building or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon an approved street.

LOT AREA – The area contained within the boundary lines of a lot.

LOT (CORNER) – This is a lot abutting two or more streets at their intersection.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

LOT LINE – A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

1. Front Lot Line – In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two

opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to the lot line in front of the building.

2. Rear Lot Line – That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel and at a maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
3. Side Lot Line – Any lot line other than a front or rear lot line.

LOT OF RECORD – Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS – The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as “space and bulk” regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MANUFACTURED HOUSING – A structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. NEWER MOBILE HOME – Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are fourteen (14) body feet or more in width and are seven-hundred-fifty (750) or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation.
2. OLDER MOBILE HOMES – Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, but does not include those smaller units commonly called “travel trailers”.
3. MODULAR HOMES – Those units which the manufacturer certifies are constructed in compliance with the State’s manufactured Housing Act and regulations, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

MARINA – A business establishment having frontage on navigable water within the Town and providing for off-shore mooring or docking facilities for boats and accessory services and facilities

such as boat sales, rental and storage, marine supplies and equipment, marine engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice shower, laundry facilities, and on-premise restaurant.

MEDICAL CLINIC – This is an office building used by members of the medical profession for diagnosis and out-patient treatment.

MINERAL EXTRACTION – The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

MOBILE HOME – Mobile home shall mean a dwelling with a habitable floor area of at least seven-hundred-fifty (750) square feet and so constructed as to permit its being towed on a public street or highway.

MOBILE HOME PARK – Mobile home park shall mean a plot of land of at least twenty-five (25) acres laid out to accommodate two or more mobile homes and which for the purpose of this Ordinance shall be regarded as a subdivision and subject to all applicable State and local codes and ordinances. Not more than four (4) mobile homes per net residential acre shall be permitted in any mobile home park.

MOTEL – A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

MOTOR VEHICLE – This is any vehicle that is self-propelled and designed for carrying persons or property, or that is used for the transportation of persons.

MOTOR VEHICLE (UNSERVICABLE) – Any motor vehicle that is wrecked, dismantled, cannot be operated legally on any public highway, or that is not being used for the purposes for which it is manufactured.

MUNICIPAL FACILITIES – Buildings or land that are owned by a public entity and operated under its supervision for a public purpose.

MUNICIPALITY – Town of Sebago, Maine

NET RESIDENTIAL ACREAGE – The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

NET RESIDENTIAL DENSITY – Net residential density shall mean the number of dwelling units per net residential acre.

NON-CONFORMING USE – See “USE TERMS”

NORMAL MAINTENANCE AND REPAIR – Any work necessary to maintain or improve a structure to its original or previously improved state or condition. Normal maintenance and repair

shall not include reconstruction, change in design, change in structure, change in use, change in location, or change in size or capacity.

OFFICIAL SUBMISSION DATE – The time of submission of a Sketch Plan, Preliminary Plan or Final Plan complete and accompanied by any required fee and all data required by these Standards shall be considered the submission date.

OWNER – The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARCEL – The entire area of a tract of land before being divided by a development.

PARKING LOT – An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation or an accommodation for clients or customers.

PARKING SPACE – Parking space shall mean an area of not less than 10'x20', exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

PERFORMANCE STANDARD – A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of the citizens of Sebago.

PRELIMINARY PLAN – A drawing submitted subsequent to the Sketch Plan indicating the layout of the subdivision and additional information as required under Article V of these Standards.

PROFESSIONAL OFFICE – This is an office of a professional such as an architect, accountant, dentist, doctor, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

RESTAURANT – An establishment whose principal business is the sale of food and/or beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

RETAIL ESTABLISHMENT – Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

ROAD – A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

PRIVATE ROAD – A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

PUBLIC ROAD – A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

RESUBDIVISION – The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in the subdivision.

SETBACK – The minimum distance required from the lot line to the nearest part of a structure.

SIGN – Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The work “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational charitable, philanthropic, civic, professional, religious campaigns, drive, movement or event.

SKETCH PLAN – The drawings indicating the proposed layout of the subdivision and additional information as required under Article V or these Standards to be submitted to the Board for its consideration.

SPECIAL EXCEPTION – A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

STREET – A public way maintained by the Town of Sebago, or a private way not less than fifty (50) feet in width, and constructed according to the minimum standards as detailed in Section 5-32 (Land Use Standards – Streets) which affords the principal means of access to abutting properties and the existence of which is on record at the Cumberland County Registry of Deeds.

STRUCTURAL TERMS:

ATTIC – That part of a building which is immediately below, and wholly or partly within, the roof framing.

BASEMENT – The substructure of a building that is partially or wholly below ground level.

Building – Any roofed structure, maintained, or intended for use as a shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building (Accessory) – A building which is:

1. Subordinate in area, extent and purpose to the principal building or use served
2. Located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance
3. Customarily incidental to the principal building or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building (Principal) – A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling – A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment – A room or group of rooms designed and equipped exclusively for use as a living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling (Single Family Detached) – A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling (Two Family) – A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling (Multiple Family) – A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

Structure – Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. See “Essential Services”

SUBDIVIDER – Assessed owner or owners of land to be subdivided

SUBDIVIDERS AGENT – This is a person who has written authorization to act for the assessed owner or owners of land to be subdivided.

SUBDIVISION – A subdivision shall mean a division of a tract or parcel of land as defined in Title 30-A M.R.S.A., Section 4401, or as amended by State Law. The term subdivision shall also include mobile home parks, condominiums, and a lot of 40 or more acres shall be counted as a lot.

TOWN PLANNER – A person with a background and expertise in municipal planning contracted with or employed by the Town of Sebago to provide professional assistance to the Planning Board, Code Enforcement Officer, Board of Appeals, Ordinance Review Committee and Select Board on

applications, ordinance changes, and other municipal planning matters falling within their respective jurisdictions. The Town Planner shall be appointed by the Town of Sebago Select Board for a specific term or for an indefinite term as determined by the Select Board. The Select Board may initially determine, and modify from time to time, the job description of the Town Planner in the best interest of the Town of Sebago and consistent with the provisions of this Ordinance.

TRAILER – Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

TRANSIENT – A non-resident person residing within the Town of Sebago less than thirty (30) days.

UNUSABLE LAND – This is an environmentally sensitive area which if disturbed or destroyed, can adversely affect unique ecological balances in the environment. Although specific areas required a case by case analysis, the following factors may be included in the determination of unusable land.

1. Areas of slope in excess of twenty-five percent (25%)
2. Areas of very poorly drained soils, experiencing year round water within fifteen (15) inches of the surface as identified by the most current version of the “Soil Survey; Cumberland County, Maine, Soil Conservation Service”.
3. Any area identified as a wetland area as identified by the State of Maine in accordance with Title 38 M.R.S.A. § 480.
4. Any area within the one hundred (100) year flood boundary as delineated on the Flood Insurance Rate Map of the National Flood Insurance Program.
5. Unique wildlife areas as identified in the review process.

USE – The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use – A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use – The specific primary purpose for which land is used.

Conforming (Permitted) Use – A use which may be lawfully established in a particular district, provided it conforms to all the requirements, standards and regulations of such district.

Non-Conforming Use – A use which does not conform to the provisions of this Ordinance.

Open Space Use – A use which does not disturb the existing state of the land except to restore the land to a natural condition.

VARIANCE – A variance is a relaxation of the terms of this Ordinance where such variance will 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 the Ordinance will result in unnecessary or undue hardship.

As used in this Ordinance, a variance is authorized only for height, area, and 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 non-conformities in the particular zone or adjoining zone.

WAREHOUSE AND STORAGE FACILITY – A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

WHOLESALE BUSINESS ESTABLISHMENT – Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to customers.

YARD – Commonly considered the area of land on a lot not occupied by buildings. In site and subdivision requirements, the minimum distance required for the placement of any part of a building or specified structure from a lot boundary.