

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025]

SECTION VI. DEFINITIONS

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”; the word “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”; the terms “building inspector” and “code enforcement officer” are synonymous. [12/01/04] [10/04/17]

Accessory Agricultural Activities:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers and/or the keeping, breeding, or raising of animals, other than household pets, or fishing and/or shellfish harvesting that is incidental and subordinate to the primary use of the property for residential or nonresidential use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property. Accessory Agricultural Activities are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Accessory Use:

A use which, in the Town of Scarborough, is customarily incidental and subordinate to the principal building or use and is located on the same lot with such principal building or use. An accessory use shall not include any use injurious or offensive to the neighborhood or adjacent area.

Accessory Building:

A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building.

Accessory Dwelling Unit:

A self-contained dwelling unit, with complete housekeeping facilities so that it can be occupied by a person or persons living independently from the persons occupying the single family dwelling, located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet. A Town approved accessory unit approved meeting the requirements of Section IX.J shall not be considered a separate dwelling unit under this ordinance, the Scarborough Subdivision Regulations, the Scarborough Growth Management Ordinance, the Scarborough Impact Fee Ordinance, the Scarborough Road Impact Fee Ordinance or the Scarborough Sewer Assessment Ordinance. [Adopted 11/05/2003, Amended 02/15/12; 07/19/23]

Accessory Storage Container:

A roofed contained placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term accessory storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and “piggy-back” containers. The term accessory storage container does not include a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. [09/03/97]

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Addiction Treatment Facility:

A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug. [11/16/2005]

Adjunct Uses, Place of Worship:

Any of the following uses, activities, buildings or structures, when conducted on the same lot as a Place of Worship:

- (1) A hall, theater, function room, auditorium, meeting room or other assembly space which, alone or aggregated with other such assembly space, occupies a floor area which exceeds 100% of the floor area of the portion or portions of the Place of Worship designed for conducting organized religious services.
- (2) A gymnasium.
- (3) A swimming pool.
- (4) Athletic fields, playing fields, playgrounds, or similar outdoor recreational facilities.
- (5) Camping or tenting areas, cabins or other overnight accommodations for persons other than clergy in residence at the Place of Worship.
- (6) An amphitheater, stage or other performance space, located wholly or partly outdoors.
- (7) Group day care homes, day care facilities and nursery schools.
- (8) Elementary, secondary and post-secondary schools.
- (9) A detached dwelling occupied by clergy in residence at the Place of Worship and located on the same lot as the Place of Worship.
- (10) Outdoor parking or storage of more than two buses or passenger vans kept on the premises of the Place of Worship when they are not in use.
- (11) Any detached accessory building or structure with a floor area in excess of 100 square feet. [May 5, 1999]
- (12) Telecommunications Facility, where there is no visible change to the exterior of the building or use. [March 17, 2004]

Affordable Housing:

[Adopted 11/03/2004] [Amended 05/03/2006;12/03/2014;12/19/18; 07/17/19]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

- A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner; (ii) is owned by Qualifying Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit.
 - (I) A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area,

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- adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the “MFI Standard”).
- (II) Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.
 - (III) The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability limits. In the case of a unit which has one or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than one bedroom, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.
- B. A Renter-Occupied Affordable Housing Unit is a unit which is leased A Renter-Occupied Affordable Housing Unit is a unit which is leased by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit.
- (I) A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the “MFI Standard”). To remain a Qualifying Household, the household’s income must remain at or below 140% of the income limitation described in the preceding sentence.
 - (II) Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Agricultural Employee Housing:

Housing quarters that are located on the premises of and are incidental and subordinate to a Commercial Agriculture or Commercial Animal Husbandry use and that are used exclusively to house seasonal agricultural employees and/or apprentices associated with the agricultural use for no more than eight (8) months per year. Units of agricultural employee housing shall not be considered dwelling units when applying the net residential density standards of this Ordinance, but must comply with all applicable OSHA standards and State and local building code requirements. [05/05/10]

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Agricultural Products Store:

A building or structure, including the adjacent outdoor area, with a total area devoted to retail sales of more than 400 square feet, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use as well as other agricultural and related food products not produced by the Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use, and handmade crafts and similar products. Agricultural Products Stores are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Agricultural Processing Facilities:

Buildings, structures, and equipment used for the processing, storage, and distribution of plant or animal products in conjunction with a Commercial Agriculture and/or Commercial Animal Husbandry use located on the same lot. Agricultural Processing Facilities are subject to performance standards contained in Section IX of this Ordinance. [05/05/10]

Bed and Breakfast (B&B):

A building containing not more than six guest rooms that provides lodging accommodations and food and beverage service to transient guests and contains a dwelling unit that is occupied by the owner or manager of the facility. For purposes of this definition, a transient guest is a person who occupies a guest room for no more than 28 days in any calendar year. A Bed and Breakfast is subject to performance standards contained in Section IX of this Ordinance. [05/05/10]

Bedroom:

A room within a dwelling unit that is arranged or designed to be used for sleeping or that is in fact regularly used for sleeping and that is separated from other rooms by one or more doors. Any room that is suitable to be used as a bedroom and is physically separate from other rooms and that has a closet and an egress window meeting the requirements of the building code is considered to be a bedroom for the purpose of this ordinance. [06/06/2007]

Boarding Care Facility for the Elderly:

A type of living accommodation consisting of multiply residents' rooms, but not dwelling units, occupied by persons over the age of 62 in a shared residential living environment. Boarding care facilities for the elderly may include shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy.

Building:

Any structure having a roof supported by columns or walls and intended for the shelter, housing use, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate building.

Building Height:

Vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roofs. (08/06/97)

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Building Inspector:

Shall mean the inspector of buildings for the Town of Scarborough.

Business Services and Business Offices:

Establishments rendering business services, either in-house or to other business establishments on a fee or contract basis. The types of business services allowed include, but are not limited to: data processing, payroll services, insurance claims processing, credit reporting, advertising and mailing, building maintenance, employment agencies, management and consulting services, protective and security services, and equipment rental and leasing. (7/17/91)

Cannabis Cultivation Facility:

Shall mean an adult use “cultivation facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. §102(13) or a Medical Cannabis Cultivation Facility as defined in the Scarborough Cannabis Establishment Licensing Ordinance, as may be amended. [Adopted 01/08/20; Amended 09/04/2024]

Cannabis Cultivation Manufacturing Facility:

Shall mean either an adult use “testing facility” as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. § 102(54) or a medical “cannabis testing facility” as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S. §2422(5-C), as may be amended. [Adopted 01/08/20; 09/04/2024]

Cannabis Testing Facility:

Shall mean a facility licensed to develop, research and test marijuana, marijuana products for contaminants, safety or potency. "Testing" or "test" does not include cultivation or manufacturing. This term shall mean both an Adult Use Marijuana Testing Facility and Medical Manufacturing Testing Facility as defined in the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act, as may be amended. [Adopted 01/08/20; Amended 09-04-2024]

Chemical and Petroleum Products:

Any material that contains or is capable of producing in combination with, or in reaction to, other materials, any substance for which a contamination standard has been established as part of the Federal and State of Maine Primary Drinking Water Standards. (05/18/2011)

Climate Controlled/Internal Access Storage Facility:

A storage facility built to a standard compatible with office and/or mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management. [Adopted 10/04/17]

Coffee House:

An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

Commercial Agriculture:

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The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial Agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed. [05/05/10]

Commercial Animal Husbandry:

The keeping, breeding, or raising of animals, other than household pets, primarily for sale to or use by someone other than the owner, lessor, or occupant of the property including the sale or use of the products of the animals such as, but not limited to, milk, eggs, meat, wool, or fur. Commercial Animal Husbandry includes leased or rented land used as part of an agricultural activity as well as the processing and storage of these animals and their products together with buildings and structures related to the agricultural activity such as barns, storage buildings and facilities, pens/enclosures, manure pits/storage, and processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed. [05/05/10]

Commercial Fishing and Harvesting:

The attempt to catch fish or any other marine animals or organisms with the intent of disposing of them for profit or trade in commercial channels and does not include subsistence fishing for personal use, sport fishing or charter boat fishing where the vessel is used for carrying sport anglers to available fishing grounds. [Adopted 10/18/23]

Commercial Outdoor Recreation:

A recreational use, activity, or facility, other than one operated by a governmental entity, in which the recreational activities occur primarily outside and do not involve the use of mechanical equipment or participant operated motorized vehicles as part of the recreational experience. Commercial Outdoor Recreation is subject to performance standards contained in Section IX of this Ordinance. [05/05/10]

Commercial Stable:

A public facility that receives remuneration for the boarding, breeding, and/or training of horses including buildings and structures related to these activities such as barns, storage facilities, indoor and/or outdoor riding rings/facilities, and trails. A Commercial Stable may include related activities that are accessory to the primary stable use such as trail rides, hay rides, horse shows, and animal auctions. [05/05/10]

Concept Plan:

An informal, concept map of a proposed subdivision or site plan of sufficient accuracy and detail to be used for the purpose of discussion and classification, but which carries no vesting rights for, or obligations on, any party. The purpose of the concept plan is to alert applicants to problems or

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permitting requirements prior to an official submission. Use of the concept plan is intended to save time and money for all parties. [8/21/96]

Contract Zoning:

The process by which the property owner, in consideration of the rezoning of his/her property, agrees to the imposition of certain conditions or restrictions not generally imposed on other similarly zoned properties.

Coverage:

That percentage of plot or lot area covered by the building area.

Cross Country Ski Area:

The use of otherwise unimproved land for both cross-country snow skiing and one or more of the following accessory activities: (10/19/94)

sale or rental of skiing equipment or accessories;

ski instruction;

food or beverage service for users of the ski area;

parking for users of the ski area; or

construction and/or maintenance of ski trails for use by persons who pay a fee, membership dues or some other consideration for their use.

Day Camp:

A facility, which may include land and buildings and indoor and outdoor activities, that operates an organized program or programs the primary purpose of which is to provide recreational, social, educational or spiritual group experiences for children, that may provide incidental food service, and that does not provide overnight accommodations for children. If incidental to the camp use, camp facilities may be utilized to provide meeting, recreation or social facilities for a private or public association or group. [05/05/10]

Day Care Center Facilities:

a. A house or place in which 13 or more children may for consideration be cared for, on a regular basis and which is licensed by the Maine Department of Human Services as a day care facility. [Amended 06/01/94]

b. A house or place in which 13 or more children may for consideration be cared for on a non-recurring basis and which is licensed by the Maine Department of Human Services as a day care facility.

Designated Growth Area:

Designated growth area means an area that is designated in the Town of Scarborough Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is

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directed. The Rural Farming District and Rural. [Adopted 07/19/23]

Disc Golf: [09/19/2007]

A game based on the rules of golf, using flying discs thrown at targets.

Disturbed Area:

Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area. [Adopted 07/19/23]

Distribution Facility:

A structure or building used for the receiving and shipping of finished goods and articles where goods are received and redirected for delivery to the ultimate customer at remote locations. [Adopted 06/20/18]

Drinking Establishment:

A bar, tavern, pub or other similar business establishment serving alcoholic beverages to paying customers or providing seating for the consumption of alcoholic beverages on the premises.

Drive-in Restaurant: (Deleted 11/16/94)

Dwelling:

A building designed or used as the living quarters for one or more families. The term shall not be deemed to include hotel, motel, rooming house or trailer.

Dwelling, accessory unit:

See Accessory Dwelling Unit.

Dwelling, attached:

A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

Dwelling, detached:

A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

Dwelling, multifamily:

A building designed and/or used for residential occupancy by three (3) or more families living independently in three (3) or more dwelling units. There is no limit to the number of dwelling units that can be in a multifamily dwelling unless there is a limit established by the zoning district regulations for the district in which the building is located. [06/06/2007]

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Dwelling, semi-detached:

A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

Dwelling, single family:

A building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.

Dwelling, two family:

A detached or semi-detached building used for residential occupancy by two families living independently of each other.

Dwelling Unit:

A building or portion thereof providing complete housekeeping facilities for one family. Then term shall not be deemed to include trailer.

Dwelling Unit in a Mixed-Use Building:

A dwelling unit located in a building that contains one or more non-residential uses that occupy at least twenty percent (20%) of the floor area of the building. [06/06/2007]

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.

Extractive Industry:

The use of land for removal of topsoil, rock, sand, gravel or similar earth materials, including, but not limited to, gravel pits and quarries.

Family:

One 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.

Family Day Care Home:

A house or other place in which 3-6 children or adults may for consideration be cared for and which is licensed by the Maine Department of Human Services as a day care facility or a small group adult care program. [Amended 06/01/94]

Farm Stand:

A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the Commercial Agricultural, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities and handmade crafts and similar products. Farm Stands are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

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Financial, Insurance and Real Estate Offices:

Establishments such as, but not limited to, banks and trust companies, credit unions, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agencies, real estate agencies, real estate development offices and real estate management offices. [7/17/91]

Floor Area:

The sum of the gross horizontal areas of the several floors of a building or of a unit of occupancy measured from the exterior face of exterior walls (or from the center line of a party wall or interior wall separating units of occupancy) but not including interior parking spaces, loading space for motor vehicles, or any space where the floor to ceiling height is less than 6 feet. [7/17/91]

Food Processing Facility:

The use of land, buildings, or structures for the processing of food, seafood, or agricultural products for use or consumption primarily off the premises including such activities as commercial bakeries, breweries, bottling facilities, dairies, lobster pounds and facilities for commercial food processing and/or packaging. Food processing facility does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility. [Adopted 07/18/12]

Forest Management Activities:

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control.

Forestry:

The use of land for the raising and harvesting of timber, pulp wood, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper. The operation of a sawmill and/or chipper must be primarily used to process timber harvested on the premises, but may also process timber harvested off the premises provided this processing is accessory and subordinate to the principal forestry use of the property. The term “forestry” does not include the clearing of land for approved construction. [05/05/10]

Funeral Home:

A building used for the preparation of deceased human beings for burial and the display of the deceased and rituals connected therewith before burial or cremation. [03/07/07]

Gasoline Filling Station:

Any building, structure, land or part thereof where motor vehicle fuel is sold at retail either as a principal use or as an accessory use. As used in this definition, “at retail” means sold to the public generally. A business which provides some other service or product, which does not hold itself out as selling motor vehicle fuel at retail, and which sells motor vehicle fuel only to purchasers of that other service or product is not a gasoline filling station. [11/4/92]

Golf Course:

An area of land laid out for playing the game of golf or disc golf, with a series of 9 or 18 holes or targets, each including tee, fairway and putting green and often one or more natural or artificial

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hazards. A golf course may include a clubhouse, shelter for players and other accessory structures, including one dwelling unit in an accessory structure and accessory use to the golf course, provided the dwelling unit is occupied by a resident facility manager or by on-duty employees of the facility. A miniature golf facility or a golf driving range is not a golf course. [12/21/94] [Amended 09/19/07; 07/19/17]

Group Day Care Home:

A house or other place in which 7-12 children may for consideration be cared for and which is licensed by the Maine Department of Human Services as a day care facility. [Amended 06/01/94]

Gross Leasable Area:

The floor area of a building or use less the area occupied by stairwells and elevator shafts, equipment rooms and utility rooms. [Adopted 01/06/10]

Harness Racing Facility:

A facility for the stabling, training, and racing of horses including related facilities such as food and beverage service areas, function rooms, permanent and temporary housing for track workers and horsemen, and gambling facilities for wagering on horse racing both on and off-track. A harness racing facility does not include facilities for gambling that does not involve wagering on horse races. [Adopted 08/21/2013]

Health Club:

An establishment that provides exercise facilities, such as running and jogging tracks, exercise equipment, game courts, swimming facilities, saunas, showers and lockers. [05/20/98]

High Technology Facility:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas, does not create offensive noise, vibration, smoke, dust, odor, heat or glare, that by reason of the high value of the product in relation to its size and weight does not create large volumes of truck traffic, and that conforms to the performance standards of Section IX(M).

Home Occupation:

An occupation or profession which is customarily carried on in a dwelling unit or in a building accessory to a dwelling unit by resident members of the family occupying the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. [Amended 05/05/10]

Hospices:

An establishment or program caring for the physical and emotional needs of terminally ill patients within a home-like facility. [08/17/05]

Hotel/Motel:

A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel may provide kitchens or kitchenettes in guest rooms and will not, as a result, be considered a dwelling under this ordinance, so long as the

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hotel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel for no more than 186 days in any 365-day period. [11/02/94]

Internal Road:

Any street or part of a street located within the Haigis Parkway District other than Haigis Parkway, Payne Road or U.S. Route One.¹ [11/06/02]

Impervious Area:

Means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious. [Adopted 07/19/23]

Kennel:

A commercial facility for the boarding, daycare and/or breeding of domestic pets including accessory activities such as grooming or training. The term “kennel” does not include veterinary and pet care facilities. [05/05/10]

Leachable Wastes:

Waste materials, including solid wastes, sludge, and industrial and agricultural wastes, that are capable of releasing contaminants to the surrounding environment. [05/18/2011]

Live/Work Unit:

A mixed-use unit within a multifamily dwelling or mixed-use building that contains both living space and work space. The work space shall be limited to no more than 1,000 square feet of gross floor area and may be used for any non-residential use permitted in Section XVIII.C.B. The work space need not be occupied by the same occupants as the living space, unless otherwise required to meet the parking requirements of Section XI.B. The work space within a live/work unit shall not be considered, and shall not be required to comply with the requirements for, a home occupation. [05/03/06] [Amended 06/06/07]

Living Space:

Living space is space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, or sanitation purposes. Living space includes not only those areas used for living, sleeping, eating, and cooking, but also includes bathing and washing areas such as bathrooms and closets accessed from the interior of the dwelling unit. Living space does not include: 1) storage areas such as attics and garages, 2) common or shared hallways or stairways providing access to individual dwelling units in a multifamily dwelling, or 3) other common areas in a multifamily dwelling. [05/03/06] [Amended 06/06/07]

¹ As of 8/12/2002 no property in the HP District abuts U.S. Route One. The reference to Route One in the definition is in the event of future changes to the Zoning Map.

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Local Retail Store:

Retail sales and services, other than automobile repair and service facilities and car washes, which serve primarily the daily needs of a definable, immediate neighborhood. [7/17/91]

Lodging House:

A building in which three or more rooms are rented for living accommodations and in which no table board is furnished.

Lot:

A parcel of land described in a deed or depicted on a plan which is or is proposed to be separately owned, used, developed or built upon. [Amended 11/02/05]

Lot Area: [09/05/07] [02/06/08]

1. For lots within approved subdivisions, the gross area of the lot.
2. For lots not within approved subdivisions, the gross area of the lot, minus:
 - Portions of the lot located within the Resource Protection District pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine.
 - Portions of the lot located in the Stream Protection or the Stream Protection 2 District pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine that are within seventy-five (75) feet, measured horizontally, of the normal high water line of the stream.
 - Portions of the lot covered by surface water bodies other than manmade ponds.
 - Portions of the lot shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
 - Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to, (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, coastal dune or tidal marsh, as determined by the Code Enforcement Officer.
 - Portions of the lot subject to easements for vehicular access to land outside the lot.

Lot Lines:

The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

Lot of Record:

A parcel of land, a legal description of which or the location and dimensions of which are contained on a deed or plan recorded at the Cumberland County Registry of Deeds.

Manufacturing and Assembly:

The use of land, buildings or structures for the production, manufacturing, assembly, fabrication, processing or treatment of materials, goods, or products. Manufacturing and assembly use may include the accessory retail sales of materials or products produced or processed on the premises.

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[Adopted 07/18/12]

Manufactured Housing Community:

Shall mean a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes. [Adopted 07/20/22]

Manufactured Housing Community Lot:

Shall mean the land on which an individual home and any appurtenant structures or additions, is situated within a manufactured housing community and which is reserved for use by the occupants of that home. Such lot shall be designated on the plan for a manufactured housing community.

Manufactured Housing Unit:

Shall mean “manufactured housing” as that term is defined in 30-A M.R.S. §4358(1)(A), as may be amended. [Amended 07/20/22]

Notwithstanding any other provision in this Ordinance to the contrary, any modular home that meets construction standards for state-certified manufactured homes adopted pursuant to Title 10 section 9042 are allowed in all zones where other single-family homes are allowed.

Manufactured housing on individual lots must also meet the following standards:

- (1) The unit is constructed with a roof having a pitch of 3 in 12 or greater.
- (2) The roof is covered with asphalt or fiberglass composition shingles or approved wood shingles or shakes.
- (3) The exterior wall surfaces are covered with materials similar to traditional site-built housing units. These materials may include clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels, except as permitted above.
- (4) The minimum horizontal dimension of the unit as installed on the site is 14 feet.
- (5) The minimum floor area of the unit shall be 750 square feet.

Meteorological Tower:

A structure or structures intended to collect data to determine the appropriate siting of a Small Wind Energy System, that may include wind speed indicators, wind direction indicators, a tower, guy cables, wiring, and other wind data gathering equipment and infrastructure. The term meteorological tower does not include structures principally utilized in the operation of federally licensed amateur radio stations, which may also accommodate wind speed indicators, wind direction indicators, and other data gathering equipment and infrastructure. [Adopted 07/15/09]

Mini-Warehouse/Storage Facilities:

A facility consisting of a building or group of buildings located in a fenced and gated controlled-access compound and containing individual compartmentalized, and controlled-access storage units with individual locks for each storage unit, which are leased or rented to customers of the facility for storage of those customer’s personal property, designed and utilized so that each customer had individual access to his or her unit exclusive of the access of other customers of the facility and which is designed to function as a self-service facility. [12/03/97]

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Mobile Food Vendor:

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time. Mobile food vendors are subject to Chapter 1015.A Mobile Food Vendor License Ordinance. [01/08/2025]

Mobile Food Vendor Court:

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan review requirements. [01/08/2025]

Multiplex:

A type of multifamily dwelling in which no more than eight dwelling units, in any configuration are located in the building. Where more than one multiplex structure is located on a lot, the average number of dwelling units per structure shall be no greater than six. [Amended 06/06/07]

Municipal Building or Use:

Any building or use owned or operated by the Town of Scarborough, the Scarborough School Department or the Scarborough Sanitary District, the Biddeford-Saco Water District or the Portland Water District, excluding public utility facilities. [7/17/91] [03/17/04]

Net Residential Acreage: [Amended 07/21/04; 10/20/04; 09/05/07]

The area of a tract or parcel of land, which is suitable for development, determined by subtracting, in order, the following from the total acreage of the tract or parcel:

1. Portions of the tract or parcel which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the tract or parcel, as determined by the Planning Board.
2. Portions of the tract or parcel shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
3. Portions of the tract or parcel which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to, (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, costal dune or tidal marsh, as determined by the building inspector subject to review by the Planning Board in the event of a dispute.
4. Portions of the tract or parcel subject to rights of way or easements.
5. Portions of the tract or parcel located in the resource protection district, except land above the upland edge of a wetland, pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine. [8/5/92]
6. Portions of the tract or parcel covered by surface water bodies.
7. Portions of the tract or parcel utilized for storm water management facilities.

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8. 10% of the acreage remaining after the foregoing subtractions have been made, as an allowance for roads and parking, irrespective of the actual area proposed for roads and parking. This Paragraph 8 shall not apply to any application to amend a subdivision plan which was approved prior to October 20, 2004. Any such application for an amendment shall be governed by the definition of net residential acreage in effect at the time the subdivision plan was originally approved.

Net Residential Density:

Net residential density shall mean the number of dwelling units allowed per net residential acre within a subdivision. [Amended 09/05/07]

Non-Commercial Model Aviation Flying Field:

A parcel of land used to fly radio-controlled miniature aircraft by model aviation hobbyists who are either (1) members of guests of a non-profit model aviation club and pay no consideration other than club dues for the use of the field or (2) social guests of the landowner. This definition and the allowance of “Non-Commercial Aviation Flying Field” as a special exception in certain zoning districts shall not be deemed to prevent otherwise permissible occasional and casual use of land in any district to fly radio-controlled miniature aircraft, provided such occasional and casual use is secondary and incidental to another use or the property is otherwise unused. Use is deemed to be “occasional and casual” only when: (a) such use is made only by the owner of the property and the owner’s social guests; (b) the property owner receives no payment or consideration of any kind for the use; (c) the use is not sponsored, organized or promoted by a model aviation club or similar organization; (d) no person is granted any formal rights by lease, contract, license or any method other than social invitation to use the property to fly radio-controlled miniature aircraft; and (e) such use does not occur on more than six days in any calendar month. [2/17/93]

Non-Conforming Building or Structure:

A building or structure existing at the effective date of adoption or amendment of this Ordinance which does not conform to the Space and Bulk regulations of the district in which it is located.

Non-Conforming Lot:

A lot existing at the effective date of adoption or amendment of this Ordinance which does not conform to the Space and Bulk Regulations of the district in which it is located.

Non-Conforming Use:

A use of land, building, or structures at the effective date of adoption or amendment of this Ordinance which does not conform to the regulations and requirements of the district in which it is located. Non-conforming use includes a use existing at the effective date of adoption or amendment of this Ordinance which this Ordinance designates as a Special Exception in the district in which it is located, unless such use has been approved by the Board of Appeals under Section IV, I of this Ordinance.

Non-Municipal Government Buildings and Uses:

Buildings and uses of any department, commission, agency or instrumentality of the United States, the State of Maine, the County of Cumberland or any other governmental authority or district. Non-Municipal Government buildings and uses do not include any temporary or permanent holding facilities, jails, or prisons, which are not permitted in any zoning district. [Adopted 04/21/2021]

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Non-Municipal Government Offices:

The offices of any department, commission, agency or instrumentality of the United States, the State of Maine, the County of Cumberland or any other governmental authority or district. Non-Municipal Government Offices do not include any temporary or permanent holding facilities, jails, or prisons, which are not permitted in any zoning district. [7/17/91][Amended 04/21/2021]

Nursery School:

A house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:

- A. No session conducted for the children is longer than 3 ½ hours in length;
- B. No more than 2 sessions are conducted per day;
- C. Each child in attendance at the nursery school attends only one session per day; and
- D. No hot meal is served to the children.

This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of Educational and Cultural Services, in accordance with Title 20, Section 911.

Open Space:

Any area of land or water, which remains essentially unimproved except for landscaping, is not occupied by any structures, gravel or impervious surfaces, and is set aside to remain undeveloped. [7/17/91]

Open Space Ratio:

The total area of open space, excluding artificially created storm water management facilities and land occupied by easements or rights of way, divided by the total area of the lot. [7/17/91]

Outdoor Sales and Services:

Those land uses in which merchandise is sold or displayed principally outdoors or in which services are offered or rendered to customers principally outdoors, including new or used car dealerships which are not fully enclosed. The use category outdoor sales and services does not include: (1) outdoor display of agricultural and horticultural products by principal uses which primarily market said products, (2) drive-up windows accessory to a permitted, (3) accessory outside displays in compliance with Section IX (D) and (4) accessory outside vending machines in compliance with Section IX(E). [7/17/91] [Amended 4/6/94; 06/03/98]

Outdoor Storage:

The keeping in an unroofed area of any goods, materials, merchandise or unregistered/uninspected vehicles in the same place for more than 24 hours. The term outdoor storage does not include service vehicles used by a commercial enterprise in the conduct of their business, which can meet the performance standards in Section IX. A (14), the storage of goods, materials or merchandise inside box trailers, semi-trailers, roll-off containers, slide-off containers, “piggy-back” containers, railroad

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cars, or any other similar container. Any such storage in roofed containers shall be governed by the performance standards in Section IX(G) Accessory Containers. [7/17/91] [Amended 09/03/97; 05/03/2023]

Parking Space:

Usable space for the parking of an automobile that conforms to the standards of this Ordinance. [Amended 01/06/2010]

Party Wall:

A fireproof wall separating two buildings and structurally common to both.

Personal Services:

Establishments providing services involving the care of a person or her/his apparel. The types of personal services allowed include, but are not limited to: laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry-cleaning plants, photographic studios, beauty shops, barber shops, shoe repair, reducing salons and health clubs, clothing rental, and instruction in music, language or the arts. [7/17/91][Amended 11/01/17]

Pet Care Facility:

An establishment that provides fully enclosed facilities for the training, kenneling and grooming of pets. [09/04/02]

Place of Worship:

A building or structure designed and used primarily for conducting organized religious services. The term “Place of Worship” includes customary accessory facilities located within the principal building, such as meeting rooms, assembly space, administrative offices, classrooms for religious education and living quarters for clergy, but does not include uses, activities, buildings or structures defined in this Ordinance as “Adjunct Uses, Place of Worship.” [05/05/99][Amended 11/05/08]

Planning Department:

The Town Planning Department as described in Article VII of the Town of Scarborough Administrative Code. Where this Ordinance requires an approval from the Planning Department, such approval shall be evidenced by the signature of the Town Planner or the Assistant Town Planner/Engineer. [11/05/03]

Professional Office:

The office of a member of a recognized profession maintained for the conduct of that profession. The types of professional offices allowed include, but are not limited to: medical practitioners (including mental health practitioners), social workers, attorneys, engineers and accountants. Unless otherwise stated in the use regulations for a particular zoning district, the term professional office does not include addiction treatment facilities. [7/17/91] [11/16/05]

Public Utility Facilities:

Facilities such as, but not limited to, substations, pumping stations sewage treatment facilities, water treatment facilities, transmission lines, pipelines, studios, transmitters, receivers, and other buildings, structures or uses necessary or accessory to the operation, or conduct of activities regulated by the Public Utilities Commission and businesses or activities which are not so regulated but which provide a public service to the Town of Scarborough, including voice, image or data transmissions, radio,

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television and cable television that are available for use by the general public. The term Public Utility Facilities does not include Transmission Towers, which are separately defined and regulated. The term public utility facility does not include wholesale storage and/or wholesale distribution of fuel stored in bulk. [05/17/95] [3/20/02]

Recycling Facility:

Any building, structure or land upon which used materials, waste products or parts thereof are separated or processed and then shipped off the premises for eventual use in new products or are reprocessed on the premises into new usable products. A Recycling Facility which engages in those activities may also provide for the collection, sorting and transfer of non-recyclable waste. The term “Recycling Facility” does not include a junkyard, automobile graveyard or automobile-recycling business, as defined in subchapter I of chapter 183 of Title 30-A of the Maine Revised Statutes. [03/06/96]

Research, Development, and Light Industrial:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas and does not create offensive noise, vibration, smoke, dust, odor, heat or glare, and that conforms to the performance standards of Section IX(M.1). [Adopted 06/20/12]

Residential and Long-Term Care Facilities for the Ill, Aged or Disabled:

A facility which provides full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. [7/17/91]

Residential Recreational Facility:

An open space recreational use, which is customarily incidental to residential use, such as, but not limited to, swimming pools and tennis courts.

Restaurant:

A business the principal activity of which is serving food to the public. [11/16/94]

Retail Floor Area:

The floor area of a building used for retail sales or services less stairwells and elevator shafts, equipment rooms, utility rooms, inventory storage areas, general storage areas, office space and employee lounge or recreational areas. [7/17/91]

Retail Sales and Services (or “Retail Businesses and Service Establishments):

The sale of goods, merchandise or services to the general public for personal or household consumption. Unless otherwise specified in the district use regulations, retail sales and services includes fully enclosed automobile repair and service facility and includes car washes, but excludes gasoline filling stations, automobile sales, automobile painting and body shops, junkyards and salvaging operations and restaurants. [7/17/91] [11/16/94]

Senior Housing:

An apartment-style multifamily dwelling with individual dwelling units for elderly households. An elderly household shall include at least one elderly person of at least 55 years of age, and no occupant less than 55 years of age other than a fulltime caregiver to, or a spouse or companion of the elderly

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person(s), or a handicapped person. Senior housing may include services for medical and non-medical care and assistance. Senior housing is not subject to the limitations on the number of units per building which apply to Multiplex. [05/03/06] [Amended 06/06/07]

Service Area:

The floor area of a building used for personal services less stairwells and elevator shafts, equipment rooms, utility rooms and storage areas. [7/17/91]

Sign:

An object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Small Batch Processing Facilities:

A category of a food processing facility or light industrial use that processes, produces or assembles small lots of consumer goods. Processors in this category include, but are not limited to, clothing design and production, small batch food production, craft brewers, jewelry makers and other product lines that have an element of handcrafted design or hand-made production. Small batch processing facilities shall not include the production or processing of adult use or medical cannabis. [Adopted 10/07/15]

Small-scale energy facility:

A facility for the generation of electricity with a maximum capacity of five megawatts (5 MW), but do not include small wind energy systems or solar energy systems which are defined and regulated separately. [Adopted 06/20/12]

Small Wind Energy System (SWES):

A structure or structures that may include a wind turbine (both vertical or horizontal axis), a tower, footings, electrical infrastructure and associated equipment that is designed to produce electrical energy or pump water for the building(s) and use(s) on a particular lot or site. Small Wind Energy Systems shall be subject to the Performance Standards under Section IX.N of this Ordinance. [Adopted 07/15/09]

Snack Bar: [Deleted 11/16/94]

Solar Energy System:

A structure or structures that use sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. [05/20/09]

Solid Wastes:

Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, and refuse. [05/18/2011]

Space and Bulk Regulations:

Regulations in this Ordinance governing the size, shape, configuration and other physical characteristics of land, buildings and structures, including the requirements of this Ordinance for off-street parking.

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Special Exceptions:

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 district as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance. Any individual use for which a specific and individual special exception has been granted in accordance with this Ordinance shall be deemed as a permitted use but subject to such terms and conditions as specified by the Board of Appeals.

Story:

Any enclosed habitable floor area (other than a basement or cellar) which is separated by more than 6 feet, vertical distance, from any other enclosed habitable floor area in the same building. [08/06/97]

Street:

For purposes of meeting the street frontage and access requirements of this ordinance, the term street shall mean only:

- (1) a public way,
- (2) a private way approved by the Planning Department under Section IX.I of this Ordinance, or
- (3) a street approved by the Planning Board under the Town of Scarborough Subdivision Regulations.

For purposes of determining required setbacks under this Ordinance, including setbacks for corner lots, the term street shall mean any of the above and shall also include any right of way which is described in a deed or plan recorded in the Cumberland County Registry of Deeds prior to November 5, 2003 and which provides the principal means of access to abutting properties. [11/05/03] [Amended 07/21/04]

Structural Alteration:

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

Structure:

Anything constructed or erected, except a boundary wall or fence, the use of which requires a fixed location on the ground or attachment to something fixed on the ground, whether installed on, above, or below the surface of land or water.

Subdivisions:

As defined in Subchapter IV of Chapter 187 of Title 30-A of the Maine Revised Statutes, as such may be amended from time to time. [Amended 09/05/07]

Telecommunication Facility:

Transmission and reception antennas, cables, electronic equipment and associated facilities used for wireless transmission and reception of voice or data, mounted on, or enclosed within, a building,

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structure or use, no part of which shall be more than ten (10) feet above the height of the existing structure to which it is attached. [03/17/04][amended 10/15/14]

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 of land for approved construction.

Townhouse:

A type of multifamily housing with attached single-family dwellings in a row of at least three such units separated by party walls, with no unit located over another unit and each unit having its own front and rear access to the outside. [November 3, 2004] [Amended 06/06/07]

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, office, or work area 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.

Transmission Tower:

Any structure which extends more than 35 feet above grade or more than 10 feet above the highest point of the building or structure to which it is attached, whichever is higher, and which is used for the wireless transmission or reception of electric impulses or signals by means of electromagnetic waves. The term transmission tower does not include structures utilized by the Town of Scarborough for public safety or public works communications or utilized in the operation of federally licensed amateur radio stations, which are permitted in all zoning districts where municipal uses are allowed. [5/17/95] [Corrected 08/20/97][Amended 10/15/14]

Truck Terminals:

Facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck between different locations. Truck terminals serve as facilities for unloading products from an incoming vehicle and reloading quickly onto an outbound vehicle with no storage time in between. They are not designed or utilized for long-term warehousing. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal. [03/19/25]

Unit of Occupancy:

Any interior space with defined boundaries described in a deed, lease, license or agreement in which a discrete business, commercial, office, service professional or institutional activity is conducted and which is separated from any other business, commercial, office, service or professional activity by interior or exterior walls. [7/17/91]

Use:

The purposes and activities for which land, buildings or structures were are or will be utilized in fact.

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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 undue hardship.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures, 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 Facility:

A structure or building where goods or materials are stored for distribution to other sites or locations. [Adopted 06/20/18]

Water Dependent Sports Practice Facility:

An area equipped with distance markers for sports activities where balls are driven into an artificially formed pond. [05/21/08]

Wetlands Creation:

The use of land to create new wetlands, or to enhance the functions or values of existing wetlands, for the purpose of establishing wetland areas which can be used for compensation or mitigation banking under state and/or federal wetlands regulations. [05/07/03]

Wholesale Trade and Transportation:

The business of buying goods in large quantities and selling them in smaller quantities to other businesses or retailers. Wholesale transportation is the process of moving goods from manufacturers to retailers or businesses in bulk. Wholesale means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer. [03/19/25]

Workforce Housing: [Adopted 07/20/2022]

Workforce Housing means decent, safe and sanitary living accommodations that are available to households, in accordance with following provisions:

- A. An Owner-Occupied Workforce Housing Unit is a unit which (i) is occupied by its owner; (ii) is owned by Qualifying WF Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed WF Income Limitation applicable to the unit.
 - (I) A Qualifying WF Household is one with a total household income that, at the time of purchase, is 120% or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the “MFI Standard”).
 - (II) Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property

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insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.

(III) In the case of a unit which has one or fewer bedrooms, the Imputed WF Income Limitation referred to in A(iii) shall be 120% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than one bedroom, the Imputed WF Income Limitation referred to in A(iii) shall be 120% of the WF MFI Standard for a household of four (4) people.

B. A Renter-Occupied Workforce Housing Unit is a unit which is leased by a Qualifying WF Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed WF Income Limitation applicable to the unit.

(I) A Qualifying WF Household is one with a total household income that, at the time of move-in, is 120% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying WF Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.

(II) Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed WF Income Limitation used to determine the maximum annual gross rent shall be 120% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed WF Income Limitation used to determine the maximum annual gross rent shall be 120% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Yard:

A space, open to the sky, which is not occupied with any buildings or structures and is located on the same lot with a building or structure.

Yard Front: [Amended 05/04/2022]

An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

1. Corner lots and lots abutting multiple streets the front setback line applies to each bordering street, except as provide in 2. below.
2. Corner lots and lots abutting multiple streets in a residential district (RFM, RF, R-2, R-3, R-4, R-4A) shall have a primary and secondary front yard as provided below.

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025]

- a) The primary front yard shall be deemed to be located on the street of address, or from the street of access to the lot. The front yard from any other abutting street shall be deemed a secondary front yard between the principal building and the side street, and shall not be less than 50% of the front yard requirement of uses located on the side street. (See Fig. 1)

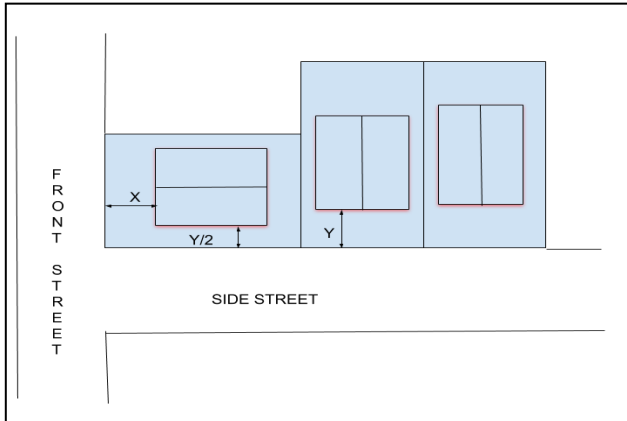


Figure 1: dimension “X” is the required front yard in a given district for the primary frontage. The “Y” dimension is the required front yard on the side street. The “Y/2” dimension is half the required front yard for the side street for the corner lot.

- b) lots that front on two or more streets shall have one primary and one or more secondary front yards. The primary front yard shall be deemed to be located on the street of address, or from the street of access to the lot. The front yard from any other abutting street shall be deemed a secondary front yard between the principal building and the side street, and shall not be less than 50% of the front yard requirement of uses located on that street. (See Fig. 2)

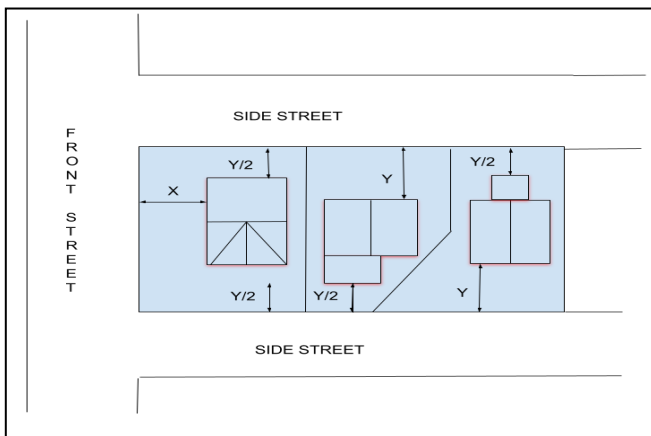


Figure 2: there are 3 lots with more than one street frontage. The required front yard on the primary street is designated as “X” for the lot with 3 front yards; “Y” is the required front yard on the side streets; and “Y/2” is half the required front yard for secondary street frontage.

Yard Rear:

An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard Side:

An open unoccupied space on the same lot situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.