

## **ARTICLE 3. DEFINITIONS**

### **A. CONSTRUCTION OF LANGUAGE**

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance, shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of the Ordinance and any map, illustration or table, the text controls.

The Board of Appeals shall decide any dispute as to the interpretation of the Ordinance or the meaning of any word or phrase upon the filing of an administrative appeal.

The following terms shall be interpreted in the following manner:

The word "lot" includes the words "plot" and "parcel."

The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" mean the Town of Richmond, Maine.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive.

### **B. DEFINITIONS**

In this Ordinance, the following terms and phrases shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

**Abutter:** The owner of record of any abutting property.

**Abutting Property:** Any lot located in whole or in part within Richmond that is physically contiguous at any point with the lot in question, or separated from the lot in question only by a body of water, road or right-of-way.

**Accessory Building:** A building that is customarily both incidental and subordinate to the principal structure on the property and utilized in conjunction with a lawful principal or accessory use.

**Accessory Use:** A use, which is customarily both incidental and subordinate to the principal use of the parcel. The term "incidental" in reference to the use shall mean subordinate and minor in significance to the principal use.

**Adjacent:** Lying next to or adjoining the land in question.

**Agriculture:** The cultivation of the soil, production of crops, including crops in greenhouses, the raising and keeping of livestock, including animal husbandry, the commercial processing and sale of wood and wood products, the processing of agricultural products, and the sale of agricultural products produced on the premises.

**Alteration:** Any change, addition, or modification, to a structure other than routine maintenance or repairs.

**Area of Special Flood Hazard:** The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified on the Flood Hazard Boundary Map (Reference: Richmond Flood Management Ordinance).

**Authorized Agent:** Anyone authorized to act on behalf of a property owner, so long as such authorization is made by way of a written document signed by the property owner.

**Automobile Graveyard:** As defined by 30-A M.R.S.A. § 3752, a yard, field or other area used to store three (3) or more discarded, worn-out or junked motor vehicles as defined in 29 M.R.S.A. § 1.7 or parts thereof for purposes other than temporary storage by an establishment primarily engaged in auto repair work (*also see "Junkyard"*)." Automobile Graveyard includes an area used for automobile dismantling, salvage and recycling operations. Please see 30-A MRSA § 3752, for what "Automobile graveyards" do not include.

**Automobile Recycling Business:** means the business premises of a dealer or a recycler licensed under 29-A MRSA §§851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or components parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan application , Article 7 of this Ordinance or 30-A MRSA § 3755-A, subsection 1, paragraph C. Please see 30-A MRSA § 3752, definitions for what automobile Recycling Business does not include.

**Automobile Repair Garage:** 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; overall painting and undercoating of automobiles.

**Automobile Service Station:** A facility which sells at retail from the premises to the public: gasoline; any other automobile engine fuel; kerosene; motor oil; lubricants and minor accessories; and which may offer the servicing and repair of automobiles, but not including: storage of unlicensed vehicles; or body, frame or fender repair.

**Average original grade:** except for buildings wholly or partially within the flood plain, average original grade shall be calculated by taking the original grade elevations every ten feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of building is measured.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year alternately referred to as the 100-year flood (Reference: Richmond Flood Management Ordinance.) Which was adopted [June 1987]

**Basement:** A portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

**Bed and Breakfast:** A single-family, owner-occupied dwelling in which the primary use is residential and no more than five (5) rooms are offered as lodging with or without meals to guests for compensation.

**Board:** The Planning Board of the Town of Richmond, Maine.

**Boathouse:** A nonresidential structure designed for the purpose of protecting or storing boats and boating equipment for noncommercial purposes.

**Body of Water:** A pond, lake, stream, brook, river, or tidal area.

**Buffer:** A portion of a lot reserved for the purpose of mitigating the impacts of the parcel's use on significant natural resources or adjacent properties.

**Building:** Any structure and its attachments such as decks, breezeways and porches, designed or used for the housing or enclosure of persons, animals, or personal property.

**Building Height:** The vertical distance between the highest point of the roof and the average original grade of the ground adjoining the building.

**Building Inspector:** Code Enforcement Officer.

**Bulk Storage:** The storage of materials in quantities greater than those used on the premises and stored in containers or packages of sizes that are larger than those used in the retail sales of the product.

**Campground:** Premises licensed by the State of Maine for use as temporary, paid accommodations for two (2) or more tents or recreational vehicles.

**Cellar:** A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

**Change of Use:** The change of the use of a premises or portion of a premises from one category of nonresidential use, as defined by the two digit major groups set forth in the most current Standard Industrial Classification Manual published

by the Federal Office of Management and Budget, to another, or the change from a residential use to a nonresidential use or vice-versa.

**Channel:** A natural or artificial watercourse with definite bed and banks that confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

**Cluster Development:** A form of residential subdivision in which the required minimum individual lot size is reduced in exchange for the creation of permanent open space within the development.

**Coastal Wetland:** All tidal and sub tidal lands including all lands below any identifiable debris line left by tidal action, and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in current tide tables published by the National Ocean Service (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Code Enforcement Officer:** A person appointed by the Municipal Officers to administer and enforce the Town's ordinances, including such persons as an official designee or any Town Building Inspectors, Plumbing Inspectors, Electrical Inspectors, and the like where applicable.

**Commercial Use:** A use involving: the buying or selling of goods or services or the provision of facilities for a fee.

**Complete Application:** An application shall be deemed to be complete when the Planning Board has reviewed it and the Board has found that the application contains the required submissions for each item listed in the ordinance submission requirements. If the Board has determined that one or more submission requirements are not applicable to a given application and/or the Board has granted for good cause a waiver of one or more submission requirements, the Board shall consider the requirement for those specific items to have been met.

**Conforming Use:** A use of buildings, structures or land that complies with all applicable provisions of this Ordinance.

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

**Construction Trailer:** A trailer on or in close proximity to a construction site, used for temporary offices, living quarters, storage or fabrication for the duration of a construction project.

**Contiguous:** Land, which is next to, bordering, or abutting.

**District:** A portion of the municipality delineated on the Official Zoning Map or defined in the Ordinance, within which distinct requirements or regulations apply.

**Dwelling:** Any building or structure or portion thereof designed or used for residential purposes.

1. **Single-Family Dwelling** shall mean any building containing only one (1) dwelling unit for occupation by not more than one (1) family.
2. **Two-Family Dwelling** shall mean a building containing only two (2) dwelling units, for occupation by not more than two (2) families.
3. **Multifamily Dwelling** shall mean a building containing three or more dwelling units for occupation by three (3) or more families.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, eating, and sanitary facilities. The term shall include manufactured housing, but shall not include recreational vehicles.

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

**Equipment and Motor Repair:** A business establishment engaged in general repair, engine rebuilding, parts replacement, rebuilding or reconditioning of motor vehicles, body, frame or fender straightening and repair, painting and undercoating, and mechanized washing of automobiles but where no engine fuels are sold at retail.

**Essential Services:** The construction, alteration or maintenance of facilities or distribution systems for gas, electricity, communication, steam, fuel or water. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

**Eutrophication:** The process of nutrient enrichment of water bodies.

**Excavation:** Any removal of earth or earth material from its original position.

**Excavation, Storage, and Processing of Earth Materials:** Any use which involves the excavation or storage of earth materials for commercial purposes or for removal from the site except in conjunction with approved construction or which involves the processing of earth materials on the site.

**Existing Non-Residential or Commercial:** Any existing building providing for non-residential or commercial use.

**Existing Residential:** Any existing building housing a residential use.

**Family:** One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

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

**Fisheries:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources such as having significant value as fisheries and any areas identified in the Comprehensive Plan.

**Flood or Flooding:**

1. A temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation of runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above (Reference: Richmond Flood Management Ordinance.)

**Flood Hazard Boundary Map (FHBM):** An official map of the community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community (Reference: Richmond Flood Management Ordinance)

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source (Reference: Richmond Flood Management Ordinance.

**Flood Proofing:** Structural and/or nonstructural additions, changes, or adjustments to structures in order to reduce or eliminate flood damage to structures, and their contents, real estate, or water and sanitary facilities. (Reference: Richmond Flood Management Ordinance.

**Floor Area, Gross:** The sum, in square feet, of the total area of all floors within the roofed portions of a building, as measured from the interior faces of the exterior walls and including the area of unenclosed portions of a structure such as porches and decks (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads associated with such activities. (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Forested Wetland:** a freshwater wetland dominated by woody vegetation that is (6) meters tall or taller.

**Freshwater Wetland:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater Wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Note: The U.S. Army Corps of Engineers' definition of wetland is different from this definition.

**Frontage, Shore:** The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

**Frontage, Street:** The linear distance between the sidelines of a lot, measured along the lot line that borders upon a public street, proposed street shown on an approved and recorded subdivision plan, or an approved private road. In the case of a lot situated on a curve of a way, the measurement of frontage shall include the entire length of the property line along such curve.

**Frost Wall:** A foundation wall extending below the ground surface, supported by footing located below the frost line to protect structures from frost heaves.

**Functionally Water-dependent Uses:** Uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Gardening:** The activity of lying out, cultivating or tending a plot of ground where flowers, shrubs or other ornamental plants, vegetables, fruits or herbs are planted.

**Governing Authority:** The legislative body of the municipality, which is the voters of the Town at a Town Meeting.

**Grade:** The degree of slope.

**Grade Beam:** That part of a foundation system located at the ground surface (usually in a building without a basement), which supports the exterior wall of the superstructure.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres (Reference: 30 M.R.S.A. § 480-B - Natural Resources Protection Act).

**Group Home:** A housing facility for eight (8) or fewer mentally handicapped or developmentally disabled persons, which are approved, authorized, certified or licensed by the State. A group home may include a foster home or intermediate care facility.

**Hazardous Material:** Any material identified by a federal or state agency as a hazardous material.

**Hazardous Waste:** A waste substance or material in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. §1303-A.

**Historic Area:** The area nominated to the National Register of Historic Places in September of 1973 and was entered on the Register on November 12, 1973. The area is a sub-district in the Village District. It is depicted on the Official zoning map and described under Special Performance Standards for the Village, in Article 4 Section 4, Subsection (4) of this Ordinance.

**Historic Building:** Any building that has been entered on the National Register of Historic Places or listed on the September 1973 Nomination for National Register of Historic Places inventory or which is eligible for listing on the National Register of Historic Places.

**Historic or Archaeological Resources:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as historic or archaeological resources and any areas identified in the Comprehensive Plan.

**Home Occupation:** An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or in an accessory structure, except that a retail marijuana establishment or retail marijuana social club shall not be operated as a home occupation.



**Hotel:** A building in which lodging, with or without meals, is offered to the general public for compensation and in which access to lodging rooms is made primarily through an inside lobby or office. The hotel may contain accessory services and facilities such as newsstands, personal grooming facilities, and restaurants.

**Incidental to Construction:** Activity which is necessary as part of a construction project, is clearly subsidiary and related to the construction, and occurs within the immediate proximity of the construction site.

**Industrial Use:** The use of real estate, buildings or structures or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations, or for warehousing and distribution.

**Inn:** A building, which contains a dwelling unit, occupied by an owner or resident manager in which up to ten (10) lodging rooms are offered, with or without meals, to the general public for compensation, and in which entrance to lodging rooms is made through a lobby or other common room. The term may include guesthouses, lodging houses and tourist houses, but not bed and breakfasts, hotels or motels, which are separately defined.

**Institutional Use:** The nonprofit, public, or quasi-public use of real estate, buildings or structures or any portion thereof for a governmental, educational, charitable, religious, medical or similar purpose.

**Junkyard:** Any parcel of land or portion thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other discarded goods or materials. The term includes land meeting the definition of junkyards in 30-A M.R.S.A. § 3752. (Also see Automobile Graveyards.)

**Kenel:** A commercial establishment in which an owner or customer's dogs or other domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**Lagoon:** An artificial enlargement of a water body, primarily by means of dredging and excavation.

**Level of Service:** A measure of the operational performance of a street or intersection as determined in accordance with current procedures of the Institute of Traffic Engineers (ITE).

**Lot:** A parcel of land in single ownership described on a deed, plot or similar legal document.

**Lot Area:** The total horizontal area within the lot lines.

**Lot, Corner:** A lot with at least two (2) contiguous sides abutting upon a street or streets.

**Lot, Coverage:** The percentage of the lot covered by all structures, parking lots, and all non-vegetated surfaces. In shoreland areas lot coverage includes all non-vegetated areas including buildings, driveways and parking areas.

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

**Lot Lines:** The lines bounding a lot as defined below:

**Front Lot Line:** On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

**Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

**Side Lot Line:** Any lot line other than the front lot line or rear lot line.

**Lot Width:** The distance between the sides boundaries of the lot measured at the front setback line.

**Lot of Record:** A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds or in common use by Town or County Officials.

**Lot, Shorefront:** Any lot abutting a water body.

**Lot, Through:** Any interior lot having frontages on two (2) more or less parallel streets, or between a street and a water body, or between two (2) water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and water bodies shall be considered frontage, and front yards shall be provided as required.

**Manufactured Housing:** “Manufactured Housing” as that term is defined in 30-A M.R.S.A § 4358 (1)(A), as may be amended.

**Marina:** A shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft, their equipment and accessories.

**Mobile Home Park:** A “mobile home park” as that is defined in 30-A M.R.S.A § 4358 (1)(B), as may be amended.

**Modular Home:** A “modular home” as that term is defined in 30-A M.R.S.A. § 4358 (1)(A)(2), as may be amended.

**Motel:** A building in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building.

**Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities:** Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's Comprehensive Plan.

**Net Residential Acreage:** The acreage available for development, excluding the areas for streets, required private rights-of-way or access, utility easements, and the areas which are unsuitable for development, including intertidal areas, areas covered with standing water for all or most of the year, Class 1 or Class 2 wetlands as defined by the Maine DEP, areas of special flood hazard, and areas with slopes greater than 25%.

**Net Residential Density:** The number of dwelling units per net residential acre.

**New Non-Residential or Commercial:** Any new building being erected for non-residential or commercial use.

**New Residential:** Any new building being erected for residential use.

**New Mobile Home:** A "newer mobile home" as that term is defined in 30-A M.R.S.A § 4358 (1)(A)(1), as may be amended.

**Nonconforming Use:** Use of land or structures that is not otherwise permitted, but which is allowed to continue solely because it was in lawful existence at the time the Ordinance or subsequent amendment took effect.

**Nonconforming Structure:** A structure that does not meet all dimensional requirements, setbacks, height, and lot coverage standards but is nonetheless allowed to continue solely because it was in lawful existence at the time the Ordinance or subsequent amendments took effect.

**Normal High Watermark of Coastal Waters:** The elevations along coastal or tidal waters at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, coastal or tidal vegetation includes, but is not limited to, salt marsh grass, salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, salt marsh sedge, and salt marsh aster. In places where vegetation is not present, the high watermark shall be the identifiable debris line left by non-storm tidal action (Reference: Richmond Flood Management Ordinance).

**Normal High Watermark of Inland Waters:** That line of the shores and banks of non-tidal waters which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses. Terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridgeberry,

sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high watermark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks) the normal high watermark shall be estimated from places where it can be determined by the above method (Reference: Richmond Flood Management Ordinance).

**Office Trailer:** A trailer designed or used primarily as an office or for display or demonstration purposes and which is not used as living quarters.

**Official Business Directional Sign:** A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901, et. Seq., which points the way to public accommodations and facilities or other commercial facilities.

**Open Space Use:** The portion of a lot or site which is maintained in its natural state to preserve scenic resources, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive areas, or to be used for outdoor recreation purposes. Such uses do not include structures, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

**Original Grade:** The grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the twelve months prior to the application for a building permit for the proposed construction, as evidenced by a building permit or an excavation permit issued pursuant to (applicable articles) the original grade shall be the grade of the land that existed prior to the alteration. (See also "Average Original Grade").

**Parking Space:** A paved or graveled area meeting the standards of Article 5 and designated for the parking of one motor vehicle.

**Passive Recreation:** Outdoors recreational activities, which involve no structures or motorized equipment, such as, but not limited to the following: skiing, horseback riding, cycling, hiking, walking, or picnicking.

**Person:** Any individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity.

**Piers and Docks:** Structures other than streets, roads and drainage facilities located in or above the waters of any body of water for the purpose of gaining access to the water.

**Planned Unit Development:** Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements

and facilities necessary for common use by the occupants of the development. A planned unit development does not include a mobile home park.

**Plat:** A map of a town, section or subdivision showing the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

**Premises:** One or more lots under common ownership, which are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

**Prime Farmlands:** Any parcel of land that has 5 or more acres used in agricultural production within the past 3 years.

**Principal Building or Structure:** The building or structure in which the principal use of the lot is conducted.

**Principal Use:** The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**Private Road:** A road constructed, owned and maintained by a person or entity other than a public body and constructed to the Town standards for private roads.

**Public or Private Owned Outdoor Recreation Facility:** A commercial establishment that offers entertainment, exercise, or relaxation activities that are principally outdoors. Such facilities include but are not limited to amusement parks, outdoor swimming pools, parks, shooting ranges, riding ranges, go-kart racetracks, and all terrain vehicle racetracks.

**Public Sewerage:** The system of sanitary sewers, pump stations and sewage treatment facilities owned and operated by the Richmond Utilities District.

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

**Receipt of an Application:** The formal acceptance of an application by the Planning Board for a determination of its completeness. The receipt of an application shall occur only at a regular meeting of the Board.

**Recreational Vehicle:** A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one (1) or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home. The recreational vehicle shall be designed and constructed to be readily moveable and used for short-term occupancy. If the recreational vehicle is connected to sewerage, water, or electricity, those connections shall be temporary.

**Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

without cumulatively increasing the water surface elevation more than one (1) foot, and in Zone A is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high watermark to the upland limit of the floodplain (Reference: Richmond Flood Management Ordinance.

**Disturbance incidental to Rights of way:** The removal of materials that are essential and necessary for building, maintaining, repairing or removing public or private rights of way.

**Re-subdivision:** The further division of an existing subdivision or any changes of the lot size therein, or the relocation of any street or lot line in a subdivision.

**Retail Marijuana:** means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

**Retail Marijuana Cultivation Facility:** A “retail marijuana cultivation facility” as that term is defined in 7 M.R.S.A §2442(35), as may be amended. A retail marijuana cultivation facility is an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs. A retail marijuana cultivation facility is only authorized as a principal use, and not as an accessory use.

**Retail Marijuana Establishment:** A “retail marijuana establishment” as that term is defined in 7 M.R.S.A §2442(36), as may be amended. A retail marijuana establishment is a retail marijuana cultivation facility, retail product manufacturing facility, retail marijuana store, or retail marijuana testing facility. A retail marijuana establishment is only authorized as a principal use, and not as an accessory use.

**Retail Marijuana Product:** A “retail marijuana product” as that term is defined in 7 M.R.S.A §2442(37), as may be amended. Retail marijuana products are concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients, and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

**Retail Marijuana Product Manufacturing Facility:** A “retail marijuana product manufacturing facility” as that term is refined in 7 M.R.S.A §2442(38), as may be amended. A retail marijuana products manufacturing facility is an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs. A retail marijuana product manufacturing facility is only authorized as a principal use, and not as an accessory use.

**Retail Marijuana Social Clubs:** A “retail marijuana social club” as that term is defined 7 M.R.S.A §2442(39), as may be amended. A retail marijuana social club is an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. A retail marijuana social club is only authorized as a principal use, and not as an accessory use.

**Retail Marijuana Store:** A “retail marijuana store” as that term is defined in 7 M.R.S.A §2442(40), as may be amended. A retail marijuana store is an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. A retail marijuana store is only authorized as a principal use and not as an accessory use.

**Retail Marijuana Testing Facility:** A “retail marijuana testing facility” as that term is defined in 7 M.R.S.A §2442(41), as may be amended. A retail marijuana testing facility is an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products. A retail marijuana testing facility is only authorized as a principal use, and not as an accessory use.

**Retail Use:** A commercial activity involving the sale of goods to the ultimate consumer for direct use and consumption and not for trade or resale.

**Richmond Historic Area.** The area nominated to the National Register of Historic Places in September of 1973 and was entered on the Register on November 12, 1973. The area is a sub-district in the Village District. It is depicted on the Official zoning map and described under Special Performance Standards for the Village, in Article 4 Section 4, Subsection (4) of this Ordinance. It is not a (Zoning) District as defined in this Article

**River:** A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by action of surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of top soil containing water borne deposits of exposed soil, parent material, or bedrock (Reference: 30 M.R.S.A. § 480-B.9.) (A free-flowing body of water including its associated flood plain wetlands from that point which it provides drainage for a watershed of twenty five (25) square miles to its mouth.)

**Road:** See "**Street.**"

**Road Association:** A private nonprofit corporation responsible for the ownership and maintenance of one (1) or more private roads.

**School: Commercial:** An institution for education or instruction which is commercial or profit-oriented. Examples include but are not limited to for-profit dancing, music, riding, and correspondence, aquatic, driving or business schools.

For the purposes of this Ordinance such facilities shall be considered to be commercial uses.

**School: Public and Private:** An institution for education or instruction that satisfies either of the following requirements:

1. The school is not operated for a profit; or

2. The school teaches courses of study, which are sufficient to qualify attendance thereby in compliance with State compulsory education requirements.

Such facilities shall be considered to be institutional uses for the purposes of this Ordinance.

**Setback:** The minimum horizontal distance from a lot line to the nearest part of a structure. Front setback shall be measured from the edge of the travel portion of the road or edge of the Right of Way (ROW), whichever is closer to the structure.

**Setback from Water:** The minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

**Sight Distance:** The distance at which approaching vehicles can be seen from intersecting streets or drives as measured in accordance with current standards of the Maine Department of Transportation.

**Sign:** An object, device or structure, or part thereof, situated outdoors or displayed in a window, visible from a public and or a private way, free standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, advertising flags, banners, fixtures, colors, streamers, placards, illuminations or projected images. Each face of a sign shall constitute a separate sign except that a sign with two faces directly opposite one another shall be counted as one sign.

**Significantly Expanded:** The change of a use in such a manner that it increases the measurable impacts of that use on abutting properties or on the public streets.

**Skew Angle:** The interior angle formed between the centerline of a street and the centerline of an intersecting street or drive.

**Slope:** The degree of deviation of a surface from the horizontal expressed in a percentage and calculated by dividing the change in elevation over a given distance.

**Soil Survey:** A map and accompanying narrative report identifying the soils on a site and their characteristics and done in accordance with the current Standards for Soil Surveys adopted by the Maine Association of Professional Soil Scientists.

**Soil Survey: Class A. High Intensity:** A soil survey meeting the current standards of MAPSS for Class A soil surveys.

**Soil Survey: Class B. High Intensity:** A soil survey meeting the current standards of MAPSS for Class B soil surveys.



**Soil Survey: Class C. Medium Intensity:** A soil survey meeting the current standards of MAPSS for Class C soil surveys.

**Soil Survey: Class D. Medium Intensity:** A soil survey meeting the current standards of MAPSS for Class D soil surveys.

**Solid Waste:** Any waste defined by 38 M.R.S.A. §1303 (10) which is useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but not including septic tank sludge, or agricultural waste.

The fact that a solid waste, or a part or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from the definition of "solid waste."

The term includes any residue or material, which exists in excess to the owner at the time of such discard or rejection.

**Special Waste:** Any non-hazardous waste defined by 38 M.R.S.A. §1303 (10-B) which is generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

1. Oil, coal, wood and multi-fuel boiler and incinerator ash;
2. Industrial and industrial process waste;
3. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
4. Debris and residuals from non-hazardous chemical spills and cleanup of those spills;
5. Contaminated soils and dredge spoils;
6. Asbestos and asbestos containing waste;
7. Sand blast grit and non-liquid paint waste;
8. Medical and other potentially infectious or pathogenic waste;
9. High and low pH wastes;
10. Spent filter media residue;
11. Shredder residue; and

12. Other waste designated by the Board of Environmental Protection, by rule.

**Stream or Brook:** A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits of exposed soil, parent material or bedrock (Reference 30 M.R.S.A. § 480-B.9).

**Street:** An existing state, county, or town way, a street dedicated for public use and shown upon a plan duly approved by the Planning Board or on a plan recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans for a private road. The term "street" shall not include those ways that have been discontinued or abandoned.

**Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, carports, decks, porches, and other building features, but not including fences.

**Sub divider:** A person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that proposes to create a subdivision. The term "sub divider" includes, where applicable, "developer" and "builder."

**Subdivision:** Any activity, which is defined by the State of Maine as a subdivision in 30-A M.R.S.A. § 4401.4 as it may, from time to time, be amended; provided however, that a parcel of 40 acres or more shall be counted as a lot in determining if a subdivision is created.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure within a period of five (5) years, the value of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch (es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth in accordance with the Maine State Plumbing Code. The term shall not include a wastewater discharge system licensed under 38 M.R.S.A. §414; any surface wastewater disposal system licensed under 38 M.R.S.A. §413 § 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1. (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding equipment and machinery but not the construction or creation of road associated with such operations. Timber harvesting does not include the clearing of land for approved construction.

**Trailer, Utility:** A vehicle without motive power, designed to be towed by a motor vehicle but not designed for human occupancy and which may include such items as a boat trailer, horse trailer, or snowmobile trailer.

**Undue Hardship:** A condition in which a parcel of land meets all of the following tests: that the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; and that the hardship is not the result of action taken by the applicant or a prior owner. (Reference: 30-A M.R.S.A. § 4353).

**Upland Edge:** The boundary between upland and wetland (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

**Use:** The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

**Variance:** A relaxation of the terms of this Ordinance granted by the Zoning Board of Appeals, the granting of which would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in undue hardship. A financial hardship shall not constitute grounds for granting a variance.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts.

**Waste Processing:** The preparation, production, treatment, or burning by a particular method of garbage, refuse, manufacturing or natural resource by products. Waste processing does not include temporary storage or burying on site of such wastes.

**Waste Processing Facility:** "Processing facility," means any land area, structure, equipment, machine, device, system, or combination thereof, other than incinerators, which is operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing facilities include but are not limited to facilities that employ shredding, baling, mechanical and magnetic separation, and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste.

**Wetland:** See freshwater wetlands and coastal wetlands.

**Wildlife Habitat, Significant Wildlife Habitat:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's Comprehensive Plan.

**Yard:** The area of land on a lot not occupied by the principal building (see also setback).

**Yard, Front:** The area of land between the front lot line and the nearest part of the principal building.

**Yard, Rear:** The area of land between the rear lot line and the nearest part of the principal building.

**Yard, Side:** The area of land between a side lot line and the nearest part of the principal building.

(END OF ARTICLE III)