

ARTICLE X

TOWN OF LEEDS

ZONING AND LAND USE DEFINITIONS

Amended: June 6, 2009

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A. Construction of Language

In the interpretation and enforcement of this Code, all words other than those specifically defined in the various ordinances 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 this Code and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

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

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

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

The word "structure" includes the word "building."

The word "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" means the Town of Leeds, Maine.

Accessory Structure or Use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Adjacent Grade: means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Aggrieved Party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building. The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Amusement Facility: any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens or discs, or whether activated through remote control by the management.

Aquaculture: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Arterial Street: a major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Authorized Agent: an individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Automobile Body Shop: a business establishment engaged in body, frame or fender straightening and repair or painting and undercoating.

Automobile Graveyard: a place where two or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Average Daily Traffic (ADT): the average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Backlot: any lot or parcel of land that does not have frontage on a public or private road or lacks the minimum frontage as required under Article I. Section 3.F.

Basement: means any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bulk Grain Storage: establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

Business and Professional Offices: the place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: land upon which one or more tents are erected or trailers are parked for temporary family recreational use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground", and "tenting grounds."

Canopy (Shoreland Zoning): the more or less continuous cover formed by tree crowns in a wooded area.

Cemetery: property used for the interring of the dead.

Church: a building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services excluding school.

Club: any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

Code Enforcement Officer: a person appointed by the municipal officers to administer and enforce this code.

Collector Street: a street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.

Commercial Hazardous Waste Facility: As defined in 38, M.R.S.A., Section 1303 as may be amended.

Commercial Recreation: any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: campgrounds, racquet and tennis clubs, health facility, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including bowling alleys or amusement centers, as defined herein.

Commercial School: an institution which is operated for profit, but is not authorized by the State to award baccalaureate or high degrees, which offers classes in various skills, trades, professions or fields of knowledge.

Commercial Use: the use of lands, buildings, or structures, other than a small enterprise, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Common Driveway: a vehicle accessway serving two dwelling units and meeting the standards as contained in Article IV, Section 8.

Community Center: a building which provides a meeting place for local, nonprofit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: an application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan: comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Conforming: a building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate Housing: residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

Conservation Easement: a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Constructed: 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.

Day Care: homes and centers licensed as such by the Maine Department of Human Services.

Density: the number of dwelling units per lot of land.

Developed Area: any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: any manmade changes to improve or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dimensional Requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Direct Watershed: that portion of the watershed which does not first drain through an upstream lake.

District: a specified portion of the municipality, delineated on the Official Zoning Map within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway (Shoreland Zoning): a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

1. Single-family dwelling: Any structure containing only one dwelling unit for occupation by not more than one family.
2. Two-family dwelling: A building containing only two dwelling units for occupation by not more than two families.
3. Multi-family dwellings: A building containing three or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: a room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Emergency Operations: 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, property and livestock from the threat of destruction or injury.

Essential Services: the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines,

towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a Structure: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of Use: the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: one or more persons occupying a premises and living as a single housekeeping unit.

Family Development: a development that would otherwise constitute a subdivision as defined by Title 30-A, Section 4401 but the development meets the exception because of a gift to a person related to the donor by blood, marriage or adoption.

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

Final Plan: the final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

Flood or Flooding: means:

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; and
 - b. the unusual and rapid accumulation or 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 by some similarly unusual and unforeseeable event which results in flooding.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floor Area: the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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.

Forested Wetlands: freshwater wetland dominated by woody vegetation that is six meters (approximately 19.7 feet) tall or taller.

Forestry: the operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, or frost walls.

Freshwater Wetland: freshwater swamps, marshes, bogs and similar areas which are:

1. of ten or more contiguous acres; or of less than 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 10 acres; and
2. inundated or saturated by surface or ground water 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.
3. This definition does not include forested wetlands for the purposes of Shoreland Zoning (Article II).

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Frontage, Road: the horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship

building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Functionally Water-Dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, navigation aides, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Garage: an accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

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

Great Pond: any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of Article II, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Ground Cover (Shoreland Zoning): small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazardous Waste: as defined in 38 M.R.S.A. Section 1303 as may be amended.

Height of a Structure: the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

High Intensity Soil Survey: a soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Structure: means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either : a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

Hospital: an institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: a commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridors or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Increase in Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback

requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Industrial or Commercial Street: a street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Industrial Park or Development: a subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Junkyard: a yard, field or other area used as place of storage for:

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber;
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. garbage dumps, waste dumps and sanitary landfills.

Kennel: an establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

Level of Service: a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Locally Established Datum: means, for purposes of this code, an elevation established for a specific site to which all other elevations at the site are referenced. The National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lot: an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

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

Lot, Corner: a lot at least two contiguous sides abutting upon a street or right-of-way.

Lot, Coverage: the percentage of a lot covered by all buildings, parking areas and impervious services.

Lot Lines: the lines bounding a lot as defined below:

1. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. 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 feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: the required lot area within a district for a single use. The lot area shall be determined on the basis of the "Net Residential Acreage Calculation" as contained in the Performance Standards section of this code.

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.

Lot, Shorefront: any lot abutting a body of water.

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

Lot Width: the distance between the side boundaries of the lot measured at the front setback line.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article VI. of this code.

Manufactured Housing/Mobile Home Unit: means structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A MRSA section 4358(1). This definition should not be deemed to exclude pre-1976 mobile homes except that the Board may as a condition of subdivision approval restrict pre-1976 mobile homes.

Manufacturing: the making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat and tackle shops, and fuel service facilities.

Market Value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mean Sea Level: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Mineral Exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Minimum Lot Width: the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland area, both lot lines shall be considered to be side lot lines.

Minor Street: a street with average daily traffic of less than 200 vehicles per day.

Mobile Home Park: a parcel of land under unified ownership approved by the Town of Leeds' Planning Board pursuant to the Town of Leeds Subdivision Ordinance and Mobile Home Park Ordinance for the placement of three (3) or more mobile homes.

Mobile Home Park Lot: mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile home park plan.

Multi-Unit Residential: a residential structure containing three (3) or more residential dwelling units.

Native (Shoreland Zoning): indigenous to the local forests.

Neighborhood "Convenience" Stores: a store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Net Residential Acreage: the area of a lot or lots which is usable for determining allowable densities as set forth in the Net Residential Acreage Calculations standard contained in the Performance Standards section of this code.

Net Residential Acreage: the total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 10.3.

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

Net Residential Density: the average number of dwelling units per net residential acre.

New Construction: means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Code or subsequent amendment took effect.

Nonconforming Lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming Structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonconforming Use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal High-Water Line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Nursing Home: a privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Official Submittal Date: the date upon which the Board issues a receipt indicating a complete application has been submitted.

100 Year Flood: the flood having a one percent chance of being equalled or exceeded in any given year.

Open Space Development: a subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

Parks and Recreation: non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities,

restrooms, bath houses and the maintenance of such land and facilities. The term shall not include campgrounds or commercial recreation and amusement centers.

Permitted Use: uses which are listed as permitted uses in the various districts set forth in this code. The term shall not include prohibited uses.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharfs, Bridges and Other Structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planning Board: the planning board of the town of Leeds.

Preliminary Subdivision Plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Principal Structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: a use other than one which is wholly incidental or accessory to another use on the same premises.

Privately-Owned Street: a residential street not including a street serving a mobile home park, which is not intended to be dedicated as a public way.

Professional Engineer: a professional engineer, registered in the State of Maine.

Public and Private Schools: primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

Public Facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

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.

Quarry: a place where stone is excavated from rock.

Recent Floodplain Soils: the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles	Fryeburg	Hadley
Limerick	Lovewell	Medomak	Ondawa	Podunk
Rumney	Saco	Suncook	Sunday	Winooski

Reconstructed: the rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: a copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Recreational Facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Repair: to take necessary action to fix normal damage or storm damage.

Replacement System: a system intended to replace:

- 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- 2) any existing overboard wastewater discharge.

Residential-based Service Business: certain limited business uses of residential premises which do not significantly detract from the residential character and tranquillity of the surrounding area, provided they are regulated. There are businesses at a residence, where the services are performed off the premises, and instances where the resident is employed by a service building and wishes to keep certain business vehicles or equipment at his personal residence for convenience, and the use is accessory and incidental to the residential use.

Examples of the types of service businesses covered by this definition include but are not limited to:

1. forest harvesters
2. excavation services
3. well drilling services
4. painting and/or building contractors
5. oil burner services
6. independent truckers
7. snowplowing services
8. automotive towing/wrecker services
9. art and crafts sold off premises
10. service businesses similar in operation to those listed above.

Residential Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area (Shoreland Zoning): the average of the basal area of trees remaining on a harvested site.

Restaurant: an establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by

advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Resubdivision: the division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Retail Business: a business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: all public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road (Shoreland Zoning): a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Seasonal Dwelling: a dwelling unit lived in less than seven months of the year and not the principal residence of the owner.

Service Business: establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

Service Drop: any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

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

2. in the case of telephone service

- a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Setback (Shoreland Zoning): the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shopping Center: any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

Shore Frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

Shoreline (Shoreland Zoning): the normal high-water line, or upland edge of a freshwater wetland.

Significant Scenic View Locations: points where scenic views can be accessed as identified in Leeds Comprehensive Plan.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Skid Trail (Shoreland Zoning): a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash (Shoreland Zoning): the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Small Enterprise: a commercial or industrial enterprise conducted in a dwelling unit or a structure accessory thereto which meets all the criteria for small enterprises as found in Article I. Section G.4. of the Leeds Zoning Ordinance (Land Use Standards). Additionally, any enterprise which meets all other criteria for small enterprises and requires licensing by a governmental agency, including but not limited to daycare, catering and vehicle inspection stations, shall be reviewed as a small enterprise.

Start of Construction: means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stream (Shoreland Zone Article II): a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another waterbody or wetland within the Shoreland Zone.

Stream, River or Brook: river, stream or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the 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 on exposed soil, parent material or bedrock.

Street: public and private ways such as alleys, avenues, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways, farm roads or logging roads.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision: for the purpose of this Ordinance, subdivision shall be as defined in Title 30-A, M.R.S.A. §4401.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 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 MRSA Chapter 13, subchapter 1.

Sustained Slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: an outdoor manmade receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

Timber Harvesting (Shoreland Zoning): the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting.

Tract, or Parcel, of Land: all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Tributary Stream (Shoreland Zoning, Article II): a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is 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 on exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Undue Hardship: as used in the code, the words "undue hardship" shall mean all of the following:

1. that the land in question cannot yield a reasonable return unless a variance is granted; and
2. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. that the granting of a variance will not alter the essential character of the locality; and
4. that the hardship is not the result of action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

Upland Edge of a Wetland (Shoreland Zoning): the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Usable Open Space: that portion of the common open space which, due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture.

In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Use: the manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: a relaxation of the terms of this code where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship.

Variances permissible under this code are limited to height of buildings, structures, lot size, yard and open spaces sizes, and setbacks. No variance can be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the immediate or adjacent districts.

Vegetation (Shoreland Zoning): all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

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

Volume of a Structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing/Storage: the storage of goods, wares and merchandise in a warehouse.

Water Body: any great pond, river, stream.

Water Crossing (Shoreland Zoning): any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: a freshwater wetland.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woody Vegetation (Shoreland Zoning): live trees or woody, non-herbaceous shrubs.

Amended: June 6, 2009