

2018

# Town of Houlton Maine Zoning Ordinance

Houlton, Me.

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# **ZONING ORDINANCE**

## **ARTICLE I PREAMBLE**

### **Sec. 1 Authority and Jurisdiction**

This ordinance has been prepared in accordance with the provisions of Title 30, Maine Revised Statutes of 1965, as amended, and shall be effective throughout the Town of Houlton.

### **Sec. 2 Title**

This ordinance and the accompanying official zoning map shall be known as and may be cited as the "Zoning Ordinance, Town of Houlton, Maine".

### **Sec. 3 Purpose**

The purpose of this ordinance is: to promote the health, safety, and general welfare of the residents; to encourage the most appropriate use of land throughout the municipality; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of un-built areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

### **Sec. 4 Repeal of Conflicting Ordinances**

Any existing ordinance or such parts thereof as may be inconsistent herewith are repealed.

### **Sec. 5 Validity**

Should any section or part of a section or any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Sec. 6 Amendments**

The Town Council may, from time to time, amend this Ordinance pursuant to the Town Charter.

### **Sec. 7 Effective Date**

This ordinance shall take effect and be in force after its adoption by the Town.

## **ARTICLE II OFFICIAL ZONING MAP**

### **Sec. 8 Official Zoning Map a Part of Zoning Ordinance**

Zones are located and bounded as shown on the Official Zoning Map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

### **Sec. 9 Certification of Zoning Map**

The Official Zoning Map is certified by the signature of the Chairman of the Town Council attested by the Town Clerk under the following words "This is the Official Zoning Map referred to in Article I, Section 2 of the Zoning Ordinance, Town of Houlton, Maine", together with the date of the adoption. The official copy shall be located in the office of the Town Clerk. Regardless of the existence of other copies which from time to time may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of the town.

### **Sec. 10 Changes of the Official Zoning Map**

If changes are made in the zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning within 14 days after the amendment has been adopted together with an entry on the Official Zoning Map as follows:

"On (insert date) by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of the change)".

Immediately beneath the entry the Chairman of the Town Council shall place his signature attested by the Town Clerk.

Any unauthorized change of whatever kind by any person or persons shall be considered a misdemeanor and punishable as provided by law.

### **Sec. 11 Replacement of the Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and auditions the Town Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Official Zoning Map.

## **ARTICLE III ESTABLISHMENT OF DISTRICTS**

### **Sec. 12 Classes of Districts**

For the purpose of this ordinance, the Town is hereby divided in the following classes of districts or zones:

Residential Districts to be known as "R" Zones.

Residential-Business Districts to be known as "RB" Zones.

Business Districts to be known as "B" Zones.  
Industrial Districts to be known as "I" Zones.  
Rural-Farm Districts to be known as "R-F" Zones.  
Airport Development District to be known as "A" Zone.

Sec. 12. Downtown

for the Downtown of the Town of Houlton to be the central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure to be comprised of Section 15B Residential Business District "RB"; Section 16 Central Business District "B-1" and Section 17 Highway Business District "B-2" of the Town of Houlton Zoning Map

**Sec. 13 Rules Governing District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines or such center lines extended,

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines,

C. Boundaries indicated as approximately following town boundary lines shall be construed as following town boundary lines,

D. Boundaries indicated as following shore lines shall be construed to follow the low water mark of such shore lines, and in the event of change in the shore line shall be construed as moving with the low water mark,

E. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by A through D above, the Board of Appeals shall interpret the district boundaries.

**ARTICLE IV DISTRICT REGULATIONS**

**Sec. 14 Low-Density Residential District "R-1"**

A. Intent and purpose. The "R-1" District is established as a zone within the urban area, in which the principal use of the land is for single-family and two-family dwellings, together with recreational, educational, and religious facilities which will encourage the development of well-

rounded neighborhood living. Also included in the “R-1” District are adjacent open areas where similar residential growth appears likely. Any future development which does not perform a neighborhood function, or which would interfere with the character of the district is prohibited.

B. Uses Permitted

1. Assisted Living Facility
2. Dwelling, Single-Family
3. Dwelling, Two-Family (Duplex)
4. Fire, Police, or Ambulance Station.
5. Greenhouse non-commercial
6. Home Occupation (with standards)
7. Public Utility (with standards)
8. Retail Food Establishment - Mobile
9. Signs, Business (with standards)
10. Stables, private, non-commercial (with standards)
11. Water Pumping Facility
12. Water Treatment Facility
13. Waste Pumping Facility
14. Work Shop Hobbyist

C. Planning Board Approval Required

1. Bed and Breakfast
2. Places of Religious Assembly
3. Cluster Residential Subdivision
4. Community Center
5. Community Residence for Developmentally Disabled
6. Community Shelter – Victims Domestic Violence
7. Convenience Store



8. Day Care
9. Government / Public facilities, Federal, State, County, Local
10. Group Home
11. Helipad
12. Hospital
13. Library
14. Livestock and Poultry
15. Medical Facilities/Clinic/Out-Patient Care/Therapist
16. Museum
17. Nursing Home, Group Home, Hospice
18. Public Facility
19. Public Grounds
20. Recreational Facility
21. Schools, nursery
22. Schools, Private
23. Schools, Public
24. Telecommunication Facility
25. Towers (Alternative)
26. Waste Management Facility

D. Space and Height Requirements

1. Minimum Lot Area
  - a. Dwellings- 10,000 square feet for the first unit, plus 2,000 square feet for each additional unit
  - b. All other uses- 12,000 square feet
2. Minimum Lot Width-100 feet
3. Minimum Yard Depths

- a. Front Yard- on a major street, 35 feet; on all other streets, 20 feet.
- b. Side and Rear Yards – 15 feet for principal building; 10 feet for accessory buildings.
- 4. Maximum building Height- 35 feet
- 5. Maximum building area- 30% of lot area

**Sec. 15 General Residential District “R-2”**

A. Intent and Purpose. The “R-2” District is established as a zone encompassing most of the older, more densely built-up residential neighborhoods located within convenient reach of downtown business facilities. “R-2” Districts are expected to be of the multi-family or apartment-type dwellings likely to be needed by the community and designed to facilitate orderly change from low density to medium density residence, although single-family dwellings will probably continue as the predominate use.

Due to its transitional character certain semi-public, institutional and other transitional uses are permitted. This district, however, is basically residential and should be kept free of extensive commercial intrusion.

- B. Uses Permitted
  - 1. Assisted living facility
  - 2. Bed and Breakfast
  - 3. Boarding Facility
  - 4. Dwelling, Multi-Family
  - 5. Dwelling, Single Family
  - 6. Dwelling, Two-Family (Duplex)
  - 7. Fire, Police or Ambulance Station
  - 8. General Store (with standards)
  - 9. Greenhouse non-commercial
  - 10. Home Occupation (with standards)
  - 11. Library
  - 12. Public Utility (with standards)

13. Retail Food Establishment, Mobile
  14. Signs, business
  15. Stables Private Non-commercial
  16. Water Pumping Facility
  17. Water Treatment Facility
  18. Waste Pumping Facility
  19. Work Shop Hobbyist
- C. Planning Board Approval Required.
1. Amusement Arcade indoor
  2. Amusement Park outdoor
  3. Places of Religious Assembly
  4. Commercial Recreation, indoor – outdoor
  5. Cluster Residential Subdivision.
  6. Community Center
  7. Community Residence for Developmentally Disabled
  8. Community Shelter – Victims Domestic Violence
  9. Convenience Store
  10. Day Care
  11. Government Facilities Federal, State, County, Local
  12. Group Home
  13. Homeless Shelter
  14. Hospital
  15. Medical Facilities/ Clinic/Out-Patient Care/Therapists
  16. Museum
  17. Nursing Home, Group Homes, Hospice

18. Public Facility
19. Public Grounds
20. Recreational Facility
21. Schools Nursery (See Day Care)
22. Schools, private
23. Schools, public
24. Telecommunication Facility
25. Towers (Alternative)
26. Waste Management Facility

D. Space and Height Requirements

1. Minimum Lot Area
  - a. Dwellings- 7,500 square feet for the first unit plus 1,500 square feet for each additional unit.
  - b. All other uses 7,500 square feet
2. Minimum Lot Width- 75 feet
3. Minimum Yard Depth
  - a. Front Yard Depth-on a major street, 25 feet; on a minor street, 15 feet.
  - b. Side and Rear Yards – 10 feet
4. Maximum Building Height- 35 feet
5. Maximum Building Area- 30% of lot area

**Sec. 15A Transitional Residential- Business District “R-3”**

A. Intent and Purpose. The “R-3” District is established as a buffer zone to effect and facilitate the orderly and logical transition from a residential to a business zone. The purpose of this “R-3” District is to relieve those transitional areas of the difficulties special to them and to permit the development of business not inharmonious with the residential character of the District. The “R-3” District encompasses those sections of the town where the obvious trend is toward the establishment of businesses rather than single family or two-family dwellings. The “R-3” District, ordinarily located along numbered state and federal highways, or other roads,

designated as major streets, is intended to provide the necessary flexibility needed to encourage the establishment and expansion of those businesses likely to be needed by an expanding community.

For the purpose of this zoning ordinance, a Transition zone is defined as direct and continuous progression, both spatial and temporal, from more restrictive to less restrictive use districts, with each successive district including all the previously permitted uses, and adding some more.

B. Uses Permitted

1. Art Gallery (with standards)
2. Assisted Living Facility
3. Auction Building
4. Automobile (Vehicle) Storage Building
5. Bank or Financial Service
6. Bed and Breakfast
7. Beauty Salon/Barber Shop
8. Boarding Facility
9. Business Office (Commercial) (with standards)
10. Conference Center
11. Copy Shop
12. Data Processing Facility
13. Day Care
14. Dwelling, Multi-Family
15. Dwelling, Single Family
16. Dwelling, Two-Family Duplex
17. Fire, Police or Ambulance Station
18. Funeral Home
19. General Store
20. Greenhouse, non-commercial

21. Home Occupation (with Standards)
22. Kiosk
23. Laundry or Dry Cleaning
24. Massage Establishment
25. Medical Facilities/Clinic/Out-Patient Care/Therapists
26. Micro-Brewery
27. Newspaper and Printing Plant
28. Nursing Home, Group Home, Hospice
29. Personal Service Business
30. Pharmacy, Retail Medical Supply Store
31. Professional Office
32. Public Grounds
33. Public Utility (with Standards)
34. Restaurant Standard
35. Retail Business use with <10,000 sq. ft. of gross floor area (small)
36. Retail Business use with <10,000 sq. ft. of >30,000 sq. ft. of gross floor area (medium)
37. Retail Food Establishment, Mobile
38. Retail use with <1500 sq. ft. of Outdoor Sales or Service
39. Roadside stand for sale of produce/agricultural products
40. Schools, Commercial
41. Schools, nursery
42. Schools, private
43. Schools, public
44. Secondhand Merchandise, Retail Sales

45. Signs Business
46. Stables, Private, Non-Commercial
47. Telecommunication Facility
48. Tradesman's Shop (with standards)
49. Used Merchandise, outdoor sales (no building)
50. Water Pumping Facility
51. Water Treatment Facility
52. Waste Pumping Facility
53. Work Shop Hobbyist

C. Planning Board Approval Required

1. Abattoir (slaughterhouse)
2. Agricultural Product Storage
3. Agricultural Product Processing
4. Amusement Arcade, Indoor
5. Amusement Park, Outdoor
6. Antique Sales
7. Art Studio
8. Assembly and Packaging Facility
9. Automobile (Vehicle) Body Shop
10. Automobile (Vehicle) Car Wash
11. Automobile (Vehicle) Repair
12. Automobile (Vehicle) Sales
13. Automobile (Vehicle) Service Station
14. Bakery
15. Bars/Taverns

- 16 Building Materials – Storage and/or Sale
17. Places of Religious Assembly
18. Cluster Residential Subdivision
19. Commercial Recreation, Indoor
20. Commercial Recreation, Outdoor
21. Community Residence for Developmentally Disabled
22. Community Shelter, Victims Domestic Violence
23. Convenience Store
24. Craft Studio
25. Government Facilities, Federal, State, County, Local
26. Group Home
27. Homeless Shelter
28. Hospital
29. Library
30. Livestock and Poultry
31. Museum
32. Private Club, semi-public club, fraternal organizations
33. Public and Government Facility
34. Recreational Facility
35. Redemption Center
36. Restaurant Commercial/Recreation
37. Restaurant, Drive-In
38. Restaurant Entertainment
39. Self-Service Storage
40. Stables, Commercial/Boarding



41. Theater
42. Transmission tower, radio, microwave, cellular, commercial
43. Towers (alternative)
44. Veterinary Hospital
45. Wholesale Business
46. Warehouse
47. Waste Management Facility

D. Space and Height Requirements

1. Minimum Lot Area
  - a. Dwellings- 10,000 sq. ft. for the first unit plus 1,500 sq. ft for each additional unit
  - b. All other uses- 20,000 sq. ft.
2. Minimum Lot Width
  - a. Dwellings- 100 ft.
  - b. All other uses- 150 ft.
3. Minimum Yard Depth
  - a. Front Yard- on a major street, 35 ft; on all streets, 20 ft.
  - b. Side and Rear yards- 25 ft.
4. Maximum Building height- 35 ft.
5. Maximum Building area- 40% of lot area

**Sec. 15B Residential-Business District “RB”**

A. Intent and Purpose. The purpose of the “RB” District is to permit the development of commercial, business and professional offices in harmony with the residential properties within the district. The “RB” District encompasses only that section of town described in section B, below. The “RB” District is intended to provide the necessary flexibility needed to encourage the establishment and expansion of those uses likely to be needed by an expanding community. In addition to the standards of this district, all proposed uses within the “RB” District shall conform to the standards contained in the Houlton Design Review Ordinance.

B. Location of Zone. The “RB” District applies to that section of U.S. Route 1, known as “North Street” which encompasses the area beginning at tax map (dated 9/15/11) Map 034-3 Lot 036 on the east side and tax map 034-1 Lot 036 on the west side (south), and as shown on the Houlton Zoning Map. The District boundary shall be the rear property line on interior lots and on corner lots the side yard running perpendicular to North Street.

Where a property passes through to another street or is joined in such a way as to create double frontage on two separate streets, only that portion fronting onto North Street to a depth equal to the average of the adjacent lots shall be in the “RB” District.

C. Uses Permitted. The following uses are permitted in the RB District:

1. Business Office (Commercial)
  - 1a. Places of Religious Assembly
2. Dwelling, Multi-Family
3. Dwelling, Single Family
4. Dwelling, Two-Family (Duplex)
5. Home Occupations
6. Retail Food Establishment, Mobile

D. Planning Board Approval Required

1. Amusement Arcade, indoor
2. Amusement Park, outdoor
3. Antique Sales
4. Art Gallery
5. Art Studio
6. Assembly and Packaging Facility
7. Assisted Living Facility
8. Auction Building
9. Automobile (Vehicle) Repair
10. Automobile (Vehicle) Service Station
11. Bakery

12. Bars/ Taverns
13. Bank or Financial Service
14. Bed and Breakfast
15. Beauty Salon/Barber Shop
16. Boarding Facility
17. Building Materials – Storage and/or Sale
18. Commercial Recreation, Indoor
19. Commercial Recreation, outdoor
20. Community Residence for Developmentally Disabled
21. Community Shelter – Victims Domestic Violence
22. Convenience store
23. Copy Shop
24. Crafts Studio
25. Data Processing Facility
26. Day Care
27. Fire, Police, or Ambulance Station
28. General store
29. Government facilities, federal, state, county, local
30. Greenhouse, non-commercial
31. Group Home
32. Kiosk
33. Massage Establishment
34. Medical Facilities/Clinic/Out-Patient Care
35. Museum
36. Newspaper and Printing Plant

37. Personal Service Business
38. Pharmacy Retail Medical Supply Store
39. Professional Office
40. Public Facility
41. Public grounds
42. Public Utility
43. Redemption Center
44. Research, Testing or Development Laboratory
45. Restaurant, Commercial/Recreation
46. Restaurant Entertainment
47. Restaurant Standard
48. Retail Business use with <10,000 sq. ft. of gross floor area (small)
49. Retail Business use with <10,000 sq. ft. but >30,000 sq. ft. of gross floor area (medium)
50. Retail use with <1500 sq. ft. of outdoor sales and service
51. Retail use with >1500 sq. ft. of outdoor sales and service.
52. Roadside stand for sale of produce/agricultural products
53. Schools, commercial
54. Schools, nursery
55. Schools, private
56. Schools, public
57. Secondhand Merchandise, Retail Sales
58. Shopping Center
59. Signs, business
60. Telecommunication Facility
61. Theater

- 62. Tradesman’s Shop
- 63. Towers (Alternative)
- 64. Veterinary Hospital
- 65. Water & Waste Treatment Pumping Facility
- 66. Waste Treatment Facility
- 67. Waste Management Facility
- 68. Work Shop (Hobbyist)

E. Prohibited uses. Any use not allowed as a permitted use is prohibited.

F. Dimensional Requirements. The following Dimensional Requirements apply to all new construction and conversion, replacement, or rejuvenation of existing structures. Structures existing in the “RB” District at the time of the adoption of this section shall be non-conforming. In addition to the dimensional requirements below, existing structures shall conform to the standards contained within section G (9).

- 1. Minimum Lot Area.
    - a. None required provided all other Zoning Requirements are met.
  - 2. Minimum Lot width
    - a. 100 ft. Except for any lot of record at the effective date of adoption of this ordinance.
  - 3. Yard Depths
    - a. Front Yard- 25 ft.
    - b. Side Yards-15 ft.
    - c. Rear Yards- 35 ft.
- (1) Accessory Uses or Structures
- i. Accessory uses or structures are prohibited in the front yard
  - ii. Except as otherwise noted within this ordinance, rear and side yard setbacks for accessory uses or structures shall be 50 percent of the requirements for the principal structure, except in no case shall the setbacks be reduced to less than 10 feet.

iii. The maximum floor space of accessory uses or structures shall be 1000 feet.

4. Maximum Building Height – 35 ft.
5. Maximum Building Area – 40% of lot area

G. General Requirements

1. Buffer Zone (Area). A landscaped buffer strip of fifteen (15) feet is to be provided to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes. Where no natural vegetation can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof. The abutting residential property shall be effectively screened by a continuous landscaped area not less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening.

2. Design Review Ordinance. Where the “RB” District falls under the requirements of the Houlton Design Review Ordinance, acceptability of the intended use under this District must also meet Design Review Ordinance requirements.

3. Dilapidated or Unsound Structures. In special situations where an existing structure is extremely dilapidated and/or structurally unsound and where reuse is not practicable or economically feasible, or where a structure is not judged to be a significant component of the neighborhood’s overall character. The Planning Board may approve demolition plans.

a. Access

(1) No traffic will be permitted to exit or enter from a North Street property onto Highland Avenue or Bowdoin Street.

4. Glare

No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto North Street so as to impair the vision of the driver of any vehicle upon North Street. All such activities shall comply with applicable federal and state regulations.

5. Lighting

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting

properties or which would impair the vision of a vehicle operator or adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

6. Lot Expansion

No permitted use will be allowed to expand to the streets behind North Street (Highland Avenue or Bowdoin Street). Should a developer want to construct a separate structure on an adjoining lot on Highland or Bowdoin, the new construction shall, for the intent of zoning, be considered a separate lot and the zoning of Highland Avenue or Bowdoin Street shall apply.

7. Noise

Business and commercial uses will not be permitted to use “loudspeakers”, exterior intercoms, or public announcement systems which can be heard outside of the structure, unless otherwise specified within this ordinance. Business or commercial uses which, by their very nature, create “noise pollution” which can be heard outside of the structure will not be permitted. Complaints of excessive noise will be handled as a nuisance

8. Outdoor Storage

All outdoor storage shall be enclosed or shielded as deemed necessary by the Planning Board.

9. Parking

a. A permitted use in the District shall not be extended, and no structure shall be constructed or enlarged, unless adequate off-street automobile parking space is provided. See Article V, section 28.

b. Parking areas and loading area shall be located on the same lot as the principal building or facility.

c. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

d. Additional Requirements for Businesses and Professional Offices.

(1) Access points from a public road to businesses and professional offices shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

(2) All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

(3) Loading facilities shall be located entirely on the same lot as the principal building or use to be served so that trucks and containers for loading or storage shall not be located upon any town way.

(4) Off-street parking and loading spaces, where not enclosed within a structure, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street.

10. Parking Lot Design Criteria (Not applicable to single and two-family dwellings).

a. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping

b. Entrances/exit design shall be in conformance with Town and MDOT standards.

c. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

d. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

11. Refuse

The property owner shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. All refuse containers will be placed in an enclosed or shielded area which will not interfere with the use or enjoyment of the abutting properties owners. Refuse containers will be clean and well maintained at all times. Disposal of refuse from the property shall be by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area. Collection of refuse will be scheduled to eliminate any overflow. Flammable refuse will be stored in a metal container with a lid. Any refuse which could be considered dangerous, for whatever reason, such as sharp edges, ingestability, etc., will be stored in a suitable container to prevent injury.

12. Signs

a. General Requirements

(1) All proposed signs within the “RB” District shall be approved by the Planning Board and meet the standards contained within this Ordinance and those of the Houlton Design Review Ordinance.



(2) Rental vacancies may be advertised with a non-illuminating temporary sign, no larger than two square feet in area. Such sign shall be erected only during such time as the rental property is vacant.

(3) On each lot of record there shall be permitted one free standing sign.

(4) No sign shall be erected adjacent to any roadway in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, or wording the sign may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

i. If a building fronts upon more than one (1) street, an additional sign may be permitted on the other street frontage.

b. Sign Dimensions

(1) The computation of the area of the sign shall include incidental decorative trim and framework, in addition to the portion devoted to the message and lettering.

(2) Signs within the “RB” District shall meet the following dimensional requirements:

i. One (1) free standing sign meeting MSRA title 23, chapter 21 §1914 and the following requirements:

- The maximum sign height shall be 20’ above the ground level of land upon which it is located.
- Maximum sign area shall be 32 square feet.

ii. One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or

iii. One (1) window sign consisting of individual letters or symbols not to exceed thirty (30) percent of the total glass area of the building front.

c. Illumination of Signs

(1) No sign shall be illuminated with flashing, moving, or animated-type lights.

(2) Illuminated signs shall be illuminated only with white light and shall be constructed in such a manner as to deflect light from residential properties and roads.

d. Sign Exceptions

Nothing within this Ordinance shall prohibit the use of the following signs:

(1) Flags and insignia of any local government or U.S. entity.

(2) Legal notices, identification, information, or directional Signs erected or required by governmental bodies.

(3) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving or flashing lights

(4) Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

(5) Barber Poles.

(6) Lighted "OPEN" signs in windows.

e. Prohibited Signs

The following signs are prohibited within "RB" District:

(1) Billboards or free

(2) Off-premise signs.

(3) Sign(s) on the roof of a structure

(4) Sign(s) erected on utility poles or trees, or painted or drawn on rocks or other natural features.

(5) Neon or gas filled tubular signs.

(6) Searchlights.

(7) Hot air or gas filled balloons, or umbrellas used for advertising other than grand openings.

(8) Mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.

(9) Designed to be transported by trailer or wheels.

f. Temporary Signs for Special Events.

Temporary signs for special events may be posted in the district upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the opposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty (20) days. The applicant shall remove said signs upon termination of the permit. Street banners shall not be larger than fifty (50) square feet in area. No temporary sign, other than a street banner, shall be larger than six (6) sq. ft. per side. Permits for hanging street banners across the public way shall be issued only upon assumption of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit.

13. Traffic

Any proposed development, new construction, or conversion shall Provide for safe access to and from North Street. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, and other driveways. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting.

All permitted users within this district shall include in their application for a building permit, a written diagram of intended driveways, anticipated amount of daily traffic generated by the use, and locations of adjacent driveways of abutters and intersections on either side and directly across from the property in question. All attempts shall be made to minimize the impact of traffic flow onto and off of North Street. This plan shall be submitted to the Houlton Police Department for an impact statement and that impact statement will become part of the application process.

**Sec. 16 Central Business District “B-1”**

A. Intent and purpose. The “B-1” District is established as a zone in which the principal use of the land is for pedestrian-oriented commercial uses to which the public requires direct and frequent access. The “B-1” District is intended to encourage the concentration of commercial development to the mutual advantage of both consumers and merchants. Any uses which interfere with pedestrian access or create heavy truck traffic, offensive noise, heat, glare, vibration, or other objectionable influences or hazards, are prohibited.

B. Uses Permitted

1. Antique Sales

- 1a. Places of Religious Assembly
2. Art Gallery
3. Art Studio
4. Automobile (Vehicle) Car Wash
5. Automobile (Vehicle) Repair
6. Automobile (Vehicle) Storage Building
7. Bakery
8. Bank or Financial Service
9. Bed and Breakfast
10. Beauty Salon/Barber Shop
11. Boarding Facility
12. Business Office (Commercial)
13. Community Center
14. Conference Center
15. Convenience Store
16. Copy Shop
17. Crafts Studio
18. Customs Brokerage Establishments, with standards
19. Data Processing Facility
20. Day Care
21. Dwelling, Multi-Family (no first floor residential use in historic district)
22. Dwelling, Two-Family (Duplex) (no first floor residential use in historic district)
23. Dwelling, Single-Family (no first floor residential use in historic district)
24. Extended Stay Motel
25. Fire, Police or Ambulance Station

26. Funeral Home
27. General Store
28. Greenhouse, non-commercial
29. Home Improvement Center
30. Home Occupation
31. Hotel, Motel, or Inn
32. Kiosk
33. Laundry or Dry Cleaning
34. Library
35. Manufacturing
36. Massage Establishment
37. Medical Facilities/Clinic/Out-Patient Care/Therapists
38. Micro-Brewery
39. Museum
40. Newspaper Printing Plant
41. Parking Facility
42. Personal Services Business
43. Pharmacy, Retail Medical Supply Store
44. Professional Office
45. Private Club, Semi-Public, Fraternal Organizations
46. Public Grounds
47. Public Utility
48. Restaurant Commercial/Recreation
49. Restaurant Entertainment
50. Restaurant Standard

51. Retail Business use with <10,000 sq. ft. of gross floor area (small)
52. Retail Food Establishment Mobile
53. Roadside stand for sale of produce/agricultural products
54. Schools, commercial
55. Schools, nursery
56. Schools, private
57. Schools, public
58. Secondhand Merchandise, Retail Sales
59. Theater
60. Tradesman's Shop
61. Wholesale business
62. Warehouse
63. Water Pumping Facility
64. Water Treatment Facility
65. Waste Pumping Facility
66. Work Shop Hobbyist

C. Planning Board Approval Required

1. Amusement Park, outdoor
2. Amusement Arcade, indoor
3. Assembly and Packaging Facility
4. Assisted Living Facility
5. Auction Building
6. Automobile (Vehicle) Body Shop
7. Automobile (Vehicle) Sales
8. Automobile (Vehicle) Service Station

9. Bars/Taverns
10. Building Materials – Storage and/or Sale
11. Commercial Recreation, Indoor
12. Community Residence for Developmentally Disabled
13. Correction/Detention Facility
14. Government Facilities, Federal, State, County, Local
15. Group Home
16. Helipad
17. Homeless Shelter
18. Kennel
19. Public Facility
20. Redemption Center
21. Research, Testing, or Development Laboratory
22. Restaurant Drive In
23. Restaurant Fast Food
24. Retail Use with <10,000 sq. ft. but <30,000 sq. ft. of gross floor area (medium)
25. Retail Business Use with <30,000 sq. ft. of gross floor area (large)
26. Retail Use <1500 sq. ft. outdoor sales or service
27. Retail Use >1500 sq. ft. outdoor sales or service
28. Self-Service Storage Facility
29. Shopping Center
30. Signs, business
31. Telecommunication Facility
32. Transmission tower, radio, microwave, cellular, commercial

- 33. Towers (Alternative)
  - 34. Veterinary Hospital
  - 35. Waste Treatment Facility
- D. Space and Height Requirements.
- 1. Minimum Lot Area
    - a. Dwellings- 6,000 square feet for the first unit plus 1,000 square feet for each additional unit.
    - b. All other uses-no minimum
  - 2. Minimum Lot width
    - a. Dwellings- 65 feet
    - b. All other uses – no minimum
  - 3. Minimum yard depths
    - a. Front yard-none
    - b. Side yards-none required, but 10 feet if provided.
    - c. Rear yard- 10 feet.
  - 4. Maximum Building Height- 45 ft.
  - 5. Maximum Building Area- Unspecified.

**Sec. 17 Highway Business District “B-2”**

A. Intent and Purposes. The “B-2” District is established as a district in which the principal uses of the land is for establishments offering accommodations, services, or supplies to motorists, and in which vehicular access and parking is of primary importance. Also compatible with this district are certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which although serving the entire town and its trade area do not and should not locate in the central business district. The “B-2” District, ordinarily located along numbered state and federal highways or other roads designated as major streets, is intended to encourage the grouping together of those businesses which are most advantageously located outside the downtown area and to help control commercial sprawl along the highways.

- B. Uses Permitted
- 1. Agricultural Product Storage
    - 1a. Places of Religious Assembly



2. Agricultural Product Processing
3. Agricultural Sales and Service
4. Amusement Arcade, Indoor
5. Antique Sales
6. Art Gallery
7. Art Studio
8. Assembly and Packaging Facility
9. Assisted Living Facility
10. Auction Building
11. Automobile (Vehicle) Body Shop
12. Automobile (Vehicle) Car Wash
13. Automotive (Vehicle) Repair
14. Automobile (Vehicle) Sales
15. Automobile (Vehicle) Service Station
16. Automobile (Vehicle) Storage Building
17. Bakery
18. Bank or Financial Service
19. Bed and Breakfast
20. Beauty Salon/Barber Shop
21. Boarding Facility
22. Building Materials – Storage and/or Sale
23. Business Office (Commercial)
24. Bulk Oil and/or Gas Terminal
25. Commercial Recreation, Indoor

26. Community Center
27. Conference Center
28. Convenience Store
29. Copy Shop
30. Crafts Studio
31. Customs Brokerage Establishments
32. Data Processing Facility
33. Day Care
34. Extended Stay Motel
35. Fire, Police or Ambulance Station
36. Firewood Processing
37. Funeral Home
38. General Store
39. Greenhouse, non-Commercial
40. Home Improvement Center
41. Hotel, Motel or Inn
42. Industry, Light
43. Kiosk
44. Laundry or Dry Cleaning
45. Manufacturing
46. Massage Establishment
47. Medical Facilities/Clinic/Out-Patient Care/ Therapist
48. Micro-Brewery
49. Mineral Storage
50. Museum

51. Newspaper Printing Plant
52. Parking Facility
53. Personal Services Business
54. Pharmacy, Retail Medical Supply Store
55. Professional Office
56. Private Club, Semi-Public Club, Fraternal Organizations
57. Public Grounds
58. Public Utility
59. Recreational Facility
60. Recycling Center
61. Recycling Collection Point
62. Redemption Center
63. Restaurant Commercial/Recreation
64. Restaurant Drive In
65. Restaurant Entertainment
66. Restaurant Fast Food
67. Restaurant Standard
68. Retail Business <10000 sq. ft. of gross floor area (small)
69. Retail Food Establishment, Mobile
70. Retail Use <1500 sq. ft. Outdoor Sales or Service
71. Retail Use >1500 sq. ft. Outdoor Sales or Service
72. Roadside Stand for Sale of Produce/Agricultural Products
73. Schools, commercial
74. Schools, nursery
75. Schools, private

76. Schools, public
77. Secondhand Merchandise, Retail Sales
78. Self-Storage Facility
79. Signs, Business
80. Theater
81. Tradesman's Shop
82. Trucking Distribution Terminal
83. Used Merchandise, Outdoor Sales (no Building)
84. Wholesale Business
85. Warehouse
86. Water Pumping Facility
87. Water Treatment Facility
88. Waste Pumping Facility
89. Work Shop, Hobbyist

C. Planning Board Approval Required

1. Abattoir (slaughterhouse)
2. Adult Entertainment
3. Amusement Park, Outdoor
4. Bars/Taverns
5. Campground/RV Park
6. Commercial Recreation, Outdoor
7. Correction/Detention Facility
8. Drive-in Theater
9. Government Facility, Federal, State, County, Local
10. Greenhouse, commercial

11. Helipad
12. Kennel
13. Public Facility
14. Railroad Facility
15. Research, Testing or Development Laboratory
16. Retail Business use with <10,000 sq. ft. but >30,000 sq. ft. of gross floor area (medium)
17. Retail Business use with <30,000 sq. ft. of gross floor area (large)
18. Sawmill
19. Shopping Center
20. Single-Family Dwellings (with standards)
21. Stables, commercial/boarding
22. Stables, private, non-commercial
23. Telecommunication Facility
24. Transmission Tower, Radio, Microwave, Cellular, Commercial
25. Towers (Alternative)
26. Veterinary hospitals or kennels
27. Waste Management Facility

D. Space and Height Requirements

1. Minimum Lot Area
  - a. Dwellings-10,000 square feet for the first unit plus 2,000 square feet for each additional unit
  - b. All other uses – 30,000 square feet
2. Minimum Lot Width
  - a. Residential- 100 ft
  - b. All other uses- 150 ft

3. Minimum Yard Depth
  - a. Front Yard- 30 feet
  - b. Side and Rear Yards- 10 feet
4. Maximum Building Height- 35 feet
5. Maximum Building Area- 50%

**Sec. 18 General Industrial District “I-1”**

A. Intent and Purpose. The “I-1” District is established as a zone in which the principal use of the land is for industry and associated uses. Certain open area favorably situated with respect to transportation and containing other factors conducive to industrial development but not in conflict with residential neighborhoods or business, are also included. This is for the purpose of reserving suitable land for the expansion of existing industry and location of new industry, and to enhance economic development and employment opportunities.

B. Uses Permitted

1. Agricultural Product Storage
2. Agricultural Product Processing
3. Assembly and Packaging Facility
4. Auction Building
5. Automobile (Vehicle) Body Shop
6. Automobile (Vehicle) Car Wash
7. Automobile (Vehicle) Repair
8. Automobile (Vehicle) Service Station
9. Automobile (Vehicle) Storage Building
10. Bakery
11. Bank or Financial Service
12. Building Materials – Storage and/or Sale
13. Business Office
14. Bulk Oil and/or Gas Terminal

15. Convenience Store
16. Copy Shop
17. Customs Brokerage Establishments
18. Data Processing Facility
19. Fire, Police, or Ambulance Station
20. Firewood Processing
21. General Store
22. Helipad
23. Industry, Heavy
24. Industry, Light
25. Kiosk
26. Laundry or Dry Cleaning
27. Manufacturing
28. Micro-Brewery
29. Mineral Exploration
30. Mineral Extraction, Processing of earth materials
31. Mineral Storage
32. Newspaper and Printing Plant
33. Parking Facility
34. Public Grounds
35. Public Utility
36. Railroad Facility
37. Recycling Center
38. Recycling Collection Point
39. Research, Testing or Development Laboratory

40. Restaurant, Standard
41. Retail Business use with <10,000 sq.ft. of gross floor area (small)
42. Retail Food Establishment, Mobile
43. Sawmill
44. Self-Service Storage Facility
45. Signs, business
46. Tradesman's Shop
47. Trucking Distribution Terminal
48. Warehouse
49. Water Pumping Facility
50. Water Treatment Facility
51. Waste Pumping Facility
52. Workshop, Hobbyist

C. Planning Board Approval Required

1. Abattoir (slaughterhouse)
2. Automobile (Vehicle) Graveyard
3. Automobile (Vehicle) Recycling Business/Operations
4. Crematory (human/animal)
5. Demolition Waste Disposal
6. Distiller/Brewer
7. Government Public Facilities, Federal, State, County, Local
8. Greenhouse, commercial
9. Junkyard
10. Kennel
11. Medical Marijuana Dispensaries and Cultivation Facilities



12. Retail Use <1500 sq. ft. Outdoor Sales or Service
13. Telecommunication Facility
14. Transmission tower, radio, microwave, cellular, commercial
15. Towers (Alternative)
16. Wholesale Business
17. Waste Management Facility

D. Space and Height Requirements

1. Minimum Lot Area – 40,000 square feet
2. Minimum Lot Width – 200 feet
3. Minimum Yard Depth
  - a. Front Yard – on a major street, 40 feet; on a minor street, 25 feet
  - b. Side and rear yards – 15 feet
4. Maximum Building Height -75 feet if sprinkled; all others 50 feet
5. Maximum Building Area - Unspecified

**Sec. 19 Airport Development District “A”**

A. Intent and Purpose. The Airport Development District is established as a zone to ensure the continuation and development of air transportation and to allow maximum flexibility for proper and compatible land use as defined in the Airport Development Plan.

B. Uses Permitted. The permitted uses shall be as described in the Airport Development Plan and any uses permitted as are proper and compatible with the uses set out in the Airport Development Plan and other controls for the safety and operation of the airport.

1. Agriculture, Commercial
2. Agriculture, Non-commercial
3. Agricultural Product Storage
4. Agricultural Product Processing
5. Airport or Landing Strip
6. Amusement Arcade, indoor

7. Amusement Park, outdoor
8. Assembly and Packaging Facility
9. Automobile (Vehicle) Body Shop
10. Automobile (Vehicle) Car Wash
11. Automobile (Vehicle) Repair
12. Automobile (Vehicle) Service Station
13. Bank or Financial Service
14. Building Materials – Storage and/or Sale
15. Business Office Commercial
16. Bulk Oil and/or Gas Terminal
17. ~~Church, Synagogue and/or Parish House~~ Places of Religious Assembly
18. Commercial Recreation, Outdoor
19. Copy Shop
20. Data Processing Facility
21. Day Care
22. Extended Stay Motel
23. Fire, Police, or Ambulance Station
24. General Store
25. Helipad
26. Hotel, Motel or Inn
27. Industry Heavy
28. Industry Light
29. Kiosk
30. Kennel
31. Manufacturing

32. Medical Facilities/Clinic/Out-Patient Care/Therapist
33. Micro-Brewery
34. Mineral Extraction, Processing of earth materials
35. Mineral Storage
36. Museum
37. Newspaper Printing Plant
38. Parking Facility
39. Professional Offices
40. Public Grounds
41. Public Utility
42. Railroad Facility
43. Recycling Center
44. Recycling Collection Point
45. Research, Testing or Development Laboratory
46. Restaurant, Commercial/Recreation
47. Restaurant, Fast Food
48. Restaurant, Standard
49. Retail Business use with <10,000 sq. ft. of gross floor area (small)
50. Retail Food Establishment, Mobile
51. Retail Use with <1500 sq. ft. of outdoor sales or service
52. Retail Use with >1500 sq. ft. of outdoor sales or service
53. Sawmill
54. Schools, Nursery
55. Schools, Private
56. Schools, Public

57. Self-Service Storage Facility
58. Signs, Business
59. Telecommunication Facility
60. Tradesman's Shop
61. Transmission Tower, Radio, Microwave, Cellular, Commercial
62. Truck Distribution Terminal
63. Towers (Alternative)
64. Custom Brokerage Establishments
65. Warehouse
66. Water Pumping Facility
67. Water Treatment Facility
68. Waste Pumping Facility
69. Work Shop, Hobbyist

C. Planning Board Approval Required

1. Abattoir (slaughterhouse)
2. Auction Building
3. Automobile (Vehicle) Storage
4. Bakery
5. Convenience Store
6. Correction/Detention Facility
7. Demolition Waste Disposal
8. Firewood Processing
9. Government Facilities, Federal, State, County, Local
10. Junk Yard
11. Medical Marijuana Dispensaries and Cultivation Facilities

12. Public Facility
13. Restaurant, Drive in
14. Restaurant, Entertainment
15. Retail Business use with <10,000 sq. ft. but >30,000 sq. ft. of gross floor area (medium)
16. Retail Business use with <30,000 sq.ft. of gross floor area (large)
17. Shooting Range/Pistol Club
18. Wholesale Business
19. Waste Management Facility

D. Space and Height Requirements. There are no space and height requirements except as limited by controls for the safety and operation of the airport and required by the Airport Development Plan.

#### **Sec. 20 Rural Residence and Farming District “R-F”**

A. Intent and Purpose. “R-F” District is established as a zone in which the principal use of the land is for agriculture, forestry, rural-type residence and customary associated uses. Large lots, with ample space between buildings, are required as a means of reducing fire hazards, and also to provide sufficient area for both private water supply and septic disposal system on the same lot. Other purposes of this district include conservation of natural resources and reduction of soil erosion.

#### **B. Uses Permitted**

1. Agriculture, Commercial
2. Agriculture Product Storage
3. Agriculture Sales and Service
4. Antique Sales (with Standards)
5. Art Studio
6. Assisted Living Facility
7. Automobile (Vehicle) Storage Building
8. Bed and Breakfast
9. Beauty Salon/Barber Shop

10. Boarding Facility
11. Building Materials – Storage and/or Sale
12. Places of Religious Assembly
13. Community Center (with Standards)
14. Conference Center
15. Confined Animal Feeding Operation
16. Crafts Studio
17. Customs Brokerage Establishments
18. Day Care
19. Dwelling, Multi-Family
20. Dwelling, Single-Family
21. Dwelling, Two-Family (Duplex)
22. Fire, Police, or Ambulance Station
23. Firewood Processing
24. General Store (with Standards)
25. Greenhouse, non-commercial
26. Home Occupation
27. Kennel
28. Livestock and Poultry
29. Manufacturing
30. Massage Establishment
31. Medical Facilities/Clinic/Out-Patient Care/Therapists
32. Micro-Brewery
33. Mobile Home
34. Museum

35. Newspaper Printing Plant
36. Nursing Home, Group Home, Hospice
37. Personal Service Business
38. Private Club, semi-public club, fraternal organizations
39. Public Grounds
40. Public Utility
41. Recreational Facility
42. Recycling Center
43. Recycling Collection Point
44. Redemption Center
45. Restaurant, Drive In
46. Retail Business with <10,000 sq. ft. gross floor area (small)
47. Retail Food Establishment, Mobile
48. Retail Use <1,500 sq. ft. of outdoor sales or service
49. Retail Use >1,500 sq. ft. of outdoor sales or service
50. Roadside stand for sale of produce (with standards)
51. Schools, nursery
52. Schools, private
53. Schools, public
54. Self-Service Storage Facility
55. Signs, business
56. Stables, Commercial/Boarding
57. Stables, Private, Non-Commercial
58. Telecommunication Facility
59. Tradesman's Shop

60. Transmission Tower, Radio, Microwave, Cellular, Commercial
61. Towers (Alternative)
62. Trucking Distribution Terminal
63. Customs Brokerage Establishments
64. Veterinary Hospital
65. Wholesale Business
66. Warehouse
67. Water Pumping Facility
68. Water Treatment Facility
69. Waste Pumping Facility
70. Work Shop. Hobbyist

C. Planning Board Approval Required

1. Abattoir (slaughterhouse)
2. Agricultural Product Processing
3. Airport or Landing Strip
4. Amusement Arcade, indoor
5. Amusement Park, outdoor
6. Art Gallery
7. Assembly and Packaging Facility
8. Auction Building
9. Automobile (Vehicle) Body Shop
10. Automobile (Vehicle) Graveyard
11. Automobile (Vehicle) Recycling Business/Operations
12. Automobile (Vehicle) Repair
13. Automobile (Vehicle) Service Station



14. Bars/Taverns
15. Campground/RV Park
16. Cemetery
17. Cluster Residential Subdivision
18. Commercial Recreation, Indoor & Outdoor
19. Commercial Sporting Camp
20. Community Residence for Developmentally Disabled
21. Community Shelter – Victims Domestic Violence
22. Convenience Store
23. Correction/Detention Facility
24. Crematory (human/animal)
25. Demolition Waste Disposal
26. Drive-in Theater (provided that they are located on a major street and movie screen is not visible from the major street)
27. Funeral Home
28. Golf Course
29. Government Facility, Federal, State, County, Local
30. Greenhouse, Commercial
31. Group Home
32. Helipad
33. Hospital
32. Junkyard
33. Mobile Home Park
34. Mineral Exploration
35. Mineral Extraction, Processing of Earth Materials

36. Mineral Storage
37. Public Facility
38. Railroad Facility
39. Research, Testing, or Development Laboratory
40. Sawmill
41. Septage/Sludge Spreading
42. Septage Sludge Storage
43. Shooting Range/Pistol Club
44. Waste Treatment Facility

D. Space and Height Requirements.

1. Minimum Lot Area
  - a. Multi-family dwellings- 20,000 square feet for the first unit plus 3,000 square feet for each additional unit
  - b. All other uses 20,000 square feet
2. Minimum Lot Width- 100 feet
3. Minimum Yard depth
  - a. Front Yard – 30 feet
  - b. Side and rear yards – 15 feet
4. Maximum Building Height- 35 feet
5. Maximum Building Area – 25%

## **ARTICLE V GENERAL AND SUPPLEMENTARY REGULATIONS**

### **Sec. 21 Zoning Affects All Buildings and Land**

No building or land shall hereafter be used and no building shall hereafter be erected, reconstructed, altered or moved unless in conformity with this ordinance.

### **Sec. 22 Pending Applications for Building Permits.**

Nothing herein contained shall require any change in the plans, constructions, size or designated use of any building or part thereof for which a building permit has been granted prior

to the Adoption of this ordinance, provided construction shall start within 60 days after the granting of such permit.

**Sec. 23 Restoration of Unsafe Property.**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Building Inspector.

**Sec. 24 Front Yard Setbacks.**

The front yard setback requirements of this ordinance shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side or such lot and within the same block and zoning district and fronting on the same street as such lot, is

less than the minimum setback required. In such cases the front yard setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

**Sec. 25 Principal Building and Accessory Buildings and Uses on a Lot.**

Except group developments, only one principal building and its accessory buildings and uses may hereafter be erected or conducted on any one lot.

**Sec. 26 Group Developments.**

A group development is permitted provided that;

- A. Uses shall be limited to those permitted within the district in which it is located.
- B. Density and height requirements of the district are met.
- C. The distance of every building from the nearest property line shall meet all requirements of the district in which the project is located, and the development abuts a minimum of 50 feet on a public street.
- D. The Board of Appeals shall approve the location of the group development.

**Sec. 27 Public Street Frontage**

No building shall be erected on a lot which does not abut a minimum of 20 feet on a public street.

**Sec. 28 Off-Street Frontage**

No building hereinafter shall be erected or any of the following uses established unless the minimum number of off-street parking spaces as specified below are provided. Each parking space shall be at least 171 square feet and shall have access for vehicles to a public right-of-way. Parking lots for more than 5 vehicles shall provide sufficient turning space to prevent cars from

backing into the street. If applicable, parking lots must comply with Handicapped Rules & Regulations set forth by the State of Maine Human Rights Act.

If the required automobile parking spaces cannot be provided on the same lot as the principal use, such spaces may be provided on other off-street property located within 400 feet of the main entrance of the principal use. Such parking space shall be associated with the principal use, and not thereafter reduced or encroached upon in any manner.

A. Gasoline Filling Stations and Repair Garages. 5 spaces for each grease rack or similar facility.

B. Hospitals and Nursing Homes. 1 space for each 4 beds.

C. Hotels and Inns. 1 space for each 2 guest bedrooms.

D. Industrial Establishments. 1 space for each 2 employees at maximum employment on the 2 shifts of highest employment.

E. Lodges and Clubs. 1 space for each 5 members.

F. Motels and Tourist Courts. 1 space for each accommodation.

G. Offices. 1 space for each 300 square feet of office floor area.

H. Places of Amusement or Assembly. 1 space for each 150 feet of floor area devoted to patron use.

I. Residential. 1 space for each dwelling unit.

J. Restaurants. 1 space for each 4 chairs.

K. Retail and Service Business. 1 space for each 300 square feet of floor area.

L. Schools. 1 space for each 30 pupils in primary schools; 1 space for each 4 students in secondary schools; and 1 space for each student in higher education.

### **Sec. 29 Off-Street Loading or Unloading.**

On every lot on which a business, trade, or industry is hereafter established, sufficient off-street space with access to a public right-of-way shall be provided for the loading and unloading of vehicles.

### **Sec. 30 Removal of Earth Materials.**

Sand, gravel, rock, and similar earth materials may be removed from districts where permitted under the terms of this ordinance only after a permit has been issued by the Building Inspector upon approval of the Board of Appeals. The Board of Appeals may require the applicant to:

A. Submit a plan showing existing grades and grades to which the land is to be restored at the conclusion of the operation.

B. Restore the site by covering the finish grade with not less than 4 inches of topsoil and seeding with a suitable cover crop.

C. Post a bond with the Treasurer of the Municipality in an amount approved by the Board of Appeals as sufficient to guarantee conformance.

The Board of Appeals may waive any or all of the requirements in A, B, and C above if the proposed excavation or quarrying will have no adverse effect on the health, safety, appearance, or welfare of the community.

### **Sec. 31 Signs.**

No signs shall be permitted except as specified in this ordinance. No sign shall constitute a safety hazard or nuisance due to flashing, blinking, or otherwise glaring light.

No outdoor advertising sign shall hereafter be erected, and existing outdoor advertising signs are hereby declared to be non-conforming uses.

### **Sec. 32 Junk Yards and Automobile Graveyards.**

Junk yards and automobile graveyards, where permitted under the terms of this ordinance, must be approved by the Board of Appeals in addition to fulfilling the requirements of Title 30, Sections 2451 - 2458, Maine Revised Statutes of 1965, as amended.

### **Sec. 33 Height Limits.**

Except for the airport approach zone, the height limits shall not apply to church spires, belfries, monuments, water towers, transmission towers, chimneys, conveyors, radio and television towers, and similar structures not intended for human occupancy.

### **Sec. 34 Non-Conformance**

#### **A. General**

1. Continuanace, Enlargement, Reconstruction: Any non-conforming structure, non-conforming use, or non-conforming lot of record may continue to exist, but may not be expanded, reconstructed, enlarged, or structurally altered except as specified below.

2. Transfer of Ownership: Non-conforming structures and non-conforming lots of record may be transferred, and the new owner may continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

3. Restoration or Replacement: This ordinance allows the normal upkeep and maintenance of non - conforming structures, including repairs, or renovations, which do not involve expansion of the non-conforming structure, and such other changes in a non-conforming structure as federal, state, or local building

and safety codes may require. Any non-conforming structure which is hereafter damaged, removed, or destroyed by fire or any cause including the willful act of the owner or their agent, by more than 50% by area of its structural components, including walls, roofs, and floor surfaces may be reconstructed within eighteen (18) months year of the date of said damage or destruction, provided that:

a. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;

b. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the "*State of Maine Subsurface Wastewater Disposal Rules*";

c. Such reconstruction or replacement is in compliance with the setback requirements to the greatest practical extent as determined by the Planning Board in accordance with Article IV District Regulations of this ordinance; and

d. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

e. Nothing in this Section shall prevent the demolition of the remains of any building so damaged or destroyed.

4. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.

5. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Town of Houlton Shoreland Zoning Ordinance.

#### B. Non-Conforming Structures.

For the purpose of this subsection non conforming structures are structures that were created prior to the date of adoption of this amendment to this ordinance.

1. Expansions Controlled: Any non-conforming portion of a structure shall not be added to or expanded.

a. Exclusive of the Shoreland Zoning Ordinance which regulates expansions of structures in Shoreland Districts (see: Town of Houlton Shoreland Zoning Ordinance), the addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. The addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.

b. Whenever a new, expanded, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the following criteria:

i. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

ii. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Article IV District Regulations, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

c. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the applicable provisions of the *“State of Maine Subsurface Wastewater Disposal Rules”*.

2. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be expanded, added to, or altered unless off-street parking and/or loading space is provided, to the greatest practical extent as determined by the Planning Board, to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure.

3. Non-Conforming Dwelling: A non-conforming dwelling unit, which is less than the required setback from the property line(s), may be expanded for residential uses only to the limit of the existing intersecting building lines, after providing a sketch plan to and obtaining a permit from the CEO; provided that the new expansion does not cause the maximum building lot coverage and/or maximum building height to exceed the lot coverage and/or height allowed by this Ordinance. The expansion shall be used for residential purposes only, such as, but not limited to: porches, decks, sunrooms, or garages.

C. Non-Conforming Lots of Record.

For the purposes of this subsection, non conforming lots of record are those lots that were created - prior to the date of adoption of this amendment to this Ordinance.

1. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met.

2. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. Structures existing on the lot prior to the effective date of this ordinance may be repaired, maintained, or improved, and may be expanded in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage, or as otherwise permitted by the following provisions.

3. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the “*State of Maine Subsurface Wastewater Disposal Rules*” are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.

4. Contiguous Lots - Vacant or Partially Built: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of - adoption —of this Ordinance, if any of those lots do not individually meet the dimensional requirements of this Ordinance —and if two (1) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards.,

5. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

D. Non-Conforming Use.

For the purpose of this subsection non-conforming uses are uses that were created prior to the date of adoption of this amendment to this ordinance.

1. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding – eighteen months, or residential periods for 60 months, or which is superseded by a conforming use, may not



again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.

2. A Structure Non-conforming as to use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Town of Houlton Shoreland Zoning, – single family dwellings, –that are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non- conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Planning Board. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The General Requirements contained within this Ordinance shall apply to such requests to establish new non-conforming uses.

4. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

### **Sec. 35 Municipal Facilities**

Municipal facilities and public schools are permitted in any district subject to the approval of the Board of Appeals.

### **Sec. 36 Setback From Natural Drainage Ways**

On lots abutting a natural drainage way, no structure shall be erected within 40 feet of the abutting high water line of the natural drainage way.

### **Sec. 37 Requirements for Mobile Home Parks and Camping Area**

A. No mobile home park or camping area shall be established or operated without a permit issued annually by the Building Inspector for which the applicant shall pay an annual fee of \$3.00 per mobile home site of \$1.00 per campsite. Such permit shall only be issued if the mobile home park or camping area is found to conform to the requirements of this ordinance and all other municipal and State Ordinances and the State of Maine Rules and Regulations of the Department of Health & Welfare relating to Mobile Home Parks and Camping Areas and after approval of the proposed plan and location of such mobile home park or camping area by the Board of Appeals.

B. The application for a permit, to be submitted to the Building Inspector, shall show:

1. The area and dimensions of the tract of land.
2. The number, size, and location of mobile home lots.
3. The location and width of roadways.
4. The location of water and sewer lines.
5. Such further information as may be requested by the Building Inspector, Board of Appeals, or Health Officer to determine that the mobile home park complies with legal requirements.

C. Supplemental minimum general standards:

1. All street surfaces in a mobile home park shall be maintained and snow-plowed by the mobile home park operator.
2. No travel trailer shall remain in a camping area for more than 90 days in any calendar year.
3. Fires shall be permitted only in specifically designated fire places constructed to suitable standards, and only under conditions and at times approved by the Fire Chief.
4. Notwithstanding any other provision of this Ordinance, any mobile home park or camping area existing in violation of this ordinance shall not be allowed to exist as a non-conforming use after July 15, 1975.

### **Sec. 38 Requirements for Individual Mobile Home Placements**

A. No mobile home shall be established on a mobile home lot without a permit issued by the Building Inspector. Such permit shall only be issued if the mobile home is found to conform to the requirements of this ordinance and all other municipal ordinances.

B. Minimum general standards.

1. Mobile home size must be a minimum of 500 square feet (outside dimensions) less additions.
2. A Mobile Home Lot shall meet all requirements of the Zoning Ordinance in general and the RF District in particular.
3. All requirements of the State of Maine Plumbing Code will be met in regard to sewer connections, sewage disposal systems, water supply and connection systems.

4. Mobile Homes - Foundations. All mobile homes placed on mobile home lots shall be placed on solid concrete or masonry foundations conforming to the specifications of the Uniform Building Code. Foundations shall consist of solid concrete or masonry foundations walls with footings, concrete piers or flat concrete slabs. Mobile homes utilizing flat slab or pier type foundations shall be skirted with an approved material such as plywood, hardwood, or metal siding painted or treated to afford protection from the elements.

5. Additions or Supplemental Structures. All additions to mobile homes or supplemental structures on the same lot shall be subject to the approval of the Building Inspector and shall not be started without obtaining such approval in the form of a Building Permit. All such work shall conform to the requirements of the Zoning Ordinance, the Housing Code and the Uniform Building Code.

6. All work connected with the establishment of a mobile home on a mobile home lot shall be completed within 60 days of the arrival.

### **Sec. 39 Non-conforming Mobile Homes.**

A. Any mobile home existing in violation of this Ordinance, if moved, shall not be re-established except in an approved mobile home park or in the R-F Zone in accordance with the provisions of this ordinance.

B. Any mobile home existing in violation of this Ordinance shall not be replaced with another mobile home.

### **Sec. 40 Political Campaign Signs**

A. Signs bearing political messages relating to an election, primary or referendum, may be placed in the following locations six (6) weeks prior to the election to which they relate and must be removed by the candidate or political committee within, but not more than one (1) week thereafter: This Ordinance also includes all local elections, e.g., RSU#29 budget validation referendums and Houlton Band of Maliseet Indians.

Union Square  
Market Square  
Monument Park  
Pierce Park  
Riverfront Park  
Tourist Information Center Rest Area

Provided said signs do not unnecessarily interfere with the vehicular or foot traffic in these areas.

No signs pursuant to Section A may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, or on any trees.

B. Within all zones of the Town of Houlton political campaign signs relating to an election or primary or referendum may be placed on private property with the landowners' consent six (6) weeks prior to the election, primary or referendum to which they relate and

must be removed by the candidate or political committee within, but no more than one (1) week thereafter. For the purpose of this ordinance, property ownership shall be determined to be to the centerline of the abutting way.

C. Signs bearing political messages may be placed on private property by the landowner or with written permission of the landowner.

D. Violation of this Ordinance shall subject the violator to a fine of One Hundred Dollars (\$100.00) per day, twenty-four (24) hours after notification of the violation by the Code Enforcement Office, which shall be enforced by the Code Enforcement Officer of the Town of Houlton.

E. Code Enforcement Officer shall be authorized to remove and hold any sign placed in violation of this ordinance 24 hours before any election, primary or referendum, whichever period occurs earliest. Removed signs shall be returned to the owner of said sign on payment of the fine for violations. Signs unclaimed by election day shall be disposed of at the expense of the owner.

## **Sec. 41 Medical Marijuana Dispensaries and Cultivation Facilities**

### **A. Purpose and Authority**

To regulate the location of Registered Medical Marijuana Dispensaries within the Town of Houlton: Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The Town of Houlton also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Whereas marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and permit requirements specific to the Town of Houlton for the operation of a Registered Medical Marijuana Dispensary.

### **B. Regulations:**

1. The establishment of a Registered Medical Marijuana Dispensary or Registered Cultivation Facility shall require review by the Houlton Planning Board as required by individual zoning districts, and shall require a mandatory public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.

2. There shall be no more than one Registered Medical Marijuana Dispensary and Registered Cultivation Facility within the Town of Houlton.

3. No Certificate of Occupancy shall be granted for a Registered Medical Marijuana Dispensary unless the structure providing the service is located in the Airport (A) or Industrial (I-1) Zones.

4. No Registered Medical Marijuana Dispensary shall be allowed in the R-1, R-2, R-3, RB, RF, B1, or B2 Zones, or within 300 feet of an existing residential dwelling or within 300 feet of the RF, R-1, R-2 or R-3 Residential Zone Boundary Line.

5. No Certificate of Occupancy shall be granted for a Registered Medical Marijuana Dispensary if the premise concerned is located within the Drug Free Safe Zone, or 500 feet of a preexisting Private or Public School, Day Care Facility, Town Park, or House of Public Worship.

6. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within, or adjacent to, a Registered Medical Marijuana Dispensary.

7. No Certificate of Occupancy shall be granted for a Registered Medical Marijuana Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal Codes and Regulations.

Security requirements for both the Registered Medical Marijuana Dispensary and associated Registered Cultivation Facility shall include as a minimum:

a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Houlton Police Department.

b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.

c. Video surveillance capable of covering the entire outside perimeter of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day seven days per week and such records of surveillance shall be retained for a minimum duration of 90 days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

8. A Registered Medical Marijuana Dispensary and Registered Cultivation Facility may not employ a person who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the Registered Medical Marijuana Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a Registered Medical Marijuana Dispensary or Registered Cultivation Facility, that Registered Medical Marijuana Dispensary or Registered Cultivation Facility shall immediately be considered in violation of this Chapter.

9. No Medical Marijuana Dispensary shall operate a drive through, or drive up, window service as defined in Town of Houlton land use definitions.

10. All signage shall meet the requirements of individual zoning districts and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.

## **ARTICLE VI AIRPORT APPROACH ZONE**

### **Sec. 42 Use Regulation**

The airport approach zone, as shown on the Official Zoning Map, is a zone of imaginary surfaces established by reference to the Houlton International Airport. This zone overlaps existing districts, and shall have the same use regulations as the districts which it overlaps, except that no use shall hereafter be made of any kind in the airport approach zone in such a manner as to create excessive smoke or vapor sufficient to interfere with and impair the visibility in landing, take-off, or maneuvering of aircraft; create electrical interference with radio communication between the airfield and aircraft; make it difficult for pilots to distinguish between airfield lights and others; results in glare in the eyes of pilots using the airfield; or otherwise endanger aircraft operations.

### **Sec. 43 Height Requirements**

No structure hereafter erected or structurally altered and no object of natural growth shall project above the airport approach zone surfaces. The dimensions of the airport approach zone are as follows:

A. Length. The airport approach zone has a length of 10,000 feet beginning 200 feet outward from each end of the runways and extending outward, ending at a point 10,200 feet from the ends of the runways on the extended center line of the runways, and in addition shall extend outward another 40,000 feet from both ends of the runway.

B. Width. The airport approach zone is symmetrically located with respect to the extended runway center lines and has a total width of 1000 feet at the ends adjacent of the runways and flares uniformly to a total width of 4,000 feet at the ends of the 10,000 foot sections and to a total width of 16,000 feet at the end of the additional 40,000 foot sections.

C. Slope. The slope of the airport approach zone surface along the extended center lines is 50:1 (50 feet horizontal for each foot vertical) for the inner 10,000 foot sections and 40:1 for the outer 40,000 foot sections.

## **ARTICLE VII ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

### **Sec. 44 Zoning Enforcing Officer and Planning Board**

A. The Building Inspector shall enforce the provisions of this ordinance and shall issue building permits.

B. Where Planning Board approval is required, the Board shall authorize the Code Enforcement Officer to issue building permits. Planning Board approval, as set forth for various uses in each district, are those uses which would not be appropriate generally or without restrictions in a particular district, but which if controlled as to number, location, relation to the neighborhood, or standard of performance as determined by the Planning Board, would promote the public safety, health, convenience, or welfare. Planning Board approval may set forth specific requirements to meet the above criteria as a condition of specified permits. The Planning Board

must affirmatively determine that the proposed use of the property will not detract from the aesthetic nature or the general livability of the immediate area due to the proposed use or project. The Planning Board shall complete and submit the “Town of Houlton Planning Board Review Findings” form for each permit issued.

**Sec. 45 Building Permit**

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued. Any person starting construction before making application and paying fees as per Section 46, shall pay double the applicable fee.

The applicant for a building permit shall submit a site plan at a suitable scale showing:

- A. The shape, size and location of the lot to be built upon and the buildings to be erected, altered or removed;
- B. Any buildings already on the lot;
- C. Depth of front yards of buildings on adjoining lots;
- D. Any other information needed by the Building Inspector or the Board of Appeals to determine whether the provisions of this ordinance are being observed.

If the application conforms with the provisions of this ordinance, the State Plumbing Code, and other applicable codes and ordinances, a permit shall be issued upon payment of the required fee to the municipality. If not, the building permit shall be refused by the Building Inspector stating such refusal in writing with the cause.

If no substantial progress of construction has been made in six months from the date the permit is issued, the permit becomes invalid. The Building Inspector may renew the permit upon payment of a renewal fee.

**Sec. 46 Fees**

Building Permits or renewals shall be at the following rates:

Value of Project	Fee
0 - \$7,000	Min. \$30.00
Over \$7,000	\$4.00 per 1,000 for Residential \$5.00 per 1,000 for Commercial
Application for Variance	\$50.00
Advertising	Cost of Ad & Postage
Demolition of structure	\$25.00 (Accessory) \$50.00 (Residential) \$100.00(Commercial)
Moving of Mobile Home	\$30.00 min. up to 7,000 \$4.00 per \$1,000 Over \$7,000
Swimming Pool (above ground)	\$25.00
(in ground)	\$50.00

The applicant for a building permit requiring a variance from the Zoning Board of Appeals or a permit from the Planning Board shall also be responsible for any fees incurred due to public advertising of the Public Hearing as required by this Ordinance.

#### **Sec. 47 Certificate of Occupancy Required**

A certificate of occupancy issued by the Building Inspector is required in advance of the use of:

- A. Any lot or change of the use thereof.
- B. A building hereafter erected or a change in the use of an existing building.

No certificate of occupancy shall be issued unless the lot or building complies with all the provisions of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and available for public inspection.

#### **Sec. 48 Penalties for Violation**

Any person violating any provision of this ordinance may be fined not exceeding \$50.00 for each offense. Each day that the violation occurs shall constitute a separate offense, beginning with the day following notification by the Building Inspector of each violation.

#### **Sec. 49 Remedies**

If any building is constructed, altered, or removed, or any building or land is used in violation of this ordinance the Building Inspector or any other appropriate authority or any person who would be damaged by such violation, in addition to other remedies may institute appropriate legal procedures to prevent such violation.

### **ARTICLE VIII BOARD OF APPEALS**

#### **Sec. 50 Establishment and Organization**

A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals, also referred to in this Ordinance as the Board, shall consist of seven (7) members appointed by the Council. Each member shall serve for a term of three (3) years.

A. Appointment. The Town Council by majority vote shall upon the expiration of each member's term appoint a member to the Board for a three (3) year term. Upon the resignation of a member, the Council shall appoint a member to serve that person's unexpired term. Members serving shall continue in office until a successor is appointed and qualified.

B. Members. No municipal officer shall be a member of the Board.

C. Conflict of Interest. The Board shall determine by a majority vote whether or not a conflict of interest sufficient to disqualify a member from voting thereon after a challenge based on conflict of interest is made by a party to the hearing or a member of the Board.



D. Rules; Meetings. The Board shall adopt rules necessary to the conduct of its affairs. The Chairman, or in his absence the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings and other official actions, all of which shall be a public record and be immediately filed in the offices of the Board.

E. Quorum: No meeting of the Board shall be held without a quorum which shall consist of a majority of the Board members.

### **Sec. 51 Appeals**

An appeal may be taken from any decision of the Building Inspector to the Board and from the Board to the Superior Court, pursuant to Title 30, chapter 239, Section 4954, Paragraph 2, Maine Revised Statutes of 1965, as amended.

### **Sec. 52 Power and Duties of the Board of Appeals**

The Board shall have the following powers:

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance.

B. Exceptions. To hear and decide only such exceptions upon which the Board is required to pass under the terms of this ordinance.

C. Variances. To authorize, upon appeal, variances from the provisions of this ordinance. Variances are used to mitigate the restrictive provisions of the Zoning Ordinance by allowing for administrative relaxation of such restrictions through the local Board of Appeals. The Zoning Board of Appeals may attach conditions to the granting of a variance in order to preserve the general purposes of the Zoning Ordinance.

1. A variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used herein means:

a. that the land in question cannot yield a reasonable return unless a variance is granted;

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. that the granting of a variance will not alter the essential character of the locality; and

d. that the hardship is not the result of action taken by the applicant or prior owners.

2. The Board must also find from the facts presented that the variance, if granted, would not be detrimental to the public health, safety, or general welfare; would

not produce a substantial increase in traffic flow; would not be injurious to property or improvements in the district, or impair the purposes and intent of the Zoning Ordinance.

3. No petition for variance will be heard by the Board until the following have been provided with a copy of the petition and given 30 calendar days in which to make a comment; failure to comment shall be construed as no comment. Comments shall first be submitted for review by the Planning Board at its next regularly scheduled meeting, from which comments by the Planning Board shall be sent to the Zoning Board of Appeals. The administrative review described above shall be conducted by:

- a. Planning Board
- b. Town of Houlton
  - 1) Public Works Department
  - 2) Fire Department
  - 3) Police Department
  - 4) Tax Assessor
  - 5) Town Manager
- c. Houlton Water Company

## **Article IX DEFINITION OF TERMS USED IN THIS ORDINANCE**

### **Sec. 53 General Definitions**

For the purpose of this ordinance certain words or terms shall be interpreted as follows:

"Town" or "Municipality" means the Town of Houlton.

"Official Zoning Map" means the zoning map certified and dated by the Town Clerk.

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

The word "shall" is mandatory, the word "may" is permissive.

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

The word "lot" includes the word "plot" or "parcel", and the word "building" includes the word "structure".

The word "used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied".

### **Sec. 54 List of Definitions**

#### **A. Construction of Language.**

The following definitions shall apply to the *Land Use Ordinance of the Town of Houlton*. 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, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

1. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
2. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
3. The word "shall" is mandatory, the word "may" is permissive.
4. The word "lot" includes the words "plot" and "parcel".
5. 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."
6. The word "Town" shall mean the Town of Houlton, Maine.
7. The word "CEO" shall mean the Code Enforcement Officer for the Town of Houlton.
8. The term "this Ordinance" shall mean the Land Use Ordinance for the Town of Houlton.

**B. Definitions.**

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

Abandoned: The stopping of an activity, use, business, in addition to: actions taken by an owner or representative that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, business. Also contains the element of abandoned and/or change to a less intensive use of the property/structure.

Abattoir (Slaughterhouse): A building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing, and sale of the product on the premises.

1. Must have a minimum setback of 100' from adjacent property lines;
2. Must provide adequate parking for delivery and service vehicles;
3. Must acquire all Local, State and Federal Permitting prior to establishment;
4. Must show proof of sufficient solid waste and biohazard waste disposal;
5. Must show proof of sufficient effluent disposal system (i.e. Sub-Surface Waste Water, Municipal Sewer, etc.);

6. Must show proof of potable water supply with testable back flow prevention measures;
7. Property must be fenced in it's entirety to prevent livestock from exiting to ROW or adjacent properties;
8. Hours of operation limited to the hours between 7:00 am and 9:00 pm.
9. NOT allowed on properties abutting Residential Districts
  - a. Low Density Residential "R-1"
  - b. General Residential "R-2"

**Abutter:** One whose property abuts, is contiguous, or joins at a border or boundary, including the property across the street, road, public way or private way.

**Abutting Property:** Property that abuts, is contiguous, or joins at a border or boundary, including the property across the street, road, public way or private way.

**Access Road:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Primarily used for access or egress, by multiple buildings or lots, for transition onto arterial road or highway.

**Accessory Structure:** A structure which is incidental to that of the principal structure and which is located on the same lot. The term "*incidental*" in reference to the principal structure shall mean subordinate and minor in significance to the principal structure. In shoreland areas, 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.

**Accessory Heat Plant:** A wood or oil fired boiler located independently from primary building, intended to provide primary or auxiliary heat. Installation must meet all Local, State and Federal regulations and permitting prior to start of work.

**Accessory Use:** A use which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "*incidental*" in reference to the principal use shall mean subordinate and minor in significance to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

**Acre:** A unit of area in the U.S. Customary System, used in land and sea floor measurement and equal to 160 square rods, 4,840 square yards, or 43,560 square feet.

**Addition:** A structure added to the original structure at some time after the completion of the original.

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

**Administrative Appeal:** An appeal to the Board of Appeals from a determination made by the Code Enforcement Officer or Planning Board in enforcing this Ordinance. Such determinations may have involved an interpretation of the provisions of this Ordinance or a finding of fact.

**Address:** The official street number assigned by the Town of Houlton for a specific lot, building or portion thereof.

Adult Entertainment: The presentation, for a fee or incidentally to another service, of material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein.

Adult Entertainment Establishment: See Houlton Code Chapter 10 Article X “*Nudity in Licensed Businesses*”.

Affordable Housing: A decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

Agent: Any one having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under an ordinance; a person whose land abuts 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, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental and green house products. Forest management and timber harvesting activities are considered separate from this description. Livestock and Poultry including dairy animals and dairy products are considered separate from this description.

1. Commercial Agriculture: The production of agricultural products as described above with the intention of producing large quantities to be sold to a market based entity for resale.
  - a. Larger than one acre in production
  - b. Commercial equipment utilized for management of crops
  - c. Product sold for commercial resale
2. Non-commercial Agriculture: The production of agricultural products as described above with the intention of producing small quantities to be consumed or sold to a market based entities NOT for resale.
  - a. Smaller than one (1) acre in production
  - b. Production for direct consumption by grower
  - c. Excess sold in a “Farmers Market” environment for direct consumption and NOT resale.
  - d. No commercial application of chemical herbicides, pesticides, fungicides or insecticides other than applications by a State of Maine Licensed applicator incidental to the residential property.
  - e. Allowed in any zoning district allowing for residential development which accommodates at least one single family dwelling.
    - i. Low Density residential District “R-1”
    - ii. General residential District “R-2”

- iii. Transitional residential – Business District “R-3”
- iv. Residential – Business District “RB”
- v. Central Business District “B-1”
- vi. Highway Business District “B-2”
- vii. Rural Residence – Farming District “R-F”

Agricultural Product: Any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, that is marketed in the United States for human or livestock consumption.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Airport: Landing fields, aircraft parking and service facilities, passenger and baggage terminals, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, operated by an airport authority or governmental entity.

Alley: A public highway which is a narrow way, less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

Alteration: Any change, addition, relocation or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, floor joints, or girders.

Alternate Tower Structure: See “Towers – Commercial -- Alternate Tower Structure”

Ambulance service: The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.

Amusement Arcade: 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, collectively, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Amusement Park: A commercially operated park offering various forms of entertainment, such as arcade games, carousels, roller coasters, and performers, as well as food, drink, and souvenirs. Amusement parks differ from circuses in that parks are permanently located entertainment complexes, open either all year or seasonally every year. Some amusement parks, known as theme parks, are designed to evoke distant or imaginary locales and/or eras, such as the Wild West, an African safari, or medieval Europe. Theme parks usually charge a substantial admission fee, whereas traditional amusement parks do not charge entrance to the midway; theme-park admission, however, typically includes the cost of the rides, which are paid for individually in a traditional amusement park.

Animal Husbandry: The keeping of any domesticated animals other than customary household pets. Boarding, raising, or keeping of animals, fish or fowl for commercial purposes including, without limitation, swine, poultry, cattle, horses.

Antenna: See “*Towers – Commercial – Antenna*”

Antique Shop: See “*Retail – Antique Shop*”

Apartment Building / Complex: See “*Dwelling – Apartment Building*”

Applicant: The person applying for approval under an ordinance.

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

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water. (See: MDEP Aquifer Maps)

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater. (See: MDEP Aquifer Maps)

Archaeological/Historic Site/Structure: Means any site or structure that is:

1. Listed individually in the national Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the national Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary 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.

Architectural Elevations: Drawings depicting the geometrical projections of a building’s architectural features as seen from various angles, typically north, south, east and west. These viewpoints refer to the direction from which the viewer is looking at the building.

Area of Special Flood Hazard: The land in the flood plain having a one percent or greater change of flooding in any given year.

Art Gallery: A public or private facility which is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one (1) or more of the following: paintings, drawings, etchings or sculptures; may include the sale of related objects

and services with such sales area limited to no more than ten (10) percent of the floor area. Exterior displays shall be limited to 10 pieces as a group or individually; or 10 percent of total lot size, whichever shall be most restrictive.

Art / Crafts Studio: A place where works of art are created or similar activities occur as listed below, including a dwelling unit for the artist, designer or teacher; such unit shall have but one (1) kitchen and shall be occupied by no more than four (4) unrelated people or by any number of persons immediately related by blood, marriage or adoption where instruction in the use of such materials may be carried out; and where similar such works may be displayed and sold with such sales area limited to no more than ten (10) percent of the floor area. Exterior displays shall be limited to 10 pieces as a group or individually; or 10 percent of total lot size, whichever shall be most restrictive.

1. Craft work studio or shop in which individual pieces are created, displayed and sold, consisting of one (1) or more of the following: ceramics/pottery, fabrics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work; or
2. Professional studio or academy for the teaching of the arts, the following of which are examples but not inclusive: fine arts, dance, drama, photography, music, martial arts, and/or bridge, but not including health treatment or adult amusement.

Artificial Monument: A man-made object used to mark and identify the corner or line of property boundaries. Artificial monuments are to be in conformance with current standards of the Maine Board of Licensure for Professional Land Surveyors. The term "artificial monument" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. A metal pipe or pin; or
5. A steel bar no less than 1/2" in diameter and 3' in length.

Assembly and Packaging: See "*Industrial - Light*"

Assisted Living Facility: See "*Dwelling – Congregate Housing*"

Atrium: A ground level area designed for pedestrians and which meets the following conditions:

1. Has at least one (1) entrance connecting to a public street, plaza or arcade;
2. Is open to the top of the building by means of a vertical open space or light well and is covered by a transparent or translucent material;
3. Is open to the public during business hours;
4. Has at least twenty-five (25) percent of its periphery utilized by retail sales, personal services or entertainment activities; and
5. Contains facilities for the public, such as benches, flower beds, fountains, etc.

Auction House / Building: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

1. MDOT traffic survey required for approval



2. MDOT access permit required outside of Urban Compact
3. Town of Houlton access permit required inside Urban Compact
4. Must meet minimum parking standards as described in General and Supplementary Regulations of the Houlton Land Use Code as listed in Article V, Section 28 § H. Places of Amusement or Assembly or as amended.
5. Any commercial establishments abutting residential development require a minimum of 6 ft. high solid surface screening/ fencing be installed and maintained in good repair.
6. Livestock and Poultry auctions only allowed in the Rural Residence and Farming “R-F” District.
7. All other land use regulations as pertain to the zoning district in which the property is located must be adhered to.

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

Automotive / Automobile

1. Automobile (Vehicle) Body Shop: A business engaged in vehicle body, frame, or fender straightening and repair and painting and undercoating.
2. Automobile (Vehicle) Car Wash: A structure with machine or hand-operated facilities for the washing, cleaning, polishing, or waxing of motor vehicles.
3. Automobile (Vehicle) Convenience Store: A building for a combination service station (gasoline, motor oil, lubricants, or other minor accessories) and retail sales of food and other items typically found in a supermarket, with the gross floor area not to exceed 2,000 square feet, excluding any automotive service or repair areas. In addition, there may be 50 square feet of accessory outdoor storage.
4. Automobile (Vehicle) Graveyard: A yard, field, or other area used to store two (2) or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in Title 29, Section 1, subsection 7, or parts of such vehicles. “Automobile graveyard” does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing vehicle body repair work to make repairs or render a motor vehicle serviceable. “Automobile graveyard” does include an area used for vehicle dismantling, salvage, and recycling operations. For the purposes of this definition, “Unserviceable” shall mean, not ready for use or not presently useable.
5. Automobile (Vehicle) Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80 percent of the business premises specified in the site plan (Title 30-A, MRSA, Section 3755-A, subsection 1, paragraph C and subsequent modifications.) is used for automobile recycling business.
6. Automobile (Vehicle) Recycling or Recycling Operations: The dismantling of motor vehicles for the purpose of reselling the component parts of the vehicle or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

7. Automobile (Vehicle) Repair Garage: A building where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.
8. Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.
9. Automobile (Vehicle) Service Station: A building where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.
10. Automobile (Vehicle) Storage: A building designed and used for the storage of vehicles, operated as a business with a service charge or fee being paid to the owner or operator for the parking of or storage of privately owned 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.

Awning: A shelter constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Back Lot: A lot with no frontage on a public road or street.

Bakery: A commercial establishment where products such as bread, cake, and pastries are baked or sold.

Bank: *See "Financial Service"*

Banner: *See "Signage – Banner"*

Bar/ Pub/ Tavern: (Business / Commerce) a building with a bar and one or more public rooms licensed for the sale and consumption of alcoholic drink, often also providing light meals.

1. Gin mill, pothouse, public house, tap-house, saloon
2. Alehouse - a licensed tavern where ale is sold;
3. Bar, barroom, gin-mill, saloon, taproom – a licensed room or establishment where alcoholic drinks are served over a counter;
4. Free house - a public house that is not controlled by a brewery and is licensed so is free to sell different brands of beer and ale;
5. Tap house, tavern - a building with a bar that is licensed to sell alcoholic drinks;
6. Beer garden - tavern with an outdoor area (usually resembling a garden) where beer and other alcoholic drinks are served.

Base Flood: Means the flood having a one percent change of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

**Basement:** The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is three (3) feet or greater.

**Bathroom:** A room with a bathtub and/or shower, toilet, and washstand. A half/bathroom shall consist of a toilet and washstand in a separate room, in addition to a complete bathroom.

**Beauty Salon / Barber Shop:** See *“Personal Services”*

**Bed and Breakfast:** See *“Dwelling – Bed and Breakfast”*

**Bedrock:** Solid ledge or loose weathered rock.

**Best Management Practices (BMPs):** A procedure recommended for a given set of field conditions, intended to maintain environmental quality. BMPs exist for logging, storm water management, erosion control, and other environmental actions.

**Billboard:** See *“Signage -- Billboard”*

**Block:** An area bounded by streets.

**Boarding (Lodging) Facility:** Any residential structure where lodging and with or without meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There shall be no provision 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.

**Body Art Establishment:** A commercial establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.

**Boundary Adjustment:** The adjustment of a boundary line between two contiguous lots such that the adjustment does not create any new lots or substantially change any previous subdivision of land.

**Brewer/ Distillery:**

1. To make ale or beer as an occupation.
2. An establishment for distilling, especially for distilling alcoholic liquors.

**Brownfields:** Abandoned or underused properties known or suspected to be contaminated with hazardous waste from past commercial or industrial uses.

**Buffer:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property. Any structure affording shelter.

**Building Coverage:** *See “Lot Coverage”*

**Building Height:** The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

**Building Supply:** *See “Home Building Materials, Supplies, Sales, or Rental”*

**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.

**Bulk Oil/LP/Gas Storage Terminal:** A storage facility primarily used as a function of wholesale/retail fuel for off site distribution.

**Business:** One's occupation, profession or trade; the purchase and sale of goods in an attempt to make a profit; a person, partnership or corporation engaged in this; an established or going enterprise or concern.

**Business Directional Sign:** *See “Signage - Business Directional Sign ”*

**Business, Commercial, or Industrial Sign:** *See “Signage - Business, Commercial, or Industrial Sign”*

**Business Office:** *See “Office – Business”*

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

**Camper Trailer:** *See “Recreational Vehicle”*

**Canopy:** *See “Awning”*

**Canopy Sign:** *See “Signage - Canopy Sign”*

**Capacity Study:** An inventory of natural and human-made resources on a site, based on detailed data collection, which identifies the capabilities and limitations of those resources to accommodate the development of land.

**Capital Improvements Program (CIP):** The Town's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Carcinogenic:** A substance that causes cancer.

**Cardholder:** “Cardholder” means a qualifying patient, a primary caregiver or a principal officer, board member, employee or agent of a nonprofit dispensary who has been issued and

possesses a valid registry identification card as pertains to a licensed Medical Marijuana Dispensary and Cultivation Facility.

Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

Catch Basin: An excavated sedimentation area designed to remove pollutants from runoff before being discharged.

Cellar: *See "Basement"*

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A document signed by the CEO stating that a structure is in compliance with all of the provisions of the Flood Plain Management Ordinance.

Change of Use: A change from one category in the land use table to another or the addition of a new category of use to an existing use.

Changeable Copy Sign: *See "Signage – Changeable Copy"*

Child Day Care Facility: Any dwelling, building, or portion thereof which child day care services are provided including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications: (Nursery School)

1. Family Day Care Home: Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to three, four, five, or six children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "baby-sitting."
2. Group Day Care Home: A facility in which care is provided for more than six (6), but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence.
3. Day Care Center: A facility which is licensed to provide care for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

Clinic: An establishment primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis-services, including human health services, but excludes sole source pharmacy.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

1. Club, Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural,

religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public.

2. Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.
3. Community Service Organization: A non-profit charitable institution, not to include private clubs, the primary function of which is serving the public health or social welfare of the community.

Cluster Development: A development designed to promote the creation of open space by a reduction in dimensional and area requirements.

Code Enforcement Officer (CEO): A person appointed by the Town Officers to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Coffee Kiosk: *See "Kiosk"*

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

Commercial Office: *See "Office – Commercial"*

Commercial Recreation: Any commercial enterprise; either indoor or outdoor, which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

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

Common Driveway: A vehicle access way serving two dwelling units.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the subdivision or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

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

Communications Facilities: *See "Public Utility – Telecommunications Facility"*

Community Living Facility: *See "Dwelling - Community Living Facility"*

Community Sewage Disposal System: A shared, non-municipal sewage system for domestic, commercial, industrial or institutional uses.

Community Water System: A shared, non-municipal water system that supplies water for domestic, commercial, industrial, or institutional uses.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application, and all information required by the appropriate application, except as validly waived by the vote of the Planning Board to waive the submission of required information.

Composting Operation: Any activity designed for the biological decomposition and stabilization of organic matter under aerobic conditions of high temperature, resulting in a humus-like product that can be used as a soil amendment. Composting activities that are exempt from obtaining a permit from the Department of Environmental Protection or require a permit under the permit by rule standards are exempt from this definition.

Comprehensive Plan: A document or interrelated documents adopted by the Town's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Condominium: *"See Dwelling – Condominium"*

Confined Animal Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Confined Aquifer (artesian aquifer): An aquifer with a dense layer of compacted earth material over it that prevents passage of water.

Conference / Convention Center: A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of an appropriate ordinance.

Congregate Housing: *"See Dwelling – Congregate Housing"*

Conservation Easement: A non-possessor 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 and water quality.

Convenience Store: *See "Automotive / Automobile -- Automobile (Vehicle) Convenience Store" See "Neighborhood Convenience Store"*

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

**Conventional Siding:** Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal.

**Copy Shop:** A building that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include collating and binding of booklets and reports.

**Corner Clearance:** The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.

**Correction Facility:** A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

**Covenants:** A legal agreement between parties or persons regarding mutual rights and responsibilities, such as those binding members of a homeowners' association to maintain roads.

**Craft Studio:** *See "Art / Craft Studio"*

**Crawl Space:** A space, usually about two (2) feet high, provided in a building in order to enable access to plumbing, wiring, and/or equipment.

**Crematory:** *See "Mortuary – Crematory"*

**Cultural Resource Management (CRM):** The research, conservation, and management of archaeological resources within a regulatory framework.

**Curb Cut:** An Access or entry point onto the public way for ingress or egress by motor vehicles.

**Customs Brokerage Establishment:** A profession that involves the 'clearing' of goods through customs barriers for importers and exporters (usually businesses). This involves the preparation of documents and/or electronic submissions, the calculation (and usually the payment) on behalf of the client of taxes, duties and excises, and facilitating communication between the importer/exporter and governmental authorities. Customs brokers in the USA will often prepare and submit documentation to notify or obtain the clearance from other government agencies such as the Food and Drug Administration (FDA), the United States Department of Agriculture (USDA), the Fish and Wildlife Service, and many others. In the United States, customs brokers are licensed by the U.S. Customs and Border Protection.



**Cut-Off Angle:** The angle between the vertical axis of a lamp fixture (luminaire) and the first line of sight at which one can no longer see the light source.

**Dairy:** A commercial establishment for the manufacture, processing and/or sale of dairy products.

**Data Processing Facility:** A building primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**Day Care Facility:** See "*Child Day Care Facility*"

**DBH:** Diameter at breast height.

**Deck:** An uncovered, unenclosed structure with a floor, elevated above ground level with or without a railing no higher than four (4) feet.

**Decorative Changes:** Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

**Deed:** A legal document conveying ownership of real property.

**Deer Wintering Areas:** Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

**Demolition Waste Disposal:** A facility including a landfill operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

**Density:** The number of dwelling units per acre of land.

**Design Flow:** The flow, set by regulation that establishes the size of water supply or wastewater disposal systems serving a lot, site, or building.

**Design Review:** A process by which development within a specific zoning district, designated to encompass an area containing historical, architectural or cultural merit, is subject to formal review or approval.

**Design speed:** A traffic engineering term typically referring to the posted speed limit for automobiles.

**Detached Canopy:** A rigid multi-sided freestanding structure covered with fabric, metal, or other material, supported by columns or posts embedded into the ground, and which shelters a vehicle service use (such as gas pump islands or car wash).

Detached structure: Any structure having no party wall or common wall with another structure; provided, however, an attached accessory structure used as a garage shall be considered detached for the purpose of compliance with side and rear setback requirements. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this chapter, be considered to constitute a party wall or common wall.

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

Development: Any man-made changes to improved 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 or road frontage, and height.

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

Disability, Physical or Mental: Any disability infirmity, malformation, disfigurement, congenial defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

Discoverable Document: A document entitled to review by an opposing party in a legal proceeding. This is generally everything in subdivision or development applications, including materials associated with their preparation and review.

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

Dormitory: “*See Dwelling – Dormitory*”

Down Shielded Luminaire: A hooded or angled feature of a luminaire (lighting fixture) that prevents glare or reduces excessive luminance.

Drive In Theatre: An outdoor movie theater, designed to permit customers to remain in their motor vehicles while being accommodated.

Drive-Up/Through Facility: An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle. Such as, but not limited to, Automated Teller Machines (ATMs).

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

Dry Cleaners: *See* "Laundry or Dry Cleaning / Commercial, Industrial"

Drug Free Safe Zone: "Drug Free Safe Zones" in Houlton Code Section 8-105 are all public athletic fields, parks, playgrounds, and recreational facilities under the jurisdiction of the Town of Houlton shall be designated as Drug Free Safe Zones in accordance with the Maine Revised Statutes Annotated M.R.S.A. Title 17-A § 1101(23). Any subject apprehended dealing drugs within 1,000 feet of any designated Drug Free Safe Zone shall be subject to enhanced penalties (Title 17-A M.R.S.A. Chapter 45)

Dumpster: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

Duplex: *See* "*Dwelling --Two-Family Dwelling*"

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.

1. Apartment Building/Complex: A building consisting of multiple dwelling units containing a room or suite of rooms designed as a residence. Access to each unit is provided by common interior hallway or private entrance.
2. 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. The dwelling shall also be occupied by a permanent resident. There shall be no provision for cooking in any of the individual guest rooms.
3. Community Living Facility: A housing facility for eight or fewer persons with disabilities that is approved, authorized, certified or licensed by the state. A community living facility may include a group home, foster home or intermediate care facility.
4. Condominium/Townhouse: A single-family dwelling unit being one of a group of not less than three units attached to the adjacent dwelling or dwellings by party walls with lots, utilities, and other improvements being designed to permit individual and separate ownership by individuals. Common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners.
5. Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.
6. Day Care /Adult - Child - Elderly: *See* "*Child Day Care Facility*"
7. Dormitory: A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such as institution. A dormitory may contain food preparation and eating facilities primarily for the use of its occupants.
8. Duplex: *See* "*Dwelling --Two-Family Dwelling*"
9. Elderly Housing Complex: A dwelling complex that is occupied by a minimum of ten (10) persons, 62 years of age or older, and/or handicapped

persons, as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

10. Extended Stay Motel: A building containing three or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including, but not limited to, such facilities as refrigerators, stoves, and ovens.
11. Group Home: A housing facility for eight (8) or fewer persons with disabilities that is approved, certified, or licensed by the State, including a group home, foster home, intermediate care facility. Disability is defined the same as “handicap” in the federal Fair Housing Act. Community living arrangements are deemed a single-family use for the purposes of zoning. Wherever a single family dwelling is permitted, community living arrangements must also be permitted.
12. Hostel: A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one (1) kitchen and provides sleeping accommodations for not more than twenty (20) persons. The occupants under the supervision of a resident manager share all housekeeping duties.
13. Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as news stands, personal grooming facilities and restaurants.
14. Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.
15. Mobile Home, Newer: A structural unit designed for occupancy and constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode is 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Section 5401, et seq.
16. Mobile Home, Older: A structural unit designed for occupancy and constructed before June 15, 1976, which has not been constructed in compliance with the United States Department of Housing and Urban Development standards, transportable in one or more sections, which in the traveling mode is 750 or more square feet, and which are built on a

permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

17. Motel: A building or group of buildings 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. Motel includes such terms as tourist cabins and tourist court. Any transient accommodation which does not meet the definitions of Bed and Breakfast, Hotel or Inn shall be deemed to be a motel for the purposes of an ordinance.
18. Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units. A Multi-Family Dwelling containing seven (7) or more dwelling units shall be considered an Apartment Building / Complex under this ordinance.
19. Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.
20. Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.  
Standards specific to “B-2” zone include the following:
  - a. Single family residential dwellings shall be permitted only as an accessory use that is secondary to the commercial use of the property.
  - b. Residential dwellings that are contained within a commercial building shall be permitted only on the upper floors, basement, and/or rear 50% of the ground floor of a commercial building.
  - c. Detached residential dwellings shall be set back a minimum of 400 feet from the road right of way and shall be screened from view from the roadway such that the commercial appearance and character of the property is maintained.
  - d. There shall be no more than one single family dwelling permitted per commercial lot.
  - e. Minimum total lot size for a dwelling that is accessory to a commercial use shall be 80,000 square feet in area.
  - f. No lot shall be further divided, such that it creates non-conformity with the requirements of this section.
21. Safe house: A residential structure which provides residents a place of refuge from abusive people or dangerous social situations. Such structure does not provide refuge for fugitives from justice. Such use may be allowed under the title of “rooming and/or boarding house” or “multiple unit dwelling.”
22. Transitional Housing Facility: A residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the zone district, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a special care home and where occupancy of such housing is primarily made available for more than thirty (30) days and less than two (2) years. Transitional housing shall be considered a small residential care use.

23. Townhouse: *See “Dwelling – Condominium / Townhouse”*
24. Two-Family Dwelling – Duplex: A building containing only two (2) dwelling units, for occupation by not more than two (2) families, usually having separate entrances.

Dwelling, Attached: A one-family dwelling attached to any other dwelling by any means.

Dwelling, Detached: A dwelling which is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall or floor in common with any other dwelling unit.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing, but not recreational vehicles or hotel/motel units.

Earth-Moving Activity: Any activity involving the excavating, dredging, filling, grading, or lagooning of earth which is not connected with another approved construction or land use activities.

Easement: A right, such as a right-of-way, afforded a person to make limited use of another’s real property.

Elderly Housing Complex: *See “Dwelling – Elderly Housing Complex”*

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.

Enclosed, Locked Facility: “Enclosed, locked facility” means a closet, room greenhouse or other enclosed area equipped with locks or other security devices required by State and local ordinance (Town of Houlton Medical Marijuana Dispensaries and Cultivation Facilities Section 41) that permits access only by a cardholder or qualified person employed by the licensed and registered Nonprofit Dispensary.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Environmental Impact Statement (EIS): A formal written report in response to an environmental assessment activity required under federal legislation (NEPA).

Equestrian Academy: A commercial riding stable which includes instruction in horsemanship and which may include a tack shop.

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.

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

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 business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

Extended Stay Motel: *See "Dwelling – Extended Stay Motel"*

Exterior Walls: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal or plastic.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

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

Farm Parcel: A tract or parcel of land devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

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Farm-Related Business: A business operated on a farm parcel related to or supportive of agricultural activities, such as, but not limited to, blacksmithing, farm implement repair, and/or roadside sale of agricultural products.

Farm Stand: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

Façade: The exterior wall of a building exposed to public view.

Fence: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences. For the purposes of this Ordinance, a fence is not an accessory structure.

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 Planning Board for approval and which, if approved, shall be recorded at the Aroostook County Registry of Deeds.

Financial Service: A facility engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:

1. Depository Institutions;
2. Non-depository Institutions.

Findings of Fact: Written or oral statement of factual determinations made by a review board relating to regulatory criteria and justifying the imposition of conditions on a development project.

Firewood Processing: A place where firewood is delivered, cut and split, and from which it is sold for commercial purposes.

Flag: *See "Signage -- Flags"*

Flashing Sign: *See "Signage -- Flashing Sign"*

Flea Market: A shop or open market selling antiques, new or used household goods, curios and the like at a frequency of more than eight days in any six-month period. Flea markets, as distinguished from yard or garage sales, shall be considered to be a "Used Merchandise Sale" and shall require a permit from the CEO.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters, the unusual and rapid accumulation of runoff of surface waters from any source. 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 anticipated force of nature, such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Houlton.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Floodplain Soils: The following soil series as described and identified by the SCS in the Soil Survey for Aroostook County, Maine:

Alluvial                  Hadley                  Medomak                  Winooski



Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Floor Area, Net: The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

Floor Area Ratio: A ratio derived by dividing the gross floor area of a building by the area of the lot.

Floor Area (Shoreland Areas): 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.

Foot-Candle: A measurement of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square-foot surface one foot away.

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 Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller. (6 meters = 19.865 feet)

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, gravel pad, or frost walls.

Fraternal Organization: *See "Club -- Public Service Organization"*

Freestanding Sign: *See "Signage -- Freestanding"*

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

1. 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; and
2. Not considered part of a great pond, river, stream, or brook.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage, Road: *See "Road Frontage"*

Frontage, Shore: *See "Shore Frontage"*

Front Yard: Space on the same lot with the principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard is the distance between the adjacent edge of the legal Right of Way (ROW) and the front line of the building.

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

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 commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Funeral Home: *See "Mortuary"*

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.

Garage Sale: *See "Yard Sale"*

Garden Supply Store: An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers excluding bulk fertilizer, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others. Typical items for sale include flowers, shrubs, trees, garden tools, packaged fertilizer, and supplies.

Gasoline Service Station: *See: "Automotive / Automobile - Automobile Service Station"*

General Store: *See "Retail, Service, Repair, Consumer, Small Scale – General Store"*

Geographic Information System (GIS): A system of computer hardware and software used to store, retrieve, map and analyze geographic data. All spatial data is geographically referenced via an earth coordinate scheme.

Golf Course: An area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course includes a clubhouse, maintenance facility and shelters as accessory uses.

Government Facility/Office: Any building or land held, used or controlled exclusively for public purposes by any department or branch of government, federal, state, county or municipal, without reference to ownership of building or the real estate upon which it is situated.

Grade: The average of the finished ground level at the center of all walls of a building.

Grading: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Gravel Pit: *See “Mineral Extraction”*

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.

Greenhouse (Commercial): A structure utilized for the storage, handling or production of horticultural and floricultural products intended for sale to domestic or foreign markets.

Greenhouse (Non-Commercial): A structure utilized for the storage, handling or production of horticultural and floricultural products intended for personal use and NOT for resale.

Ground Truth: Verification of remotely sensed (or externally supplied) data by on-site measurements.

Group Development: A project (residential, commercial, industrial, educational, medical, civic, etc.) with two or more principal buildings constructed on a parcel of at least two (2) acres not subdivided into customary lots and streets.

Group Home: *See “Dwelling—Group Home”*

Grocery Store: *See “Retail—Grocery Store”*

Growth Area: An area delineated in an adopted local comprehensive plan, within which development is encouraged, supported with adequate levels of public services, is compatible with future land-use designations and implementation actions of the comprehensive plan; outside of which “urban” type development is discouraged. A growth area shall allow existing or proposed land uses at minimum densities sufficient to permit growth that is projected for the succeeding 10-year period, along with existing or proposed services to adequately support that growth.

Guest House: *See “Inn”*

Gun Shop: An establishment having at least 25 percent of its gross floor area used for the sale or repair of firearms, ammunition and ammunition components, and hunting or shooting equipment.

Hazardous Wastes: This term shall mean any gaseous, liquid, or solid materials or substance designated as hazardous under M.R.S.A. Title 38, Section 1303, as may be amended.

Height of a Structure: *See “Building Height”*

Helipad: Any landing area used for the taking off and landing of private helicopters for the purposes of picking-up or discharging passengers or cargo. This facility does not include; passenger and cargo facilities, maintenance or service facilities, fueling, storage, tie-down areas, hangars or other necessary buildings or open spaces. Use of the landing area is by

permission only. ("Helipad" should not be confused with a "heliport" which provides enhanced services and facilities.)

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 the 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 District: A delineated geographical area which includes one or more buildings and/or places of historical value and may include other buildings, structures and/or places which though not of historical value themselves, may be or become the site of anything being built which may be deemed not to be appropriate with regard to any of the rest of the district.

Historic Landmark: Any building of historic value.

Historic Site: Any parcel of land which is of historic value or upon which is positioned any historic landmark.

Home Building Materials, Supplies, Sales, or Rental: Establishments primarily engaged in retail or wholesale sale or rental from the premises of supplies used in the construction of structures; excluding, however, uses classified as building trades contractor service; automobile or truck sales, leasing, or rental; trailer or recreational vehicle sales, leasing, or rental; and truck or equipment sales, leasing or rental, except as is incidental to the construction supplies, sales, or rental use. Typical uses include building materials stores and tool and equipment rental or sales. All accessory outdoor storage shall be enclosed by a fence or wall adequate to conceal such storage from adjacent property.

Home Improvement Center: A building of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware items, tools, builders' hardware, building materials, paint and glass, household goods, animal supplies, garden supplies, and/or cutlery. At least 75 percent of the gross floor area shall be for retail sales.

Homeless Shelter: Temporary residences for homeless people.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

1. No external evidence of such operation other than one permitted 4 sq. ft. sign;
  - a. Attached wall sign or;
  - b. Free standing pole sign or;
  - c. Window sign.
2. Operations are conducted within a dwelling by not more than one person in addition to those living therein;
3. No operations allowed in accessory buildings
4. Examples of Home Occupations allowed include but are not limited to:
  - a. Physician
  - b. Dentist
  - c. Lawyer

- d. Artist
  - e. Musician
  - f. Architect
  - g. Engineer
  - h. Beautician
  - i. Uses similar to Customary Home Occupations Intent and Purpose
5. Prior to the operation of a home occupation a permit shall be obtained from the Code Enforcement Officer.
  6. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, signs, sounds, or noises.
  7. The following requirements shall be satisfactorily demonstrated to the Code Enforcement Officer before a permit is issued:
    - a. The home occupation shall be carried on by a member of the family residing in the dwelling unit, with not more than one other employee who is not a member of the family.
    - b. The home occupation shall be carried on wholly within the principal structure.
    - c. The home occupation shall not occupy more than 25% of the total floor area of the structure (excluding basement floor area), whichever is less.
    - d. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
    - e. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles for the maximum number of users the home occupation may attract during the peak operational hours.
    - f. No traffic shall be generated by such home occupation in a volume greater than would normally be expected during the peak hour.
    - g. The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
    - h. The home occupation shall not use utilities beyond that normal for residential properties.
    - i. The home occupation shall not involve the use of heavy commercial vehicles for delivery from or to the premises.
  8. Should all of the above conditions not be maintained on a continual basis once the use permit has been issued, the Zoning Board Appeals, upon the advice of the Code Enforcement Officer, shall schedule a public hearing to determine whether the use permit should be rescinded.
  9. Hours of operation:
    - a. Monday thru Saturday
    - b. 8:00 am to 7:00 pm

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

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.

Hostel: *See "Dwelling – Hostel"*

Hotel: *See "Dwelling – Hotel"*

House of Public Worship: "House of Public Worship" shall mean any building or place of assembly as so defined under M.R.S.A. Title 13 Chapter 93 and as amended.

Human Health Services: An out-patient establishment furnishing medical and fitness services, including the offices of physicians, dentists, and other health care professionals and practitioners, clinics, medical laboratories and blood banks, but excludes sole source pharmacy.

Impervious Surface Ratio: A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of an ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

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.

Industry: An establishment engaged in the mechanical or chemical transformation of materials or substances into new products which may include the assembly of component parts, the manufacture of products, and/or the blending of materials such as lubricating oils, plastics or resins.

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

1. 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.
2. Industrial, Heavy: The use of real estate, building, or structure, or any portion thereof, for the processing and manufacturing of materials or products predominately from extracted raw materials, or use engaged in storage of, or manufacturing processes using flammable, or explosive materials, or storage or manufacturing processes that potentially involve hazardous or nuisance conditions, such as, but not limited to, noise, smoke, vibration, odor, or appearance.
3. Industrial, Light: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including

processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials, or which will not create nuisance conditions, such as, but limited to, noise, smoke, vibration, odor, or appearance.

**Infill Development:** Development of vacant, skipped-over parcels of land, or the reuse or change of use of a previously developed parcel or group of parcels, or the intensification of a use or change of use by rehabilitation of an entire building, in an otherwise built-up area. Infill development should provide an attractive alternative to new development by reducing loss of critical and resource lands to new development and by focusing on strengthening and harmoniously fitting into older neighborhoods.

**Inn:** See “*Dwelling – Inn*”

**Integrity:** Degree to which a site, structure, feature, or collection is undisturbed or unaltered relative to currently known examples.

**Intensive Agricultural Use:** Agricultural activities which typically are associated with one or more of the following impacts: strong offensive odors; substantial run-off; large concentrations of animal waste; noise; and/or extensive use of chemical, compost, and manure piles. Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas; b) areas for the storage or processing of manure or garbage; and c) structures housing more than 50 animal units.

**Interstate System:** Those portions of the Maine Turnpike and the state highway system incorporated into the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

**Intervener:** A person or other entity allowed to participate in a hearing or similar regulatory or judicial process. The intervener has certain rights by statute or assigned by the court or reviewing authority.

**Isochrome:** A line on a map joining points associated with a distinguishing variable such as noise or lighting levels from a source.

**Junk:** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

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

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junked lumber;
3. Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, 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:** Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more pets owned singly or jointly are kept for any purposes, including but not limited to breeding, hunting, show, field trials or exhibition, or where three (3) or more pets are kept for their owners in return for a fee. An establishment where dogs or cats are bred, raised, trained, or boarded. This definition shall not apply to dogs or cats under the age of six (6) months.

**Kiosk:** A business in a free-standing building that sells coffee, or other beverages, and remade bakery goods, from a drive-through window to customers seated in their vehicles for consumption off the premises and that provides no indoor or outdoor seating.

**Laundry, Self-Serve:** A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Laundry or Dry Cleaning/Commercial, Industrial:** Establishments engaged in actual laundering, dry cleaning, or dyeing services, other than those uses classified as consumer service, large or small. Typical uses include laundries, diaper services, linen supply services, and dry cleaners.

**Leachfield:** That portion of an on-site septic system that discharges wastewater into the soil. May include absorption trenches, beds, mounds, and other designs.

**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, latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) 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.

**Library:** A building in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

**Livestock and Poultry:** Domestic animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, pigs, chickens, ducks, pheasant, grouse, pigeons etc. that are typically kept outside of the home.

1. Private non-commercial raising of Livestock and Poultry within the R-1 and R-3 zoning districts must provide a minimum setback of 100' feet from abutting property lines and adjacent properties;
  - a. Setback to include all structures;
  - b. Pasture/ pen fencing must be installed to meet minimum setback requirements of the associated zoning district guidelines for accessory structures;
    - i. R-1 minimum setback 10 feet;
    - ii. R-3 minimum setback 25 feet;
    - iii. R-F fencing can be placed along contiguous property lines allowing for installation and maintenance of structure without trespass on adjacent properties;
2. Use is found not to be injurious, noxious, or offensive to then neighborhood by CEO;



3. Manure disposal performed in compliance with all Local, State and Federal regulations;
4. “Free Range” Livestock or Poultry allowed only within R-F district.

Lodge: A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship, and not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public, which meets periodically and is limited to members, with not more than one-third of the gross floor area of the club or lodge used for residential occupancy.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way or private way.

Lot Area: The land area enclosed within the boundary lines of the lot not including the area of any land which is: part of a right of way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights of way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

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

Lot, Coverage: The percentage of the lot covered by all impervious structures.

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

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

1. Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
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 (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.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required area within a district for a single lot or use.

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 in the Aroostook County Registry of Deeds.

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

Lot, Through: Any interior lot having frontages on two (2) or more parallel streets or rights of way, or lying between a street and a body of water, or a right of way and a body of water, or between two (2) 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, Minimum: The closest distance between the side lot lines of a lot.

Lumen: A measure of light energy generated by a light source.

Luminaire: A complete lighting unit, often referred to as a fixture.

Manufacturing: The mechanical or chemical transformation of material or substance into new products, either finished or semi-finished for use as raw material in another process, and including the assembling of component parts, the manufacturing of products, and the blending of materials. The term also includes repair services, exclusive of motor vehicles, where such services are performed in a facility larger than a tradesman's shop, as defined within this Section.

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.

Marijuana: The dried leaves and flowering tops of the pistillate hemp plant that yield THC (tetrahydrocannabinol) and as defined with M.R.S.A. Title 17-A Section 1101 (1).

Massage Establishment: See Houlton Code Chapter 10 Article IX "*Message Establishments and Message Therapists*".

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Medical Facility: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Medical Use: "Medical use" means the acquisition, possession, cultivation, manufacturing, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition as pertains to the Medical Marijuana Dispensary and Cultivation Facility Ordinance Section 41.

Micro-Brewery: A building for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The facility may include other uses such as a standard restaurant, bar, or use as otherwise permitted in the zoning district.

Mineral Exploration: The 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) successive month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, 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.

**Mineral Storage:** The storage of soil, topsoil, loam, sand, salt, gravel, clay, rock, peat, or other like material or combination there of, from its natural location.

**Mitigate:** To offset the effects of development by actions that avoid, minimize, rectify, reduce, or compensate for adverse impacts.

**Mixed Use:** A property or zoning district where various uses, such as commercial, institutional, and residential are in close proximity to each other and combined in a single building, on a single parcel, or within a zoning district as an integrated development with significant functional interrelationships and a coherent physical design, is permitted.

**Mobile Home, Newer:** *See “Dwelling – Mobile Home, Newer”*

**Mobile Home, Older:** *See “Dwelling – Mobile Home, Older”*

**Mobile Home Park:** A plot of land designed and/or used to accommodate three (3) or more mobile homes.

**Mobile Home Park Lot:** The area of land on which an individual mobile home is situated on within a mobile home park and which is reserved for use by the occupants of that unit. The Town requires all lots to be indicated on the mobile home park plan.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board under the Subdivision Ordinance for the placement of a mobile home on individually owned lots.

**Modular Homes:** Those units which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, Section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

**Monument:** A permanent concrete or stone marker or metal pipe placed in the ground to identify changes in property lines.

**Moratorium:** A temporary land use regulation or ordinance approved by a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.

**Mortuary:** Establishments engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals.

1. Crematory: A mortuary establishment containing such a furnace as to provide a service where a corpse can be burned and reduced to ashes.
2. Funeral Parlor/ Funeral Home: A mortuary where those who knew the deceased can come to pay their last respects
3. Morgue: Places in which the bodies of persons found dead are kept until identified and claimed or until arrangements for burial have been made.

Motel: *See "Dwelling – Motel"*

Municipal Solid Waste: The solid waste from community, commercial and industrial sources that does not contain hazardous waste as determined by the fire department and the department of environmental health.

Museums, Other Special Purpose Cultural Institutions: A public or private facility, including an aquarium, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.

NAGPRA: Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001-3013).

National Register of Historic Places: Defined in CFR Part 61.2 as the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a) (1) (A) and subsequent modifications of the NHPA.

Natural Resource Based Use: The use of land and/or structures for the initial manufacturing, processing, fabricating, assembly, and/or packing of goods or products of raw natural resource materials (land, water, plant, and animal life) indigenous to the municipality or immediate area. With respect to this definition, "Initial" refers to the first phase of manufacturing, processing, fabricating, assembly, and/or packing, beginning with raw materials, rather than secondary manufacture or handling. Such uses include, but are not limited to: raw material storage, agricultural product packing, sawmills, blacksmithing, farm implement repair, or roadside sale of agricultural products.

Non-Residential Use: Any land use which does not include a dwelling unit as a principal use. Non-residential use shall include open space, recreational, commercial, business, or industrial uses.

Normal High-Water Line of Waters: 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 (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). 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. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly

eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

Nursery: Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

Nursery School: *See "Child Day Care Facility"* a pre-kindergarten school for children from two to five years of age.

Office:

1. Business / Commercial: A place of business where professional or clerical duties are performed
2. Home Office: *See "Home Occupation" Office – Commercial*
3. Professional: *See "Professional (Business) Offices"*

Off-Site Mitigation: Reduction of the impacts of development (e.g., environmental, municipal, economic, social) through some action, augmentation, or protection on a different tract of land.

Off-Street, Loading: Accommodations off the street for loading and unloading of vehicles.

Off-Street, Parking: Accommodations for the parking of motor vehicles off the street. Parking space outside the road right-of-way or at least 25 feet off the centerline, whichever is greater.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Ordinance: Any legislative action of the Town's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.

Outdoor Recreation Facilities: Areas devoted to recreational use in the out-of-doors which do not involve the construction of buildings other than for storage or other accessory use.

Outdoor Shooting Range: An outdoor recreational, educational, and/or training facility which provides rifle, pistol, shotgun, or archery ranges for the public and/or private users on parcels of land 25 acres or greater in size. A shooting range is designed to incorporate proper safety and noise abatement features; is constructed to assure that all discharged rounds are safely contained on the site; and provides vegetative, topographical, manmade earthen works, and/or fenced buffering from neighboring properties. All safety, noise abatement, and buffer requirements shall adhere to guidelines established in the most current version of the National Rifle Association's "The Range Manual"; specifically Section 1, Chapter 3, "Planning and Design" and Section II, "Outdoor Ranges."

Out-Patient Services: *See "Human Health Services"*

Owner: Any owner of record and includes but is not limited to any person in whose name a property is recorded in the assessor's office.

Parish House: A residence for a minister, priest or rabbi in connection with the operation of a church.

Parking Facility: A premises used primarily for the parking or storage of vehicles. This does not include parking areas serving other uses on the same premises. Parking space dimensional requirements shall be observed.

Parking Space: An area on a lot intended for the use of temporary parking of a personal vehicle. Each parking space shall be nine feet by nineteen feet (9' X 19'), exclusive of drives or aisles for the parking of vehicles, and have a means of access to a public street.

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, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers.

Personal Services: A business which provides services but not goods such as, hairdressers, shoe repair, real estate, and insurance etc.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Pet Cemetery: A parcel of land, building, and/or structure used for the interring of animal remains which were not owned by the property owner at the time of the animal's death.

Pharmacy/ Retail Medical Goods Provider: A place where the profession of preparing, preserving, compounding, and dispensing medical drugs occurs, a drugstore. The sale or rental of equipment deemed medically necessary and relevant to the overall health, comfort and care of an individual.

Pharmacy – Sole Source: *See "Sole Source Pharmacy"*

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-water Line or Within a Wetland:

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

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Places of Religious Assembly: A building or structure, or group of buildings or structures, designed, primarily intended, and used for the conduct of religious services.

Planning Board: The Planning Board for the Town of Houlton.

Plat: A map or representation on paper of land subdivided into lots and streets, drawn to scale.

Plaza: An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term "plaza" shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.

Point Source: A discharge of pollution from a specific source such as a pipe or chimney.

Pond: *See "Body of Water"*

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

PPM: Parts per million; a measure of concentration.

Printing Plant / Facility: The offices of and printing production facilities of printed publications, such as a magazine or newspaper, card stock items, sales medium and other printed matter.

Primary Area: In septic design, the land area designated for the original wastewater system including a leach field or mound.

Primary System: Those portions of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

Prime Farmland: Land that has been identified in the comprehensive plan that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The 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: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Club: *"See Club – Private"*

Private Road: *See "Street – Private Road"* A private way meeting Houlton's road construction standards for preparation, sub-base, and base.

**Professional (Business) Offices:** The place of business for doctors, lawyers, accountants, financial advisors, architects, surveyors, psychiatrists, psychologists, counselors, real estate, insurance, and the like or in which a business conducts its administrative, financial, or clerical operations, including financial institutions and other financial services, but not retail sales, personal services, or the use of trucks as part of the business operation.

**Prohibited Use:** A use that is not permitted in a zone or district.

**Projecting Sign:** *See "Signage -- Projecting"*

**Property:** Any land, building, or other structure, or part thereof.

**Property Line:** *See: "Lot Line"*

**Public or Private Schools:** Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: (a) the school is not operated for a profit or as a gainful business; (b) 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 Hearing:** A meeting called by a board, commission, committee, agency, or district to hear and receive verbal and written testimony on a specific project(s), application(s) ordinance(s) which will be followed at some point in time by a vote of the board, commission, committee, agency, or district or other body for approval, denial, or approval with conditions.

**Public Improvements:** The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified by the Planning Board.

**Pedestrian Way:** *See "Sidewalk"*

**Public Grounds:** Any land or 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 Path:** A cleared way, constructed and suitable for public recreational use, together with necessary appurtenances and accessories such as benches or exercise stations, reasonably related to public recreational use. A public path that otherwise meets the requirements of this definition may be owned by a public or private entity or person.

**Public Recreational Use:** Use by members of the general public, or a substantial segment thereof, on a permissive basis, for one of the following: walking, hiking, jogging, running, cross-country skiing, bicycling, wheelchair touring, wildlife observation, exercise, or similar non-motorized uses.



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

1. **Public Transportation Facility:** Establishments primarily engaged in furnishing local and suburban mass passenger transportation over regular routes and on regular schedules with operations confined principally to a municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Also included in this definition are parking lots provided for the use of passengers or employees of the transit provider.
2. **Telecommunication Facility:** Shall mean support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities. Antennas, towers, and alternative tower structures shall be considered independent from this definition, for purpose of this ordinance.
3. **Public Water System:** A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

**Quarry:** A place where stone is excavated from rock.

**Railroad Facility:** Rail transport is the conveyance of passengers and goods by means of wheeled vehicles specially designed to run along railways.

Typical railway tracks consist of two parallel rails, normally made of steel, secured to crossbeams, termed *sleepers* or *ties*. The sleepers maintain a constant distance between the two rails; a measurement known as the "gauge" of the track. To maintain the alignment of the track it is either laid on a bed of ballast or else secured to a solid **concrete** foundation.

**Recent Floodplain Soils:** *See: "Floodplain Soils"*

**Recharge Area:** Land area that adds to or replenishes water in an aquifer.

**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 Aroostook County Registry of Deeds, northern office.

**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.

1. Playgrounds
2. Baseball/ Softball Fields
3. Soccer Fields
4. Football Fields
5. Basketball Courts

6. Tennis Courts
7. Municipal Swimming Pool
8. Uses similar to sports fields and courts

Recreational Vehicle (RV): 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 currently registered with the State Division of Motor Vehicles.

Recreational Vehicle (RV) Park: *See "Campground"*

Recycling: The collection, separation, recovery and sale of metals, glass, paper, plastics, and other materials.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who will use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Redemption Center: A stand-alone facility licensed by the Maine Department of Agriculture which collects beverage containers and refunds the statutory deposit pursuant to Title 32 MRSA Section 1861 and subsequent modifications. The facility shall also store the beverage containers on-site for a period of time not to exceed thirty (30) days and for the ultimate collection by the beverage distributor.

Registered Cultivation Facility: "Registered Cultivation Facility" shall mean any site used for the cultivation of marijuana whether at the location of a Registered Medical Marijuana Dispensary or an associated offsite location meeting all State and local requirements pursuant to the licensing of the Dispensary.

Registered Medical Marijuana Dispensary: "Registered Medical Marijuana Dispensary" means a not-for-profit entity registered under M.R.S.A. Title 22 § 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to cardholders. No ancillary real property structures or mechanisms utilized as a mobile nonprofit dispensary, including mobile units, vans, cars, trucks, trailers, motor homes, or other units not specified set forth, shall be permitted under the Medical Marijuana Dispensary and Cultivation Facility Ordinance Section 41. A nonprofit dispensary is a primary caregiver.

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.

Research, Testing, or Development Laboratory: A workplace for the conduct of scientific research, resembling a laboratory inasmuch as it offers opportunities for observation and practice and experimentation.

Residential Dwelling Unit: *See "Dwelling Unit"*

Residential Sign: *See "Signage – Residential"*

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Residential in Appearance: Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board-and-batten.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

1. Restaurant, Commercial/Recreation: A business which provides as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premises dining is clearly accessory or incidental to the operation of the other. For the purposes of this definition, recreation may include, but is not limited to: television and motion pictures; sound and sight systems; mechanical and/or electronic operated games; animated mechanical devices and/or rides; and live entertainment.
2. Restaurant, Drive-In: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.
3. Restaurant, Entertainment: A business where food and drink are prepared, served, and consumed, within a building that includes, as an integral component of the facility, electronic or mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other similar forms of amusement.
4. Restaurant, Fast Food: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.
5. Restaurant, Standard: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Request for Proposals (RFP): An invitation to respond to the articulated need for research or professional services. Usually in the form of a bid for a contract.

Request for Qualifications (RFQ): An invitation to respond to the articulated need for research, or professional services requiring specific qualifications, or a desired history of work performance, of a project.

Re-subdivision: 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.

1. Retail Food Establishment, fixed: *See "Restaurant"*
2. Retail Food Establishment, Mobile: Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than thirty (30) consecutive minutes at each separate location.
3. Retail, Service, Repair, Consumer, Large Scale: Establishments of more than thirty thousand (30,000) square feet of gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services to consumers and households.
4. Retail, Service, Repair, Consumer, Medium Scale: Establishments of more than 10,000 square feet and not greater than 30,000 square feet gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services to consumers and households.
5. Retail, Service, Repair, Consumer, Small Scale: Establishments of ten thousand (10,000) square feet or fewer of gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services to consumers and households.
6. Antique Store/Gallery: The commercial activity of purchasing, storing, displaying, repairing, refinishing, selling, including auctions, of antique chattels and related refinishing materials. A building offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, price of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old. Antique shop does not include "secondhand store."
7. Art Gallery / Studio: *See "Art Gallery" "Art Studio"*
8. Convenience Store: *See "Automotive / Automobile -- Automobile (Vehicle) Convenience Store", Also See "Neighborhood Convenience Store"*
9. General Store: An establishment primarily selling a general line of merchandise, the most important being food. The more important subsidiary lines are notions, apparel, farm supplies, and gasoline. Sales of food account for at least one-third and not more than two-thirds of total sales. This establishment is usually located in rural areas serving its specific geographic area or zone. The constraints identified under "*Retail, small scale*" shall apply.
10. Secondhand Merchandise, Retail Sales: A building where retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment. This definition does not include secondhand motor vehicles, parts, or accessories; yard sales; or used merchandise sales, as defined herein.

RFP: *See "Request for Proposals"*

RFQ: *See "Request for Qualifications"*

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, storm water main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passage has been recorded for the use.

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 floodplain 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: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, 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.

Road Frontage: The horizontal distance, measured in a straight line, extending between the side lot lines and the road right-of-way.

Roadside Stand – Agricultural: *See "Farm Stand"*

Rod: A linear measure of 16.5 feet.

Roof Sign: *See "Signage -- Roof"*

Safe house: *See "Dwelling -- Safe house"*

Satellite Receiving Dishes: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Sawmill: A mill or machine for sawing logs for commercial purposes.

Schools:

1. Public and Private – including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied wither of the following requirements:
  - a. The school is not operated for a profit or a gainful business; or

- b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.
2. Commercial School: An institutions which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.
3. Nursery School: *See "Child Day Care Facility"*

Seasonal Dwelling: *See "Dwelling – Seasonal Dwelling"*

Secondhand Merchandise, Retail Sales: *See "Retail – Secondhand"*

Sedimentation basin: An excavated area that collects and holds sediments deposited by runoff.

Self-Service Storage Facility: A building, which may be in a controlled access or fenced compound, that contains leased or owned individual, compartmentalized, and controlled access stalls or lockers for the storage of consumer goods or wares, business equipment, or contractor's supplies.

Septage: Waste, refuse, effluent, sludge, and other materials from septic tanks, cesspools, or other similar facilities.

Septage/Sludge Spreading: To dispose or distribute in a sheet or layer, treated septic sludge for final decomposition.

Septage/Sludge Storage: The storage of residential, municipal, commercial or industrial effluent waste for treatment or pre-treatment

Service Business: Establishments engaged in providing services for individuals and businesses such as sundries, beauty shops, barbershops, 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 horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

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

**Sewer:** An artificial, usually underground conduit for carrying off sewage.

1. **Sewer – Municipal:** The network of interconnected conduit designed and maintained solely for the carrying off of sewage to a waste treatment facility.

**Shooting Range/ Pistol Club:** An enclosed or open air firing range with targets for rifle or handgun practice; an area provided with targets for the controlled practice of shooting. (REF. NRA # NR60401AR1486 DVD Range Source Book)

**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 area. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to one trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

**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 line.

**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, river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

**Sidewalk:** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in an ordinance as a reference for unobstructed road visibility.

## Signage

1. **Sign:** A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.
2. **Animated sign:** A sign that shows motion or changes in copy or color, most often through the use of electric or electronic means. See “Flashing Sign.”
3. **Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
4. **Billboard:** A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.
5. **Business Directional Sign:** A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. Seq.

which points the way to public accommodations and facilities or other commercial facilities.

6. Business, Commercial, or Industrial Sign: An attached or freestanding structure which directs attention to a business or profession conducted on that premises.

7. Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

8. Changeable Copy Sign: A sign on which the copy can be changed, either manually through the use of attachable characters, letters, or illustrations (usually plastic) or electronically using incandescent bulbs or light emitting diodes that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of an ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy for the purposes of an ordinance.

9. Directional Sign: Signage used to provide direction to travelers.

10. Electronic Changeable Copy Sign: A sign that utilizes computer generated messages or some other electronic means of changing copy. These signs include displays using LED, LCD or a flipper matrix.

11. Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

12. Flashing Sign: Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

13. Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

14. Non-Conforming Sign: Any sign that does not conform to the requirements of an ordinance.

15. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

16. Projecting Sign: Any sign affixed to a building or a wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building of such building or wall.

17. Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of an ordinance. Residential signs may not exceed more than four (4) square feet in total area as pertains to Home Occupations. (See Home Occupation definition)

18. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

19. Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



20. Temporary / Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid wall, frame, or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

21. Wall / Fascia Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

22. Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Silt fence: A temporary fence made of plastic or similar material, which is placed during construction near streams and along areas vulnerable to soil erosion.

Site Plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by municipal ordinance. It includes lot lines, building sites, reserved open spaces, buildings, and major landscape features, both natural and man-made.

Site Plan Review: A review of a proposed development conducted by the Planning Board using the standards contained in this Ordinance. The review process is usually concerned with the development of lands intended for non-residential or multi-family housing purposes, and addresses a broad range of issues, including traffic, noise, landscaping, erosion, compatibility with surrounding land uses, parking, and public services.

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.

Sludge: The semi-solid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plant; the waste or sewage in a septic tank; sediment deposited during the treatment of sewage

Social Care Facility: *See "Dwelling – Social Care Facility"*

Sole Source Pharmacy: A facility where the primary purpose is to dispense or sell a single source of medication that has been recommended by a physician. These facilities have no retail sales component associated with the use and are not engaged in selling multiple goods or merchandise to the general public for personal or household consumption. Typical uses include methadone clinics and other similar facilities.

Solid Waste: Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

Sporting Camp: A building or group of buildings commercially devoted primarily to the offering of lodging facilities, with or without the serving of meals, without municipal sewer and water, for a fee to persons primarily in pursuit of primitive recreational pursuits. It is

further defined as primarily a destination facility for recreation activities rather than a transient lodging facility (hotel, motel, or inn) or a base of operations for primitive recreational activities such as: fishing, hiking, hunting, wildlife study, photography, wild crop harvesting, trapping, horseback riding, snowmobiling, cross-country skiing, tent and shelter camping, canoe portaging, and snowshoeing.

**Sprawl:** Low density, automobile-dependent development located along roads and in the country outside compact urban and village centers.

**Stable, Private:** An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

1. Private, non-commercial stables, provided that they are not closer than 100 feet to any property line;
2. Use is found not to be injurious, noxious, or offensive to the neighborhood by CEO;
3. Manure disposal performed in compliance with all Local, State and Federal regulations.

**Stable, Public / Commercial:** An accessory building in which sheltered animals are kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

1. Use is found not to be injurious, noxious, or offensive to the neighborhood by CEO;
2. Manure disposal performed in compliance with all Local, State and Federal regulations.

**Stores:** *See “Retail—small, medium, large”*

**Storefront:** That portion of a structure situated on street level designed and used for retail commercial or business purposes.

**Stream:** 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 a shoreland zone, or as depicted on the Official Houlton Zoning Map, or as further described in the applicable overlay district standards, whichever is applicable.

**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 and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly 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. The term “street” shall not include those ways which have been discontinued or abandoned.

1. **Arterial:** A major continuous route serving substantial statewide and interstate travel, linking cities, larger towns, and other major traffic generators, as classified by the Maine Department of Transportation (MDOT) under the provisions of 23 M.R.S.A. Section 53 as amended.

2. Collector: A road that carries traffic between residential areas and arterials, and roads between smaller communities, as classified by Maine Department of Transportation, as cited above.
3. Cul-de-Sac Street: A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
4. Industrial or Commercial Street: A street servicing industrial or commercial uses.
5. Minor Street: A street providing access to adjacent land and primarily serving local traffic.
6. Private Road: A vehicular access way serving more than two (2) dwelling units, which is not proposed to be dedicated to the City. A private way shall meet Houlton's road construction standards for preparation, sub-base, and base.

Strip Development: Business, commercial, industrial, or residential development usually immediately adjacent to and parallel to an arterial or collector roadway, generally one lot deep or less than 250 feet in depth.

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. The term includes structures temporarily or permanently located.

Subdivision: The division of a tract or parcel of land or structure(s) into 3 or more lots, units, or combination thereof, within any 5-year period that begins on or after September 23, 1971, whether accomplished by sale, lease, development, buildings or otherwise.

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 Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost 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. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historical Places.

**Substantial Review:** A substantial review of an application, as required by law at the time of the application, shall consist of a review of that application to determine whether the application complies with the review criteria and other applicable requirements of law.

**Substantial Start/Construction:** Following the issuance of a permit, if completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost is not made within one (1) year of the date of the permit, the permit shall lapse and become void.

**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 waste water on or beneath the surface of the earth. The term shall not include any waste water discharge system licensed under Title 38 MRSA §414, any surface waste water disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a waste water disposal system designed to treat waste water which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1 and subsequent modifications.

**Survey:** The process of determining boundaries and areas of tracts of land. Also a map prepared as a result of that process.

**Suspended Sign:** *See “Signage – Suspended”*

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

**Swale:** A low-lying linear area of land providing natural or artificial drainage. Design specifications for the use of swales to treat storm water generally call for a broad, shallow, vegetated channel with erosion-resistant and flood-tolerant grasses.

**Swimming Pool:** An outdoor man-made 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.

**Telecommunication Facility:** *“See Public Utilities”*

**Telecommunications Service:** Shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

**Temporary / Movable Sign:** *See “Signage – Temporary”*

**Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Tenant:** Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

Theater: A building containing a specialized area for showing motion pictures (a motion picture theater has a projection screen) or for stage performances, with a box or ticket office, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

Theater, Multiplex: A building with multiple movie theaters, also known as a multiplex, in which each theater is capable of showing movies independent of the others. Structurally, theaters in a multiplex are grouped in a manner that allows them to share a box or ticket office, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

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

Towers (Commercial): Shall mean any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

1. Alternate Tower Structure: Clock towers, bell steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennae or towers associated with a wireless communication facility.
2. Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
3. Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna or tower. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
4. Set-backs: A new or expanded tower or telecommunications facility must comply with the set-back requirements for the zoning district in which it is located, or be set-back one hundred and five percent (105%) of its height from all property lines, which ever is greater. The set-back may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions shall apply;
  - a. In R-F and I-1 districts, the set-backs may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property;
  - b. An antenna is exempt from the set-back requirement if it extends no more than five (5) feet horizontally from the edge of a structure to which it is attached, and it does not encroach upon an abutting property;

- c. Emergency Telecommunications Facilities. Temporary wireless communications facilities for emergency communications by public officials;
- d. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC);
- e. Parabolic Antennas. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property;
- f. Maintenance and repair. Maintenance, repair or reconstruction of a telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility;
- g. Temporary telecommunications facility. Temporary telecommunications facility, in operation for a maximum period of one hundred eighty (180) days;
- h. Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

**Town/City Center:** A location within the municipality containing an orderly mix of land uses that meets the daily needs of residents. This mix is intended to contain convenience retail, food services, personnel, and business service uses; community facilities including parks, schools, libraries, and places of worship; and residential uses of a density and location that would accommodate direct pedestrian linkages to the non-residential facilities. These should be arranged in a manner, which is focused around a central open space.

**Townhouse:** *See "Dwelling - Townhouse"*

**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.

**Tradesman Shop:** *See "Workshop – Tradesman"*

**Trail:** A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dog sledding.

**Transportation Terminal:** A facility or station serving as one end or junction of one or more means of public conveyance, to include rail, bus, limousine, taxi, or other commercial motor carrier, and all ancillary structures, yards, and other appurtenances incidental thereto.

**Transitional Housing Facility:** *See "Dwelling – Transitional Housing"*

**Travel Trailer:** *See "Recreational Vehicle"*

**Tributary Stream:** 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 flows to a water body or wetland as defined. This definition does not include the term "stream" as defined

elsewhere in this Section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Underground Storage Facility: An underground system of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination which are used or designed to be used for the storage, transmission, or dispensing of oil or any hazardous substance. Underground storage facilities shall not include storage facilities housed entirely in a basement or other below grade area of a building or structure.

Undue Hardship: The words "undue hardship" shall take its statutory definition.

Upland Edge: The boundary between upland and wetland.

Urban Fringe: An area at the edge of an urban area usually made up of mixed residential, agricultural, and urban land uses at lower densities than the core area.

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

Usable Marijuana: "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixture of preparation of those dried leaves and flowers, but does not include the seeds, stalks and roots of the plant and does not include the weight of the other ingredients in marijuana prepared for consumption as food.

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%.

Used Merchandise Sale: The outdoor sale [without building(s)] of used articles, conducted for more than five (5) consecutive days or for more than two (2) weekends per year, and shall require a permit from the CEO. Used Merchandise Sales includes flea market.

Variance: A variance is a relaxation of the terms of Zoning Ordinance. Variances permissible under the Zoning Ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces and lot size. 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.)

1. Variance requests will be reviewed as described in M.R.S.A. Title 30-A § 4353 Zoning Adjustment;
  - a. Excluding section 4-B unless otherwise adopted by the municipality;
  - b. Applied as prescribed in M.R.S.A. Title 30-A as updated and revised.
2. All variances granted must be recorded at the Aroostook County Registry of Deeds within 90 days of final written approval;
  - a. Failure to record within 90-day time frame nullifies approval;
  - b. Majority vote of the Zoning Board of Appeals needed for waiver of full review of application/ approval not recorded within 90-day recording requirement.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Vehicle Sales: *“See Automotive / Automobile - Vehicle Sales”*

Vehicle Convenience Store: *“See Automotive / Automobile - Vehicle Sales”*

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.

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Video Store: A business primarily engaged in the retail sale, rental, or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media and associated electronic merchandise.

Violation: The failure of a structure, building, use, or development to comply with the Zoning Ordinance.

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

Wall Sign: *See “Signage -- Wall”*

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

Waste: Any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.



**Waste Management Facility:** The office, plants, substations, other structures and sites used to treat, transport or dispose of wastes.

**Water Body:** Any great pond, river, stream, or brook.

**Water Pumping:** The office, plants, substations, other structures and sites used to pump water suitable for human consumption.

**Water Treatment Facility:** The office, plants, substations, other structures and sites used to treat, filter, transport, or bottle water suitable for human consumption.

**Water Crossing:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

**Waiver:** A relaxation of the review procedures and all or portions of the submission requirements if the information is not required to determine compliance with the standards of this Ordinance.

**Warehousing:** The storage, deposit or stocking of merchandise or commodities in a structure or room.

**Well-Head Protection Area:** The zone around the source of a well designated for protection from contamination or harm to the water supply

**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 **Wholesale:** Selling to retailers or jobbers rather than to consumers. 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.

**Wetland:** See: Freshwater Wetland or Forested Wetland

**Window Sign:** See *“Signage -- Window”*

**Wind Energy Conversion System:** Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

**Wholesale Business:** The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm, or professional business users or other wholesalers as distinguished from the sale to the general public.

**Workshop:** A room, area, or small establishment where manual or light industrial work is done.

1. **Workshop - Tradesman:** A use devoted primarily to the sale of a repair service or a product or products, but the service is performed or the product

to be sold is prepared in its finished form on the premises. Packaging is not considered to be preparation.

2. Workshop – Hobbyist: An area where manual or light work is done for personal, non-commercial, enjoyment.

Yard: The area between a structure and the property boundary.

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 the side lot line and the nearest part of the principal building.

Yard Sale: All general sales, open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered a "Used Merchandise Sale" as defined in this Section.

Zone: *See "District"*

## **Article X Design Review Ordinance**

### **Sec. 55 Purpose**

#### **A. General Purpose**

The area of North Street from I-95 to Union Square in the Town of Houlton is a mixed residential and business use district. This section of Town is the first area to visually introduce the business district and Historical Downtown District to incoming traffic. This lends significance to the North Street area as it contributes to the creation of a physical setting essential to the evolution of the Town as well as creating a harmonious transition between the residential and business districts. The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the Town of Houlton, to provide for the protection and preservation of buildings, structures and places of historic value and to promote design which is compatible with the present character of Houlton.

#### **B. Specific Intent**

It is the specific intent of this Ordinance to:

1. Encourage the continued use of existing historically or architecturally importance buildings and those which contribute to the character of the District and discourage their demolition and removal;

2. Prevent inappropriate alterations of buildings of historic value;

3. Assure that new buildings are designed and built in a manner compatible with the character of the District in terms of scale and visual effect;
4. Assure that changes to contemporary buildings and new construction do not detract from adjacent buildings;
5. To provide protection for residential property owners not included within this zone;
6. To prevent visual changes which will cause a devaluing or detrimental effect upon existing commercial or residential property located in and abutting to this District.

### **Sec. 56 Definitions**

Architectural Significance: A building or structure shall be determined to have architectural significance if it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master architect or builder, or possesses high artistic values.

Building: Wherever the word "building" is used, it also refers to all structures and places (i.e., cemeteries, parks, etc.) which may or may not have buildings located on them and which are classified under this ordinance.

District: In this ordinance, District refers to the North Street Design Review District.

Historical Significance: A building or structure shall be determined to have historical significance if it is associated with events which have contributed to the formation and development of the Town of Houlton, if it is associated with the lives of people who have been important to the community or if it has made a contribution to the broader patterns of our common history.

Material Change: Material change is defined as a modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including the kind of texture of the building materials and the type and style of all windows, doors, light fixtures, the appurtenant fixtures and other features such as walks, fences, driveways and parking areas. In addition, all activities that affect the exterior and require a building permit are also included in this definition.

Neighborhood Significance: A building shall have neighborhood significance if it contributes to the creation of a physical setting representing a period importance in the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and other natural and architectural features, can transcend the sum of its parts in creating a sense of history.

Reconstruction: The rebuilding, or construction again, of a building or part of a building. The reconstruction may or may not be a return to the original design of the building.

Rehabilitation: The replication or reconstruction of a building's original architectural features. Restoration usually describes the technique of preserving historical buildings.

Violations: It shall be deemed a violation of this Ordinance if an allocation fails to comply with the plans and conditions as approved by the Houlton Planning Board when it issued the Design Certification, and/or if any activity listed in Section 56 is carried on without first obtaining a Design Certificate which permits the activity to proceed.

Visually Compatible: It is not the intent that all buildings in a neighborhood should look the same, but that a mix of types, sizes, etc., that blend together well shall be allowed and that facade designs that predate 1930 be encouraged.

### **Sec. 57 Boundaries**

Since the intent of this ordinance is to maintain the character of North Street in such a manner as to promote the development of the street's appearance, the boundaries of the Design Review District are those areas and lots which face the street.

### **Sec. 58 Design Certificate**

A Design Certificate shall be required before a permit to proceed is issued for any of the following reasons:

- A. Any demolition of any building.
- B. Any moving of a building.
- C. Any material change in the exterior appearance of existing buildings by additions, reconstruction or alterations.
- D. Any new construction of a building or accessory building or structure subject to view from a public street, public right of way or neighboring building(s);
- E. Any material change in existing walls, fences, driveways, and parking areas or construction of new walls, fences, driveways and parking areas if subject to view from a public street or public right of way or adjacent building(s);
- F. Any addition, removal or material change of any type of lighting if subject to view from a public street, public right of way or adjacent building(s);
- G. Changes to existing or additional signing or buildings and sites.

### **Sec. 59 Board of Review**

A. The Board of Review, for the purpose of reviewing applications for permits for Design Certificates, shall be the Houlton Planning Board.

B. The Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or historic preservation that affect the visual quality of the District. The Board may make any requirements consistent with the specific intent of this Ordinance as set forth in Section I-B.

C. The Board of Review shall require notification, by the application be made to, in addition to abutters, owners of property located for three lots on either side of the lot for which Design Review is being requested and owners of lots on the other side of the street from those lots of any public hearing held for Design Review purposes. This notification shall be make in addition to the notification requirements of the Houlton Zoning Ordinance regarding public hearings for review of condition uses by the Houlton Zoning Board of Appeals. An application shall be deemed to be incomplete if it does not include proof of the above requirements.

### **Sec. 60 Action of Application for Design Certificates**

A. The application for a Design Certificate shall be made in the Town Office on forms provided therefore. Each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed alterations, additions, changes or new construction as may be required for the Board to make a decision.

B. The Code Enforcement Officer shall transmit the application for a Design Certificate, together with the supporting information and materials, to the Board at its meeting for examination and approval. The Board shall act upon the application within 45 days of its receipt from the Code Enforcement Officer. If the Board does not act within 45 days, the application is deemed to be approved and a Design Certificate shall be issued.

C. Nothing herein shall prohibit an extension of time, by formal action for a specific period of time, for review and approval of the application if the parties have mutually agreed that more information and/or discussion is required. Unless the Board disapproves an application, a Design Certificate shall be issued with or without conditions. When the Board disapproves and application, its reasons shall be issued to the applicant in written form.

D. If an activity regulated by this Ordinance also requires a building permit, the permit shall not be issued until the Design Certificate is granted.

### **Sec. 61 Design Guidelines**

A. Newly constructed or reconstructed buildings, as well as existing buildings and their appurtenances, which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related and specifically with nearby and/or adjacent buildings in terms of the following factors.

1. **Scale of the Building:** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale gives a building "presence"; that is it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

2. **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of buildings in the neighborhood.

3. **Proportion of Building's Front Facade:** The "first impression" of a building gives, is that of its front facade, the side of the building which faces the most frequently

used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

4. Rhythm of Solids to Voids in Front Facades: When you look at any facade building, you see openings such as doors or window (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes in the solid and they are quite noticeable, setting up a patter or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

5. Proportions of Opening within the Facility: Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

6. Roof Shapes: A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings. Flat roofs are to be discouraged.

7. Relationship of Facade Materials: The facades of a building are what gibes it character, and the character varies depending on the materials of which the facades are made and their texture. In Houlton, many different materials are used on facades - clapboards, shingles, patterned shingles, brick-depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

8. Rhythm of Spaces to Building on Streets: The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to building should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

9. Site Features: The size, placement and materials of walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

10. Site Access: In no case will it be permitted to change or add any access within this District without approval from the Houlton Planning Board. In addition, traffic flow and direction will be reviewed by the Board where necessary.

11. Non-District Property Owners Protection: In order to protect those property owners in the areas not included in this District from intrusions resulting from changes within the District, it will be required that hedges, fences or other suitable buffers be installed along the property line of any District site where deemed necessary by the Board ore requested by the Non-District landowner. The purpose of this buffer is to reduce noise, sight, light or traffic disturbances as well as to maintain the integrity of the residential area. the buffer shall be in keeping with the neighborhood in material and style.

12. Site Occupancy: The Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or historic preservation that affect the visual quality of the District as well as protecting adjacent neighborhoods. Use or interior arrangement does not fall within the scope of this Design Review Ordinance, but is, however, dictated by the limitations of the Zoning law.

### **Sec. 62 Appeals**

Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.

### **Sec. 63 Ordinary Maintenance Allowed: Public Safety**

A. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the District which does not involve a change in design, material or outer appearance.

B. Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Code Enforcement Officer shall certify is required by the public safety because of unsafe or dangerous conditions.

### **Sec. 64 Enforcement**

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including, but not limited to, the discontinuance of the activities undertaken without obtaining a Design Certificate as required by the Ordinance.

B. The Code Enforcement Officer shall inspect, from time to time those building structures and any appurtenances for which a Design Certificate has been issued to ensure compliance with the terms contained in the Certificate. If the Code Enforcement Officer shall find that any of the terms contained in the Certificate are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

C. A Design Certificate, secured under the provisions of this Ordinance, shall expire if the work is not commenced within one (1) year of the date on which it is granted, and if work is not completed within two (2) years of the date on which the Certificate is granted. An extension of one (1) year may be granted by the Board.

D. Failure to obtain a Design Certificate, before construction commences, shall result in a fine of one hundred dollars (\$100.00), each day thereafter a permit is not obtained constitutes a separate offense and fine as stated above.

E. There will be no variances granted under the provisions of this Ordinance.,

### **Sec. 65 Penalties**

A. Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be punished by a fine of One Hundred Dollars (\$100.00).

B. For the purpose of this Ordinance, each day during which there exists any violation of any provision herein, shall constitute a separate violation of such provisions.

**Sec. 66 Separability**

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.