

## **SECTION X: DEFINITIONS**

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

1. In this Ordinance, certain terms or words should be interpreted as follows:
  - a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
  - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
  - c. The word "shall" is mandatory;
  - d. The word "may" is permitted;
  - e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and
  - f. The word "dwelling" includes the word "residence".

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

2. Terms not defined shall have the customary dictionary meaning.

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

\*Requires a Code Enforcement Permit.

**ABUTTING:** Having a common border with or being separated from such common border by an alley or easement.

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

**ACCESSORY STRUCTURES:** Include, but not limited to, **parking lots, on-premises advertising signs, solar collectors, swimming pools, fuel tanks, storage sheds, work-place cafeterias, dish antennas, animal sheds, flower gardens and landscaping, mailboxes, playgrounds and recreational facilities.**

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

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

**ALTERATIONS\*:** Alterations of a building, including expanding, replacing, extending on a side or by increasing height; or in moving from one location or position to another, or changing an existing use or structure or parts thereof, including, but not limited to:

- a. Interior renovations for change in use;
- b. Enclosing a porch, for creation of additional sleeping space or any activity which increases the existing of water used daily;
- c. Erection of fences as specified under State Statue;

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

ARCHAEOLOGICAL/HISTORIC SITE/STRUCTURE: Means any site or structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a inventory or historic places in communities which 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.

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

BASEMENT: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

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

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

**CERTIFICATE OF OCCUPANCY\*:** Official certification that a premise conforms to the provision of the Land Use Ordinance (and electrical code, plumbing code, American Disabilities Act, Life Safety 101 and NFPA 31). Unless such a certificate is issued, a structure cannot be lawfully occupied. See SECTION V.

**CHANGE OF USE\*:** The change of any premises from one category of land use to any other land use.

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

**CODE ENFORCEMENT OFFICER:** A person appointed by the Board of Selectmen to administer and enforce this Ordinance.

**DANGEROUS BUILDINGS:** Any building that is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.

**DEMOLITION/MOVING\*:** All buildings or structures which are removed from or onto, or moved around within a lot, or demolished.

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

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

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

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

**ENLARGEMENT OR TO ENLARGE\*:** An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

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

**EXTENSION OR TO EXTEND:** An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

**FAMILY:** Two (2) or more persons related by blood, marriage or adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

**FLOOD HAZARD AREAS:** All construction or earth activities or other improvements within a 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

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

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

**INDUSTRY:** Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

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

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

**LOT:** A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development.

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

**LOT CORNER:** A lot abutting two or more streets at their intersection.

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

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

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

- a. **Front Lot Line:** In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered the lot line in front of the building.
- b. **Rear Lot Line:** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

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

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

**MOTOR VEHICLE:** Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

**MOTOR VEHICLE, UNSERVICEABLE:** Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

**MOVING OR DEMOLITION\*:** All buildings or structures which are removed from, or moved onto, or moved around within a lot, or demolished.

**NEW CONSTRUCTION:** New construction of buildings and structures.

**NON-CONFORMING USE:** See SECTION VII

**NORMAL MAINTENANCE AND REPAIR:** Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change size or capacity.

**NUISANCE:** Any violation of this Ordinance shall be deemed a nuisance.

**OCCUPIED STRUCTURE:** Means any structure, over 100 sq. ft. maintained, or intended for the use of shelter of persons, or animals, with a completed construction date prior to the date of adoption or amendment of this ordinance.

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

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

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

**PARKING SPACE:** A surfaced area, enclosed or unenclosed, being sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

**PARTICIPATING PARCEL:** A parcel of land from which an interest has been conveyed to a publicly regulated utility company, including said interest conveyed and any remaining portion thereof.

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

**PHOTOVOLTAIC (PV) SYSTEM OR DEVICE:** A Solar Energy System that produces electricity with the use of semiconductor devices called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system or device which may be roof-mounted or ground-mounted.

**PLACEMENT OF SIGNS\*:** Placement of signs except temporary signs.

**PROJECT BOUNDARIES:** Means the boundaries of any project under construction within which the Owner/Operator has legal right title or interest, or the option to acquire the same.

**RETAIL ESTABLISHMENT:** Any business, housed in a permanent structure, engaged primarily in the sale of goods to the ultimate consumer for direct consumption and/or use.

**RIGHT OF WAY (ROW):** Is a right to make a way over a piece of land, usually to and from another piece of land. A right of way is a type of easement granted or reserved over the land for transportation purposes, such as a highway, public footpath, rail transport, canal, as well as electrical transmission lines.

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

a. **Private Road:** A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

b. **Public Road:** A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

**SETBACK:** The minimum distance from the center of the road or lot line to the nearest part of a structure.

**SIGN ITEMS:** Device, model, banner, pennant, insignia, flag, or other representation, which is used as the nature of an advertisement, announcement or direction.

**SIGNS\*:** Free Standing: A sign supported by one or more uprights or braces permanently affixed into the ground.

a. **Portable:** A sign not designed or intended to be permanently affixed into the ground or to a structure.

b. **Roof:** A sign which is attached to a building and is displayed above the eaves of such building.

c. **Temporary:** A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

d. **Wall:** Any sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.

e. **Window:** Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.

f. **Area of a Sign:** The exposed surface of the sign including all ornamentation, embellishment, background, and symbols.

**SOLAR ARRAY:** Multiple solar panels, modules or solar devices grouped together to create one system with the purpose of harvesting energy.

**SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.

**SOLAR ENERGY:** Radiant energy (direct, diffuse, and/or reflective) received from the sun.

**SOLAR ENERGY SYSTEM:** A solar PV cell, panel, module or array, or solar thermal collector, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**SOLAR ENERGY SYSTEM, LARGE SCALE:** A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet), and that generates a nameplate capacity of 1 mgw or greater.

**SOLAR ENERGY SYSTEM, MEDIUM SCALE:** A Solar energy system whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet but less than 4 acres (174,240 square feet), and that generates a nameplate capacity of 125 kw to 1 mgw.

**SOLAR ENERGY SYSTEM, SMALL-SCALE:** A Solar Energy System whose physical size based on total airspace projected over the ground is less than 20,000 square feet and that generates a nameplate capacity of about 125 kw or less. A small-scale system typically is an accessory use to a principal use on the property.



**SOLAR GLARE:** The potential for solar panels to reflect average sunlight, with an intensity sufficient to cause annoyance, discomfort, loss in visual performance or visibility, or a public safety hazard.

**SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

**SOLAR RELATED EQUIPMENT:** Items including a solar PV cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collections of solar energy.

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

**Building, Accessory:** A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

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

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

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

**STRUCTURE\*:** Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a pool, patio or deck. (See Essential Services)

**SUBSTANTIAL START TO CONSTRUCTION:** the completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated cost.

**TRANSIENT:** A non-resident person residing within the Town of Corinna less than thirty days.

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

1. Accessory Use: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.
2. Principal Use: The specific primary purpose for which land is used.
3. Conforming (Permitted) Use: A use which may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.
4. Non-Conforming Use: A use which does not conform to the provisions of this Ordinance.
5. Open Space Use: A use which does not disturb the existing state of the land except to restore this land to a natural condition.

VARIANCE: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

YARD: The area of land on a lot not occupied by buildings.

1. Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, extending the entire width of the lot.
2. Rear Yard: The open, unoccupied space on the same lot with the principal building between a rear lot line and the nearest part of any building on the lot and extending the entire width of the lots.
3. Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard.

**YARD SALE/GARAGE SALE\*: Shall mean and include all sales entitled “garage sale”, “lawn sale”, “porch sale”, “yard sale”, “attic sale”, “rummage sale”, or “flea market” sale or any similar casual sale of tangible property which is advertised by an means or is made evident by articles being set out in a yard, porch, or garaged whereby the public at large is/can be made aware of such sale. A land use permit for a garage/yard sale shall be issued for a single sale or for a one-year period. The permit shall cover no more than three (3) separate sales during the period. Duration of any one sale shall be three (3) days. No more than three (3) sales shall be held at the same location in any given year. Retail establishments are exempt.**