

ARTICLE 2: DEFINITIONS

SECTION 2.01 MEANING OF WORDS

All words except those defined herein carry their customary and usual meanings. Words used in the present tense include the future. Words used in the singular include the plural and vice versa. The word *lot* includes the words *parcel* and *plot*. The word *must* is used to indicate the mandatory and the word *may* is used to indicate the permissive. The use of *may* as in “no buildings may be built,” or “buildings may not be built,” means that permission to build buildings is not granted and, thus, they are not allowed to be built. The words *occupied* or *used* are considered as though followed by the words *or intended, arranged, or designed to be used or occupied*.

SECTION 2.02 DEFINITIONS

For the purpose of interpreting this Code, the following terms, phrases, words, and their derivations have the meaning given herein.

Abutting Property. Any lot that is physically contiguous with the lot in question, even if only at a point, and any lot that is located directly across a public street or way from the lot in question.

Access Drive. That portion of a lot set aside for vehicular access between the public or private road and the portion of the lot used for buildings, structures, parking, or other uses to which the lot is devoted. The driveway.

Accessory Building. A subordinate building or a portion of the main building that is occupied by an accessory use.

Accessory Use. Use of a building or of land that:

1. is clearly incidental to and customarily found in connection with a principal building or use
2. is subordinate to and serves a principal building or a principal use
3. is subordinate in area, extent, and purpose to the principal building or principal use served
4. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal building or principal use served, and
5. is located on the same lot as or a lot under the same ownership as the principal building or use and meets the performance standards of Section 11.35.

Agent. Anyone having written authorization signed by a property owner to act on behalf of that property owner, or applicant.

Aggrieved Party. A person whose land is directly affected by the granting or denial of a permit or variance under this Code; a person whose land abuts land for which a permit or variance has been granted.

Agriculture. The production, keeping, or maintenance for sale or lease of plants. Agriculture does not include timber-harvesting activities. [amended June 22, 2016]

Airport. An area of land or water designed and set aside for landing and takeoff of aircraft, including airplanes, helicopters, and ultralight aircraft. This use also includes accessory facilities for housing and maintaining the aircraft.

Alteration. Any material change to a structure or building, including but not limited to reconstruction, enlargement, relocation, or other similar actions. Also, any material change to the site, including but not limited to the construction, erection, or location of structures; changes to the stormwater drainage; and the creation of new impervious surfaces.

Ambient Quality. As it relates to noise, vibrations, or odor, the condition that exists at any particular geographical area before the start of development.

Animal-care Facility. The use of a building or land for the diagnosis, care, and treatment of ailing or injured animals, which may include overnight accommodations.

Applicant. Any person having standing to apply for a review or approval required or provided under this Code. To have standing under this Code, an applicant must have a legal interest in any land, parcel, site, or development subject to any action by the City of Bath under this Code. Such interest must be either fee-simple ownership; holder of a valid, enforceable contract (or option agreement) to purchase; or a long-term (i.e., 10 years or longer) exclusive leasehold. Applicants may designate others to represent them in any application under this Code and must do so in writing. The terms *owner*, *subdivider*, and *developer* are interchangeable with the term *applicant*, unless the context clearly indicates otherwise.

Architectural Details and Decorative Elements. Include, but are not limited to, cornices; frames and moldings around windows, doors, and building corners; lintels; arches; columns; wrought-iron work; siding; and chimneys.

Area of Special Flood Hazard. The land in the floodplain having a 1 percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in the Flood Damage Prevention Ordinance.

Art Studio. The room or building where an artist works. There may be no outdoor evidence of the art studio activity caused by such things as storage, deliveries, customers, noise, or odors. No on-site display or sales.

Assisted Residential Facility – A place where individuals: [added February 24, 2010]

- reside in private apartments that include an individual bedroom and an individual bathroom, and may include an individual food preparation area;
- are provided with common dining services; and
- receive assisted-living services with activities such as dressing, eating, toileting, bathing, and personal hygiene.

An Assisted Residential Facility does not include correctional facilities, hospitals, hotels, or rooming houses.

An Assisted Residential Facility must meet the standards in Section 11.08 of this Code.

Assisted Residential Unit. The individual unit or apartment located within any Assisted Residential Facility that is intended to be occupied by the resident of an assisted residential facility. This unit is not considered to be a dwelling unit. [added February 24, 2010]

Automobile Graveyard. That definition contained in 30-A M.R.S.A. Section 3752 (1). Also the keeping or storing of 3 motor vehicles that cannot pass the state inspection test in their current condition.

Base Flood. The flood having a 1 percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Bed and Breakfast. A dwelling that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having less than 10 sleeping rooms; and in which some bath, sitting, and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. The dwelling must be occupied by the owner or resident manager as his/her principle place of residence. For purposes of this definition, *principal place of residence* means that the owner of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. All of the bed and breakfast activities and the residence of the owner must be in the same building and may only be in 1 building. [amended September 26, 2018]

Borrow Pit. A mining operation undertaken for the removal of gravel.

Buffer. An open area with landscaping, fencing, grade changes, or other measures to reduce the transfer of noise, dust, light, and similar nuisances from one property to another, and to improve the visual appearance of the property from abutting properties or public ways.

Building. Any structure with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or personal property. Each portion of a building separated from other portions by a firewall is considered a separate building.

Campground. Any premises established for overnight use for the purpose of temporary camping and for which a fee is charged.

Canopy. The more or less continuous cover formed by tree crowns in a wooded area.
[added October 28, 2009]

Car Wash. An area of land and/or a structure with machine- or hand-operated facilities used principally to clean, wash, polish, or wax motor vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of the cemetery.

Chicken Enclosure or Pen. A fenced and secured enclosure or confined area or pen, required in association with a coop in order to provide an outside exercise area for chickens free from predators and of a size that allows for access to a foraging area and sunlight and ventilation. [added June 22, 2016]

Child-care Facility. A building or group of buildings used to house children overnight, with supervision and meals but not necessarily medical care.

City Park. Any facility that is owned by the City of Bath and managed for the active or passive recreational use or open space enjoyment by city residents.

Cluster Development. A form of development that allows a developer to create smaller lots in return for setting aside a portion of the tract of land as permanent, undeveloped open space. Cluster developments must conform to the standards of Section 11.06.

Codes Enforcement Officer (CEO). That person appointed by the Bath City Council as Codes Enforcement Officer.

Commercial Greenhouse. A building or group of buildings whose sides and/or roof are made primarily of glass or other sunlight-transmitting material, and used to grow or store plants and/or produce for sale.

Community Activity Center. A building or other place that is used for meetings, recreation, and similar uses by the general public, and not operated for profit.

Community Garden. The non-commercial use of land to grow plants for the use of residents of the neighborhood or the Bath community.

Community-living Arrangement. A housing facility for 8 or fewer persons with disabilities that is approved, certified, or licensed by the state. A community-living arrangement may include a group home, foster home, or intermediate-care facility. *Disability* has the same meaning as the term *handicap* in the Federal Fair Housing Act, 42 United States Code, Section 3602. As required by 30-A M.R.S.A. Section 4357-A, Paragraph 2, a community-living arrangement is considered a single-family use.

Comprehensive Plan. The Comprehensive Plan duly adopted by the City Council as the City's official policy with respect to the use and development of land within the City, as currently exists and as may be amended from time to time.

Constructed. Includes built, erected, altered, reconstructed, moved onto or upon, or any physical operations on the premises that are required for construction. Excavation, fill, drainage, and other activities associated with construction are considered part of that construction.

Contract Rezoning. Contract rezoning is a process by which the City Council, after considering the recommendation of the Planning Board, may rezone property, consistent with the Planning Board's findings, to permit the use of that property subject to variations or conditions not generally applicable in non-contract zones. The contract rezoning process must comply with Section 8.19 of this Code and with 30-A M.R.S.A. Section 4352 (8).

Convenience Store. A business, the principal building of which has no more than 2,500 square feet, that sells prepackaged food products and household items. A convenience store also may sell food already prepared, but does not include establishments designed or arranged to accommodate the consumption of food on the premises. A convenience store may sell motor-vehicle fuel but may not have more than 8 fuel-dispensing locations. (Each individual fuel-filling site is a fuel-dispensing location.) This use does not include uses in Land Use Table Category 12, in Section 9.02.

Coop or Henhouse. A covered structure designed, constructed or used for the housing of chickens and to provide shelter from the weather and a roosting area protected from predators. Coops may contain perches, nesting boxes, or other sitting or setting locations for chickens. [added June 22, 2016]

Correctional Facility. A building or group of buildings used to house persons who are awaiting action by the courts, or persons who have been confined by the courts. This use may not be considered an accessory use. The temporary holding of pretrial detainees, for no longer than 72 hours, prior to arraignment, release, or transfer to another facility is considered accessory to a Public Safety Facility. [amended September 18, 2002]

Council or City Council. The Bath City Council.

Craft and Flea Market. The sale of used merchandise or homemade crafts where vendors may rent tables or display space.

Cross-sectional area. The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel. [added October 28, 2009]

Day-care Facility. A house or other place in which there is maintained or otherwise carried out, a regular program, for consideration, for any part of a day, care and protection, and possibly instruction, for children under the age of 16 or adults who cannot care for themselves.

Day-care Home. A house or other place in which there is maintained or otherwise carried out by the occupants of the dwelling unit on the lot, a regular program, for consideration, for any part of a day, care and protection, and possibly instruction, for 3 but not more than 12 children under the age of 16 or adults who cannot care for themselves.

DBH. The diameter of a standing tree measured 4.5 feet from ground level. [added October 28, 2009]

Deck. An unroofed structure with a floor.

Demolition. The intentional destruction or removal of a building or structure either partially or as a whole.

Development. A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring. [added October 28, 2009]

Disruption of shoreline integrity. The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions. [added October 28, 2009]

District. A specific portion of the City delineated on the official zoning map, within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Code. Also may be called *zone* or *zoning district*.

Dock. Any structure, whether permanent or temporary, that acts as a landing place for watercraft, including any combination of piers, docks, or floats.

Drive-up Window. A window designed or used in such a manner as to permit customers or patrons to receive goods or services while remaining in their motor vehicle.

Dry Cleaner. An establishment where garments and the like are cleaned by using solvents and not soap and water.

Dwelling. A building containing 1 or more dwelling units.

Dwelling, Single-family. A building containing only 1 dwelling unit for occupation by not more than 1 family.

Dwelling, Two-family. A building containing only 2 dwelling units for occupation by not more than 2 families.

Dwelling, Multi-family. A building containing 3 or more dwelling units designed for residential use and occupancy by 3 or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit (in non-shoreland zones). A room or group of rooms designed and equipped for use as permanent, seasonal, or temporary living quarters for only 1 family at a time, and containing cooking, sleeping, and toilet facilities. The term includes manufactured housing and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented, but does not include recreational vehicles, so-called park-model mobile homes, assisted residential units, or rooms in land-use categories other than Category 1.0, Residential, in the Land Use Table (see Section 9.02). [amended October 28, 2009 and October 27, 2010]

Dwelling Unit (in shoreland zone). A room or group of rooms designed and equipped for use as permanent, seasonal, or temporary living quarters for only 1 family at a time, and containing cooking, sleeping, and toilet facilities. The term includes motels, hotels, inns, tourist cabins, manufactured housing and other rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented, but does not include recreational vehicles, so-called park-model mobile homes, or assisted residential units. [added October 27, 2010]

Easement. A right or privilege, less than fee-simple ownership, that a person may have in another's land, such as a right-of-way.

Elderly housing. A dwelling unit occupied by persons 55 years or older. In the case of double occupancy of a unit, only 1 resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to elderly persons.

Engineered System. A subsurface wastewater-disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat wastewater that has characteristics significantly different than domestic wastewater.

Environmental Impact Report. A detailed study describing and analyzing the environmental impacts of a mining activity, discussing ways to mitigate or avoid such impacts, and evaluating responsible alternatives to the proposed activity or the method in which it is proposed to be conducted.

Erect. Any building activity including construction, reconstruction, renovation, relocation, alteration, enlargement, placement, or any other similar activities.

Expansion of Use. The addition of weeks or months to a use's operational season, additional hours of operation, or an increase of floor or ground area devoted to a particular use.

Exterior Siding 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 also includes masonry, wood board-and-batten, and "Texture 1-11" exterior plywood.

Family. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; however, a group of 4 or more persons who are not within the second degree of kinship are not considered a family.

Notwithstanding the definition in the preceding paragraph, a family is deemed to include 5 or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if the occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968 and amended by the Fair Housing Amendments of 1988. Such unrelated individuals have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit, as defined in the first paragraph of this definition.

Farmstand. A lot or structure from which farm, garden, greenhouse, or nursery products or Christmas trees, garlands, wreathes, or wreath materials are sold.

Farmers' Market. The outdoor display and sale by 1 or more vendors of locally grown farm products. May also include the display and sale of homemade craft items.

Fence. Any structure, constructed of any material or combination of materials, erected to enclose or screen areas of land.

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

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

Floor Area, Gross, of a Structure. The sum of the contiguous horizontal areas of the floor(s) of a structure enclosed by exterior walls, including unfinished areas within the exterior walls, attached garages, plus porches, and decks and excluding basement space unless the basement is used as living space or commercial space. Floor area is calculated by measuring the outside dimensions of exterior walls, or in the case of porches or decks by measuring the surface area. [amended May 16, 2001]

Floor Area Ratio. That number determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Forest Stand. A contiguous group of trees sufficiently uniform in age, class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit. [added October 28, 2009]

Foundation. The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material. [added October 28, 2009]

Function or Assembly Facility. The use of a building or structure by a private organization for meetings and other purposes attended by the organization's members and guests. Such uses may include food or liquor service on a regular basis. Also, the use of a structure or a parcel of land for meetings, social events, and similar gatherings by people other than the property owner or occupant and their guests.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for (1) the embalming and performance of other services used to prepare the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles. Facilities for cremation are not included. Where a funeral home is permitted, a funeral chapel also is permitted.

Garage and Yard Sales. Sales conducted from or on residential premises for the purpose of disposing of used personal property.

Ground cover. Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor. [added October 28, 2009]

Hazardous Waste. Any waste material identified as being hazardous by either the Maine Department of Environmental Protection (MEDEP) or the U.S. Environmental Protection Agency (USEPA).

Height of Structure - all districts except Shoreland Zone. The vertical distance from the mean grade level to the top surface of the roof or to the top of the structure. [amended May 16, 2001]

Height of Structure - Shoreland Zone. The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area. If any portion of the structure is in the Shoreland Zone this definition applies. [amended May 16, 2001 and October 28, 2009]

High-volume Traffic Generation Use. All uses in Land Use Table Category 2.0, except 2.1.3 Low-volume Traffic Generation uses.

Historic and Archeological Resources. Any area, site, or building listed on the National Register of Historic Places or identified in the Comprehensive Plan as an archeological or historic resource.

Historic District Committee. A committee comprised of the Planning Director, and 2 Planning Board members designated annually by the Chair of the Planning Board. The committee is authorized to act on certain requests for Historic District Approval according to Section 8.12, D. [amended February 7, 2007]

Home Occupation. An occupation or profession, carried out for monetary gain, that is conducted in a dwelling unit or structure accessory to a dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. There are 2 sizes of home occupations defined in the following paragraphs. All home occupations must meet the performance standards of Section 11.13.

Home Occupation - A. A home occupation that has little or no impact on the neighborhood in which it is located. This category includes home occupations that have no warehousing, no sales on-site, no parking of commercially-registered vehicles larger than 1 ton capacity based upon the manufacture's rating, no deliveries by trucks larger than the single-unit trucks typically used by United Parcel Service or Federal Express, and no employees other than family members residing in the home. This category may not be conducted in an accessory building.

Home Occupation - B. Any home occupation that does not meet the definition of *Home Occupation - A*.

Hospital. A building or buildings where health services primarily for human in-patient medical and surgical care for the sick or injured is provided, including accessory facilities such as laboratories, out-patient departments, training facilities, central services, and staff offices.

Household Pets. Animals that are customarily kept for personal use or enjoyment within the home, including but not limited to domestic dogs, domestic cats, rabbits, rodents, and domestic birds.

Hydric Soils. Hydric soils include the following types:

- Biddeford silt loam
- coastal beach
- Leicester fine sandy loam
- Leicester very stony, fine sandy loam
- Limerick silt loam
- peat and muck
- Saco silt loam
- Scantic soil loam, 0 to 3 percent slopes
- Scarboro fine sandy loam
- Swanton fine sandy loam, 0 to 3 percent slopes
- tidal marsh
- Walpole fine sandy loam
- Whately fine sandy loam
- Whitman loam

Individual Private Campsite. An area of land not associated with a campground, developed for repeated camping by only 1 group not to exceed 10 individuals, and which involves site improvements that may include but are not limited to gravel pads, parking areas, fireplaces, and wooden tent platforms.

In-home Lodging. The renting of a bedroom without cooking facilities in a single-family home. The lodger may or may not be allowed use of kitchen facilities in the home.

Junkyard. That definition contained in 30-A M.R.S.A. Section 3752 (4). This does not include the City of Bath sanitary landfill

Kennel. Any place, building, tract of land, or enclosure where a person, for compensation:

1. provides food, shelter, care, or training for household pets for purposes not primarily related to medical care, or
2. engages in the breeding of more than 2 female household pets for the sale of their offspring

Except that any building where non-medical care such as washing, grooming, and similar services are provided to household pets is considered a service use (Use Category 3.1.1), provided that the animals are not kept overnight and are kept within the building.
[amended October 5, 2005]

Laundromat. An establishment where, for compensation, clothes and the like are washed with soap and water.

Legislative Body. The City Council of the City of Bath.

Library. A building or buildings open to the public where books and other reference materials are kept for reading, reference, and loaning.

Livestock. Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to equine, bovine, ovine, caprine, and porcine. [added June 22, 2016]

Lot. All contiguous lands under the same ownership.

Lot, Back. A lot that is located to the rear of 1 or more other lots and that lacks street frontage or has frontage that is less than the required lot width as measured along a street. [amended May 16, 2001]

Lot, Corner. A lot with at least 2 contiguous sides abutting on a street.

Lot, Shorefront. Any lot abutting a river, stream, or tributary stream.

Lot, Through. Any interior lot with frontages on 2 more or less parallel streets, between a street and a water body, or between 2 water bodies, as distinguished from a corner lot. All sides of through lots, adjacent to the streets and water bodies, are considered front lot lines, and front setbacks and yard areas must be provided as required.

Lot area. The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath existing or proposed roads or road rights-of-way serving more than two lots. [amended October 28, 2009]

Lot Coverage—all districts except Shoreland Zone. That part of the lot area covered by buildings. [amended May 16, 2001]

Lot Coverage—Shoreland Zone. That part of the lot covered by structures, parking lots, and all non-vegetated surfaces. [added May 16, 2001]

Lot Lines. The property lines bounding a lot, as follows:

Front Lot Line. On a lot that abuts only 1 street, the line separating the lot from the street right-of-way. On a corner or through lot, the lines separating the lot from each street right-of-way or waterbody. On a back lot, the line separating the lot from the lot in front of and closer to the nearest street than that lot. [amended May 16, 2001]

Rear Lot Line. The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line is an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line. On a corner lot, there are 2 rear lot lines.

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

Lot Net Area. The area of the lot minus the area of the lot that contains:

- hydric soils
- wetlands
- areas of 1 or more contiguous acres with sustained slope of 25 percent or more
- floodplain
- water body and any portion of the lot that is regularly inundated by water
- exposed bedrock
- any isolated portion of the site that is cut off from the main portion of the site by a road, existing land uses, major stream, or similar physical feature such that it creates a major barrier to the common use or development of the site.

Lot Width. The distance between the side lot lines of a lot measured at the front setback as required by this Code. For corner lots, lot width is measured between the rear lot line and the opposite front lot line. Corner lots have 2 lot widths.

Low-volume Traffic Generation Use. Uses such as furniture stores, carpet stores, and major appliance stores that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that, therefore, generate less customer traffic per square foot of floor space than stores selling smaller items.

Manufactured Housing. This is defined as follows:

1. Those units constructed after June 15, 1976, commonly called “newer mobile homes,” that the manufacturer certifies are constructed in compliance with the U.S. Department of Housing and Urban Development (HUD) standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 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 therein. The term includes any structure that meets all the requirements of this paragraph except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the HUD Secretary and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.
2. Those units commonly called “modular homes” that the manufacturer certifies are constructed in compliance with the State’s Manufacturing Housing Act and regulations, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Marina. Any complex, having frontage on navigable water, of land buildings, facilities, haul ways, driveways, motor vehicle parking areas, or indoor or outdoor boat storage spaces in a common ownership for docking, mooring, berthing, storing, repairing, selling, supplying, fueling, or servicing boats. [amended October 28, 2009]

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. [added October 28, 2009]

Metallic Minerals or Metallic Mineral Deposits. Any mineral containing any metal, including but not limited to minerals containing gold, silver, iron, manganese, copper, lead, zinc, tin, chromium, cobalt, nickel, molybdenum, platinum, group elements, aluminum, arsenic, antimony or bismuth, as their valuable constituents.

Mining. The extraction of borrow, topsoil, clay, rock, sand, or gravel, and the processing of such materials. The following activities are specifically exempt from this definition and are not considered to be mining:

1. Topsoil operations in which no more than 100 cubic yards of topsoil are removed per year, where the removal is accomplished with a vehicle having a capacity of 10 cubic yards or less, and the owner/operator provides a rehabilitation plan to return the topsoil to its original state.
2. Removal of materials when necessary and incidental to the construction or alteration of a building, road, or parking area on the same site as that from which the materials are removed.
3. Activity involved in the removal of metallic minerals or metallic mineral deposits that is not considered a mining activity and is not permitted where mining activity is permitted under the terms and conditions of this Code.

Minor Revisions. A minor revision to a site plan is one that is limited in scope and effect so as not to represent a material change in the original approved plan. It is anticipated that such revisions will result from such factors as adjustments to meet on-site conditions, more efficient methods of accomplishing necessary on-site infrastructure, corrections of mistakes on the approved plan, amendments to meet Code requirements, and the like. (See Section 12.13, Item B.)

Mixed Use. More than one principal use in the same building.

Mobile-home Park. A parcel of land under unified ownership designed and/or used to accommodate 3 or more manufactured housing units.

Mobile-home-park Lot. The area of land on which an individual home is situated within a mobile-home park that is reserved for use by the occupants of that home.

Motor Scooter. A motorcycle as defined in Title 29-A MRSA, section 101, Subsection 38, provided the maximum piston displacement of the motor does not exceed 250 cubic centimeters. Notwithstanding the definition contained in Title 29-A MRSA, section 101, Subsection 38, for the purposed of this Code a motorcycle may have wheels smaller than 10 inches in diameter and may have a motor with a piston displacement less than 50 cubic centimeters. [added March 11, 2009]

Motor Vehicle. Any motor-driven, self-propelled vehicle not operated on a track or tracks and specifically including, in addition to those vehicles licensed by the State of Maine, all motorcycles, off-road vehicles, all-terrain vehicles, and recreational camping vehicles, with the sole exception of snowmobiles.

Motor Vehicle or Snowmobile Repair Facility. A place where one or more of the following motor vehicle or snowmobile uses or services is carried out: motor vehicle or snowmobile body work, painting, upholstering, repairing, servicing, or fuel sales.

Multiple Uses. More than one principal use on the same lot.

Museum. An institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value. Also may include incidental sales of merchandise and a restaurant as an accessory use.

Native. Indigenous to the local forests. [added October 28, 2009]

Normal high-water line (non-tidal 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. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. The CEO is responsible for the delineation of the normal high line where such is not clearly mapped. [amended October 28, 2009]

Nursing Home. A facility where lodging and board, and medical care or nursing supervision to sick, invalid, infirm, disabled, or convalescent persons is provided. [amended May 16, 2001]

Open Space. For purposes of Article 14, an area of land left undeveloped to be used as passive recreation, agriculture, resource protection or other similar uses, whether the use is in accordance with the original use, or represents a change in use after completion of development.

Overburden. Earth and other materials naturally lying over the product to be mined.

Parabolic Dish Antenna. A device incorporating a reflective surface that is solid-, open-mesh-, or bar-configured and is in the shape of a shallow dish, cone, or horn, which is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based devices.

Parking Garage. A building or multilevel structure designed and used for the storage of motor vehicles.

Parking Lot. An area, not within a building and not multilevel, designed and used for the storage of motor vehicles.

Parking Space. The area within a parking lot or parking garage where the individual motor vehicle may be stored. A parking space must be at least 9 feet wide by 20 feet long, unless it is part of a parking lot that meets the standards of Section 10.06,B, 9. [amended August 6, 2003]

Pasture. A fenced enclosure or confined area used for the grazing of livestock which contains sufficient vegetation to serve as the principal food source for the livestock contained therein. [added June 22, 2016]

Person. Individual, firm, association, organization, partnership, trust, company, corporation, limited liability company, or other recognizable legal entity

Place of Assembly. A meeting place at which the public may assemble regularly or occasionally, for purposes such as deliberations, worship, conferences, and lectures. [amended May 5, 2004]

Planning Board. The Planning Board of the City of Bath.

Planning Director. That person hired by the City of Bath with the job description of Planning and Development Director.

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

Principal Structure. A building or structure in which a principal use is conducted.

Principal Use. The primary use or purpose of a lot or structure.

Private Meeting Facility. The use of a structure or parcel of land for the meetings of a private organization, including union halls. [amended August 6, 2003]

Public Safety Facility. A place used to house or store public police, fire, or rescue equipment, and/or a building used as temporary living space for on-duty police, fire, or rescue personnel. Uses may include accessory office uses.

Public Works Facility. A place used to house or store public highway, park, or cemetery maintenance equipment or materials. Uses may include accessory uses.

Reclamation. The rehabilitation and continued maintenance of the area affected by mining activity under a reclamation plan which can include, but is not limited to, grading and land shaping, creation of lakes or ponds, the planting of forest and the seeding of grasses and legumes, the planting of crops for harvest, and the enhancement of wildlife and aquatic resources.

Recreational Camping Vehicle. A motor vehicle or an attachment designed to be towed or carried by a motor vehicle and designed for temporary sleeping or living quarters for 1 or more persons, including but not limited to a pickup camper, travel trailer, tent trailer, camp trailer, or motor home. In order to be considered a Recreational Camping Vehicle, and not a dwelling unit, the motor vehicle must remain with its tires on the ground and must be registered with the Maine State Division of Motor Vehicles. [amended October 28, 2009]

Relocation. The removal of a building or other structure to a new location, whether to a different lot or to another location on the same lot.

Residential in Appearance. (Pertaining to any buildings built to house a home occupation) Having siding materials such as clapboards, shingles, or shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes; and a pitched, shingled or metal roof, and similar in appearance to the principal, residential building.

Residential Use. Land Use Category 1.0 on the Land Use Table (see Section 9.02).

Residential Zone or District. The R1, R2, R3, R4, R5, and R6 zoning districts. [amended October 3, 2001]

Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district includes the following areas, 1 through 5, below, when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that lots that are currently built upon and lots that are in the I, C1, or C5 Zone need not be included within the Resource Protection District. [added October 28, 2009]

1. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows, freshwater wetlands, and wetlands associated with great ponds (this includes Lilly Pond) or rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Department of Inland Fisheries & Wildlife. Salt marshes and salt meadows are those shown on maps dated January 1, 1997. Freshwater wetlands and wetlands associated with great ponds or rivers are those based upon the December 31, 2008 data layer. For the purposes of this definition "wetlands

associated with great ponds or rivers” means areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a river, and have a surface elevation at or below the water level of the river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district also includes 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
4. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Restaurant. A place, the primary use of which, is to prepare and serve food and beverages on the premises to the general public for compensation.

Resubdivision. The division of an existing subdivision or any change of lot size therein, or the relocation of any street, lot, or lot line in a subdivision.

Review Authority. For Site Plan Review, the Review Authority is designated as either the Planning Board or the Staff Review Committee.

Rooming House. Any dwelling in which more than 3 persons are housed for compensation with or without meals and with shared facilities. This definition includes fraternity and sorority houses.

Salt marsh. Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. [added October 28, 2009]

Salt meadow. Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas. [added October 28, 2009]

School, Public or Private Elementary or Secondary. A place where courses of study are taught that are sufficient to qualify attendance as compliance with state compulsory education requirements for Kindergarten through Grade 12 or non-boarding schools for the purposes of teaching life skills, such as hygiene, reading, cooking, and money management. [amended November 28, 2012]

School, Public or Private Post-secondary. A place where courses of study are taught that are sufficient to lead to a degree recognized by the state.

School, Special Purpose. A place where any specialized branch of knowledge is taught for compensation such as martial arts, dancing, gymnastics, music, automobile driving, and business skills, but not including horseback riding. [amended November 28, 2012]

Service drop. Any utility line extension which does not cross or run beneath any portion of a water body provided that: [added October 28, 2009]

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 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 1,000 feet in length.

Setback (in non-shoreland zones). The minimum horizontal distance between the front, side, or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot. [amended October 28, 2009]

Setback (in shoreland zone). The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area. [added October 28, 2009]

Shared Parking. A parking lot or parking garage that is accessory to a permitted use and which may be used by another principal, permitted use after approval by the Planning Board.

Shore frontage. The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. [added May 16, 2001 and October 28, 2009]

Shoreland zone. The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream. [amended October 28, 2009]

Shoreline. The normal high-water line, or upland edge of a freshwater or coastal wetland. [added October 28, 2009]

Site-built Single-family Dwelling. A dwelling unit that is built on-site or a manufactured housing unit commonly called “modular home” that the manufacturer certifies was constructed in compliance with the State’s Manufacturing Housing Act and regulations, meaning a structure, transportable in one or more sections, that is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Also includes dwellings that were site-built and moved to a new location. Does not include mobile homes.

Small ATV. Any motorized off-road vehicle 50 inches or less in overall width, having a dry weight of 600 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator, having handle bars for steering, and having a the maximum piston displacement not exceeding 375 cubic centimeters. [added March 11, 2009]

Small-Scale Chicken Flock. A flock of female poultry, no greater than six (6) in number, residing on a lot located in an urban, residential zoning district or a mixed commercial and residential district and less than two (2) acres in size. [added June 22, 2016]

Soil Sediments. Soil particles settling out from mineral material which are small enough to be transferred or transported by wind or water.

Soup Kitchen. A facility that distributes food (prepared and unprepared) and/or clothing to the public on a regular basis, without cost or at a low cost insufficient to generate a profit. *Soup kitchens* are not *restaurants*. [added September 25, 2013]

Staff Review Committee. A committee composed of the Police Chief, the Fire Chief, the Public Works Director, the CEO, and the Planning Director, or their designees, and chaired by the Planning Director.

Street. For the purpose of determining frontage and access requirements only; ; a way established or maintained under public authority; ; a private way meeting the standards contained in Section 13.14, B, 2, (e), approved by the Planning Board, and recorded at the Registry of Deeds; ; a way shown on a plan of a subdivision duly approved by the Planning Board; ; a way shown on a plan recorded in the Registry of Deeds prior to September 23, 1971; ; or a way that is existing at the date of adoption of this Section, which meets the standards contained in Section 13.14, B, 2, (e). [amended May 16, 2001 and June 15, 2005]

Street Bottle-neck. That segment of a dead-end street system, which must serve as both ingress and egress. [added June 15, 2005]

Street, Continuing. A street having two ends; each end connecting with a different continuing street or loop street. [added June 15, 2005]

Street System, Dead-end. A street, or a system of connected streets, whether existing or proposed, which has only one connection with either a continuing street or loop street. [added June 15, 2005]

Street, Loop. A street that has two ends, each end connecting with the same continuing street or loop street. The two connections must be at least 500 feet apart. If the connections are less than 500 feet apart the street is considered a dead-end street system.

Structure. Anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures both temporarily and permanently located. [amended October 28, 2009]

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; legally nonconforming cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. [amended October 28, 2009]

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

Tidal waters. All waters affected by tidal action during the maximum spring tide. [added October 28, 2009]

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.

Tower. Any structure whose principal function is to support something such as an antenna, a windmill, a water tank, an observation platform, or other similar uses. A WCF, as defined and regulated by Article 17, is not included in this definition. [amended February 22, 2012]

Transportation Terminal. The use of land or structures where goods or passengers are transferred from one mode of transportation to another, where the transport of the goods or passengers begins or ends, or where the vehicle doing the transport begins or ends its run. A transportation terminal does not include permanent or long-term storage of goods. The transportation terminal may include repair of motor vehicles associated with the terminal. This use includes, but is not limited to, railroad stations, bus stations, and taxi operations other than City Council-permitted “taxi parking spaces.”

Travel Trailer. A vehicular, portable structure built on a chassis; designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses; when equipped for the road, has a body width not exceeding 8 feet; and which is eligible to be licensed or registered and insured for highway use.

Truck Terminal. The use of land or structures where freight is transferred from one mode of transportation to another, where the transport of freight begins or ends, or where the truck doing the transport begins or ends its run. A truck terminal may include permanent or long-term storage of goods. The truck terminal may include repair of trucks associated with the terminal.

Upland edge of a wetland. The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are 6 meters (approximately 20 feet) tall or taller. [added October 28, 2009]

Use. The purpose or activity for which a building, a structure, or a piece of land is occupied or maintained as it is enumerated in the Land Use Table (see Section 9.02).

Utility Facility. Any facility (not including an office building, business office, storage yard, or vehicle or equipment maintenance or repair facility) operated by an electrical utility, a telephone utility, a water district or private water company, a sanitary district, a sewer district or municipal sewer department, a cable-television supplier, or any other utility. These facilities include pumping and pressure control stations, telephone equipment huts, standpipes, reservoirs, wells and other water-storage structures, electricity-regulating substations, water treatment plants, and electrical generating plants. Utilities do not include microwave, radio, television, or other telecommunication transmitters and towers. For the purposes of this Code, there are 2 classifications of utility facilities, as follows:

Small-scale Utility Facility. A utility facility consisting of structures that cover no more than 250 square feet of land. Also in this classification are utility distribution lines.

Other Utility Facility. A utility that is larger than a “Small-scale Utility Facility.”

Vegetation. All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.
[amended October 28, 2009]

Water Body. A river, great pond, stream, tributary stream, or wetlands, as follows:
[amended October 28, 2009]

Great pond. Any inland body of water, which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this Code, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Lilly Pond is a great pond. [added October 28, 2009]

River. A free-flowing body of water, including its associated floodplain wetlands, from that point at which it provides drainage for a watershed of 25 square miles to its mouth. The following bodies of water are rivers: the Kennebec River and Merrymeeting Bay.

Stream. The free-flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams, as depicted on the most recent edition of a U.S. Geological Survey 7.5-Minute Series topographic map, to the point where the body of water becomes a river or flows into another water body or wetlands within the Shoreland Zone.

Tributary stream. A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.
[amended October 28, 2009]

Wetlands, Coastal. All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as

identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. [amended October 28, 2009]

Wetlands, Forested. A freshwater wetland dominated by woody vegetation that is 6 meters tall (approximately 20 feet) or taller. The Codes Enforcement Officer is responsible for the delineation of forested wetlands boundaries where they are not clearly mapped. [added October 28, 2009]

Wetlands, Freshwater. Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are: [amended October 28, 2009]

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. The CEO is responsible for the delineation of freshwater wetlands boundaries where such are not clearly mapped.

Water crossing. Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetlands. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities. [amended October 28, 2009]

Waterfront. The area abutting a water body.

Water-dependent Uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to or location in coastal or inland waters and that cannot be located away from these waters. These uses include but are not limited to commercial and recreational fishing and boating facilities (excluding recreational boat-storage buildings), finfish and shellfish processing, fish storage and retail and wholesale fish-marketing facilities, waterfront dock and port facilities, shipyards and boat-building facilities, marinas, navigational aids, retaining walls, industrial uses dependent on water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general-public access to coastal or inland waters.

Woody Vegetation. Live trees or woody, non-herbaceous shrubs. [added October 28, 2009]

Yard Area. That land area on the same lot as the principal or accessory building and extending along the entire length of the lot line. A yard area may not be occupied by buildings, structures, parking lots, storage or similar uses except as specifically allowed by this Code.

Yard Area, Front. The space extending along the front lot line for the full width of the lot, and measured perpendicular from the front lot line. Any lot fronting on 2 or more streets has a front yard area on all such streets.

Yard Area, Rear. The space extending along the rear lot line for the full width of the lot, and measured perpendicular from the rear lot line.

Yard Area, Side. The space extending along the side lot line between the front yard area and the rear yard area, and measured perpendicular from the side lot line.

Zoning Map. The map showing locations of the various districts and overlay zones adopted by the City Council and certified by the City Clerk as the “official” record of the zone boundary locations (see Article 7).

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