CHAPTER 11. DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this Land Development Code, the following definitions shall apply:

ABUTTERS: For the purpose of notification, abutters shall include owners whose land directly touches the applicant's land as well as the owner(s) of land directly across a street from any part of the applicant's land.

ACCESSORY DWELLING UNIT: A small, self-contained dwelling, either within, attached or detached, which is part of an existing single family owner-occupied home on the same lot and which is secondary to the single-family home. Both units shall be occupied as primary residences, and neither unit may be rented for less than a monthly basis.

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

ADJACENT GRADE: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AFFORDABLE HOUSING DEVELOPMENT:

A. For rental housing, a development in which 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 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% 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 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

AGGRIEVED PARTY: A person whose land is directly or indirectly affected by the grant or denial or a permit or variance under this Land Development Code, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial or such permit or variance.

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and

ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

ANIMAL HUSBANDRY: Dairying, raising of livestock, breeding, or keeping of animals, fowl, or birds as a gainful occupation.

ANTENNA: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

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. 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.

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

AREA OF SHALLOW FLOODING: A designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Chapter 5 of this Ordinance.

BASAL AREA: The area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. Also, for floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

BOARDING KENNEL: Pursuant to 7 M.R.S.A., Section 3907 “Boarding Kennel” means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.

BOAT LAUNCH 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.

BREEDING KENNEL: Pursuant to 7 M.R.S.A., Section 3907 “Breeding Kennel” means a

kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs that exchanges more than twelve (12) dogs in a twelve (12) month period.

BUILDING HEIGHT: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

BUILDING: See "STRUCTURE"

BUREAU OF FORESTRY: State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

BUSINESS DIRECTORY SIGN: A free standing business directory sign identifying names and/or uses, and/or locations in a multi-tenant (two or more) development.

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.

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area associated with forestry. Also, a roof-like structure providing covering, protection, or ornamentation.

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of Chapter 2 and Chapter 5.

CODE ENFORCEMENT OFFICER: A person certified under MRSA 30-A; Section 4451 and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- Shoreland zoning;
- Comprehensive planning and land use;
- Internal plumbing;
- Subsurface wastewater disposal;
- Building standards.

COMMERCIAL CAMPGROUND: Any premises providing temporary accommodation to the public for a fee in a recreational vehicle or tent.

CLUSTER SUBDIVISION: A subdivision in which the lot sizes are reduced below those normally required in the district in which the development is located in return for the provision for permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization approved by the Town. The total of the land in development and open space shall not be less than that required if the dwelling units were on full size individual lots.

COLLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMERCIAL STRUCTURE: Any building or other structure, except a single or two-family

dwelling, intended for commercial use, or which houses goods or equipment for that purpose. Buildings which are primarily dwellings or accessories to dwellings used for a home occupation are not considered commercial.

COMMERCIAL USE: The use of lands, buildings, or structures as, other than a "home occupation," the intent and result of which activity is the production of income from the buying and selling of goods and/or services, or the provision of non-residential facilities for a fee, and exclusive of rental of residential buildings and/or dwelling units. (See Home Occupation)

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

CONDOMINIUM: One or more multi-family housing units on the same common lot in which the dwelling units are individually owned.

CONFORMING USE: A use of buildings, structures, or land which complies with all applicable provisions of this Land Development Code.

CONTIGUOUS LOTS: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

CONVERSION: Conversion of a seasonal dwelling located in the Shoreland or Resource Protection District to a year-round dwelling means a change of occupancy from seasonal to year-round or principal dwelling. For purposes of this Land Development Code, conversion of such a seasonal dwelling to a year-round dwelling shall be a change of use.

DEP'S PHOSPHORUS CONTROL GUIDE: "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development," Maine Department of Environmental Protection, Revised March 2016.

DESIGNATED SCENIC RESOURCE: That specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or Federal Agency that consists of:

1. A three dimensional area extending out from a particular view point on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

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

DEVELOPMENT: Any change caused by individuals or entities to improved or unimproved real

estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. Also, 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. Improvements such as replacing windows, doors, roofing and siding materials, painting and replacement of plumbing fixtures in-kind are considered normal maintenance and shall not be deemed part of this definition.

DEVELOPMENT RIGHTS: The rights of an owner of land to make site improvements or changes including but not limited to buildings, landscaping, parking areas, and streets. If the development rights to a piece of land are transferred to the Town or a conservation organization approved by the Town, the Town or such organization may permit site improvements or changes necessary to and consistent with the traditional use of the land prior to the transfer of the development rights.

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

DISABILITY: A person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability..

DRIVEWAY: A vehicular access-way serving no more than one lot.

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, but not recreational vehicles.

SINGLE-FAMILY DWELLING: A building containing only one (1) dwelling unit.

TWO-FAMILY DWELLING (DUPLEX): A building containing only two (2) dwelling units.

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 households; with the number of households not exceeding the number of dwelling units.

DWELLING UNIT: A room or suite of rooms which contains independent living, cooking, sleeping, bathing and sanitary facilities designed for use by a single household or family.

ELEVATED BUILDING: A non-basement building:

1. Built, in the case of a building in Zones AE and A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or "stilts"; and

2. Adequately anchored so as not to impair the structural integrity of the building during a

flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

ELEVATION CERTIFICATE: An official form (FEMA Form 086-0-33, March 2018, as amended) that:

1. Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and

2. Is required as a condition for purchasing flood insurance.

EMERGENCY OPERATIONS: Emergency operations shall include 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 and livestock from the threat of destruction or injury.

EMERGENCY SERVICES OR PUBLIC SAFETY: A use or structure for which the primary use is to provide non-profit municipal, State or County emergency medical, fire, or police services to protect the health, safety and welfare of the public.

ESSENTIAL SERVICES: 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 (including communication towers), utility poles and 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: A process of creating a cavity by cutting, dragging, digging, or scooping.

EXPANSION OF A STRUCTURE: An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses, and/or an increase in the height of a structure.

EXPANSION OF USE: The addition of one or more months to a use's operating season; or the use of more height of a structure, footprint of a structure, or ground area devoted to a particular use.

FAA: The Federal Aviation Administration, or its lawful successor.

FACADE: The facade of a building is the face of the building on which the primary entrance is located, regardless of the orientation of the building on the lot. The area of the facade shall include all portions of the building which are visible in an elevation view, regardless of fenestrations, setbacks, or other wall breaks. It does not include any portions of the roof visible from the front elevation.

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

FCC: The Federal Communications Commission, or its lawful successor.

FILLING: To bring to the desired level, shape, smoothness, or condition by introducing other materials.

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

FLOOD or FLOODING:

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

   a. The overflow of inland or tidal waters.

   b. The unusual and rapid accumulation or runoff of surface waters from any source.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a of this definition.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: See "FLOOD ELEVATION STUDY"

FLOODPLAIN or FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: See "REGULATORY FLOODWAY"

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State, and local floodplain maps.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls plus the horizontal area of any unenclosed portions of a structure such as porches and decks. This includes the floor of the basement, as defined.

FOOTPRINT: The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

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

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for any unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

FRONTAGE, SHORE: The horizontal distance measured in a straight line between the intersections of the side lot lines with the shoreline at the normal high water mark.

FUNCTIONALLY WATER-DEPENDENT USE: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland

waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreland structures necessary for erosion control purposes, industrial uses dependent upon 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 inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten acres, any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres, and any natural inland body of water which originally had a surface area of ten acres or less which has been artificially enlarged to a surface area in excess of thirty (30) acres, except where the artificially formed or enlarged inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA: Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

GROUND COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HAZARD TREE: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

HEIGHT OF A STRUCTURE: 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 and antennas.

HIGH INTENSITY SOIL SURVEY: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Resources that are:

1. Listed individually in the National Register of Historic Places on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to

the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

HISTORIC DISTRICT: A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

HISTORIC LANDMARK: Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been on the National Register of Historic Places.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or

    b. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: A commercial activity which results in a product or service intended for financial gain conducted in whole or in part on the same premises where the owner of the occupation resides and:

1. Which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses,

2. Which may be carried on in the principal structure or an accessory structure,

3. Which will not exceed 1,000 square feet of structures, nor exceed the coverage of the principle use structure, and
4. Which employs no more than two (2) persons other than family members.

INCREASE IN NONCONFORMITY OF A STRUCTURE: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

INDIVIDAL PRIVATE CAMPSITE: Any premises providing temporary accommodation in a recreational vehicle or tent and used exclusively by the owner of the property and his or her family and friends 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 a gravel pad, parking area, fireplace, or tent platform.

INDUSTRIAL/COMMERCIAL PARK OR DEVELOPMENT: A subdivision planned for industrial and/or commercial uses and developed and managed as a unit, usually with provision for common services for the users.

INDUSTRIAL STRUCTURE: Any building or structure, except a single or two-family dwelling, intended for the making of goods and articles by hand or by machinery including assembly, fabrication, finishing, warehousing, packaging and processing. This term shall include any building or structure which houses goods or equipment for that purpose. Buildings which are primarily dwellings or accessories to dwellings used for a home business are not considered industrial. (See Home Occupation)

INDUSTRIAL USE: The use of real estate, buildings or structures or any portion thereof, for assembling, fabricating, finishing, warehousing, manufacturing, packaging or processing operations involving goods, or for warehousing and distribution of goods; or the extraction of minerals. Uses conducted in buildings which are primarily dwellings or accessory to dwellings as home businesses are not considered industrial. (See Home Occupation)

INLAND WETLANDS: Areas enclosed by the normal high water mark of inland waters and

areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes or bogs.

INSTITUTIONAL: A non-profit or quasi-public use such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

INTERMITTENT STREAM: Flowing water, resulting from surface water runoff or the position of the ground water table, which occurs for a period of more than three (3) consecutive months during the year, or appearing as a solid and dashed (blue) line on the most recent Unite States Geological Survey Topographic map (7 ½ minute series) of the Town of China.

KENNEL: Pursuant to 7 M.R.S.A., section 3907 a "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

LICENSED FORESTER: A forester licensed under 32 M.R.S.A. Chapter 76.

LINE OF SIGHT: The direct line of vision from one point to another.

LOCALLY ESTABLISHED DATUM: For the purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

LOT TERMS:

LOT: A parcel of land having distinct and defined boundaries and described in a registered deed, plot plan, or similar legal document.

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 land beneath roads serving more than two lots.

LOT OF RECORD: A parcel of land of which a legal description or the dimensions are recorded on a document or map on file with the Kennebec County Registry of Deeds on or prior to January 1, 1989.

LOT WIDTH: Width between side lot lines measured at the intersection with the street right-of-way line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 5, Section 6 of this ordinance.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOUSING: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are 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 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 or 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, United States Code, Title 42, Section 5401, et seq.

2. Those units commonly called “modular homes", which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, 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 foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MINERAL EXPLORATION: Hand or mechanical 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 EXTRACTION: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

MINOR DEVELOPMENT: All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

MOBILE HOME PARK: A parcel of land under unified ownership approved by the Town of China for the placement of three (3) or more manufactured homes.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

NATIVE: Indigenous to the local forests.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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

NON-CONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, setback, lot coverage, or width requirements of the district in which it is located.

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

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

NON-NATIVE INVASIVE SPECIES OF VEGETATION: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NON-RESIDENTIAL SUBDIVISION: A subdivision, as defined in Title 30-A M.R.S.A. Section 4401, Subsection 4.

NORMAL HIGH WATER MARK OF INLAND WATERS: Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial 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 places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.

NORTH AMERICAN VERTICAL DATUM (NAVD): The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

ONE HUNDRED YEAR FLOOD: See "BASE FLOOD"

OFFICIAL SUBMITTAL DATE: The date upon which the Town issues a receipt indicating an application has been submitted.

OUTLET STREAM: Any perennial or intermittent stream, as shown on the most recent highest

resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

PARABOLIC ANTENNA: An antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communications signals in a specific directional pattern. (also known as a satellite dish antenna or parabolic dish)

PERMITTED USE: A use specifically allowed by an ordinance. A permit may or may not be required.

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

PIERS, DOCKS, WHARVES, and OTHER STRUCTURES AND USES EXTENDING OVER and BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND:

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

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

PLANNING BOARD: The Planning Board of the Town of China, created under Title 30 M.R.S.A., Section 4964.

POND: Any inland body of water which has a surface area in excess of ten (10) acres, except where such body of water is manmade and in addition is completely surrounded by land held by a single owner, and except those privately-owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

PRELIMINARY SUBDIVISION PLAN: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

PRINCIPAL STRUCTURE: A structure that is used for principle use and is not an accessory to that use.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same lot.

PRIVATE WAY OR PRIVATE ROAD: A way designated for private use and maintained by a property owner or group of property owners.

PRIVY: A pit in the ground into which human excrement is placed.

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

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board, or commission authorized to furnish electricity, communication facilities, transportation, or water to the public.

RECENT FLOOD PLAIN SOILS: The following soils as described and identified by the National Cooperative Soil Survey:

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

RECONSTRUCTION: Restoration, remodeling, or rebuilding of a structure.

RECORDING PLAN: The Final Plan which is recorded at the Registry of Deeds.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

REGULATORY FLOODWAY:

1. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and

2. When not designated on the community's Digital Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

REPLACEMENT SYSTEM: A subsurface waste-water disposal 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 system.

REPAIR: A routine maintenance of a structure and/or use for the purpose of preserving its useful life. Repair does not include the construction or reconstruction of a structure and/or use.

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

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

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. Also, see "Street."

ROAD LINE: A dividing line between a lot, tract, or parcel of land and the right-of-way or easement of a contiguous road. When a road line cannot be determined, the road line will be assumed to be no less than twenty-five (25) feet from the center line of the traveled surface for the purpose of determining setback only.

SAPLING: A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

SEEDLING: A young tree species that is less than four and one half (4.5) feet in height above ground level.

SEASONAL DWELLING: A seasonal dwelling is a dwelling which has not been utilized as a year-round or principal dwelling during the period from January l, 1984 to March 1, 1985.

SERVICE DROP: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

    a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. The total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

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

SETBACK: The minimum horizontal distance from a street line or a lot line to the nearest part of a building or structure, including any overhangs such as decks, eaves, steps, or any other projecting part of the building or structure. Also, 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.

SETBACK FROM WATER: The nearest horizontal distance from the normal high water line to the nearest part of a building or structure, including any overhangs such as decks, eaves, steps, or any other projecting part of the building.

SHORELAND BUFFER: A strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland.

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.

SHORELAND ZONE: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, and includes the Shoreland District, Resource Protection District and Stream Protection District; for more detail see Chapter 2, Section 5 of the Land Use Ordinance.

SHORELINE: The normal high-water line, or upland edge of a wetland.

SIGNIFICANT RIVER SEGMENTS: For list of significant river segments see 38 M.R.S.A. Section 437.

SIGN: Any advertising or informational notice or part thereof, or any attachment to any structure, upon which there is painted, represented or displayed any letter, word, model, banner, flag, Pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

SIGN AREA: That portion of a sign which contains advertising content. Advertising content shall include all text, graphics, logos or symbols that advertise goods or services available on the premises. Where the advertising content is only a portion of a larger structure, such as painted onto a wall, the sign area shall be calculated as the smallest rectangle that can encompass the content. Where a sign contains advertising content on two opposing faces, the area shall be calculated as the size of a single face.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within one (1) year of the permit date, or for floodplain management purposes within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORM-DAMAGED TREE: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STREAM: A free-flowing body of water from the outlet of a great pond or the point of confluence of two (2) perennial streams as depicted on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geographical Survey or the national map to the point where the stream becomes a river, or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

STREET: Public and private ways such as alleys, avenues, boulevards, highways, roads, circles, drives, lanes, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

STREET CLASSIFICATION:

ARTERIAL STREET: A major thoroughfare which serves as a major traffic way for travel through the municipality.

COLLECTOR STREET: A street servicing at least fifteen lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

INDUSTRIAL OR COMMERCIAL STREET: Streets servicing industrial or commercial uses.

MINOR STREET: A street servicing fewer than fifteen lots or dwelling units.

PRIVATE RIGHT OF WAY: A vehicular access way serving dwelling units, which is not intended to be dedicated as a public way, and is so designated on the Final Plan.

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, attached or unattached, but exclusive of fences and utility poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, Quonset-hut style shelters, and satellite dishes. Also, for floodplain management purposes, a walled and roofed building such as a gas or liquid storage tank that is principally above ground is also a structure. A structure does not include subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

STRUCTURE COVERAGE: When calculating the percentage of lot coverage taken up by a structure, the area of the structure including the foundation and, in addition, any overhangs including decks, eaves, steps, or any other projecting part of the building.

SUBSTANTIAL DAMAGE: 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 IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the value of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur at the time of 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 either:

1. 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

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL START: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWERAGE 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; grandfathered 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.

SUBDIVISION: As defined in Title 30-A M.R.S.A., Section 4401, Subsection 4.

SUBDIVISION, MAJOR: Any subdivision containing more than four (4) lots or dwelling units, or any subdivision containing a proposed street, or any subdivision containing one or more commercial units.

SUBDIVISION, MINOR: Any subdivision containing four (4) lots or dwelling units or less, and in which no street is proposed to be constructed.

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TARGETED MARKET COVERAGE AREA: The area which is to be served by this proposal.

TRACT or PARCEL OF LAND: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting land owners, or by a municipal boundary.

TREE: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching

a height of at least ten (10) feet at maturity.

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.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

UNIT: Includes dwelling units as well as commercial units.

UNREASONABLE ADVERSE IMPACT: That the proposed project would produce an end result which is:

1. Excessively out-of-character with designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and

2. Would significantly diminish the scenic value of the designated scenic resource.

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

VARIANCE: A grant of relief by a governing board from the terms of the China Land Development Code.

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

VEGETATED BUFFER STRIP: An undeveloped land area with sufficient plant life to control storm water runoff and limit the export of the nutrient phosphorus.

VEHICULAR ACCESSWAY: A street or driveway, except a driveway serving a single residential dwelling unit, allowing the simultaneous passage of two standard passenger vehicles and meeting the minimum standards to allow access by fire-fighting equipment.

VIEWPOINT: That location which is identified either in the municipally adopted comprehensive plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

VIOLATION: The failure of a structure or other development to fully comply with China’s

Land Development Code.

VOLUME: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of the walls and roof. This includes basements, as defined.

WATER BODY: Any great pond, river or stream.

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 wetland. Such projects include but may not be limited to roads, fjords, 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.

WELL DISTRIBUTED STAND: A well distributed stand of trees shows patterns of the natural character of a healthy shoreline forest and includes consideration of such things as, but not necessarily limited to, soil capability, aspect and slope, species diversity of the site, as well as the horizontal and vertical structure of the tree stand, and the health and quality of both the tree stand itself and also of individual trees within the stand.

WETLAND: A freshwater wetland.

WILD CROPS: Vegetation, not cultivated nor tended, for the purpose of consumption.

WIRELESS TELECOMMUNICATIONS TOWER AND FACILITY: (1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.