

Agriculture. The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees, and forest berries; vegetables; nursery, floral, ornamental, and greenhouse products. Agriculture does not include forestry or sawmills, as defined in this Ordinance. (*See Sec. 500 Performance Standards*)

Agriculture, Piggery. A premises, area, fenced enclosure, building or structure, or portion thereof, used or designed for the keeping of pigs. (*See Sec. 500 Performance Standards*)

Agriculture, Poultry Facility. A premises, area, fenced enclosure, building or structure, or portion thereof, used or designed for the keeping of poultry or fowl. (*See Sec. 500 Performance Standards*)

Antenna. Any structure or device used for the purpose of wireless transmitting or receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Area of Special Flood Hazard. The land in the flood plain having a one per cent (1%) or greater chance of flooding in any given year, as specifically identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Windham, Maine, Cumberland County."

Arterial Street. See definition of, "Street Classification: Arterial Street"

Artist Studio. A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, writing, woodworking, sewing, and saw sharpening.

Assisted Living Facility. Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Auction House. A place where objects or art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Auction Facility. Any parcel of land, building or other premises, or portion thereof, which is used for the temporary storage of whole, wrecked automobiles that are offered for sale by an automobile auction business. This use does not include Automobile Graveyards,

automobile recycling businesses or Junkyards, as defined according to 30-A M.R.S.A. §3752, of the Maine Revised Statutes, as amended from time to time.

Automobile Gas Station. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and as an accessory use the sale of lubricants, tires, batteries, and similar vehicle accessories. The sale of additional items or services on the same site must also be allowed by the applicable zoning district(s). (*See definition of "Retail Store, Minimart"; "Automobile Repair Services, Minor"*)

Automobile Graveyard. An automobile graveyard shall be defined according to 30-A, M.R.S.A. § 3752, of the Maine Revised Statutes, as amended from time to time.

Automobile Repair Services. Establishments primarily engaged in the maintenance and repair of passenger vehicles, pickup trucks, all classes of commercial trucks and similar vehicles. The type of work typically provided includes, but is not limited to engine tune-ups and overhauls, transmission repairs, glass repair and replacement, oil changes, tire repairs and replacement, brake and muffler work, bodywork, painting and diagnostic tune-ups. (*See Sec. 500 Performance Standards*)(*See definition of "Small Engine Repair"*)

Automobile Sales. See "Retail Sales, Automobile Sales."

Automobile Storage Lot. A parcel of land, building, or facility that is used for the temporary storage of wrecked, towed or impounded motor vehicles usually awaiting insurance adjustments, reclamation by titleholders or their agents, or transport to a repair shop. (*See Sec. 500 Performance Standards*)

Bank. A bank or similar financial institution.

Backlot. See definition of, "Lot, Backlot"

Base Flood. The flood having a one-percent (1%) chance of being equaled or exceeded in any given year, commonly called the "one-hundred year flood."

Bed and Breakfast Inn. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (*See Sec. 500 Performance Standards*).

Block. A parcel or parcels of land surrounded by streets.

Boarding Home for Sheltered Care. A group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. This definition does not include facilities for the treatment of substance abuse. (*See Sec. 500 Performance Standards*)

Buffer Strip. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Nursing Home. An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Official Map. The zoning map adopted by the Town of Windham, Maine on May 25, 1976, as amended from time to time.

Official Shoreland Zoning Map. The most current map delineating the shoreland zones adopted by the Town of Windham, Maine, as amended from time to time, in accordance with the provisions of 38 M.R.S.A. § 435 through § 439

Off-Street Parking Space. A temporary storage area for a motor vehicle that is not located on a dedicated street right-of-way.

Open Space. Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, common open space in cluster subdivisions, undevelopable land and buffers.

Other. A land use category that includes all uses not specifically defined in this Section and listed as Permitted Uses in a Zoning District.

Outside Sales or Outdoor Sales. See definition of, “Retail Sales, Outdoor.”

Parcel. (1) a piece or area of land formally described and recorded with map, block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; (2) informally, as land in general. (*See definition of, “Plot”*)

Park, Public. A tract of land available to the general public for recreational purposes. Public parks do not include recreation facilities that are fully enclosed.

Permitted Use. The use of any building or land in a manner subject to the express conditions and limitations stated in this Ordinance.

Person. Includes an individual, firm, association, organization, partnership, trust, company or corporation.

Place of Worship. A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs. This definition shall also include a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. Educational and child care activities that are conducted outside of the facility’s religious services or gatherings shall be defined separately in this Chapter.

Principal Use. See definition of, “Use, Principal.”

candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches, pizzas, and salads. (See Sec. 500 Performance Standards)

Retail Sales, Minimart. A convenience store that is located on the same lot and is accessory to an automobile gas station. (See definition of “Retail Store, Convenience”)

Retail Sales, Nursery. The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public. A nursery may also include a greenhouse structure in which plants, vegetables, and flowers are grown for sale.

Retail Sales, Outdoor. The display or sale of products and services outside of a building. This includes, but is not limited to, vehicles; garden supplies, flowers, shrubs, and other plant materials; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumber. This definition does not include yard sales conducted on residential properties. (See Sec. 500 Performance Standards)

Retirement Community. Any age restricted development, which may be in any housing form, including detached and attached units, apartments, and residences, offering private and semiprivate rooms. (See Sec. 500 Performance Standards)

Riding Stable. Any land or structure designed, intended or used for the keeping of horses or ponies for hire, either with or without instruction in riding.

Roadside Stand. A structure for the display and sale of agricultural products. (See definition of, “Agriculture”; and standards for, “Agriculture” in Sec. 500 Performance Standards)

Rockery (or “rockeries”). Rough rocks stacked in an “interlocking” pattern without concrete, mortar, or steel reinforcement. Neither mechanical nor physical connections are made between the individual rocks; “interlocking” is accomplished through proper rock layout, rock weight, and frictional interaction.

Rooming House. A building used for temporary occupancy of individuals who are lodged with or without meals and in which bathroom and kitchen facilities may be shared. (See Sec. 500 Performance Standards)

Sawmill, Permanent. A facility where logs are cut into boards or timbers; a mill or machine for sawing logs or producing firewood that is in operation on a permanent basis. (See Sec. 500 Performance Standards)

Sawmill, Temporary. A facility where logs are cut into boards or timbers, a mill or machine for sawing logs or producing firewood that is in operation for a cumulative duration of two (2) months or fewer in any twelve month period. This definition does not include the use of handheld chainsaws. (See Sec. 500 Performance Standards)

509 Bed and Breakfast Inn

- A. The following standards shall apply to all Bed and Breakfast Inns:
1. A maximum of three (3) guest bedrooms shall be allowed in the inn.
 2. Total sleeping accommodations shall be for eight (8) or fewer guests.
 3. Breakfast shall be the only meal served and shall be limited to overnight guests.
 4. Rental for more than 30 cumulative days in a calendar year to the same guest, or guests, is prohibited.
 5. The Bed and Breakfast Inn must be the primary residence of the property's owner or operator.
 6. A structure shall not be used or occupied as a Bed and Breakfast Inn until:
 - (a) The State Fire Marshal certifies the structure to be in compliance with applicable sections of the NFPA 101 Life Safety Code,
 - (b) All necessary State approvals have been received, and
 - (c) A certificate of occupancy has been issued by the Code Enforcement Officer.

510 Boarding Home for Sheltered Care

- A. The facility shall be licensed as a boarding care or congregate care facility according to regulations issued by the Maine Department of Health and Human Services.

511 Buffer Strip, Landscaped

- A. The buffer strip shall be adjacent to, and parallel with, the front property line of a lot or parcel;
- B. The buffer strip shall run the entire length of the front property line.
- C. The buffer strip may be interrupted/crossed by driveways, access roads or pedestrian ways, but shall otherwise be maintained in a landscaped state.
1. Driveways and access roads shall cross the buffer strip at an angle that is as close to perpendicular as possible.
 2. Public sidewalks may traverse the buffer strip parallel to the lots front lot line.
- D. The buffer strip shall not be used:
1. For parking areas,
 2. Drive-through lanes for any use,
 3. The storage of material, equipment or waste, or
 4. The display of any equipment, material or products.
- E. The buffer strip shall be:
1. Covered with trees or shrubs for at least ten (10) percent of its area
 - (a) The extent of the tree or shrub canopy at full maturity may be used in the calculation of the ten (10) percent coverage requirement.

- (2) A permit shall be obtained from the Code Enforcement Officer for each outdoor sales event.
- (3) An application fee, in an amount established by the Town Council, shall be submitted to the Code Enforcement Officer at the time of application.
- (4) The Code Enforcement Officer must find that the following conditions have been met:
 - (i) Safe vehicular access and onsite circulation is provided to reduce vehicular cueing on public ways.
 - (ii) The applicant demonstrates that adequate parking is provided to accommodate all vehicles either on-site, or in an off-site location that meets the requirements of Section 812(C)(2)(b).

544 Retirement Community

- A. The retirement community shall meet the standards established in 42 U.S.C.A. § 4607 for housing for older persons:
 1. The property owner shall notify the Department of Code Enforcement when compliance reports have been submitted to the U.S. Department of Housing and Urban Development (HUD),
 - (a) The Department of Code Enforcement may request that copies of any report be sent to the Town of Windham.
- B. Retirement Community projects shall conform with the Street and Road Design Standards in Section 900 Subdivision Review.

545 Rooming House

- A. General Standards
 1. Creation of Use. A Rooming House shall only be allowed through the conversion of an existing Dwelling, Nursing Home or Boarding Home for Sheltered Care facility.
 2. Number of Dwelling Units. A Rooming House shall contain between ten (10) to fifteen (15) rooms.
- B. Common Area/Facility Requirements
 1. Kitchen. A full kitchen shall be provided for use by all tenants.
 2. Toilets. At least one (1) property working toilet shall be supplied for each six (6) persons or fraction thereof, residing within the Rooming House.
 3. Bathing. At least one (1) properly working bathtub or shower, shall be supplied for each eight (8) persons or fraction thereof, residing within the Rooming House.
 4. All common facilities shall be located within the Rooming House so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every kitchen, lavatory basin, bathtub, or shower shall be supplied with hot water at all times.
- C. Driveway Requirements
 1. Minimum width of pavement or gravel: 22 ft