

Junkyard. A yard, field or other outside area used to store, dismantle or otherwise handle:

- Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture;
- Discarded, scrap and junked lumber; and
- Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel, Major. An establishment in which five (5) or more dogs, cats, or domesticated animals are boarded for a fee or compensation. (*See Sec. 500 Performance Standards*)

Kennel, Minor. An establishment in which four (4) or fewer dogs, cats, or domesticated animals are boarded for a fee or compensation. (*See Sec. 500 Performance Standards*)

Landscaped Buffer Strip. See definition of, “Buffer Strip, Landscaped.”

Landscaped Green Area. An area of land which is landscaped with a ground cover of bark mulch, grass or other natural green plant material and which is then covered with trees or shrubs for all or part of its area. For the purposes of this ordinance, the definition of a landscaped green area do not include materials such as concrete, asphalt, or hardscapes that have been painted green.

Legislative Body. The Town Council of Windham, Maine.

Level of Service. The operational or service level of transportation infrastructure as determined by the most current edition of the, “Highway Capacity Manual” published by the Transportation Research Board.

Loading Bay. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Local Street. See definition of, “Street Classification: Local Street”

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, Backlot. A lot that meets the standards of Section 527 Lot, Backlot. (*See Sec. 500 Performance Standards*)

Lot, Corner. A lot abutting on and at the intersection of two or more streets. (*See Sec. 500 Performance Standards*)

Lot, Developable. (*See definition of “Developable Land”*)

Lot, Frontage. The length of the front lot line measured at the street right-of-way line. (*See “Developable Land” in Section 500 Performance Standards*)

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Line. The boundary line of a lot.

Lot Line, Front. The lot line separating a lot from a street right-of-way or the portion of a lot that abuts a street right-of-way.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

Lot Width. The horizontal distance between side lot lines, measured at (1) the front lot line, and (2) the required front setback line of the applicable zoning district.

Lumber Yard. An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products. Lumber yards shall be classified as “Retail Sales.” (*See definition of “Retail Sales”*)

Manufactured Housing. Manufactured housing shall be defined according to 30-A, M.R.S.A. § 4358, as amended from time to time. (*See Sec. 500 Performance Standards*)

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

Manufacturing, Hazardous. A building or structure or any portion thereof that is used for the storage, manufacture, or processing of the following:

- Highly combustible or explosive products or materials that are likely to burn with extreme rapidity or that may produce poisonous fumes or explosions;
- Highly corrosive, toxic, or noxious alkalis, acids, or other liquids or chemicals producing flame, fume, or poisonous, irritant, or corrosive gases;
- Materials producing explosive mixtures of dust or that result in the division of matter into fine particles subject to spontaneous ignition.

Major Subdivision. Any subdivision containing five (5) or more lots or dwelling units.

9. If renting or leasing, the tenant must demonstrate the property owner's approval.
- G. Conditions. The Board of Appeals may place conditions on the home occupation to minimize impacts on area properties. The conditions must be related to the Board of Appeal's findings on the standards listed in Subsection 524.F.

525 Hotel

- A. Rental for more than 30 cumulative days in a calendar year to the same guest, or guests, is prohibited.

526 Industry, Light

- A. All manufacturing processes must be wholly contained within a building,
- B. The manufacturing, stockpiling or distribution of hazardous materials shall not be permitted; however
 1. The storage and use of hazardous materials as part of a production process shall be permitted.

527 Kennel, Major

- A. The kennel, including all uses accessory to the kennel, must be set back a minimum of two hundred (200) feet from an abutting residential structure, or
- B. A minimum of one hundred (100) feet from the lot line where there is no abutting residential structure.

528 Kennel, Minor

- A. The kennel, including all uses accessory to the kennel, must be set back a minimum of two hundred (200) feet from an abutting residential structure, or
- B. A minimum of one hundred (100) feet from the lot line where there is no abutting residential structure.

529 Lot, Backlot

- A. Zoning Districts. Backlots shall be permitted in the following zoning districts:
 - Farm
 - Farm-Residential

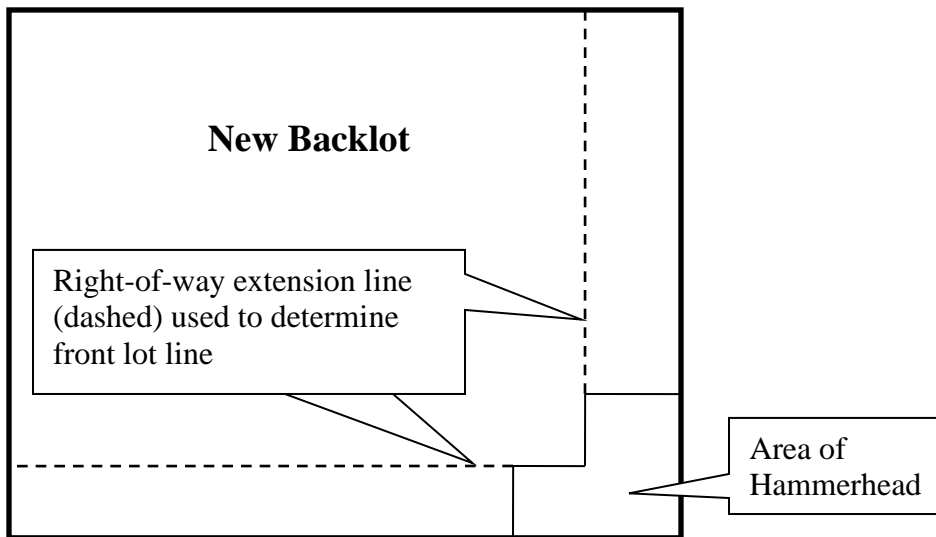
- Light-Density Residential
 - Medium-Density Residential
- B. Standards. The following standards shall apply to the creation of backlots, or the extension of existing backlot right-of-ways, in accordance with the applicable effective dates:
1. General Standards. The following general standards apply to backlots that are created after March 14, 2012 that are accessed via rights-of-way that are created after March 14, 2012:
 - (a) Rights-of-Way.
 - (1) Backlots must be accessed by a right-of-way having a minimum width of fifty (50) feet. The required minimum width must be continued for the entire length of the right-of-way.
 - (2) Extension of a right-of-way to serve additional backlots shall meet the applicable street construction standards of Section 550.
 - a) If the addition of lots on a right-of-way falls within a different street standard, the entire right-of-way shall be improved in accordance with the street standards in Section 550.
 - (3) A hammerhead turnaround shall be provided in accordance with Section 550(B)(8)(f)(2).
 - (4) Right-of-Way Extensions:
 - a) The first hammerhead created after March 12, 2012 may be retained as part of the right-of-way and may continue to be used to meet the minimum frontage requirement of the zoning district. Hammerheads created prior to that date will not be required to be removed, even if this results in more than one hammerhead on a right-of-way.
 - b) All subsequent hammerheads created after March 12, 2012 shall be removed if a road is extended beyond the location of said existing hammerhead turnaround(s). After the hammerhead turnaround is removed, all lots must continue to comply with the minimum frontage requirement of the zoning district.
 - (b) Frontage. The backlot shall meet the minimum frontage requirement of the applicable zoning district along the right-of-way.
 - 1) All sides of a hammerhead turnaround right-of-way may be used in the calculation of frontage. If the hammerhead turnaround is removed to accommodate future right-of-way extensions, the original lot must still meet the minimum lot frontage requirement.
 - (c) Minimum Setback Requirements
 - (1) The required minimum front setback standard for structures constructed on a backlot shall be measured from the closest edge of the right-of-way.

- (2) Minimum setbacks from a new right-of-way do not apply to structures on abutting properties that do not obtain their frontage from said right-of-way.
- (3) Front Lot Line. For purposes of determining the front lot line, and the front setback, the right-of-way shall be deemed to run from one side of the lot to the other side of the lot if it ends prior to that point. *(See Diagram A)*
- (4) Corner Lots. If a corner lot is created by the installation of a right-of-way, the minimum setbacks shall be met in accordance with the corner lot standards in Section 500. The installation of a hammerhead turnaround does not constitute the creation of a corner lot. Backlots that obtain their frontage from a hammerhead turnaround shall choose which side of the hammerhead turnaround will constitute the front lot line. The designated front lot line shall be stated on the building permit and shall not be changed after said designation. *Note: If a choice of front lot lines is available, care should be taken to plan for the setback requirements necessary for future right-of-way extensions.*

If the minimum setbacks for corner lots cannot be met, the applicant may apply for a dimensional variance in accordance with Section 1100 of this Ordinance.

- (5) No dwelling unit shall be erected on a backlot that is closer than two hundred (200) feet from an existing public street or private way.

Diagram A
Front Lot Line



2. Standards for backlots, rights-of-way, and the extension of rights-of-way in existence prior to March 14, 2012.
 - (a) Rights-of-way

- (1) A right-of-way serving one (1) or more backlots that is less than fifty (50) feet in width may continue to provide access to that existing lot or any lot divided from that lot which does not involve the extension of the right-of-way.
 - (2) Extension of an existing right-of-way used to access a backlot(s) shall meet the following standards:
 - a) The width of the right-of-way extension shall be at least 50 feet in width.
 - b) A hammerhead turnaround shall be provided in accordance with Section 550(B)(8)(f)(2).
 - (i) The first hammerhead created after March 12, 2012 may be retained as part of the right-of-way and may continue to be used to meet the minimum frontage requirement of the zoning district. Hammerheads created prior to that date will not be required to be removed, even if this results in more than one hammerhead on a right-of-way.
 - (ii) All subsequent hammerheads created after March 12, 2012 shall be removed if a road is extended beyond the location of said existing hammerhead turnaround(s). After the hammerhead turnaround is removed, all lots must continue to comply with the minimum frontage requirement of the zoning district.
 - c) The aggregate sub-base and base courses of the road extension shall meet the standards of Table 4 of Appendix B.
 - d) The minimum travel way width of the road extension shall be 18 feet.
 - e) Existing hammerhead turnaround(s) must be removed if a road is extended beyond the location of said existing hammerhead turnaround(s). After the hammerhead turnaround is removed, all lots must continue to meet the minimum frontage requirement of the zoning district.
- (b) Frontage
- (1) Division on Existing Right-of-way. New backlots, created on an existing right-of-way that serves an existing backlot, shall meet the minimum frontage requirement of the applicable zoning district.
 - (2) Extension of Existing Right-of-way. Backlots created on the extension of an existing right-of-way shall meet the minimum frontage requirement of the applicable zoning district.
 - (3) All sides of a hammerhead turnaround right-of-way may be used in the calculation of frontage.
- (c) Minimum Setback Requirement.
- (1) The required minimum front setback for existing or new structures located on an existing backlot or existing right-of-way shall be measured from the property line rather than from the closest edge of the right-of-way after a right-of-way is placed on the property.
 - (2) Existing or new structures located on the extension of an existing right-of-way shall meet the required minimum front setback from the closest edge of the right-of-way after a right-of-way is placed on the property. If the minimum

setback requirements cannot be met, the applicant may apply for a dimensional variance in accordance with Section 1100 of this Ordinance.

- (3) **Corner Lots.** If a corner lot is created by the extension of a right-of-way, the minimum setbacks shall be met in accordance with the corner lot standards in Section 500. The installation of a hammerhead turnaround does not constitute the creation of a corner lot. Backlots that obtain their frontage from a hammerhead turnaround shall choose which side of the hammerhead turnaround will constitute the front lot line. The designated front lot line shall be stated on the building permit and shall not be changed after said designation. *Note: If a choice of front lot lines is available, care should be taken to plan for the setback requirements necessary for future right-of-way extensions.*

If the minimum setbacks for corner lots cannot be met, the applicant may apply for a dimensional variance in accordance with Section 1100 of this Ordinance.

- (4) **Minimum setbacks** from the extension of an existing right-of-way do not apply to structures on abutting properties that do not obtain their frontage from said right-of-way.
- (5) **No dwelling unit** shall be erected on a backlot that is closer than two hundred (200) feet from an existing public street or private way.

530 Lot, Corner

- A. **Front Setbacks.** The required front setback shall be required on both sides of the lot that front on a public or private right-of-way.
- B. The remaining two sides of the lot shall meet the side yard requirements of the applicable zoning district.
- C. **Rear Setbacks.** A rear setback is not required for corner lots.

531 Manufactured Housing

- A. **Manufactured housing,** as defined, shall be allowed in any district in which single-family detached dwellings are permitted.
- B. **Manufactured housing** shall meet all applicable standards of 30-A, M.R.S.A. § 4358.

532 Medical Marijuana

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, these performance standards, when enacted, shall govern any proposed medical marijuana dispensary for which an application has not been submitted and acted on by the Review Authority identified in Section 516 prior to January 11, 2010.

The following standards apply to all medical marijuana dispensaries: