

Chapter 19 Clarifying Edit

Deleted definitions List

November 8, 2022; rev Jan 12, 2023

Ordinance Section	Definition or land use proposed to be deleted	reason for deletion
Sec. 19-304.22WF	Accessory Use. A use which is clearly subordinate or incidental to that of the principal use of a building or land, located on the same lot as the principal building or use.	redundant definition
Sec. 19-302	Accessory Use. An "accessory use" is a use subordinate and incidental to a principal use located on the same lot.	redundant see accessory "structure and use" used SZ def
Sec. 19-302	Agriculture. The cultivation of land, raising of crops, feeding, breeding, and raising of livestock, and other uses traditionally associated with farming. Eff: 10/09/13	replaced by state definition, with two parts-- plant and animal based
Sec. 19-302	Automobile Service Stations. Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.	replaced with new definition "vehicle fueling station"
Sec. 19-304.22WF	Boat/Shipyard. A yard, place or enclosure where boats/ships are built or repaired	redundant, included in boat storage
	Bottling works	Allowed as part of Light industrial
Sec. 19-302	Building. A "building" is any structure having a roof supported by columns or walls intended for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with attached or free standing decks, platforms and similar structures. Buildings separated only by party walls, without openings, shall be deemed to be separate buildings. Eff: 10/10/90	replaced by definition of "structure"
	Bulk Storage for Grains	grain silos were built at one time, but have never been used
Sec. 19-302	Business Services. An establishment furnishing services to businesses including advertising, consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies; mailing, reproduction, commercial art and photography, and stenographic services; news syndicates; employment services; and computer and data processing services.	included in "office"
	Camping Area. Camping area shall have the meaning provided in Title 22 § 2491 of the Maine Revised Statutes Annotated.	added SZ def
	Elderly housing	Included in housing generally

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Sec. 19-304.22WF	Excursion Boats. Boats used for the purpose of carrying any person or persons as passengers for valuable consideration. Eff: 05/11/16	included in SZ "functionally water-dependent uses"
Sec. 19-302	Accessory Buildings. An "accessory building" is a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.	redundant see accessory "structure and use"
Sec.19-304TAO	Grocery Store: any place of business engaged in the sale of foodstuffs, household items, fresh and/or canned fruit, vegetables or meats, breads, cakes and/or pastries, liquor, and/or other similar items to the general public	Included in "retail"
Sec. 19-304.22WF	Hotel. An establishment that provides lodging and usually meals, entertainment, and various personal services for the public.	redundant, use existing Sec. 19-302 definition
Sec.19-304.17SZ	Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes	merged with "community and civic buildings"
Sec. 19-304.22WF	Light Commercial Fishing. Commercial fishing and/or charter boat operations primarily for docking and off-loading of commercial fishing boats 65 feet in length or less.	length of boat should not be regulated by zoning,
	Living quarters used by watchmen or custodians for protection within the zone	listed in I District; security systems have replaced watchers
Sec. 19-304.22WF	Marina. A facility in which the primary business is leasing of storage, docking or mooring space to watercraft	Duplicate
Sec.19-304TAO	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.	Duplicate
Sec. 19-304.22WF	Marine Dependent/Marine Related Commercial Uses. Those marine dependent uses which are engaged in work designed for the market. This may include: harbor and marine supplies and services, such as ship chandlery, provided that primary sources of income are from water dependent uses or that the applicant can demonstrate that the business is essential to existing water dependent uses and can only be made profitable if supplemented by sales to non-water dependent uses.	included in "functionally water-dependent uses"

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Sec. 19-302	Medical marijuana: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.	updated definition replaced this definition
Sec. 19-304.22WF	Motel. An establishment which provides lodging and parking and in which the rooms are usually accessible from an outdoor parking area.	Redundant; Included in Existing Sec. 19-302 of "hotel"
Sec.19-304.17SZ	Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.	Now "dwelling multi family" re-written to include current practice
Sec.19-305 MH	Older Mobile Homes, Trailers. "Older mobile homes" and "trailers" are terms that may be used interchangeably, and shall mean any factory-built home which fails to meet the definition of "manufactured housing" in paragraph A above and more specifically, it shall mean any mobile home constructed prior to June 15, 1976	New definition of Manufacture Housing addresses "older mobile Home" without needing to define this term per Legal Counsel
Sec. 19-302	Private Non-Medical Institutes and Residential Care Facilities. Small. A house or other place that, for consideration, is maintained wholly or partly and licensed for the purpose of providing no more than six (6) residents with assisted housing services or assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. The term does not include a nursing home or a supported living arrangement licensed or certified as such by the Maine Department of Health and Human Services. Eff: 04/11/12	Combined large and small residential care facilities into one definition. They are allowed in the same districts, therefore, no need to make a distinction
	Private Parks	in RT District, parks are public
	Public and Private wharves and boat launching facilities	included in piers, docks wharves and boat launching fac covered
Sec.19-304.17SZ	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.	Included in "community and civic buildings and uses"
	Public recreation uses or private water dependent recreation uses	included in functionally water-dependent uses
Sec. 19-302	Public Service Corporations. "Public Service Corporation" is a corporation which is regulated by the Public Utilities Board.	not mentioned anywhere in the Ord.
Sec. 19-304.22WF	Public Utilities. Public utilities are defined by Section 19-302 (24) which by necessity must be located along the waterfront.	Included in "Essential Services"

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Sec. 19-302	Quasi-Public Uses: Those essential public services, such as, but not limited to, water, electricity, telephone, natural gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Board, the Maine Department of Transportation, or Federal Communications Board, except Grid-Scale and Distributed Power Generation Facilities. Eff: 08/10/16	use definition for "Essential Services in shoreland and non-shoreland areas."
	Restaurant < 1,500 sf, hours 7AM-10PM, no live entertainment, no drive thru	all restaurants will use the same definition; differences treated with footnotes
	Restaurant < 2,800 sf	used a footnote to make distinction
	Restaurant accessory to, located in a structure housing, no drive up, no drive through	used a footnote to make distinction
	Restaurant accessory	used a footnote to make distinction
	Restaurant take out only , no drive up, drive thru	used a footnote to make distinction
	Restaurant, sit down, accessory to allowed non-residential use	used a footnote to make distinction
	Retail or wholesale businesses including manufacturing and processing	merged with Facility - wholesale
Sec. 19-304.22WF	Ship's Chandlery. A retail dealer who primarily deals in provisions and supplies or equipment specifically for watercraft or marine uses	included in functionally water-dependent uses
Sec. 19-302	Sole Source Pharmacy. A facility where the primary purpose is to dispense or sell a single source of medication that has been recommended by a physician. These facilities have no retail sales component associated with the use and are not engaged in selling multiple goods or merchandise to the general public for personal or household consumption. Typical uses include methadone clinics and other similar facilities. It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004. Eff: 01/12/05	Deleted. As recommended by legal counsel.
	Stables , public , saddle horses	included in "riding stable"

Ordinance Section	Definition or Land Use to be Deleted	Reason for Deletion
Sec. 19-302	Start of Construction, Substantial Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Eff: 9/11/96	not needed in CH 19, include in CH 16
Sec. 19-302	Structural Alterations. By "Structural alterations" is meant change in the supporting members of a building, such as supporting walls, columns, beams and girders.	not needed in CH 19, include in CH 16
Sec. 19-302	Structure, Accessory: A structure, other than a dwelling unit, including a building, which (1) is subordinate in area, extent and purpose to the principal structure or use served, (2) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure. Eff: 05/10/06	redundant included in accessory structure or use
Sec. 19-302	Structure, Multi-Family: A building containing three (3) or more dwelling units. Eff: 05/11/16	Redundant; Included in "Dwelling, Multi Family"
Sec. 19-302	Structure, Principal: A structure, including a building, in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located. Eff: 05/10/06	redundant use SZ definition
Sec. 19-302	Structure, Single-Family: A building containing not more than one (1) dwelling unit. Eff: 05/11/16	Redundant; multiple definitions in Ord
Sec. 19-302	Structure: Any structure, including a building, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Eff: 05/10/06	redundant use SZ definition

Ordinance Section	Definition or Land Use to be Deleted	Reason for Deletion
Sec. 19-302	<p>Substantial Renovation. "Substantial renovation" means any reconstruction, rehabilitation, addition or other improvement of a structure within any five year period of time, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction within the same five year period. "Market value", for the purposes of this definition, shall be estimated by the Rockland City Assessor, and appeals of the value set by the Assessor before the start of construction shall be heard by the Rockland Board of Assessment Review. For the purpose of this definition, the start of construction shall mean the date the building permit was issued provided the actual start of construction or the alteration of any wall, ceiling, floor or structural part of the building was commenced within six months of the date of the permit. Substantial renovation includes work on structures which have sustained damage of any origin in which the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred, regardless of the actual repair work performed. This term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. Eff: 4/10/91</p>	not needed in CH 19, include in CH 16
Sec.19-304TAO	<p>Supermarket: a retail store with more than 6,000 square feet of gross building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items</p>	no supermarkets exist, no lots big enough for a supermarket
Sec. 19-302	<p>Veterinarian. A person trained and authorized to practice veterinary medicine and surgery; a doctor of veterinary medicine. Eff: 10/09/13</p>	Changed to veterinary clinic instead of veterinarian.
Sec. 19-309 Special Use	<p>Windpower generation equipment, not defined</p>	use is included in definition of Micro-based renewable
Sec. 19-302	<p>Yard. A "yard" is an existing or required open space on the same lot with the main building and lying along the adjacent lot line, open and unobstructed from the ground upwards except as indicated for a rear yard, and of uniform depth or width measured horizontally at right angles to such lot lines.</p>	Yard removed from setback definitions so as to not confuse
Sec. 19-302	<p>Yard; Front. A "front yard" is a yard between the front lot line and the nearest part of any building on the lot, extending the full width of the lot. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purpose of front yard setback requirements. Eff: 12/14/01</p>	removed reference to yard in the definition of setback

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Sec. 19-302	<p>Yard; Rear. A "rear yard" is a yard between the rear lot line and the nearest part of any building on the lot (other than an accessory building not over eighteen (18) feet high (to its highest point) which does not occupy more than twenty-five percent (25%) of the yard), and further provided that such accessory building be setback a minimum of five (5) feet from the rear property line and that it also meet the required side yard setback within the rear yard, extending the full width of the lot. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purposes of rear yard setback requirements. Eff: 01/07/04</p>	<p>removed reference to yard in the definition of setback</p>
Sec. 19-302	<p>Yard; Side. A "side yard" is a yard between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purposes of side yard setback requirements.</p>	<p>removed reference to yard in the definition of setback</p>