

WARRANT ARTICLE: To see if the Town will vote in favor of approving modifications of the Land Use Ordinance Town of Benton Maine, last revised March 2016, with the required modifications labeled “Part 1” designed to 1) incorporate the goals and objectives of the Town of Benton 2018 Comprehensive Plan adopted by the people on March 10, 2018, and 2) to address missing or outdated content in the document.

Part 1 modifications include:

- 1) Modification to Section I: Preamble
- 2) Modification to Section II: Definitions

Language additions are reflected with underline text, e.g. TEXT ADDITION

Language removal are reflected with strike-thru text, e.g. ~~TEXT REMOVAL~~

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Land Use Ordinance Town of Benton Maine Modifications – PART 1

Section I: Preamble

A. Authority

~~This Ordinance has been prepared in accordance with the provisions of Title 30-A, MRSA, as amended;~~

The regulations contained in this Land Use Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and other specific authority, pursuant to the Town of Benton 2018 Comprehensive Plan, as revised in 2018.

B. Title

This Ordinance and the accompanying Official Map shall be known and cited as the “**Land Use Ordinance, Town of Benton, Maine.**”

C. Purpose

The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of the Town of Benton through the reasonable exercise of regulatory authority, and to implement goals and objectives of the Town of Benton 2018 Comprehensive Plan as adopted by the people on **March 109, 1991**~~2018~~ and adopted by Town Select Board on April 3, 2018; including:

- ~~1. To maintain Benton’s rural character by directing the majority of new housing growth to existing village centers;~~
- ~~2. To develop ordinance standards for village development which preserves the small town character of these areas;~~
- ~~3. To permit commercial and industrial development that fits Benton’s rural, small town character;~~
- ~~4. To discourage strip development and control curb cuts onto major roads;~~
- ~~5. To provide or ensure the availability of required municipal services in an efficient and cost-effective manner;~~
- ~~6. To provide in depth, coordinated review of all development proposals to ensure that developments are planned and constructed in an environmentally sound manner; and~~
- ~~7. To encourage a pattern of community growth which ensures that new development is compatible with existing land uses.~~

The plan recommends:

1. Increasing the share of growth in the designated growth area to two thirds of all new residential growth.
2. States a preference for the Town making more of its growth area accessible for public sewer and water services.
3. Expand and manage open space and recreational opportunities, including Town-owned parcels.
4. Allocation of any new municipal infrastructure capital investments into the designated growth areas.

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Five (5) major motivations helped to focus this direction.

1. Benton's long passion and commitment to our rural, small town character.
2. Benton's tradition of fiscal and management prudence.
3. Benton's desire to move the local economy forward, encouraging business development and expansion to the benefit of all residents.
4. Benton's commitment to open space and recreational activity, including Town-owned parcels.
5. Recognition that demographics are changing and there is need for broadening of residential opportunities.

Four (4) themes give shape to this plan's vision for Benton:

1. Increase overall communications and coordination to ensure accountability and transparency of municipal operations.
2. Encourage business development and overall economic well-being consistent with Benton's rural, small town character.
3. Conservation and protection of our natural, historical and archeological resources.
4. Broadening of residential opportunities and commitment to open space and recreational.

D. Applicability

This Ordinance shall not limit or control the pursuit of any land use activity legally existing at the time of its enactment, *except* the expressed limitations specifically provided for in sections VIII, B.2 and IX, C.5.

It is the intent of this Ordinance to regulate only new land development activity and such expansions of existing activity as could pose a threat to the future welfare of the citizens of the Town of Benton.

E. Jurisdiction

The provisions of this Ordinance shall govern land development activities within the boundaries of the Town of Benton.

F. Rules of Construction

Captions and headings within this Ordinance are intended to form a part of the Ordinance and to be utilized in determination the meaning and applicability of the sections they identify.

G. Conflict with other Ordinance(s)

This Ordinance is intended to be used in combination with the other ordinances adopted by the Town of Benton. In circumstances where the provisions of two or more ordinance are similar or conflicting, the town shall enforce the provisions which are more restrictive.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction upon the use of land, buildings, or structures shall control.

H. Severability

In the event of an authoritative finding that a provision of this Ordinance is invalid, the validity of the remaining provisions shall not be affected.

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I. Repeal or Prior Ordinance

The prior Land Use Ordinance of the Town of Benton, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

J. Effective Date

This ordinance shall take effect and be in force from the date of its adoption.

K. Revisions

To preserve the integrity of this document and to aid the Town in determining grandfather rights, starting in calendar year 2019 revisions to this ordinance will be maintained in an addendum labeled Addendum A - Land Use Ordinance Town of Benton Maine Revision History. Each revision will denote:

- 1) Warrant Article Language
- 2) Date of Town Hearing
- 3) Date of Town's Approval and Adoption by the Select Board
- 4) Detail of the revision including reference to Section, etc. The revision will be reflected as follows, to ensure the revision is understood:
 - a. Language additions are reflected with underline text, e.g. TEXT ADDITION
 - b. Language removal are reflected with strike-thru text, e.g.

L. Interpretation of Land Use Standards

The following shall apply to all uses in all districts in the Town of Benton:

- A. These Land Use Standards and resulting permits issued will be in compliance with the Town of Benton 2018 Comprehensive Plan.
- B. The description of permitted uses herein does not authorize any person to unlawfully trespass, infringe upon or injure the property of another, and does not relieve any person of the necessity of complying with other applicable laws and regulations.
- C. Unless otherwise specified herein, accessory uses and structures which are permitted in a district must conform to the requirements for the principal use or structure to which they relate.
- D. Whenever a provision of this Chapter conflicts with or is inconsistent with another provision of this Chapter or of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreational and historic resources shall control.
- E. Where two or more protection districts apply to a single land area, the combination of the more protective standards for each district shall apply.

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- F. Notwithstanding any other provisions contained in this chapter, a “land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard.” 12 M.R.S.A. §685-A(5)
- G. Subdivisions and mobile home parks are allowed with a permit pursuant to the standards set forth for the district involved.

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Section II: Definitions of Terms Used in this Ordinance

A. Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word “person” includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he", (s)he, " or "they" when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words “shall” and “will” are mandatory, the word “may” is permissive.

The word "lot" includes the words "plot" and "parcel"

The words “used” or “occupied”, as applied to any land or building, shall be construed to include the meaning of “intended, arranged, or designed to be used or occupied”.

The words “town” or “municipality” means the Town of Benton, Maine.

B. Definitions

In this Ordinance the following terms shall have the following meanings:

Abutter: The owner of property adjoining or located within 200 feet of a boundary of the parcel proposed to be developed.

Accessory dwelling unit: A second dwelling unit located on the same lot or within the same building as the principal dwelling unit intended for use as a complete and independent dwelling including kitchen and bathroom.

Accessory Use or Structure: A use or structure which is ~~customarily and in fact both~~ incidental and subordinate to the principal use of the structure. The term “incidental” in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Acre: A measurement of area equivalent to 43,560 square feet.

Administrative Review: The process by which the Board of Appeals is authorized to hear an appeal of a decision of the Code Enforcement Officer. An Administrative Review shall be only conducted through the procedures described in this ordinance.

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Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, [or products thereof](#), 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.

Alteration: Any change, addition, or modification to the structural members of buildings such as bearing walls, columns, beams or girders, at a cost exceeding \$500. Cosmetic or decorative improvements are not alterations.

Alternative Tower Structure: Means clock towers, bell steeples, light poles and water towers and similar alternative-design mounting structures.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Antenna: Means the system of any poles, panels, rods, reflecting disc or similar devices used for the transmission or reception of electromagnetic frequency signals.

Antenna Height: Means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said height is the antenna. Measurement of tower height shall include antenna, base pad and appurtenances and shall be measured from the finish 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.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater change of flooding in any given year.

Arterial: The following roads are arterials: Route 139, Route 100/11, Route 139/100/11 and Route 100A.

Authorized Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Automobile Graveyard: [The term as defined in 30-A M.R.S.A. sec. 3752, as amended.](#)~~A yard, field, or other area used as a place of storage, other than temporary storage by a business engaged primarily in doing repair work to render a motor vehicle serviceable, for three or more unserviceable, discarded, worn-out or junked motor vehicles, bodies, or engines thereof are gathered together including, but not limited to, automobiles, trucks, and/or tractors.~~

Automobile Repair: A place where any of the following services may be rendered on a commercial basis: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of

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automobiles.

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. ~~The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is three feet or greater.~~

Any area of the building having its floor subgrade (below ground level) on all sides

Bed and Breakfast: A home occupation which involves the provision for compensation of lodging facilities consisting of no more than five (5) rooms and the service of a morning meal.

An owner-occupied, single-family dwelling comprising a single residential building and its accessory structures, in which up to six sleeping rooms are rented for a fee for transient occupancy by guests. Breakfast is the only meal to be served to overnight guests. There must be no kitchen facilities in rented rooms and no separate ownership of rooms.

Boat Ramp: See commercial trailered ramp, private trailered ramp, public trailered ramp, or trailered ramp.

Boarding/lodging: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

Body of Water: Shall include the following:

Pond or Lake: Any inland impoundment, natural or manmade, which collects and stores surface water.

Stream or River: A free flowing drainage outlet, with a defined channel and flowing water for more than three (3) months during the year.

Buffer Area: A vegetated yard area consisting of arboreal, shrub, and/or grassy vegetation intended for the purpose of reducing impacts of incompatible, neighboring uses.

Building: Any structure having a roof supported by columns, ~~or walls,~~ other framework intended for housing or enclosure of persons, animals, or personal property. ~~for the housing or enclosure of persons, animals, or personal property.~~

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

Business or Personal Services: A commercial enterprise which provides services but not goods,

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including but not limited to: beauty shops, secretarial services, real estate brokers, and janitorial services. The term shall not be interpreted to include motor vehicle sales and services but may include certain professional offices.

Business Sign: An attached or freestanding structure which directs attention to a business or profession conducted on that premises.

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 for which a fee is charged.

Capacity Expansions of Utility Facilities: The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.

Change of Use: A change from one category in the land use table, as found in this ordinance to another or the addition of a new category of use to an existing use.

Children’s Day Care Facility: A building, not the residence of the operator, in which a person carries out a regular program, for consideration, for any part of a day providing care for three or more children under 19 years of age.

Club: Any association of person organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations

Cluster Development: A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.

Code Enforcement Officer (CEO): A person appointed by the Municipal Officers to administer and enforce this Ordinance for the Town of Benton. Reference to the Code Enforcement Officer is intended to include references to Building Inspector, Plumbing Inspector, and Health Officer.

Combined Floor Area: The total floor area of all principal and accessory structures on a lot.

Co-Location: Means the use of wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Mobile Services: Any mobile service that is provided for the profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by FCC regulations.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

Commercial Use: ~~The utilization of property or facilities for the purpose of receiving compensation~~

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for goods or services rendered. The use of lands, buildings or structures, 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, exclusive of rental of residential buildings and/or dwelling units.

Compatible Use: A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

Conditional Use: A development activity which, if conducted without restriction, would have the capacity to adversely affect neighboring property and the public at large, and which therefore must be allowed only with review and approval of the planning board, which will ensure that all performance standards and other requirements of this ordinance are met. More specifically, a conditional use is one which is listed within the district requirements in Section VII of this Ordinance.

Conditional Use Permit: A permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Contiguous: Lots which share a common lot line or any portion thereof, including a single point.

Cosmetic or Decorative Improvements: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Creative Development: A development pattern authorized by Section IX, B. of this ordinance, which is designed to promote the creation of open space by a reduction in dimensional and area requirements.

Critical Natural Area: Any area identified and listed by the Natural Areas Program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities

Day Care Center: An establishment, including a private residence, where three or more children under the age of six (6) are cared for in return for compensation.

Deck: An uncovered structure with a floor, elevated above ground level.

Developed Area: The portion of a lot which is disturbed for the intended use, including all areas used for structures, parking, circulation, and drainage.

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Development: Engineering or construction activity (excluding design) which is intended to render the land more valuable or more suited to a proposed use.

Development Unit: A single family dwelling unit or non-residential use containing a total of no more than 8,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling units and larger non-residential uses shall be counted as an equivalent multiple number of development units.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setbacks, lot coverage, lot area, frontage, and height.

Direct Watershed: That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

District: A specified portion of the ~~municipality~~ Town of Benton, delineated on the Official Land Use Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

~~**Driveway:** A vehicular access way less than five hundred (500) feet in length serving two (2) lots or less, or serving a commercial enterprise.~~

A vehicular access-way, other than a land management road, serving two or fewer lots or dwelling units.

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 or travel trailers.

Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family Dwelling: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family Dwelling: A building containing three (3) or more dwelling units, such building being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Units: A room or suite of rooms located within a dwelling and designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing, but not recreational vehicles or hotel/motel units.

Eating or Drinking Establishment: An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-packaged meal items or preparation of food intended exclusively for consumption off the

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premises (delivery or take-out) are considered retail sales and are not to be included within this definition.

Sit-down Restaurant: An eating or drinking establishment in which significant interior building space is devoted to seating area for patrons. The term includes fast food restaurants which provide indoor seating, even if there is drive-through or walk-up service.

Snack Bar: A place where food is prepared for consumption on or off the premises, where all of the consumption is intended to take place outside of the confines of the building, and where ordering and pickup of food may take place from a motor vehicle. The term includes businesses commonly referred to as food trucks, ice cream stands, coffee shacks, and drive-ins.

Essential Facility: Gas, electrical, or communication structures such as steam, fuel, power, or water transmission or distribution lines, telephone cables, poles, and related equipment, pipelines, sewage lines, and associated storage equipment. Such systems may include poles, wires, drains, conduits, fire alarms, hydrants, visual and audible signals and similar accessories. The term does not include wireless communication towers, power substations, and accessory buildings.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure. In relation to use: the addition of weeks or months to a business operation season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seating capacity. In relations to wireless telecommunication facilities: expansion shall mean the addition of antennas, towers or other devices to an existing structure or the increase in the height of a structure.

Farm Stand: A booth, stall, or building located on the farm on which the produce and products being sold are available to the general public. Items not produced on the farm shall not comprise a significant proportion of sales merchandise.

FAA: Means the Federal Aviation Administration, or its lawful successor.

FCC: Means the Federal Communication Commission, or its lawful successor.

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

FEMA: Federal Emergency Management Agency.

Flood Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Floodplain or Flood Prone Area: The lands adjacent to a body of water which have been or may be covered by the base flood. Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

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Floodplain Wetland: Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Floodproofing: Any combination of structural and non-structural 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 contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot **in height**.

Floodway Encroachment Lines: The lines marking the limits of floodways on federal, state, and local floodplain maps.

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.

Forest Operations: The planting, thinning, cutting or removal of trees from their growing site, including the operation of mechanical chippers or portable sawmills associated with such operations, but not to include the clearing of land for approved construction.

Forested Wetland: Freshwater wetlands dominated by woody vegetation that is 20 feet tall or taller.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater 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 and not below the normal high water mark of a body of standing water, coastal wetland, or flowing water.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Front Lot Line: The boundary line of the property which abuts a public right-of-way or qualifying private access. In the event that two (2) lot lines abut a public right-of-way, the longer line shall be considered the front lot line.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Gasoline Service Station: A place where gasoline, or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises.

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Gravel Extraction: Any extraction of a deposit of sand, fill or gravel.

Gravel Pit: A mining operation undertaken primarily to extract and remove sand, fill or gravel.

Height of 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, steeples, antennas, and similar appurtenances that have no floor area.

Historic Structure: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. 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; 01-672 CHAPTER 10 10.02 14 MAINE LAND USE PLANNING COMMISSION Gray text applies only to prospectively zoned areas.
- c. 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
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in states without approved programs; or
- e. individually identified in the Town of Benton Comprehensive Plan.

Height, Wireless Telecommunication Facility: The distance measured from the ground to the highest point on the tower or other structure even if the highest point is an antenna.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential use; and 2) which employs no more than two (2) persons other than family members residing in the home.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/motel: A building in which lodging or meals and lodging are offered to the general public for compensation on a short-term basis. The use may include such accessory services and facilities as news stands, personal grooming facilities and restaurants.

Incidental: A use, activity, service, or amenity that occurs by chance and not on a regular basis. Any use, activity, service, or amenity that is advertised individually is not incidental.

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Industrial: The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of natural resource products.

Interconnected Services: Means the service that is interconnected with the public switched network (as such terms are defined by regulation by the FCC) or service for which a request for interconnections is pending.

Junkyard: A yard, field, or other area used as place of storage for: 1) Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture; 2) Discarded, scrap, and junked lumber; 3) Old or scrap cooper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous materials, or 4) Garbage dumps, waste dumps, and sanitary landfills.

Kennel: An establishment operated as a business or animal shelter to house dogs or other domesticated animals, and where such animals are groomed, bred, boarded, trained and sold.

Lot: A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including [setbacks, and](#) such open spaces as are required by this Ordinance, and having frontage upon a public street, right-of-way or private way.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath public or private right-of-way.

Lot Coverage: The percentage of the lot covered by all buildings. [The total footprint area of all structures, which includes, but is not limited to, buildings, driveways, sidewalks, parking lots, and other impervious surfaces.](#)

Lot Lines: [The lines bounding a lot, as defined below:](#)

[Front Lot Line: On an interior lot the line separating the lot from the street or right of way. On a corner lot, the line separating the lot from the street along the longest frontage distance.](#)

[Side Lot Line: Any lot line other than the front lot line.](#)

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map in the Kennebec County Registry of Deeds.

Lot Width: The closest distance between the side lot lines of a lot.

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 described in Section 10.25,T,2,I.](#)

Manufactured Housing Unit (also Mobile Home): Structures, transportable in one or two sections,

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which constructed in a manufacturing facility and transported to a building site, and which are designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

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 purposes of regulating development in flood prone areas, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 90 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: The making of goods and articles by hand or machinery, which shall include assembling, fabricating, finishing, packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.

Minimum Lot Area (lot size): The land area required for any lot created within the jurisdiction of this ordinance, excepting boundary adjustments. Lot area calculated for the minimum shall include the deductions cited in the definition of Lot Area, above.

Mobile Home Park: A plot of land designed and/or used to accommodate *three* (3) or more manufactured housing units, which is under the ownership of a single person.

Mobile Service: Radio communication service conducted between mobile stations or receivers and land stations, and by mobile stations communicating among themselves. Includes both one-way radio communication services; a mobile service which provides a regular interacting group of base, mobile, portable and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile communications by eligible users over designated areas of operation; and any service for which a license is required in a personal; communications service.

Motor Vehicle Sales and Service: An establishment which engages in the sale, rental, leasing, or repair of motor vehicles, including but not limited to automobiles, trucks, recreational vehicles, and boats. This term shall not include sales of manufactured housing units, sales of gasoline, diesel or other fuel without associated service facilities, or small engine repair shops.

Multi-Family Dwelling: A building containing three or more dwelling units

Neighborhood Convenience Store: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not

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permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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 Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which, does not meet the area, frontage, width or depth requirements of the District in which it is located.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

Official Business Directional Sign (OBDS): A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA Section 1901, et seq. which points the way to public accommodations and facilities or other commercial facilities.

Official Land Use Map: Also referred to as “Official Map.” A map adopted as part of this ordinance which shows the location of district boundaries. The Official Map shall have the same force and effect as this ordinance, except that in case of conflict or uncertainty, the boundary description in the text shall rule.

[On Premise Sign: A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.](#)

Open Space: Land left substantially in its natural state.

[Any parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for the public use, for the common use of owners and occupants of land adjoining or neighboring such open space, or for purposes intended to preserve important natural features of the site.](#)

[Open Space Subdivision: A subdivision reviewed and approved under the provisions of the Town of Benton Subdivision Ordinance in which at least fifty \(50\) percent of the total area is reserved for open space use.](#)

Open Space Use: A use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parabolic Antenna: An antenna which is bowl shaped, designed for the reception and/or transmission of an electromagnetic radiation signals in a specific directional pattern. It is also commonly referred to as a satellite dish.

[Parking Area: A place, whether or not paved, designed primarily for parking motor vehicles. “Parking area” includes parking lots, parking spaces, parking lanes, and circulation aisles and corridors.](#)

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Parking Space: An area, exclusive or drives or aisles, used for the parking of vehicles.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers as designed elsewhere in the Ordinance.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, such as hiking, fishing, hunting, etc.

Permit: An official document of the Town of Benton, issued by the Code Enforcement Officer and authorizing a specific activity in accordance with an approval by the CEO or Planning Board.

Person: An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity.

Personal Wireless Service Facilities: Facilities for the provision of personal wireless services.

Personal Wireless Services: Commercial mobile services, for the provision of personal wireless services.

Preservation: The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements and land trust acquisitions.

Principal Structure: The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same lot.
~~The primary use other than one which is wholly incidental or accessory to another use on the same premises. A lot may have more than one principal use.~~

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises. A lot may have more than one principal use.
~~The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises~~

Private Road: A private way meeting the Town's road construction requirements for preparation, sub-base, and base as specified herein.

Professional Offices: The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Public Road or Roadway: Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.

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Reconstruction: Unless otherwise provided, the addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.

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.~~ A public or privately owned commercial enterprise designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, or the viewing thereof, **excluding boat launching facilities.**

Recreational Vehicle: A vehicle or an attachment to a vehicle, 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 currently registered as a motor vehicle or trailer. ~~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.~~

Renovation: Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of a nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.

Residential Use: Any land use which includes a dwelling unit.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurants: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving.

Restoration: An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.

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Retail Business: A commercial use in which the principal source of income is the sale of goods to the general public.

River: ~~The Kennebec and Sebasticook Rivers and related impoundments, floodplains and wetlands.~~ 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.

Roadway: A public or private road including any land management road.

Schools: Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied either of the following requirements:

Public or Private School: A school which is not operated for a profit or a gainful business; or which teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: A school which is commercial or profit-oriented. Examples thereof are nursery, dancing, music, correspondence, driving, beauty, or business schools.

Service Business: A commercial use in which the principal source of income is the provision of labor for compensation. The term shall include professional as well as contracted services and shall refer to the location of the principal office of the service provider, in the case of services performed off the premises.

Setback (land use): The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 and 1/2 feet above the driveway at a point 15 feet behind the street line, to an object 4 and 1/2 feet above the street.

Setback Road: The horizontal distance from the road right of way to the nearest part of a structure.

Shopping Center: A grouping of three (3) or more retail or service businesses on a single lot or within a single building. For the purpose of this definition, a business is considered a separate business if it has an entrance door distinct from the other businesses.

Signs: A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

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Sign Area: The area enclosed by the smallest geometric figure which encompasses the organized and related elements of a sign. A sign which has elements on both sides shall be considered to have two (2) sign areas.

Significant Wildlife Habitat: The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

Site Plan: A scale drawing depicting the geographical area of the lot together with an accurate representation of existing and prospective structure, roads, parking area, utilities, and other elements of a development.

Soil Survey: An inventory of soil resources that is based on a systematic field examination, description and classification of soils in an area. Using the results of the field investigation, a soil map and a written report are prepared which describe and classify the soil resources and interpret the soil suitability for various uses based upon soil limitations.

Solar Energy System (SES): An area of land or building principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. A solar energy system consists of one or more free-standing ground or roof mounted solar collector devices, related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and appurtenant structures. The term includes commercial and community solar installations, but not installations that are clearly accessory to existing principal uses.

Solar Energy Generation Facility: a. Grid-scale Solar Energy Generation Facility. A Solar Energy System that is primarily or solely intended to generate electricity for commercial sale for off-site use, occupies an area of one or more acres, and has a nameplate capacity of more than 250 Kilowatts.

Solar Energy System: A device or structural design feature, or group of devices or structural design features, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Sole Source Aquifer: An aquifer that supplies at least 50 percent of the drinking water for its service area and for which there is no reasonably available alternative drinking water sources should the

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aquifer become contaminated.

Storage Containers: A prefabricated, metal container with roof and walls placed and used for the storage of goods, materials, or merchandise. The term includes, but is not limited to, boxcars, semi-trailers, and “piggyback” containers, but does not include garages or pre-assembled storage sheds or containers placed temporarily for collection of wastes.

~~**Stream:** A free flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within a shoreland zone.~~
Stream: A free-flowing body of water from the outlet of a great pond or the 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 Geological 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: An existing state, county, or town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Street Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Structure: Whether temporary or permanent; anything located, built, constructed or erected 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, exclusive of fences. The term structure includes decks, patios, wireless telecommunication equipment and facilities, and satellite dishes. The term includes structures temporarily or permanently located, such as decks and satellite dishes. Structure does not include fences, signs, power poles and wiring, and 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; and wells or water wells as defined in Title 32, section 4700-E, subsection 8., but not including signs, sidewalks, fences, patios, driveways, and parking lots.

Substantial Expansion: Floorspace increase of 25% or new materials or processes not normally associated with the existing use.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost 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 when the first

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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 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 for any alteration of a structure listed on the National Register of Historical Places of a State Inventory of Historical Places.

Subdivision: The division of a tract or parcel of land as defined in Title 30-A, MRSA, Section 4401, and in the Benton Subdivision Ordinance.

Subsurface Waste Water Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) [and pond\(s\)](#), [surface spray system\(s\)](#), [cesspool\(s\)](#), [well\(s\)](#), [surface ditch\(es\)](#), alternative toilet(s), or other devices, and associated piping designed to function as a unit for the purpose of disposing of [wastes or wastewater on or beneath the surface of the earth](#)~~in the soil~~. The term shall not include any wastewater discharge system licensed under Title 38 MRSA ~~Section~~ [§414](#), any surface wastewater disposal system licensed under Title 38 MRSA ~~§Section~~ [412 Subsection 1-A](#), or any [public sewer/municipal or quasi-municipal sewer](#). The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Timber Harvesting (land use): The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

[Throat: That portion of an access way into a commercial development devoted to holding vehicles preparing to enter or exit the development, containing no additional access points or directly accessing parking spaces.](#)

Tower: Any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, [for the purpose of transmitting or relaying radio frequency signals, but not limited to, radio, television, cellular, and personal communication service frequencies](#). The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

[Traffic Control Sign or Device: A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.](#)

Trailers: A vehicle without motive power, designed to be towed by a motor vehicle, but not designed for human occupancy, and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Twenty Five (25)-25-year Storm: A storm in which the 24-hour accumulation of rainfall is the greatest which can be expect in a single event within a 25 year period. The chances of a 25-year storm occurring in any given year are 1 in 25 (4 percent).

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Undue Hardship: A condition necessary for the granting of a variance by the Board of Appeals. A finding of “undue hardship” must be based on an affirmative finding on all of the criteria listed at Title 30-A, MRSA section 4353.4, and as outlined below:

A. That the land in question cannot yield a reasonable return unless a variance is granted.

B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

C. That the granting of a variance will not alter the essential character of the locality; and Benton Land Use Ordinance.

D. That the hardship is not the result of action taken by the applicant or prior owner.

Unlicensed Services: The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Utilities: Public and private facilities intended for common or community use, such as water wells, pumping stations, water storage tanks, power, cable, and communication transmission lines, microwave relays, gas regulation stations, and sewage disposal plants.

Utility Facilities: Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

Wetland - An area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is not part of a river, stream, or pond.

Wetland Functions: The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

Wetland Value: The importance of a wetland with respect to the individual or collective functions it provides.

Wildlife: All vertebrate species, except fish.

Wildlife Management District (WMD): A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of wildlife. For purposes of these regulations, the boundaries of Wildlife Management Districts are as shown in Figure 10.23,D-1 and the area of a Wildlife Management District is based on land and water acreage within LUPC jurisdiction.

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Wildlife Management Practices: Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.

Variance: A variance is a relaxation of the terms of this Ordinance. Variances permissible under this Ordinance are limited to dimensional ~~and area~~ requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vehicle Sales: Any business which involves a parking or display ~~are area~~ for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Warehousing: The use of structures for the purpose of providing space for secure storage of household or business goods, including freight terminals, and moving and transfer companies, as well as that portion of structures established for long-term storage of inventory or business-related items. "Self-storage" or "mini-warehouse" uses in which spaces are available to the public for rent or lease shall be classified as "business services."

Wetland: An area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is not part of a river, stream, or pond.

Wind Energy Generation Facility: A structure or machinery capable of converting the kinetic energy of wind into electrical energy for residential or commercial purposes. A wind energy generation facility includes all structures, utilities, and connections associated with the conversion and delivery of energy.

Wireless Telecommunication Facility: Any structure, antenna, tower or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) common carrier wireless exchange phone service, specialized mobile radio communications (SMR) common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Wireless telecommunications facility shall not include any of the following:

- a) Amateur ham radio stations licensed by the FCC.
- b) Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.

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- c) Temporary wireless telecommunication facility, in operation for a maximum period of 180 days.
- d) An antenna that is an accessory to a residential dwelling unit and is less than 20 feet above the roof peak or less than 45 feet above grade.

Written Notice: A notification in writing delivered in person to the individual or parties intended, or delivered by certified or regular US Mail to the last residential or business address of record in the Town of Benton.

Yard: The area between a structure and the property boundary.