

# **OXFORD ZONING ORDINANCE**

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**ZONING ORDINANCE  
FOR  
THE MUNICIPALITY OF OXFORD**

**Section 1. Purposes**

The purposes of this Ordinance are to promote the health, safety and general welfare of the people; to further the maintenance of safe and healthful conditions; to encourage the most appropriate use of the land throughout the Town; to protect the environment; to provide for the orderly development of a sound and stable community; to conserve natural resources; to provide for safe and adequate public services; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development.

**Section 2. Authority**

This Ordinance is adopted pursuant to Title 30-A, § 3001 and § 4352 and Title 38 §§ 435-455 of the Maine Revised Statutes Annotated (M.R.S.A.).

**Section 3. Applicability**

- A. All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Oxford shall be in conformity with the provisions of this Zoning Ordinance and/or the Shoreland Zoning Ordinance. Unless a variance is granted, no building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land or water area is located, and no new lot shall be created unless in conformity with all of the regulations specified herein and/or in the Shoreland Zoning Ordinance for the District in which it is located.
- B. This Zoning Ordinance applies to all land areas in the Town of Oxford. In areas covered by the Shoreland Zoning Ordinance, those standards apply in addition to the standards provided in this Zoning Ordinance, such that the Shoreland Zoning standards function as an overlay, with the stricter standards governing.
- C. **Shoreland Zone:** Where reference is made to the Shoreland Zone, it shall refer to the land within 250 feet horizontal distance of the normal high water line of any great pond or river; within 250 feet horizontal distance of the upland edge of a freshwater wetland, or within 75 feet horizontal distance of the normal high-water line of the normal high water line of a stream.

**Section 4. Effective Date and Repeal of Formerly Adopted Ordinance**

- A. This Ordinance shall be effective upon passage by a majority vote of a Town Meeting.
- B. Upon approval of this Ordinance, all zoning ordinances previously adopted are hereby repealed.

## **Section 5. Availability**

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

## **Section 6. Severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

## **Section 7. Conflicts with Other Ordinances**

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 more restrictive provision shall control.

## **Section 8. Amendments**

- A. This Ordinance may be amended by majority vote of the town meeting.
- B. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
  - 1. The Planning Board, provided a majority of the Board has so voted;
  - 2. Request of the municipal officers; or
  - 3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- C. Public Hearing Required: The Planning Board shall hold a public hearing on the proposed amendment at least 20 days prior to the Town Meeting. Notice of the hearing shall be published twice in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.
- D. If the amendment involves re-zoning a land area to permit or prohibit industrial, commercial, or retail development where it was or was not permitted before, the following additional hearing notice requirements must be met:
  - 1. Notice of the hearing must be posted in the municipal office at least 14 days before the public hearing;
  - 2. For each parcel in and abutting the area to be rezoned, a notice including a map of the area to be rezoned must be mailed to its owner at least 14 days before the public hearing. A record of names and addresses to whom these notices are mailed shall be maintained by the Planning Board.
  - 3. Notices must contain a copy of a map indicating the property to be rezoned.

## **Section 9. Districts and Zoning Map**

### **A. Official Zoning Map**

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Zoning Map which is made a part of this Ordinance:

1. Village\*
2. Industrial\*
3. Mixed Use
4. Residential\*
5. Rural\*
6. Mill Redevelopment\*
7. Airport Protection Overlay
8. Aquifer/Wellhead Protection Overlay

(\* The Shoreland Zone also encompasses some areas within the districts identified by asterisk)

- a. Resource Protection District
- b. Limited Residential District
- c. General Development District
- d. Stream Protection District

### **B. Certification of Official Zoning Map**

The Official Zoning Map shall be certified by the attested signatures of the Municipal Clerk and the Chairperson of the Planning Board and shall be located in the municipal office.

### **C. Changes to the Official Zoning Map**

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made by the Planning Board on the Official Zoning Map within thirty (30) days.

## **Section 10. Interpretation of District Boundaries**

- A. Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Ordinance of streets, alleys, parkways, waterways, or rights-of-way of utilities and railroads.
- B. Boundaries indicated as following plotted lot lines shall be construed as following such lot lines.
- C. Other district boundary lines which are not listed in the preceding paragraphs shall be considered as lines paralleling a street and at distances from the edge of the right-of-way of such streets as indicated by the Official Zoning Map on file in the Municipal Office. In the absence of a written dimension, the graphic scale of the Official Zoning Map shall be used.
- D. Sources of the delineation of the Resource Protection District comprised of the 100 year floodplain along the Little Androscoggin River shall be the most recent Federal Emergency Management Agency maps.

- E. The Planning Board shall make interpretations, where needed, as to the exact location of district boundaries.

## **Section 11. Land Use/Permit Requirements**

- A. Except as hereinafter specified, no building, structure or land or water area shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations specified in the Ordinances of the Municipality of Oxford for the District in which it is located, unless a variance is granted.
- B. Further, no building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer, or, in the case of the Shoreland Zone, as specified in the Shoreland Zoning Ordinance for the Municipality of Oxford, except after written order from the Board of Appeals. Sources of the delineation of the Resource Protection District comprised of the 100 year floodplain along the Little Androscoggin River shall be the most recent Federal Emergency Management Agency maps.
- C. No person, firm, or corporation shall move, bring, or cause to be brought onto any parcel of land in the Town of Oxford, any mobile or modular home or other prefabricated structure without first securing a permit to do so from the Code Enforcement Officer. (Exception: Manufactured Housing Dealers (but not Manufactured housing Developer Dealers) licensed by the State of Maine Manufactured Housing Board may bring in mobile and modular homes for display or storage at their primary business location or any branch locations licensed by the State of Maine Manufactured Housing Board without a permit. Such display or stored homes shall not be used as a dwelling.)

### **D. Certificate of Occupancy**

- 1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure (including any mobile and modular home and any prefabricated structure not used for display purposes) until a Certificate of Occupancy shall have been issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of the Ordinances of the Municipality of Oxford.

Mobile and modular homes and prefabricated structures used in any manner for display purposes shall not be used as residence(s).

- 2. No Building Permit shall be issued until an application has been made for a Certificate of Occupancy, and the Certificate of Occupancy shall be issued in conformity with the provisions of the Ordinances of the Municipality of Oxford upon completion of the building or premises.
- 3. A temporary Certificate of Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building or premises pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
- 4. A Certificate of Occupancy is not required for recreational vehicles for periods of occupancy of less than 120 days in any calendar year. A temporary certificate of occupancy for these may be issued for longer periods of occupancy not exceeding six months, provided that such temporary certificate is in conjunction with a primary residential dwelling permit is also issued and continual construction efforts are maintained for the new dwelling and a subsurface wastewater disposal system is in place. The

temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

5. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy.

**Section 12. Nonconformance** (See definition of non-conforming structures, non-conforming uses and non-conforming lots.)

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before March 1, 1989 or before the effective date of any amendments to this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. The use of land, building, or structure, lawful at March 1, 1989 or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.
2. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
3. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs and renovations that do not involve expansion of non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, state, or local building and safety codes may require.
4. If a nonconforming building or structure is destroyed, it may be rebuilt provided that construction is commenced within one year after the destruction of the building or structures and is substantially completed within two years after such destruction.
5. Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for a building permit, or an application for required state permit(s) and approval(s). Such rights arise when the review process on an application commences. Such construction must be legal at the time it is commenced, and the **owner** must be in possession of and in compliance with all validly issued permits, both state and local.
6. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building declared unsafe by the Code Enforcement Officer.

C. Nonconforming Structures

1. Expansions: A nonconforming use or structure may be added to or expanded after obtaining approval from the Planning Board provided that:
  - (a) The addition or expansion does not increase the nonconformity of the structure;
  - (b) The expansion of the nonconforming use may not be for the purpose of changing that use to another nonconforming use; and



(c) The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Section 16 of this Ordinance.

(d) **Shoreland Zone:** See the **Shoreland Zoning Ordinance for the Municipality of Oxford.**

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use unless:

(a) The discontinuance was the direct result of governmental action requiring a temporary suspension or interruption of the non-conforming use even though the temporary suspension or interruption of the nonconforming use exceeded twelve calendar months, or

(b) The Planning Board, for good cause shown by the applicant, before the anniversary of the discontinuance grants up to a one year extension to that time period.

D. Nonconforming Lots

1. Nonconforming Lots: A nonconforming lot of record as of March 1, 1989 may be built upon, without the need for a variance, provided that such lot was in separate ownership on March 1, 1989 and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels were in a single or joint ownership of record on March 1, 1989, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure existed on each lot, the nonconforming lots may be conveyed separately or together, provided that each lot complies with the provisions of the Ordinances of the Municipality of Oxford and with the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules. .

If two or more principal uses or structures existed on a single lot of record on March 1, 1989, each may be sold on a separate lot provided that each complies with the above referenced law and rules. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of the Ordinances of the Municipality of Oxford as determined by the Planning Board.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels were in single or joint ownership of record on March 11, 1995, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, then the lots shall be combined to the extent necessary to meet the dimensional requirements.

### Section 13. Establishment of Districts

A. **Shoreland Zone Districts** - See the **Shoreland Zoning Ordinance for the Municipality of Oxford.**

B. **Other Districts**

1. **Village:** The Village District includes the traditional developed area of the Town. Development is denser than in other areas and covers a broad mixture of land uses including commercial, public and

residential. The Village area is a vital and active area, and this District seeks to maintain the existing character and land use mix.

2. **Industrial:** The Industrial District provides for existing areas of, or areas suitable for, manufacturing, processing, treatment, research, warehousing, distribution, and other industrial activities.
3. **Mixed Use:** The Mixed Use District is intended to provide for commercial and residential uses. Commercial uses are general retail sales, services and business space within the Town. Services may include assembly or fabrication of materials when there is no exterior storage and no noticeable noise, vibration or odors at the property line. The locations of the Mixed Use District will be capable of conveniently servicing community wide and regional trade areas and of providing for residential development.
4. **Residential:** The Residential District includes areas currently developed primarily as urban and suburban type residential and extends to areas suited for medium density residential development.
5. **Rural:** The Rural District comprises the majority of the generally low density residential areas in the Town. It is the intent of this District to maintain the area's general rural nature.
6. **Mill Redevelopment District:** The Mill Redevelopment District encompasses the historic mill property within the traditional village area. The purpose of this district is to allow for the thoughtful redevelopment of the historic mill structures and other nearby parcels with a mixture of residential, commercial or light manufacturing uses appropriate in scale, design and density to this area of the Town.
7. **Wellhead and Ground Water Protection Overlay Zone:** The purpose of this overlay zone is to protect the Town's major existing and potential ground water supply sources from adverse development or land use practices that have the potential to reduce the quality and quantity of ground water that is now and, in the future, will be available for use by the municipalities, individuals and industries.
8. **Airport Protection Overlay Zone:** The purpose of this overlay zone is to regulate airspace obstructions which would negatively impact current and future airport operations.

## Section 14. Table of Land Uses

All land use activities, as indicated in the Land Use Table shall conform with all of the applicable land use standards in **Section 15**. The district designation for a particular site shall be determined from the Official Zoning Map.

### A. Land Use Table<sup>1</sup>:

Table Key	Abbreviations
Yes: Allowed, no review or permit required <sup>2</sup>	Vil: Village
No: Prohibited	Ind: Industrial
PB: Requires Site Plan Review permit issued by the Planning Board	MU: Mixed Use
CEO: Requires permit issued by the Code Enforcement Officer	R: Residential
	RU: Rural
	MR: Mill Redevelopment

<sup>1</sup> See the Shoreland Zoning Ordinance for the Municipality of Oxford for allowed uses within the Shoreland Zone districts.

<sup>2</sup> Must comply with applicable land use standards. A building permit and permits required by other ordinances may still be needed.

LAND USES	DISTRICTS					
	Vil <sup>1</sup>	Ind <sup>1</sup>	MU <sup>1</sup>	R	RU	MR
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes	yes
4. Timber harvesting <sup>1</sup>	yes	yes	yes	yes	yes	no
5. Clearing of vegetation for approved construction and other allowed uses <sup>1</sup>	yes	yes	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration <sup>1</sup>	yes	yes	yes	yes	yes	no
10. Mineral extraction including sand and gravel extraction >100 yds/12 mo <sup>1</sup>	PB	PB	PB	PB	PB	no
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	yes	yes	yes	yes	no
14. Aquaculture <sup>1</sup>	yes	yes	yes	yes	yes	yes
15. Residential						
A. Single family residential	CEO	no	CEO	CEO	CEO	CEO
B. Two-family residential	PB	no	CEO	PB	PB	PB
C. Mobile home	no	no	CEO	CEO	CEO	no
D. Mobile home park	no	no	PB	PB	no	no
E. Multi-family dwellings	PB	no	PB	PB	PB	PB
F. Community living facility	PB	no	PB	PB	PB	PB
G. Cluster development	PB	no	PB	PB	PB	PB
H. Tiny Houses	no	no	no	PB <sup>7</sup>	CEO	no
16. Commercial						
A. General	PB	PB	PB	no	no <sup>2</sup>	PB
B. Gasoline station/convenience store	PB	PB	PB	no	no	no
C. Motels and hotels	PB	no	PB	no	no	PB
D. Service and retail	PB	PB	PB	no	PB <sup>3</sup>	PB
E. Restaurant	PB	PB	PB	no	PB <sup>3</sup>	PB
F. Forestry/agricultural related sales, services	PB	PB	PB	no	PB <sup>2</sup>	PB <sup>3</sup>
G. Home occupation	CEO	CEO	CEO	CEO	CEO	CEO
H. Wholesale business	PB	PB	PB	no	PB <sup>3</sup>	PB
I. Research facilities	no	PB	PB	no	no	PB
J. Automotive race tracks	no	no	PB	no	no	no
K. Amusement Facility/Comm. Recreation	PB	no	PB	no	no	PB
L. Auto Repair/Sales	PB	PB	PB	no	no	no
M. Auto Wash	PB	PB	PB	no	no	PB
N. Bed & Breakfast	PB	no	PB	PB	PB	PB
O. Firewood Processing	no	yes	PB	no	PB	no
P. Indoor Theater	PB	no	PB	no	no	PB
Q. Kennel, Veterinary Hospital	no	no	PB	no	PB	no
R. Stable	PB	no	PB	PB	yes	no

S. Offices: Business, Professional & Medical	yes	no	yes	no	no	yes
T. Funeral Home	PB	no	PB	no	no	no
U. Auction Barn	PB	no	PB	no	PB	no
<b>LAND USES (Continued)</b>			<b>DISTRICTS</b>			
	<b>Vil<sup>1</sup></b>	<b>Ind<sup>1</sup></b>	<b>MU<sup>1</sup></b>	<b>R</b>	<b>RU</b>	<b>MR</b>
V. Antique Sales	PB	no	PB	PB	PB	PB
W. Yard Sales	yes	yes	yes	yes	yes	no
X. Flea Market	PB	no	PB	PB	PB	no
Y. Day Care Facility	PB	PB	PB	PB	PB	PB
Z. Addiction Treatment Facility	no	no	PB	no	no	no
AA. Manufactured Housing Dealer <sup>5</sup>	no	PB	PB	no	no	no
AB. Gasoline Sales	PB	PB	PB	no	no	PB
<b>17. Industrial</b>						
A. General	no	PB	PB	no	no	no
B. Waste processing or disposal facility	no	PB	no	no	no	no
C. Warehousing & outdoor storage	no	PB	PB	no	PB <sup>4</sup>	PB
D. Light Manufacturing	no	PB	PB	no	PB	PB <sup>6</sup>
E. Airport	no	PB	no	no	no	no
F. Use, generation, storage or processing of hazardous waste	no	PB	no	no	no	no
G. Auto graveyard & junkyards	no	PB	PB	no	PB <sup>4</sup>	no
H. Recycling operations	no	PB	PB	no	PB <sup>4</sup>	no
I. Bottle redemption centers	PB	PB	PB	no	PB	no
J. Trucking & distribution terminals	no	PB	PB	no	no	no
K. Abattoirs	no	PB	PB	no	no	no
L. Forestry/agricultural related processing	PB	PB	no	PB	no	
M. Wastewater treatment facility	no	no	PB	no	no	PB
N. Hydropower generation facility	no	no	no	no	no	PB
<b>18. Government and Institutional</b>						
A. Public/private schools	PB	PB	PB	PB	PB	PB
B. Church, synagogue, parish house	PB	PB	PB	PB	PB	PB
C. Library/museum	PB	PB	PB	PB	PB	PB
D. Community centers	PB	no	PB	PB	PB	PB
E. Fire/police station	PB	PB	PB	PB	PB	PB
F. Government office	PB	no	PB	PB	PB	PB
G. Private & semi-public clubs	PB	no	PB	no	PB	PB
H. Nonprofit clubs, lodges	PB	no	PB	no	PB	PB
I. Municipal demolition debris processing/disposal	no	PB	no	no	PB	no
19. Cemetery	PB	no	PB	PB	PB	no
20. Structures accessory to allowed uses	CEO	yes	CEO	CEO	CEO	CEO
21. Piers, docks, wharfs, bridges, & other structures & uses extending over or below the normal high water line or within a wetland						
	See the Shoreland Zoning Ordinance for the Municipality of Oxford					
22. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	LPI
23. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	no
24. Essential services	CEO	CEO	CEO	CEO	CEO	CEO
25. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
26. Public and private recreational areas involving minimal structural development	CEO	CEO	CEO	CEO	CEO	CEO
27. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	no
28. Campgrounds	no	no	no	no	PB	no
29. Road and driveway construction	yes	yes	yes	yes	yes	yes

30. Parking facilities	yes	yes	yes	yes	yes	yes
31. Marinas	See the Shoreland Zoning Ordinance for the Municipality of Oxford					
32. Filling and earthmoving <10 cubic yards	yes	yes	yes	yes	yes	yes
<b>LAND USES (Continued)</b>	<b>DISTRICTS</b>					
	<b>Vil<sup>1</sup></b>	<b>Ind<sup>1</sup></b>	<b>MU<sup>1</sup></b>	<b>R</b>	<b>RU</b>	<b>MR</b>
33. Filling and earthmoving >10 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO
34. Signs (new or replacement)	CEO	CEO	CEO	CEO	CEO	CEO
35. Development on slopes greater than 20%	PB	PB	PB	PB	PB	PB
36. Sludge Spreading	no	no	PB	no	PB	no
37. Agricultural Composting	no	PB	CEO	yes	PB	no
38. Golf Course	no	no	PB	no	PB	no
39. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
40. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
41. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB
42. Marijuana Facility	no	no	PB	no	no	no

<sup>1</sup> Within the Shoreland Zone see the Shoreland Zoning Ordinance of the Municipality of Oxford.

<sup>2</sup> Only business related to agriculture and forestry permitted.

<sup>3</sup> In structures existing on March 1, 1995 only.

<sup>4</sup> Outdoor storage only if screened from public view.

<sup>5</sup> Manufactured Housing *Developer* Dealers are restricted to approved residential building lots with a building permit for each home.

<sup>6</sup> A low-intensity, high tech type of manufacturing use to be located in one of the mill buildings in existence at the time of the adoption of this ordinance which is consistent with the character of the district.

<sup>7</sup> If two or more acres exist in the Residential District and the setbacks can be met for Tiny Houses.

**B. Industrial:** Any uses which are allowed in the Mixed Use District other than residential use and addiction treatment facilities shall be allowed in the Industrial District. All such uses shall require Site Plan Review approval by the Planning Board.

## Section 15. Land Use Standards

A. **All Land Uses:** All land use activities shall conform with the following provisions:

### 1. Minimum Lot Standards Table

District	Minimum Size (sq.ft.)			Minimum Road Frontage (ft.)	
	with sewer & water	with water only	w/out sewer & water	with water and/or sewer	without water
Village	20,000	20,000	20,000 <sup>3</sup>	100	N.A.
Industrial	15,000	40,000	40,000	100	200
Mixed Use	15,000	40,000	40,000	100	200
Residential <sup>2</sup>	20,000	40,000 <sup>1</sup>	40,000 <sup>1</sup>	100	200
Rural	80,000	80,000	80,000	200	200
Mill Redevelopment Groundwater	10,000 <sup>4</sup>	N.A.	N.A.	50	N.A.
Protection Overlay	120,000	120,000	120,000	100	250

Shoreland Zones - See the Shoreland Zoning Ordinance for the Municipality of Oxford

<sup>1</sup> Lot sizes maybe reduced to 20,000 sq. ft. where there are plans to provide sewer and water to the lot within two years from the date on which the Site Plan is approved.

<sup>2</sup> Lots and frontage requirements may be reduced to that required for lots with water and/or sewer service provided that the Town Capital Investment Plan includes extension of the service(s) to the area and that funds have been allocated to the project. Additionally, development on such reduced lots must connect to the services within 90 days of their provision. The Town may restrict permits and condition reviews upon such connection.

<sup>3</sup> Water service shall be extended to houses/uses constructed in the Village District.

<sup>4</sup> Provided that for multi-family dwellings or commercial structures, the minimum lot area per dwelling unit or commercial tenant shall be 4,000 square feet.

## 2. Setback Standards Table

<u>District</u>	<u>Road (ft)</u> <sup>1,4</sup>	<u>Minimum Setback</u>			<u>Maximum Lot Coverage</u>
		<u>Side (ft.)</u>	<u>Rear (ft.)</u>		
Village <sup>2</sup>	50	15	15		50%
Industrial <sup>3</sup>	50	25	25		50%
Mixed Use <sup>3</sup>	50	15	15		50%
Residential	50	15	15		25%
Rural	50	15	15		25%
Tiny Houses	75	50 <sup>6</sup>	50 <sup>6</sup>		10%
Mill Redevelopment	10	none <sup>5</sup>	none <sup>5</sup>		70%
Industrial <sup>3</sup>	50	25	25		50%

**Shoreland Zone** See the Shoreland Zoning Ordinance for the Municipality of Oxford.

<sup>1</sup> Setbacks from public roads or streets shall be measured from the edge of the right-of-way, and setbacks from privately owned roads shall be measured from the middle of the traveled way except in the Mill Redevelopment District where setbacks in all cases as measured from the edge of the road pavement provided no structures (other than sidewalks and utilities) may be permitted within the right of way.

<sup>2</sup> Road and Side Setbacks may be reduced in keeping with historical development on adjacent and nearby lots.

<sup>3</sup> Where new commercial or industrial development abuts residential areas, there will be an additional 25 foot landscaped buffer on the side abutting the residential use.

<sup>4</sup> Road setbacks for aircraft hangars at the Oxford County Airport may be reduced to allow the hangars to be set back to the greatest practical extent from the runway.

<sup>5</sup> Unless abutting parcel is located in another zoning district, in which case side and rear setbacks for any new structure shall be a minimum of 15 feet.

<sup>6</sup> A 50' buffer with trees, shrubs and natural ground cover shall remain after defining the building envelope on the 80,000 sq ft minimum lot size.

### B. All Districts: General Requirements

The following requirements shall apply to all districts.

1. Principle Dwelling or Structure: If more than one principle dwelling unit or structure is constructed on a single lot other than in the Mill Redevelopment District, all dimensional requirements shall be met

separately for each such principle dwelling unit or structure, notwithstanding other provisions of this Ordinance.

2. **Accessory Buildings:** Garages and accessory buildings shall meet all setback requirements. Tiny houses would be allowed to park and set up with permissions from the property owner for a maximum period of 6 months (May – October) when black and gray water is properly disposed of at an approved dumping facility and records are kept to prove the proper disposal or the subsurface wastewater disposal system is sized for the added bedroom in the Tiny House, where a principal dwelling already exists and meeting the Zones setbacks.
3. No person shall reduce the size of any lot on which a building (structure) is located to a size or frontage less than that required by this section. If more than one residential unit or principal structure is constructed on a single parcel in other than the Mill Redevelopment District, the minimum lot area and frontage requirements shall be met for each additional dwelling unit or principal structure.
4. **Height Restrictions:** No building (structure) shall exceed (65) feet in height on Main Street and/or Mechanic Falls Road in Mix Use Zone only. This restriction shall not apply to farm buildings not used for human habitation, windmills, antennas, transmission towers, church steeples, flagpoles, and chimneys.
5. **Back Lots:** A back lot can be created if a legal right-of-way 60' wide can be provided without reducing frontage and area requirements of the front lot or lots below specified minimums, if the back lot dimensions are such that a rectangle 200' x 200' can be accommodated within the lot lines, and if the lot size for that zone can be met. A structure built on a back lot shall have a setback from the public or private road that established the lot's frontage requirements, equal to or greater than the minimum frontage requirements for that district; except in Mill Redevelopment the minimum right-of-way is 24' with a minimum paved traveled width of 20' to be maintained throughout the length of the road
6. **Flood Elevations:** The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
7. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

### **C. Ground Water Protection Overlay District**

1. **Purpose:** To protect the Town's major existing and potential ground water supply sources from adverse development or land use practices that have the potential to reduce the quality and quantity of ground water that is now and in the future will be available for use by the municipality, individuals and industries.
2. **Establishment and Delineation of Ground Water Protection Overlay District:** For the purpose of this Ordinance, there are hereby established within the Town certain ground water protection overlay districts, consisting of aquifers and/or aquifer recharge areas, which are delineated on the zoning map. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations which may include drilling observation wells, performing pumping tests, water sampling, ground water modeling, and geologic mapping. New areas identified by any of these methods may be added to this Ordinance by amendment.

The delineation of the Ground Water Protection Overlay District on the map may be revised by Town Meeting, upon recommendation of the Planning Board, as the extent of the aquifers or recharge areas is more accurately defined.

Where the bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the Town may engage a professional geologist or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

Where there is conflict between the overlay district and the underlying district, the more restrictive shall apply.

3. Permitted Uses: Any use which is permitted by existing Town zones which is not prohibited, or does not require a Site Plan Review Permit is allowed.
4. Site Plan Review: The following uses are allowed in the underlying District only upon the authorization of a Site Plan Review Permit by the Planning Board.
  - a. Septic systems and sewage disposal systems, or any enlargement or alteration thereof which need approval from the Department of Human Services of the State of Maine; as referred to in, the most recently adopted Maine State Plumbing Code;
  - b. Manure pile and manure storage pit;
  - c. Animal feedlot;
  - d. The flooding of mined land;
  - e. Cemetery; and
  - f. Spraying or spreading of chemical fertilizers or pesticides after written approval by the U.S. Department of Agriculture, Soil Conservation Service.
5. Prohibited Uses: The following uses are prohibited in the Ground Water Protection Overlay District.
  - a. Abandoned wells;
  - b. Automotive service stations;
  - c. Automotive body repair shop;
  - d. Bulk storage of pesticides and herbicides;
  - e. Cabinet and furniture making/refinishing;
  - f. Chemical reclamation;
  - g. Chemical storage;
  - h. Dry cleaning;
  - i. Electronic manufacturing;
  - j. Hazardous waste, bulk storage, reclamation, or disposal;
  - k. Heat treaters, smelters, annealers, descalers;
  - l. Junkyards, salvage yards, and used tire storage;
  - m. Laundromats;



- n. Metal plating facilities;
  - o. Multifamily dwellings;
  - p. Open storage of road salt/sand;
  - q. Petroleum storage;
  - r. Photograph processing;
  - s. Snow dumps;
  - t. Wastewater impoundments;
  - u. Wood treatments and preserving;
6. Additional Application Requirements for Site Plan Review for Certain Activities within the Ground Water Protection Overlay District.

The following sections require additional information needed for applications for Site Plan Review for activities within the Ground Water Protection Overlay District. The Planning Board may waive such requirements that are not applicable to the activity being considered.

a. Waste handling

- provisions for solid waste handling, storage and disposal
- provisions for sanitary facility
- description of source of water, use of water and final water quality (water quality parameters to be specified by applicant)

b. Storm water

- plans which provide:
- design and capacity of subsurface storm water collection facilities
- design of dry wells, storage, retention or detention facilities and other surface water impoundments
- storm water system outlets
- delineation of post development drainage areas
- plans for ice control, use of road salt, and snow removal

c. Petroleum Products, Hazardous Materials, and Other Chemicals:

- Type of volume of chemical compounds handled and/or stored
- Site plan showing all storage, handling and use areas for raw materials and wastes
- Exact location of tanks, piping and separators so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely, efficient manner
- A design of the containment system for the bulk storage tanks prepared by a Professional Engineer registered in the State of Maine
- A hydrogeological report which will vary in scope depending on the general nature of the geology, the size and design of the facility, and the need for ground water monitoring. At a minimum, the hydrogeologic report should characterize the geology, determine the ground water gradients, and analyze the potential for ground water degradation from the activity. The analysis should contain a list of potential threats and recommend methods of controlling those threats.
- Provisions and designs for all floor drains, grease traps and holding tanks.
- For outside areas, provisions to contain spills including drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from

- flowing off site.
- Provisions to collect chemicals should they enter the drainage system.
- Provisions to segregate underground systems to insure that there are no cross connections.
- Statement of emergency measures which can be implemented for surface drainage systems.
- For inside areas, provisions to contain spills including the:
  - i. Design of dikes around rooms;
  - ii. The location of floor drains and floor drain outlets;
  - iii. The location of separators, holding tanks and/or drain outlets.
  - iv. The specific location and design of underground storage structures.
  - v. The location and design of piping systems for wash waters and other waste liquids to insure that wastes are discharged to appropriate sewers or treatment systems.
- A spill prevention and control and countermeasure (SPCC) plan detailing:
  - i. Materials and equipment to be available
  - ii. A training plan and schedule
  - iii. List of contacts (EPA/DEP/local fire officials) with phone numbers
  - iv. An inspection schedule
- A report by an industrial engineer or other competent professional detailing:
  - i. Steps which have been taken to reduce the use of hazardous materials; and
  - ii. Actions which have been taken to control the amount of wastes generated.
  - iii. Any reports to provide information on the design theory or methodology for the above features

7. Control of Existing Threats

- a. The Code Enforcement Officer shall have the right to enter and inspect all premises which carry on the uses listed in the preceding table and requiring Site Review due to their location in the Groundwater Protection District. The Code Enforcement Officer may be accompanied by a representative of the Water District including a consultant employed by them.

Further, the Code Enforcement Officer shall have the right, upon 24 hour notice, to conduct such testing as the municipality may deem appropriate to determine that Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the municipality's or water district's expense. If such testing indicates that the groundwater has been contaminated above the State Primary or Secondary Drinking Water Standards, then further testing shall be at the expense of the existing owner of the land in question. Additionally, the owner shall reimburse the municipality and/or district for expenses incurred in the initial well installation and testing.

- b. The municipality and the water district shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the Groundwater Protection Overlay District when the municipality or district can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.

- 8. The Planning Board may adopt, after public hearing, Best Management Practices for the protection of groundwater.

**D. Airport Overlay**

- 1. Purpose: To minimize manmade obstructions within the critical approach zones of the Oxford County

Airport.

2. Establishment and Delineation of Airport Protection Boundaries: For the purpose of this Ordinance, there is established an Airport Protection Overlay District comprised of an area described as follows:

Runway: The runway is 3,000' long, 250' wide at an elevation of 346' above mean sea level (NGVD).

Runway Centerline: The runway centerline is a line which runs the length of the runway bisecting it and in addition is extended 200' beyond each end of the runway for a total length of 3,400'.

496' Zone: The outer boundary of the 496' zone is 5,000' horizontally from the runway centerline. The 496' zone is bounded by two 3,400' lines 5,000' from and parallel to the runway centerline and by two half circles with radii of 5,000' from the ends of the runway centerline. The ends of the two half circles connect to the ends of the two parallel lines. Nothing shall be constructed in the 496' zone with an elevation greater than 496' above mean sea level (NGVD). The runway, visually clear and runway side zones are not included in the 496' zone.

Runway Zone: The runway zone is a rectangle of which two sides are 3,400' lines 125' from and parallel to the runway centerline.

Runway Approach Lines: There are four runway approach lines which connect the four corners of the runway zone with four points on the boundary of the 496' zone which are 625' from the runway centerline extended to the boundary of the 496' zone.

Visually Clear Zones: There are two visually clear zones located at each end of the runway zone. They are trapezoids bounded on two sides by the runway approach lines: on the third side by the end of the runway zone and on the fourth side by a line parallel to and 3,000' from the end of the runway zone. Nothing shall be constructed or grown in the visually clear zones which has an elevation above mean sea level (NGVD) greater than 346' plus 1 foot for every 20' from the ends of the runway zone.

Runway Side Zones: There is a runway side zone on each side of the runway. They have the shape of a rectangular area abutted by two triangular areas. Each rectangular area is bounded by the 3,400' side of the runway zone, a 3,400' line parallel to and 1,050' from the side of the runway zone and the two 1,050' lines which complete the rectangle. The four triangular areas are bounded by the 1,050' sides of the runway approach zones and the lines connecting these two sides. Nothing shall be constructed in the runway side zone which has an elevation above mean sea level (NGVD) greater than 346' plus 1 foot for every 7 feet from the sides of the runway zone.

520' Zone: Abutting and outside the 496' zone, there is a 400' wide 520' zone. Nothing shall be constructed in the 520' zone with an elevation greater than 520' above mean sea level (NGVD).

560' Zone: Abutting and outside the 520' zone, there is an 800' wide 560' zone. Nothing shall be constructed in the 560' zone with an elevation greater than 560' above mean sea level (NGVD).

600' Zone: Abutting and outside the 560' zone, there is an 800' wide 600' zone. Nothing shall be constructed in the 600' zone with an elevation greater than 600' above mean sea level (NGVD).

640' Zone: Abutting and outside the 600' zone, there is an 800' wide 640' zone. Nothing shall be constructed in the 640' zone with an elevation greater than 640' above mean sea level (NGVD).

680' Zone: Abutting and outside the 640' zone, there is an 800' wide 680' zone. Nothing shall be constructed in the 680' zone with an elevation greater than 680' above mean sea level (NGVD).

720' Zone: Abutting and outside the 680' zone, there is an 800' wide 720' zone. Nothing shall be constructed in the 720' zone with an elevation greater than 720' above mean sea level (NGVD).

## **E. Rural Building Permits Limits**

This section is intended to limit the construction of large-scale residential subdivisions in the Rural District of the Town by requiring the development to be clustered, preserving open space, or by limiting the number of residential building permits or mobile home permits or combinations thereof which can be issued to an owner during any 12 month period. Developers of large residential projects are encouraged to explore locations in other residential districts.

1. The number of permits which may be issued to a property owner for residential construction in the Rural District during any building year shall be determined by the following:
  - a. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of less than 20 acres may obtain permits for not more than 5 dwelling units in any building year.
  - b. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of 20 to 50 acres may obtain permits for not more than 10 dwelling units in any building year.
  - c. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of more than 50 acres may obtain permits for not more than 20 dwelling units in any building year.
2. If the owner of a lot of record in the Rural District sells or otherwise conveys an interest in a lot or a portion of a lot, the new owner shall have no right to a permit during the current building year. However, the previous owner may transfer all or some of his rights to permits to the new owner by notifying in writing the Code Enforcement Officer of the number of permits to be issued to the new owner. In making such a transfer, the previous owner shall relinquish his rights to apply for the permits transferred to the new owner. The number of permits so transferred may not exceed the number permitted for the acreage transferred.
3. Any permit issued under the provisions of subsections 1 and 2 shall be utilized only on the lot of record from which the right to the permit derives, unless the permit is cancelled and transferred to another lot of record in the same subdivision.
4. The provisions of this section shall apply only to residential permits in a Rural District. Agricultural buildings including farm housing and nonresidential uses shall not be affected by this limitation nor shall residential permits for construction in the Residential or Village Zones be limited by this section.
5. For the purposes of this section, the following definitions shall be used:
  - a. Building year shall mean the period between April 1st of one year and March 31st of the following year.
  - b. Lots of record shall mean lots as identified on a subdivision approved by the Planning Board and as shown by the property tax records of the Town of Oxford.

- c. Owner shall mean the person(s) or firm shown on the property tax records of the Town of Oxford as holding title to the property as of the current building year.

## Section 16. Performance Standards

The following standards shall apply to all districts except where the standards required in the **Shoreland Zone** are more stringent as enumerated in the **Shoreland Zoning Ordinance for the Municipality of Oxford**.

### A. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

### B. Erosion Control

1. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
2. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
3. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "best management practices":
  - a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as practical, and shall be done in a way as to minimize erosion.
  - b. The duration of exposure of the disturbed area shall be kept to a practical minimum.
  - c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
  - d. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Code Enforcement Officer.
  - e. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.
  - f. Any activity on a stream, watercourse, swale, floodway, or right-of-way shall comply with the State's

Natural Resources Protection Act, Title 38, M.R.S.A., Sections 480A-480S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

- g. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- h. Development on slopes greater than 20% may be permitted by the Planning Board only after submission of a written site stabilization plan prepared by a Maine Registered Professional Engineer. The Planning Board may require an engineering analysis of the plan.

### C. Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation, and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

#### 1. Noise

- a. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. The noise level at the lot boundary lines shall not exceed seventy (70) decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute between the hours of 7:00 A.M. and 9:00 P.M. (12:00 midnight in Commercial and Industrial Districts) nor fifty (50) decibels between the hours of 9:00 P.M. (12:00 midnight in Commercial and Industrial Districts) and 7:00 A.M.
- b. Temporary construction and maintenance activities shall be limited to the hours of 6:30 A.M. to 8:00 P.M.

2. Air Pollution. No emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be allowed. All such activities shall also comply with applicable federal and State regulations.

- a. Dust, dirt and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and shall in no manner be destructive, unhealthful, hazardous, nor shall visibility be impaired by the emission of haze which unduly impedes vision with an apparent opaqueness equivalent to No. 1 of the Ringlemann Chart as measured at any boundary line, using the procedures of the American Society of Testing Materials. Representatives of the Town or the State Department of Environmental Protection may enter onto premises for the purpose of testing any and all sources of potential air pollution.
- b. The limitations of Section 16.C.2.a. shall not apply to emissions resulting from soot blowing on any heat-transfer operation regardless of fuel source provided such emissions do not exceed an aggregate duration of more than one hour in any 24 hour period.
- c. Any activity emitting toxic or odoriferous substances must submit detailed plans to minimize such emissions to the Code Enforcement Officer before a permit is granted. Limitations of toxicity and odors of these substances shall be as set forth in the regulations promulgated by the Maine

Department of Environmental Protection.

- d. All air pollution control shall comply with minimum State requirements and detailed plans shall be submitted to the Code Enforcement Officer for approval, before a permit is granted.
3. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
4. Where safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.
5. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, at either ground or habitable elevation.

D. Buffer Areas

1. Any nonresidential set back abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Oxford.
2. Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.
3. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.
4. Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance: all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
5. Fencing and screening shall be durable and properly maintained at all times by the owner.
6. Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.
7. All buffer areas shall be maintained in a tidy and sanitary condition by the owner.
8. Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

E. Traffic Controls

1. The performance standards contained in Section 16.F. shall be met. In addition, the following standards shall apply. Safe access to and from public and private roads shall be provided. Safe access shall be assured by providing an adequate number and location of access points, with respect to site distances, intersections, schools and other traffic generators.
    - a. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. Where common access is not provided, a single lot shall be limited to two "curb cuts" on any single road.
    - b. Traffic, either in volume or size and weight of vehicles, shall not have an unreasonable negative impact on the Town's road system. When an unreasonable negative impact to the Town's road system would occur, the Board may require as a condition of an approval that the Applicant undertake road improvements.
  2. Internal Traffic
    - a. Circulation and Parking. Safe interior circulation shall be provided by separating pedestrian and vehicular traffic as appropriate.
    - b. A use shall not be expanded and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
    - c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
    - d. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall discourage vehicles from backing out onto a road.
  3. Emergency Vehicle Access: Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures.
  4. Sidewalks.
    - a. Sidewalks will be provided for development located within the Village and Commercial Districts. Upon petition to the Planning Board, sidewalk requirements may be waived for development located in the Commercial District when, in the opinion of the Board, the development pattern of the area does not require sidewalks.
    - b. Sidewalks are also required where either adjacent property has a sidewalk.
    - c. Sidewalks shall be bituminous concrete, concrete, brick or other solid material approved by the Town.
    - d. Sidewalks shall be a minimum of 3.5 feet wide. They shall be aligned with adjacent sidewalks.
- F. Off-Street Parking and Loading Requirements.

The following standards shall apply to all new or expanded uses and structures:



1. Basic Requirements:

- a. Village and Mill Redevelopment Districts: Commercial uses may use a combination of on-street and off-street parking to fulfill the parking space requirements. On-street parking shall not present traffic or pedestrian safety hazards. Off-street parking may be provided within 500 feet, measured along lot lines, of the property boundaries of the use.
- b. In other Districts, required off-street parking for all uses shall be located on the same lot as the principle building or use of premises or within three hundred (300) feet measured along lines of access. An area of one hundred and sixty-two (162) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as an off-street parking space.
- c. Areas designated for off-street parking shall not be used for any other purposes such as, but not limited to, outside display or storage (whether or not in trucks, containers, *etc.*) of merchandise, goods or supplies other than motor vehicle parking except for periods not to exceed 2 weeks when approved by the Planning Board.

2. Schedule of Minimum Parking Requirements:

- a. Two (2) spaces per dwelling unit for single family detached dwellings.
- b. One and one-half (1.5) spaces per dwelling unit for two family and multi-family dwellings.
- c. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel plus one (1) space per 162 sq. ft. of public meeting rooms and restaurants.
- d. One (1) space for each recreational vehicle, tent or shelter site in a campground.
- e. One (1) space for each four (4) beds for institutions devoted to the board, care, or treatment of persons.
- f. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, service establishment or office or professional building.
- g. One (1) space for each five hundred (500) square feet, or fraction there of, of floor area of any wholesale, storage and distribution facilities, construction contractors and similar uses.
- h. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.
- i. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.
- j. Three (3) spaces plus three (3) spaces per service bay for auto repair garages and gasoline service stations.

- k. Adequate spaces shall be provided to accommodate customers, patrons, and employees at other permitted uses not specifically enumerated.
- l. Internal travel aisles must be approximately twenty (20) feet wide.
- m. Shared and Compact Parking.

Shared Parking: Where a number of non-residential uses occupy a single structure, or multiple structures, on the same or adjoining parcel, the Planning Board can approve a reduction in the parking requirements to a parking quantity less than the total required by the Zoning Ordinance for the individual uses. With the approval of the Planning Board an applicant can propose to reduce the required parking by up to 30% if the applicant can demonstrate the following:

- 1. The building(s) and uses share a common circulation and parking scheme on a single lot or on adjoining lot(s);
- 2. The proposed uses have different peak parking times or have users that share the proposed facilities in the structure or structures;
- 3. The shared parking is located within 500 feet of the location of the proposed use.

If approved by the Planning Board as shared parking, parking lots or spaces on adjoining lots do not need to conform to the side yard and rear yard setbacks set forth in the Zoning Ordinance.

Compact Parking: The Planning Board can approve, upon the request by an applicant that up to 20% of the required parking set forth in the Zoning Ordinance can be provided by compact parking spaces. This shall apply only to parking lots with more than 10 parking spaces, with the driveway aisle(s) remaining at the width(s) set forth in the Zoning Ordinance. Compact Parking spaces shall be designated by signage and can be reduced to a size of 8 feet wide by 15 feet long.

### 3. Off-Street Loading:

- a. Village and Mill Redevelopment Districts: Loading activities may occur from the public way provided that an adequate loading zone is available and that trailer trucks will not be the principal mode of delivery.
- b. In Districts where commercial or industrial uses are permitted off-street loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

## G. Sanitary Provisions

- 1. The installation of all water supply systems shall conform with applicable Maine Department of Human Services rules, and private sewage disposal systems in all districts shall conform to the provisions of the Maine Subsurface Wastewater Disposal Rules.
- 2. Waste Disposal. Disposal of solid wastes and hazardous wastes shall not create adverse health, safety, or environmental impacts.
  - a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

- b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
- c. No person may engage in the use, generation, storage or disposal of hazardous waste unless done so in conformance with all applicable state and federal laws, rules and regulations, including a permit for any hazardous waste which is radioactive waste material, and any other hazardous waste which exceeds one hundred kilograms in weight per month.

## H. Signs

All signs shall comply with State law and this Ordinance and the Shoreland Zoning Ordinance. Signs which do not conform to the Ordinances may be continued for up to a period of 10 years from the date of adoption of this Ordinance. After this period, all signs shall comply.

The following provisions shall apply to all on-premise signs.

### 1. General Provisions

- a. No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
- b. No freestanding ground sign shall be located within ten (10) feet of a street line or other lot line. No projecting sign shall be located within five (5) feet of a street or other lot line.
- c. Permanent signs may be illuminated only by shielded, nonflashing lights. External lights shall be located or shaded such that no direct beam is visible from a public way. No lighting shall create a glare on to public ways which interferes with traffic or creates a nuisance for abutting property owners.
- d. Signs must be kept clean, legible and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.
- e. Signs relating to goods and services not rendered on the premises shall be prohibited.
- f. Signs not exceeding six (6) square feet in area directing and guiding traffic to historical or recreational sites, but bearing no advertising material shall be permitted provided such signs do not exceed one (1) per street.
- g. Residential uses may display a single sign not over three (3) square feet relating to the sale, rental, or lease of the premises.
- h. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

- i. Signs for Home Occupations shall be limited to one per business and be no larger than four (4) square feet.
  - j. Legally existing nonconforming signs may not be relocated, nor altered except in conformance with this section. Any change in the content of a nonconforming sign including names, words, logos or similar information shall constitute an alteration requiring conformance with this section.
  - k. Signs relating to any business which has been out of business for more than thirty (30) days are prohibited. The owner of the property or his agent shall be responsible for removing such signs.
  - l. Signs relating to public safety shall be permitted without restriction.
  - m. This Ordinance does not apply to State controlled directional signs.
2. Village, Residential, and Rural Districts: The following provisions shall govern the use of signs in the Village, Residential, and Rural Districts.
    - a. A single sign not over thirty two (32) square feet in area, attached to a building or freestanding and located in the front yard, describing a legally existing use, shall be permitted. Signs perpendicular to the roadway may contain an area of twenty-five (25) square feet on each side.
    - b. No free standing sign shall extend higher than ten (10) feet above the ground.
    - c. Signs shall be designed in keeping with the character of the district in which it is located.
  3. Mixed Use, Industrial and Mill Redevelopment Districts: The following provisions shall govern the use of signs in the mixed use, industrial and mill redevelopment districts.
    - a. The number of outdoor signs shall not exceed three (3) per use.
    - b. Freestanding ground signs are limited to one (1) per structure.
    - c. Outdoor signs may be displayed as freestanding ground signs, wall signs, projecting signs, or a combination of these, provided that the total sign area of all such signs not exceed one hundred fifty (150) square feet per use, except that for signs perpendicular to the roadway and the same on each side shall only be counted as an area equal to one side of the sign.
    - d. No individual sign shall contain more than fifty (50) square feet of sign area except signs perpendicular to the roadway as noted above. For such signs the area shall only be counted as the square footage equal to one side. Additionally no sign shall have a height greater than twenty-five (25) feet from the ground level upon which it is located to the top of the sign.
    - e. Wall signs shall occupy no more than 40 percent of the wall to which such sign is attached or affixed. The wall is the facade of the building up to the roof line excluding windows, doors, and major architectural features.
    - f. Projecting signs shall extend no lower than ten (10) feet above ground level, no nearer than five (5) feet from a street line, or nearer than five (5) feet from any other lot line.
    - g. Wall signs and projecting signs are limited to one (1) per use.

- h. Signs in close proximity to the door shall be permitted provided such signs shall not exceed two (2) square feet in size and shall not exceed one (1) per use.

4. Portable Signs:

- a. Defined: A portable sign is one which is designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures.
- b. Portable signs shall only be permitted in the Mixed Use and Industrial districts.
- c. Mixed Use and Industrial Districts: Any use located in these districts shall be permitted one portable sign of not more than thirty-two (32) square feet in area.
- d. A portable sign shall be located outside of the street right-of-way in such a manner that it will not obstruct or impair vision or traffic or in any way create a hazard or nuisance to the public.

I. Storm Water Runoff

- 1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in their natural state in order to reduce runoff and encourage infiltration of storm waters.
- 2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

J. Surface and Ground Water Quality Protection

- 1. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

- 2. The quality or quantity of ground water shall be preserved and protected.
  - a. For above ground fuel storage of chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board.
  - b. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.

K. Wetlands

1. Development shall minimize the impact on wetlands of over two acres in size from encroachment, water diversion, draining, or erosion and sedimentation.
2. Natural Buffers of at least twenty five (25) feet shall be maintained around wetlands in order to protect their value as wildlife habitats.

L. Wildlife Habitat

Development shall minimize the impact on significant wildlife habitat including deer wintering areas and waterfowl breeding and feeding grounds. The Planning Board may require an analysis by a wildlife biologist of the impact of the development on wildlife habitat.

M. Home Occupations

1. Home occupations shall:
  - i. Require a permit by the CEO;
  - ii. Have only one exterior sign not larger than 4 square feet;
  - iii. Have no exterior storage of materials;
  - iv. Have no other indication of the business which would detract from the residential character of the neighborhood;
  - v. Have no nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance;
  - vi. Have sufficient off-street parking for the vehicles of the employees, family members and the maximum number of customers which the occupation may attract during peak operating hours;
  - vii. Have parking arranged so that customers or employees will not be tempted to back into the street; and
  - viii. Limit the size of accessory structures to floor areas which do not exceed the footprint of the principal residential structure.
2. On complaint, any permit for a Home Occupation may be revoked after investigation by the CEO if any nuisance conditions, noise, etc. cited in the above criteria are being generated to the detriment of the neighborhood.

N. Two-Family Dwellings

Two-family dwellings may be approved by the Planning Board in accordance with the Land Use Table of the Ordinance and Section 15.B.

O. Multi-Family Dwellings:

1. Multi-family dwellings may be approved by the Planning Board in accordance with the Land Use Table of this Ordinance and Section 15.B. All proposals to construct multi-family dwellings shall be in conformance with the Performance Standards of Section 16, the design requirements listed below and the requirement that no structure shall contain more than eight (8) dwelling units except in the Mill Redevelopment District.

2. Applications for approval shall include: a map of the area; dimensions, boundaries and principle elevations of the land for which approval is sought; the names and mailing addresses of all property owners within 500 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

3. Density

Except in the Mill Redevelopment District, the lot size for multi-family dwellings development is determined as follows:

- a. The net buildable acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
  - i. Existing and proposed areas for roads, parking and rights-of-way;
  - ii. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board;
  - iii. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
    - a) 100% of the RP District
    - b) 100% of the wetlands, Natural Resources Protection Act, Class I, II and III
    - c) 100% of ponds or lakes or other surface waters
    - d) 100% of slopes over 20% without a slope stabilization plan specified in Section 16.B.3.h.
- b. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required in the district. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building shall be constructed on soils classified as being very poorly drained.

4. Water Supply

- a. When multi-family dwellings are proposed within the service area of public water supply system, all dwellings shall be connected to the system, at no expense to the Town. The applicant shall demonstrate by a signed letter from an authorized representative of the water company that an adequate water supply can be provided to the dwellings at an adequate pressure for fire fighting purposes. Fire hydrants shall be located so that they are not more than 500 feet from any building, as hose is laid on the street.
  - b. When multi-family dwellings are proposed outside of the service area of public water supply system, the applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and fire fighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants.
5. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.

6. A fifty foot landscaped buffer shall be provided along all property boundaries except in the Mill Redevelopment District. In the Mill Redevelopment District, the required setback areas shall be maintained as a landscaped buffer to the extent feasible.
7. Storm water and surface drainage systems shall be designed in accordance with the Town subdivision standards.
8. Access, Circulation, and Parking
  - a. The multi-family dwellings development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of 25 feet, measured along the intersecting street lines. In the Mill Redevelopment District, those areas of development that existed on the effective date of this Ordinance shall satisfy these requirements only to the extent feasible.
  - b. The proposed multi-family dwellings development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.
  - c. All multi-family dwellings developments containing 15 or more dwelling units may be required by the Planning Board to have more than one street access (for emergency and safety purposes). No more than two accesses shall be allowed on any single street or roadway.
9. Recreation and Open Space. Except in the Mill Redevelopment District, all multi-family dwellings developments of 25 dwelling units or more shall provide a developed play area no smaller than 5,000 sq. ft. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

P. Mobile Homes

1. Mobile homes shall be placed on a permanent foundation or piers of concrete, concrete block, or other masonry, to extend below the frost line; or reinforced concrete slab designed to accommodate the weight of the mobile home and any frost heave.
2. A skirting wall of solid construction such as masonry, wood and the like shall be built to fill the space between the foundation or slab or ground and the mobile home at the perimeter. This wall shall be of permanent type construction and weather tight (except for ventilation). The exposed surface shall be of masonry, wood, metal siding or other permanent material. Building paper, asphalt paper or roofing is not acceptable.
3. Any addition to a mobile home shall be on a foundation or slab similar to that which is supporting the mobile home. The walls and roof shall be of permanent type construction with the roof of fire resistant material. The walls shall meet the requirements of Section 16.P.2.
4. A mobile home may be replaced with one of improved standards regardless of the lot size, providing however, that it does not increase existing nonconformities.



5. A mobile home shall enclose an area of not less than 500 square feet.
6. A mobile home used as a dwelling shall have a plumbing and a sewage disposal system which shall be in conformity with the most recent State of Maine Wastewater Disposal Rules.
7. Mobile homes as temporary offices are exempt from Section 16.P. 2 and 5 above. Mobile homes used as permanent offices are exempt from Section 16.P.5. above.
8. Mobile homes either:
  - a. Must be constructed after June 15, 1976, and the manufacturer must certify its construction was in compliance with the U.S. Department of Housing and Urban Development Standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code Title 42, Section 5401, *et. seq.*, as amended, or
  - b. Meet the safety standards for older mobile homes which have been adopted by the State Manufactured Housing Board (02-385 Department of Professional and Financial Regulation dated May 31, 1990, as amended) whether or not the mobile home is located in a mobile home park.

Q. Cluster Development

1. The purposes of these provisions are to:
  - a. Provide for efficient use of land not possible under traditional lot-by-lot zoning,
  - b. Provide for the preservation of agricultural land, forest land, recreational land, and open space areas,
  - c. Provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel,
  - d. Provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore, minimizing perceived densities,
  - e. Provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, views and scenic vistas, and other significant natural features,
  - f. Provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development,
  - g. Preserve and protect environmentally sensitive areas, and
  - h. Allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.
2. Notwithstanding provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential cluster developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

### 3. Application Procedures

- a. Where a developer elects to cluster, a written application shall be submitted to the Planning Board. The application shall be reviewed as a subdivision, if applicable, but shall also meet the standards contained in this section.
- b. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high wildlife and waterfowl habitats, moderate to high yield aquifers, prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also describe the positive and negative impact upon the community. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
- c. For purposes of this section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
- d. The developer shall file with the municipality, at the time of submission of the final plan for subdivision approval, a performance guarantee in accordance with the Subdivision Ordinance.

### 4. Density - The buildable acreage in cluster developments shall be calculated by taking the total area of the lot and subtracting, in order, the following:

- a. Existing and proposed areas for roads, parking and rights-of-way;
- b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board;
- c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - i. 100% of the Resource Protection District
  - ii. 100% of the wetlands, State NRPA Class I, II and III
  - iii. 100% of ponds or lakes or other surface waters
  - iv. 100% of slopes over 20% without stabilization plan specified in Section 16.B.3.h.

### 5. Basic Requirements for Cluster Developments

- a. Cluster developments shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the community's street standards, and all other applicable municipal ordinances or regulations, including the General Performance Standards of this Ordinance and State laws and regulations.
- b. Each building shall be an element of an overall plan for site development. Developments shall have a site plan for structures which clearly indicates a building envelope for each lot, or it shall be specified on the plan that buildings shall meet all traditional setbacks. Distance between building envelopes shall not be less than 40 feet.

- c. A density bonus of 10 percent shall be given if the open space land meets any of the following criteria:
  - i. Is significant agricultural land as designated by the Comprehensive Plan;
  - ii. Is forested land which is under a Forest Management Plan prepared by a Certified Forester;
  - iii. Is high or moderate value wetland; or
  - iv. Is land which provides significant recreation opportunities for common usage.

The maximum allowed reduction in the size of individual lots is 50 percent except that where a density bonus is provided, lots may be reduced by 60 percent.

- d. The maximum net density allowed in cluster developments shall be calculated on the basis of the "Qualifying Land Area" standards contained in Section 16.Q.4.a.
- e. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
- f. The total area of open space within the development shall equal or exceed the sum of the areas by which building lots are reduced.
- g. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, but in no case shall it be more than 1,000 feet distance from the open space area.
- h. In rural areas, no individual lots shall have curb cut access to an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance and delivery and collection services.
- i. In no case shall cluster developments be permitted in the Shoreland Zones.
- j. When individual wells are to be utilized, a well shall be provided on each lot by the developer/builder. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well as quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
- k. The location of subsurface sewage disposal systems shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan.

#### 6. Site and Buffering Standards

- a. Lots and building envelopes shall be oriented with respect to natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Planning Board prior to approval.
- b. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning

Board.

- c. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
- d. Other than any land within the Shoreland Zone, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, shrubs and/or trees along all side lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. (The strip may be a part of the individual lots provided that restrictions are included to insure its maintenance.)

Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4 inches in diameter within this buffer. For the Shoreland Zone, see the Shoreland Zoning Ordinance for the Municipality of Oxford.

- e. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
- f. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly, hazardous to the public, or detract from the natural beauty of the development.

## 7. Preservation and Maintenance of Open Space and Facilities

- a. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
- b. There shall be no land development within the open space without prior approval of the Planning Board.
- c. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
  - i. The open space shall not be used for future building lots or development; and
  - ii. Part or all of the open space may, at the option of the municipality, be dedicated for acceptance by the municipality. Such dedication shall take place after final approval of the project. Final acceptance by the municipality of dedicated open space rests with the municipality.
- d. If any or all of the open space is to be reserved as common open space for use by the residents, the bylaws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance, until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board

upon the request of the homeowners association, the developer, or the subdivider.

Open space not dedicated to the municipality must be maintained by the association. Covenants for mandatory membership in the association setting forth the owners' obligations, rights, interests, and privileges in the association and common open space shall be drafted, approved by the Planning Board, and referenced in the deed for each lot. (For example, the basis for determining assessments by the association for each lot for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, *etc.*).

- e. Open space land may be sold or leased by the association to a third party for agriculture or forestry purposes, provided that development rights are held by the municipality, a conservation organization, or other public or quasi-public entity. The legal instruments for conveying such land and retaining development rights shall first be submitted to and approved by the Planning Board.

R. Hotels, Motels and Inns (For the purposes of this section, the terms hotel, motel, and inn are used interchangeably.)

1. The minimum lot size for any hotel shall contain not less than three acres of total area.
2. The minimum road frontage shall be not less than 200 feet.
3. No part of any building on a motel lot shall be closer than 50 feet to the edge of right-of-way, 25 feet from rear or side lines.
4. Building on a motel lot shall not cover more than 20% of the area of the lot.
5. Each motel rental unit shall contain not less than 220 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 by 15 feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
6. On each hotel lot, one apartment may be provided for a resident owner, manager, or other staff person.
7. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

S. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and camping areas shall contain a minimum of 5,000 square feet of suitable land, not including roads and driveways, for each site.

T. Recreational Vehicles

One recreational vehicle per lot is permitted providing that the following conditions are met:

1. The placement of the recreation vehicle on any lot shall meet all setback requirements.
2. The recreational vehicle shall not be located on any type of foundation.
3. No rigid enclosed addition shall be affixed to a recreational vehicle other than a recreational vehicle

accessory enclosure as herein defined.

4. If located in the Town of Oxford (except for storage adjacent to a primary residence) in excess of 120 days in any 365 day period, recreational vehicles shall require a permit issued by the Code Enforcement Officer in accordance with the provisions of this Ordinance, Oxford Building Code Ordinance and State of Maine Subsurface wastewater disposal rules currently in adoption or a black water disposal plan and records documenting the proper disposal at an approved location.

U. Extraction of Sand, Gravel and Other Earth Materials

1. Extraction operations (sand and gravel pits, etc.) shall not be permitted within 75 feet of any property line or traveled way.
2. Within 90 days of the completion of excavating the pit, the operator shall grade the pit area compatible to the surroundings. The area shall be graded to a slope of two horizontal to one vertical or flatter. These grading operations may extend to within ten feet of the property line.
3. Wherever ponds are left within the pit, a slope of four horizontal to one vertical or flatter, shall extend into the water at least 16 feet to insure that the pond will not be a hazard to the public.
4. Sufficient top soil or loam shall be retained to cover all areas which shall be seeded, and restored to stable condition upon completion of the extraction operation or reforested.
5. A time schedule of operation and restoration activity shall be a part of the application/permit process. Permits shall run for a maximum of five years after which they may be renewed at three year intervals if minimum requirements for public safety have been maintained.

V. Floodplain Management

Management of all development in the floodplain shall be governed by the Floodplain Management Ordinance adopted August 19, 2004 and as may be subsequently amended.

W. Conversion of Existing Dwellings

Buildings may not be converted to multifamily use without regard to lot area, and the water and sewage facilities must meet all existing laws and codes.

X. Historical and Archaeological Sites

1. Any proposed land use activity involving structural development or soil disturbance on or adjacent to buildings or sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the Planning Board.
2. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application. To the extent practical, the design of new development shall be compatible with the adjacent historic building or site. Appropriate buffers may be used to mitigate building design conflicts.

3. Construction activity shall be undertaken in such a way to insure adjacent buildings or sites are not damaged or disturbed.

Y. Cultural and Scenic Resources.

1. To the extent practical, the design of new development shall minimize the impacts on identified cultural and scenic resources.
2. Buildings should be placed to maintain views which are accessible from public ways.
3. Landscaping should be designed to minimize impact on cultural resources and not interrupt views.
4. Development which is placed in a view landscape should be designed to complement the view to the extent practical.

Z. Public Access

Development should be designed to minimize the impact on public access including access to shorelines and trails. Where possible, public access should be maintained through easements. Access may be relocated to improve compatibility with proposed development.

AA. Addiction Treatment Facilities

The following standards shall apply to all Addiction Treatment Facilities:

1. No addiction treatment facility shall be located where the patient entrance to the treatment facility would be closer than 2,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property containing a licensed child care facility or a school.
2. An addiction treatment facility shall be licensed by, and comply with, all the laws, rules and regulations of the Maine Department of Health and Human Services.

## Section 17. Site Plan Review

- A. **Purpose** - The purposes of Site Plan Review are to provide a level of municipal review that would not otherwise occur of projects that could impact the community.
- B. **Applicability**

A Site Plan Review by the Planning Board is required for:

1. Uses or changes of uses listed in Table of Land Uses, Section 14 of this ordinance and of the Shoreland Zoning Ordinance, for which the Planning Board is the reviewing authority.
2. Substantial enlargements: an expansion of the land area of the development site by more than 25% at any one time or in total since the last Planning Board review.
3. Alterations, structural changes, re-arrangement, change of location or addition to a building or structure involving more than a 25% increase in overall floor space or bulk of the building or structure at any time or in

total since the last Planning Board review.

4. Site Plan Review does not apply to single-family homes, including mobile homes, and agriculture.

**C. Administration** - General administrative procedures are found in Section 19. This section contains additional administrative information which applies to Site Plan Reviews.

1. **Agenda.** In order to avoid unnecessary delays in processing applications for Site Plan Review, the Board should prepare an agenda for each regularly scheduled meeting.
2. **Preapplication Process/Meeting.** Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review, to present a Sketch Plan and/or make a verbal presentation regarding the site and the proposed project. The Sketch Plan should show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencil sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Tax Map(s) on which the land is located. There shall be no fees for the pre-application process.
3. **Submission Waivers.** The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site, such requirements would not be applicable or would be an unnecessary burden upon the Applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the Town or otherwise be converse to the purposes and intent of this Ordinance. If the Board finds that only a portion of the Additional Information, Section 17.D.7. is required, the Board shall explicitly waive those items in Section 17.D.7. that are not required.
4. **Additional Studies.** If the services of outside consulting engineers or other professionals are required by the Board to assist in review of the application, that may be required, the Board shall notify the Applicant of the nature of services. The cost of such services shall be paid by the Applicant.
5. **Performance Guaranty.** Prior to final approval of any Site Plan Review Application, the applicant may be required to provide one of the following performance guaranties for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
  - a. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account, or
  - b. A performance bond payable to the Town issued by a surety company, approved by the Board of Selectmen.
  - c. An irrevocable letter of credit approved by the Board of Selectmen from a financial institution establishing funding for the construction of the required improvements which indicates that funds of sufficient amount have been set aside and which may not be used for any other project or loan and from which the Town may draw if construction is inadequate.
6. **Conditions.** The Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.



#### **D. Site Plan Review Application Requirements**

Applications for all Site Plan Reviews (major and minor developments) shall be submitted on application forms provided by the Town. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed original and two copies of the Application for Site Plan Review.
2. The Site Plan (drawings) shall consist of one or more reproducible, stable base transparent originals at a scale of not less than 1" = 100' to be filed at the Town Office. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words and space for five Board signatures.

Approved: Town of Oxford Planning Board

3. The Planning Board shall request the Road Commissioner and Fire Chief to review the Application and Site Plan.
4. General Information
  - a. Name of owner of record and address and Applicant's name and address, if different;
  - b. The name of the proposed development, if applicable;
  - c. Names and addresses of all property owners within 500 feet of the property line and with Assessor's (tax) map and lot number;
  - d. A copy of U.S.G.S. topographic map section showing general location of the site within the Town;
  - e. Boundaries of all contiguous property under the control of the owner or Applicant regardless of whether all or part is being developed at this time;
  - f. A copy of the Assessor's (tax) map showing map and lot number of the parcel or parcels and showing all lots within 500 feet of the proposed development.
  - g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the Applicant and status of property tax payment; and
  - h. The name and registration number of the land surveyor, architect, engineer and/or similar professional(s), if any, who prepared the plan.
5. Existing Conditions
  - a. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different district;
  - b. Perimeter survey of the parcel made and certified by a Registered Surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage.
  - c. Location and size of any existing sewer and water systems, culverts and drains, fire hydrants or pond, on or within 300 feet of the property to be developed and of any that will serve the development from abutting

roads or land;

- d. Location, names and widths of existing roads and rights-of-way within or adjacent to the proposed development;
  - e. Location of intersecting roads or driveways within 500 feet of the site;
  - f. The location and dimensions of existing driveways, roads and parking and loading areas and walkways on the site;
  - g. The location, dimensions, and ground floor elevations of all existing buildings on the site;
  - h. The location of open drainage courses, wetlands, stands of trees and significant wildlife habitat, known or potential archaeological resources, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered species, other important natural features;
  - i. The direction of existing surface water drainage across the site;
  - j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
  - k. The location, front view and dimensions of existing and proposed signs; and
  - l. Location and dimensions of any existing rights-of-way or easements and copies of existing covenants or deed restrictions.
6. Proposed Development Activity (See also Section 15.C.7 if the development is in the Groundwater Protection Overlay District).
- a. The location and dimensions of all proposed buildings and structures.
  - b. Location of any temporary or permanent monuments, where necessary, to determine the development's location on the ground.
  - c. All existing and proposed setback dimensions.
  - d. Proposed landscaping and/or buffering, the location of all parcels to be dedicated to public use, the conditions of the dedication, and the location of all natural features or site elements to be preserved.
  - e. When subsurface sewage disposal is proposed, an on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the classification of soils, location of all test pits, and proposed location and design for the subsurface disposal system.
  - f. The type of water supply to be used.
  - g. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus and signs.
  - h. The type, size and location of all waste disposal or incineration devices.
  - i. The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot

lines.

- j. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
  - k. Copies of applicable State approvals and permits, provided however that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the Applicant to obtain them at the time of Site Plan Review.
  - l. A schedule of construction including anticipated beginning and completion dates.
  - m. A description of how special features identified in Section 17.D.5.h. will be maintained or impacts upon them minimized.
7. Additional Information. When the Planning Board finds that the information required in Sections 17.D.1 to 17.D.6. is not sufficient to determine that the General Review Standards in Section 17.E. can be met, the Planning Board may require the following:
- a. Existing and proposed topography of the site at five foot contour intervals or such other interval as the Planning Board may determine.
  - b. A high intensity soils report prepared by a Soil Scientist certified in the State of Maine.
  - c. A storm water management and erosion control plan showing:
    - i. Existing and proposed method of handling storm water runoff;
    - ii. Direction of flow of the run-off through the use of arrows;
    - iii. Location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers and erosion control devices;
    - iv. Engineering calculations used to determine drainage requirements **if** the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed. Calculations shall be based upon the 25 year, 24 hour storm frequency and the 2 year, 24 hour storm frequency;
    - v. Methods of controlling erosion and sedimentation during and after construction.
  - d. A hydrogeologic assessment prepared by a ground water hydrologist/geologist for projects involving common on-site water supply or on-site sewage disposal of 2,000 or more gallons per day.
  - e. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a Professional Engineer Registered in the State of Maine.
  - f. A landscaping plan.
  - g. The location, width, typical cross-section, grades and profiles of all proposed roads and sidewalks.

- h. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the Applicant shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any roads or other ways dedicated to public ownership, the Applicant shall submit a signed statement that such roads or ways will be maintained year-round until they are accepted by the Town.
- i. A copy of any covenants or deed restrictions intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the Site Plan.
- j. Written offers of dedication or conveyance to the Town, in a form satisfactory to the Town attorney, of all land included in the roads, easements, parks or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the Applicant, are to be maintained.
- k. Estimated cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project and the amount committed to financing the project.
- l. A traffic engineering study with the following data included:
  - i. The estimated peak-hour traffic to be generated by the proposal.
  - ii. Existing traffic counts and volumes on surrounding roads.
  - iii. Traffic accident data covering a recent three-year period.
  - iv. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
  - v. The need for traffic signs or other directional markers to regulate anticipated traffic.

**E. General Review Standards**

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention, and innovation. The Board may waive the criteria presented in this section upon a determination by the Board that the criteria are not applicable to the proposed action or upon a determination by the Board that the application of these criteria is not necessary to carry out the intent of this Ordinance. The Board shall approve the application unless the proposal does not meet the intent of one or more of the following criteria, provided that the criteria were not first waived by the Board.

- 1. **Preserve and Enhance the Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of the development and minimize the encroachment of the proposed use on neighboring land uses.
- 2. **Relation of Proposed Buildings to Environment:** Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and

neighboring areas including historic buildings and sites.

3. Vehicular Access: The proposed development shall meet the standards contained in Section 16.F. In addition, the development shall meet the following criteria:

Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction.

Posted Speed Limit	Sight Distance
25 mph	250'
30 mph	300'
35 mph	350'
40 mph	400'
Posted Speed Limit	Sight Distance
45 mph	450'
50 mph	500'
55 mph	550'

(NOTE: The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curb line or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.)

4. Conservation, Erosion, and Sediment Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized.
5. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources. The use will not increase the contaminant concentration in the ground water to more than 80% of the State's Primary Drinking Water Standard or Secondary Drinking Water Standard. In addition, the use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses or foreseeable potential expansions of existing uses.
6. Phosphorus Export: The Planning Board may require a Phosphorus Impact Analysis and Control Plan for development proposals in lake watersheds. When a proposed development is within the direct watershed of a lake, the phosphorus export from development should be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department and those in the table below.

<b>LAKE WATERSHED</b>	<b>ALLOWABLE PER ACRE PROTECTION</b>		<b>PHOSPHOROUS LOAD</b>
	<b>LEVEL</b>	<b>lbs/ppb</b>	<b>(lbs/acre/year)<sup>1</sup></b>
Green	Low	2.10	0.21
Hogan	Medium	13.70	0.08
Marshall	Medium	13.10	0.23
Mud	Low	1.10	0.25
Thompson	High	77.00	0.04
Tripp	Medium	0.18	0.18
Whitney	Medium	8.30	0.11

Source: Androscoggin Valley Council of Governments

- <sup>1</sup> Per acre phosphorous allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/year)
7. **Municipal Services:** The development will not have an unreasonable adverse impact on the municipal services, including road systems, fire department, emergency medical services, solid waste program, schools, open spaces, and recreational services and facilities.
  8. **Water Availability:** The development shall have sufficient water available for the reasonable foreseeable needs of the development for both drinking and firefighting purposes. In determining the adequacy of water for firefighting purposes the capability of the town to provide water shall be considered along with the size and type of development.
  9. **Financial and Technical Capacity:** The applicant shall have adequate financial and technical capacity to meet these standards.

## **Section 18. Administration**

### **A. Administering Bodies and Agents**

1. **Code Enforcement Officer:** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. **Planning Board:** A Planning Board was established in accordance with the provisions of former Title 30 Section 4952, Subsection 1.
3. **Board of Appeals:** A Board of Appeals was established in accordance with the provisions of Title 30-A Section 2691.
4. **Permits Required**

After March 1, 1989 no person shall engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use without first obtaining a permit.

### **B. Permit Applications**

1. A permit for a building, structure or use on any lot shall be issued only to the owner of record thereof, or his authorized agent.
2. Every applicant for a permit shall submit a written application, including a scaled site plan, with the Code Enforcement Officer on forms to be provided for that purpose. The application shall be accompanied by a fee to cover administrative costs. All fees are to be paid to the Town of Oxford. The application for a mobile home permit shall state the name of the owner of the mobile home, its make, serial number, length, width, color, or any other pertinent identification information. The application shall further state the location in the Town where the mobile home will be placed. The owner of the mobile home must own the land on which it will be placed; lease the land; or place the mobile home in a mobile home park.

3. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
4. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
6. Applications for permits, along with their accompanying plans and permits issued or other decisions, shall be maintained as a permanent record by the permitting authority.
7. If the Code Enforcement Officer (CEO) determines that the building, structure or use for which a permit is sought is one permitted by this Ordinance without Planning Board review, or is one prohibited by this Ordinance, the CEO shall grant or deny the permit within 25 (twenty-five) days after receipt of the application.
8. If the CEO determines that the building, structure, or use for which a permit is sought is one requiring Planning Board review, he shall refer the application to the Planning Board and place that application on the Planning Board Agenda.
9. The Applicant, or a duly authorized representative, shall attend a meeting of the Board to discuss the Application. The CEO or the Board shall provide the Applicant a dated receipt for the Site Plan Review Application at the Board meeting where the Application is first presented and heard by the Board.

C. Procedure for Administering Permits

1. The CEO or Planning Board shall notify the applicant within 35 days of the date of receiving a written application in writing either that the application is a complete application or what specific additional material is needed to make the application complete if the application is incomplete.
2. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 35 days except if:
  - a. The Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or
  - b. The Board deems appropriate, a public hearing may be scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing:
    - i. Before a public hearing, the Planning Board shall notify property owners within 500 feet, the fire chief, the police chief, the town manager, and the Oxford Water District if within 1000 feet of the water service area or ground water protection zone, and

ii. Notice of a public hearing shall be published at least two times in a newspaper having general circulation in the town. The date of the first notice must be at least seven (7) days prior to the hearing.

3. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
4. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

D. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. If work is not completed within two years from the date of issuance, a new application must be made. The Town will have the authority to waive additional notice to abutters and fees which may be required.

E. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure unless written authorization attesting to the validity and currency of all local permits has been issued by the appropriate municipal officials. Following installation of service, the utility company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

F. Appeals

1. Appointment and Composition

- a. There shall be a Board of appeals of five (5) members plus not more than two (2) alternates, all of whom shall be residents of the Town of Oxford. (Compensation set at \$10.00 a meeting)
- b. The members of the Board shall be appointed by the Board of Selectmen in accordance with the laws of the State of Maine.
- c. The terms of the members shall be for three years except that the initial appointments shall be made so that the terms of not more than two (2) members may expire in any given year.
- d. Neither a municipal officer nor his/her spouse may be a member of the Board.
- e. When there is a permanent vacancy, the Board of Selectmen shall appoint a person to fill the unexpired term within ninety (90) days.
- f. The Board shall elect a Chairman, Vice Chairman, and Secretary from its membership.
- g. The Secretary shall keep all records as required by law.
- h. The Board may appoint a recording Secretary from outside the Board, who shall be compensated for duties performed.
- i. A majority of the Board (3) shall constitute a quorum for the purpose of conducting business or deciding



an appeal.

2. **Powers and Duties of the Board of Appeals.** The Board of Appeals shall have the following powers:
  - a. **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is **not** appealable to the Board of Appeals.
  - b. **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.
3. **Variance Appeals.** Variances may be granted only under the following conditions:
  - a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
  - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
  - c. The Board shall not grant a variance unless it finds all of the following:
    - i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
    - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
      - a. That the land in question cannot yield a reasonable return<sup>1</sup> 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
      - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 19 F.3, above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance and shall limit the variance to the duration of the disability or to the time that the person with the disability lives

<sup>1</sup> In order to satisfy the reasonable return requirement, the applicant must demonstrate that strict compliance with the terms of this ordinance would result in the practical loss of substantial, current beneficial use of the land. *Reasonable* return is not *maximum* return, and variances shall not be granted to increase return.

in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. A variance granted under this subsection is strictly limited to permitting a variance from a setback requirement for a single-family dwelling that is the primary year-round residence of the petitioner, if the petitioner has obtained the written consent of abutting landowners. A variance under this subsection may not exceed 20% of the setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. The Board of Appeals shall limit any variances to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials (the Code Enforcement Officer, the Planning Board, the Town Manager, and the Board of Selectmen) and if the variance request involves the **Shoreland Zone** to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Municipal Officials and/or the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

#### 4. **Administrative Appeals**

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a *de novo* hearing. At this time the Board **may receive and consider new evidence and testimony**, be it oral or written. When acting in a *de novo* capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an *appellate* hearing, and it may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals **shall not receive or consider any evidence which was not presented to the Planning Board**, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact-finding.

#### 5. **Appeal Procedure**

##### a. Making an Appeal

- i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters as described in Section 19 .F.2.a. above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

- b. If a *de novo* appeal, a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought and if an *appellate* appeal only the written documentation provided the Planning Board..
  - iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision from which appealed.
  - iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- b. Decision by Board of Appeals
  - i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
  - ii. The person filing the appeal shall have the burden of proof.
  - iii. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and if the appeal involves the **Shoreland Zone** to the **Department of Environmental Protection** within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, Town Manager, and the Board of Selectmen.

## 6. **Appeal to Superior Court**

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

## 7. **Reconsideration**

In accordance with 30-A M.R.S.A. section 2691(3) (F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

## G. Enforcement

1. **Nuisances** - Any violation of this Ordinance shall be deemed to be a nuisance.

### 2. **Code Enforcement Officer**

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing (mailed to the last known address or hand-delivered to) the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

### 3. **Legal Actions**

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, shall institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality of Oxford. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

### 4. **Fines**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452. Current penalties include fines of not less than \$100 nor more than \$2,500 per violation for each day that the violation continues.

## **Section 19. Petition for Rezoning**

**Bond.** If a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the Municipality of Oxford if the

petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

## Section 20. Definitions

**A. Construction of Language** - In this Ordinance, certain terms or words should be interpreted as follows:

i. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied", and the word "dwelling" includes the word "residence". In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

ii. Terms not defined shall have the customary dictionary meaning.

**B. Definitions** - In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

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

**Addiction Treatment Facility:** A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

**Adult Use Marijuana:** marijuana cultivated, manufactured, tested, distributed, or sold by an adult use marijuana business.

**Adult Use Marijuana Cultivation Facility:** a facility licensed to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

**Adult Use Marijuana Products Manufacturing Facility:** a facility licensed under this chapter to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

**Adult Use Marijuana Store:** a facility licensed under this chapter to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

**Adult Use Marijuana Testing Facility:** a facility licensed under this chapter to develop, research and test marijuana, marijuana products and other substances.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture:** the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

**Aquaculture:** the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area:** The cross-sectional area of a tree at four feet above the ground.

**Building Envelope:** The area on a lot upon which excavation, grading, and/or construction can occur.

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy:** The more or less continuous cover formed by tree crowns in a wooded area.

Caregiver Retail Store: a store that has attributes generally associated with retail stores, including, but not limited to a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

**Cluster Development:** Is a scheme of developing a tract of land by which groups of residences are allowed on reduced size lots providing the balance of the tract is preserved as open space for recreation, conservation, agriculture or forestry use, and providing the overall density of housing on the tract is not increased above the density possible in a conventional development.

**Comprehensive Plan or Policy Statement:** Any part or element of the overall plan or policy for the development of the Municipality of Oxford containing the elements established under Title 30-A, M.R.S.A., § 4326, including the strategies for an implementation program which are consistent with established goals and guidelines.

**Commercial Use:** The use of lands, buildings, or structures, other than a "home occupation," defined below, 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.

**DBH:** The diameter of a standing tree measured 4.5 feet from ground level.

**Dedicated Street:** A street, alley, avenue, boulevard, highway, road, or right-of-way which is so designed, laid out and constructed in order to be accepted by the Municipality of Oxford at some future date.

**Development:** A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

**Disability:** Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes and Tiny Homes, but not recreational vehicles.

**Emergency Operations:** Operations conducted for the public health; safety; or general welfare such as protection of resources from immediate destruction or loss; law enforcement; and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential Services:** The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a Structure:** An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

**Expansion of Use:** The addition of weeks or more months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

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

**Flea Market:** Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles either by a single person or by business or by a combination of persons or businesses on a continuing basis (or more than 3 days).

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

**Floor Area:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested Wetlands:** A freshwater wetland dominated by vegetation which is six (6) meters (approximately 20 feet) or taller. (They have the same hydrological and biological characteristics as freshwater wetlands).

**Forest Stand:** A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, knee walls sills, or other base consisting of concrete, block, brick, wood, steel, or similar material.

**Freshwater Wetland:** Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Gravel Pit:** see Mineral extraction.

**Great Pond:** any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great Pond Classified GPA:** any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

**Ground Cover:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area:** The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Height of a Structure:** The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Home Occupation:** A business, occupation or profession which is located in a structure used primarily as a dwelling unit



or in a structure accessory thereto. The occupation must:

1. Be carried on by a resident of the dwelling unit;
2. Be secondary to the use of the dwelling unit for residential purposes; and
3. Employ not more than two people outside the immediate family which resides in the dwelling unit.

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

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

**Industrial:** The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**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.

**Land Management Road:** A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester:** A forester licensed under than 32 M.R.S.A. Chapter 76.

**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 roads serving more than two lots.

**Lot:** A parcel of land in single ownership, described on deed, plot, or similar legal document. A parcel divided by a street shall be considered as two separate lots.

**Lot of Record:** A parcel of land, a legal description of which, or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

**Major Streets:** Included are arterial streets which serve primarily as major traffic ways for travel through and within the Municipality, and collector streets which serve as feeders to an arterial street, as collectors of traffic from minor streets, for circulation around a residential neighborhood, or for circulation and access in commercial or industrial areas.

**Manufactured Housing Dealer or Developer Dealer:** Any person or entity engaged in:

1. The retail selling, or offering for sale, brokering or distribution of manufactured homes, primarily to a person

who, in good faith, purchases these homes for purposes other than resale, or  
2. The installation of manufactured housing.

("Manufactured Housing", "Dealer", "Developer Dealer" and "installation" shall have the same definitions as in the Rules for licensing Manufacturers, Dealers, Installers, & Mechanics as adopted pursuant to Title 10, Chapter 951, M.R.S.A. § 9002.)

**Manufacturing or manufacture:** the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

**Marijuana:** the leaves, stems, flowers, and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include industrial hemp as defined in 7 M.R.S. §2231(1) or a marijuana product.

**Marijuana Facility:** Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store.

**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 equipment, boat and tackle shops, and fuel service facilities.

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

**Medical Marijuana:** Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred, or transported to a qualifying patient for medical use.

**Medical Marijuana Cultivation Facility:** A facility used for cultivation, processing, storage, and/or distribution of medical marijuana at a location which is not the registered caregiver's primary residence. A medical marijuana cultivation facility shall be considered a commercial use.

**Medical Marijuana Manufacturing Facility:** a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

**Medical Marijuana testing facility:** a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [2017, c. 447, §2 (AMD); 2017, c. 452, §3 (AMD).]

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered, or accredited by an organization approved

**Mineral Exploration:** Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

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

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

**Minor Streets:** Those streets which are used primarily for access to abutting residential properties.

**Mobile Homes:**

- 1. HUD Code Mobile Homes:** Those dwelling units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development (HUD) standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, *et seq.*; [2005, c. 344, §4 (amd).]
- 2. Pre-HUD Code Mobile Homes** are those mobile manufactured housing units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

**Modular Home:** Those manufactured dwelling units that the manufacturer certifies are constructed in compliance with the State of Maine Manufactured Housing Act and Regulations, meaning structures transportable in one or more sections and designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

**Multi-family dwelling:** a residential structure containing three (3) or more residential dwelling units.

**Native:** Indigenous to the local forests.

**New Structure or Structures:** Any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.

**Non-Conforming Condition:** Non-conforming lot, structure or use which is allowed solely because it was in lawful existence on March 1, 1989 or at the time a subsequent amendment to this Ordinance takes effect.

**Non-Conforming Lot:** A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-Conforming Structure:** A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence on March 1, 1989 or at the time a subsequent amendment to this Ordinance takes effect.

**Non-Conforming Use:** Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed solely because it was in lawful existence on March 1, 1989 or at the time a subsequent amendment to this Ordinance takes effect.

**Normal High-Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**Outlet Stream:** any perennial or intermittent stream, as shown on the most recent edition of the 7.5 minute series or, if not available, a 15 minute series topographic map produced by the United States Geological Survey, that flows from a freshwater wetland.

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

**Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:**

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

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

**Planning Board:** The Planning Board of the Municipality created under Title 30-A, M.R.S.A., § 3001.

**Preliminary Subdivision Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Principal Structure:** A 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.

**Principal Use:** A use other than one which is wholly incidental or accessory to another use on the same premises.

**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.

**Recent Floodplain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

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

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

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

**Recreational Vehicle Accessory Enclosure:** A factory-manufactured rigid metal or vinyl enclosure, with the dimensions not exceeding eight feet in width, nor the length of the recreational vehicle, and designed for use with recreational vehicles. The term shall not include decks, patios, awnings, awning tents, screen panels or enclosed roof projections.

**Registered Caregiver:** A person or an assistant of that person that provides care for a qualifying patient and is registered with the State of Maine in accordance with 22 M.R.S. §2425-A.

**Registered Dispensary or Dispensary:** an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

**Replacement System:** A system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. Any existing overboard wastewater discharge.

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Resubdivision:** The division of existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

**Residual Basal Area:** The average of the basal area of trees remaining on a harvested site.

**Riprap:** Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**Residual Stand:** A stand of trees remaining in the forest following timber harvesting and related activities.

**River:** A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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

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

1. In the case of electric service:
  - a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. The total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

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

**Setback:** The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore Frontage:** The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline:** The normal high-water line or upland edge of a freshwater wetland.

**Sign:** Means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified, they shall include frames. Identical sign faces, separated by no more than two feet and mounted on the same base or posts are considered one sign provided that only one face is visible from one direction of travel on each adjacent road.

**Sign Area:** The area contained within the sign perimeter as herein defined.

**Sign Perimeter:** A series of no less than 3 or more than 4 straight lines beginning and ending at the same point touching or following all extremities of the sign. Where the lines meet, they shall not form an interior angle of more than 180°. The perimeter does not include post(s) between the sign and the ground and of a size necessary to hold the sign unless the posts set in/on a visible base, in which case, the perimeter of the sign must include the base and post(s), or unless the post(s) are larger than necessary for support.

**Significant river segments:** See Title 38 MRSA Sec. 437. There are none in the Municipality of Oxford at the time of the adoption of this Ordinance.

**Significant Wildlife Habitat:** Habitat for species on the official state or federal lists of endangered or threatened species: high or moderate value deer wintering areas and travel corridors as defined by the Dept. of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by Dept. of Inland Fisheries and Wildlife.

**Slope in Percent:** Shall be measured as the horizontal rise in feet over 100 feet of vertical distance.

**Slope as Ratio:** Where slope is designated as a ratio, (i.e. 3:1) it shall be the ratio of the horizontal distance to the vertical rise.

**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 water body or wetland within a shoreland zone.

**Street:** Means and includes alleys, avenues, boulevards, highways, roads, other rights-of-way, and areas on subdivision plans designated as street(s).

**Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground (such as decks, walkways, driveways, patios, satellite dishes, *etc.*), exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops such as guying and guy anchors. The term includes structures temporarily or permanently located.

**Subdivider:** An individual, partnership, corporation, or any other legal entity that undertakes the activities governed by these regulations.

**Subdivision:** The division of a tract or parcel of land as defined in Title 30A, M.R.S.A., §§ 4401 *et. seq.* and as subsequently amended, including developments where there are three or more units involved, such as mobile home parks, multiple family dwelling(s), condominiums, leased or rented dwelling units, divisions of structures for commercial or industrial use, shopping centers, and industrial parks.

Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
2. The division of the tract or parcel is otherwise exempt under Title 30-A, M.R.S.A., §§ 4401 *et. seq.* or under this Ordinance.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

A lot of 40 or more acres shall not be counted as a lot for the purposes of this Ordinance when the parcel of land being divided is located entirely outside any shoreland area as defined in the Shoreland Zoning Ordinance for the Municipality of Oxford.

A division accomplished by the following does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance:

1. Devise,

2. Condemnation,
3. Order of Court, or
4. Gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift. If the real estate exempt under this section is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this section, then the previously exempt division creates a lot or lots for the purposes of this Ordinance. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.
5. Gift to a municipality, if the municipality accepting the gift does not create a lot or lots for the purposes of this definition.
6. Transfer of any interest in land to the owners of land abutting that land that does not create a separate lot. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
7. Division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971.
8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision hereunder, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest.
9. In determining the number of dwelling units in a structure, these provisions regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
10. Leased dwelling units.

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

**Subsurface Sewage 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. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public 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 38 MRSA Chapter 13, subchapter 1.

**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Tiny Homes:** A Tiny Home is a vehicular-type unit, built on a trailer with wheels and designed for permanent residential dwelling that is: towed by another vehicle; currently Regulated by the United States Department of Transportations' National Highway Traffic Safety Administration (NHTSA) as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the road and can be easily transported and set up by an individual.

**Timber Harvesting:** 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.

**Timber Harvesting and Related Activities:** Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.



**Tract or Parcel of Land:** All contiguous land in the same ownership provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

**Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland Edge:** The boundary between upland and wetland.

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

**Vegetation:** All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 above ground level.

**Volume of a Structure:** The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water Body:** Any great pond, river, and stream.

**Water Crossing:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings.

**Wetland:** See freshwater wetland.

**Wetlands Associated with Great Ponds and Rivers:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Wind Firm:** The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

**Woody Vegetation:** Live trees or woody, non-herbaceous shrubs.

**Yard Sale:** Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles at a residence.

## **Section 21. Medical Marijuana Registered Dispensaries, and Medical and Adult Use Stores, Marijuana Cultivation, Testing, Manufacturing and Extraction Facilities**

- A. No Marijuana Facility shall be located within 1000 feet of the property line of a public or private school existing at the time application is made.
- B. No Marijuana Facility main entrance shall be located within 500 feet of the main entrance of any of the following, which is in existence when an application for a Marijuana Facility is made:
  - 1. Licensed daycare facility,
  - 2. Methadone clinic, or
  - 3. Another Marijuana Facility not located on the same parcel or lot of record.
- C. No Marijuana Facility main entrance shall be located within 300 feet of the main entrance of a private residence, or a church or other facility for religious worship existing at the time application is made.
- D. Adult Use Marijuana Stores shall only be open for business between the hours of 8:00 a.m. and 11:00 p.m. daily.
- E. All exhaust fans and vents shall be brought above the eave of the roof line by 12” or per the manufactures installation instructions.
- F. The extraction of marijuana using inherently dangerous substances is prohibited unless:
  - 1. The person has sought and obtained approval from the Maine Department of Administrative and Financial Services;
  - 2. The extraction complies with the most recently adopted NFPA 1, Uniform Fire Code Chapter 38 standards;
  - 3. Such activity is in a zoning district where Marijuana Facility is a permitted or special exception use;
  - 4. A written 48-hour notice of extraction activity is given to the Oxford Fire Department and Code Enforcement Officer;
  - 5. A green flashing or green strobe light shall be installed outside the main entrance to indicate extraction is in process and
  - 6. A Knox Box shall be installed to provide access to the first responders in the event of an emergency.
- G. Security measures at all Marijuana Facilities shall include the following at a minimum:
  - 1. Security surveillance cameras installed and in operation twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the dispensary or facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property.
  - 2. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communication.

3. A safe, lockable room must be present in the building and suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the facility.
4. Exterior lighting that illuminates all exterior walls of the licensed dispensary or facility; and
5. Deadbolt locks on all exterior doors and locks or bars on any other access point all security recordings shall be preserved for thirty (30) days by management of the facility.

H. Inspections of the property and buildings will be conducted yearly by the Oxford Fire Department and/or Code Enforcement Officer

I. The operators of Marijuana Facilities shall obtain an annual business license from the Selectmen after a successful inspection has been conducted and fee paid.

1. Application and license fees. All applications must be submitted with a \$500.00 fee. If an application is approved, the following license fees must be paid before the town will issue a license:
2. Marijuana store. Annual operation license fee: \$5,000.00.
3. Marijuana manufacturing facility. Annual operation license fee: \$2,500.00.
4. Marijuana testing facility. Annual operation license fee: \$2,500.00.
5. Adult use marijuana cultivation:
6. Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: \$1,000.00.
7. Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: \$1,500.00.
8. Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: \$2,500.00.
9. Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: \$5,000.00.
10. Medical marijuana cultivation. Annual operation license fee: \$1,000.00.
11. Adult use marijuana nursery cultivation. Annual license fee: \$1,000.00.
12. Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

J. The consumption, ingestion or inhalation of marijuana on or within the property of a Marijuana Facility is prohibited; provided, however, that a Marijuana Facility employee who is a qualifying patient, as that term is defined in 22 M.R.S.A. § 2422, as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purpose of the subsection, the term “licensed property” shall include the lot or parcel of the land upon which the Marijuana Facility is located.

K. Visibility of activities; control of emissions; disposal plan for Marijuana Facility shall be as follows:

1. All activities of the Marijuana Facility, including without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.

2. No marijuana or paraphernalia shall be displayed or kept in a Marijuana Facility to be visible from outside the building (s).
3. Sufficient measures and means of preventing smoke, debris, dust, fluids, and other substances from exiting a facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable state and local laws and regulation.
4. All Marijuana Facilities shall have in place an operation plan for proper disposal of marijuana related byproducts.

L. Objectionable Odor Determination.

1. An odor will be deemed objectionable and is a public nuisance when any of the following occurs:
  - a. The odor generated by the Marijuana Facility creates a public nuisance at common law; or
  - b. The noxious exhalations or offensive smells from the Marijuana Facility is injurious and dangerous to the health, comfort, or property of individuals or the public.
1. No Marijuana Facility shall be exempt from complying with the odor management standards contained in this Ordinance. The odor standards apply to all existing and future Marijuana Facilities except as otherwise provided herein.
2. If the Code Enforcement Officer receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to investigate and remedy the odor problem:
  - a. Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and, if necessary, discuss odor compliance with the facility operator, including but not limited to asking the facility operator what is being done to mitigate odors. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Department shall provide verbal and written warning to the facility operator and instructions to comply with odor management provisions of this Ordinance. The Code Enforcement Officer shall require the facility operator to remedy the odor problem and come into compliance with the provisions of this ordinance within five (5) business days.
  - b. If after five (5) business days the complaints persist and/or the Code Enforcement Officer continues to observe odor violations, the Code Enforcement Officer shall request the assistance of a law enforcement officer to investigate the complaints. If the Code Enforcement Officer and the law enforcement officer observe odor violations as described above, the Code Enforcement Officer shall notify the facility operator of the violation in writing and require conformance within ten (10) business days.
  - c. If complaints persist and/or the Code Enforcement Officer and the Police Department continue to observe odor violations after the ten (10) business day period as described in Section 21.M(1)(b), the Code Enforcement Officer shall provide a second written notice of violation and require the facility operator to submit a written report from a mechanical engineer with recommendations for modification/improvement of the ventilation system within thirty (30) days and installation of recommendations and compliance within forty-five (45) days.
  - d. If the facility operator has not submitted the required report within thirty (30) days, or if the

facility operator has not submitted evidence of compliance within forty-five (45) days as described in Section 21.M(1)(c), the Code Enforcement Officer shall provide a third and final written notice of violation and turn the matter over to the Town Attorney for enforcement and imposition of penalties pursuant to 30-A M.R.S.A. §4452.

e. If the facility operator has not submitted the required report within thirty (30) days as described in Section 21.M(1)(c) or if the facility operator has not submitted evidence of compliance within forty-five (45) days, the Town Selectmen may suspend or decline to renew any facility license or permit after notice and a public hearing.

f. Exemptions.

- (1) Complaints related to outdoor burning will be directed to and enforced by the Oxford Fire Department as per 12 M.R.S.A. §9325.
- (2) Smoke or odors originating from the use of outdoor grills or wood, pellet or coal stoves or furnaces.

## **Appendix II**

### **Title 38, M.R.S.A.**

#### **Article 6: SITE LOCATION OF DEVELOPMENT**

##### **§ 481 Findings and Purpose**

The Legislature finds that the economic and social well-being of the citizens of the State of Maine depends upon the location of state, municipal, quasi-municipal, educational, charitable, commercial and industrial developments with respect to the natural environment of the State; that many developments because of their size and nature are capable of causing irreparable damage to the people and the environment on the development sites and in their surroundings; that the location of such developments is too important to be left only to the determination of the owners of such developments; and that discretion must be vested in state authority to regulate the location of developments which may substantially affect the environment and quality of life in Maine.

The Legislature further finds that certain geological formations particularly sand and gravel deposits, contain large amounts of high quality ground water. The ground water in these formations is an important public and private resource, for drinking water supplies and other industrial, commercial and agricultural uses. The ground water in these formations is particularly susceptible to injury from pollutants, and once polluted, may not recover for hundreds of years. It is the intent of the Legislature, that activities that discharge or may discharge pollutants to ground water may not be located on these formations.

The purpose of this subchapter is to provide a flexible and practical means by which the State, acting through the department, in consultation with appropriate state agencies, may exercise the police power of the State to control the location of those developments substantially affecting local environment in order to insure that such developments will be located in a manner which will have a minimal adverse impact on the natural environment within the development sites and of their surroundings and protect the health, safety and general welfare of the people.

The Legislature further finds that noise generated at development sites has primarily a geographically restricted and frequently transient impact that is best regulated at the municipal level pursuant to a municipality's economic development and land use plans. It is the intent of the Legislature that regulation of noise from developments be primarily the responsibility of local municipal governments.