

# OXFORD ZONING ORDINANCE



Adopted by Ordinance No. 1213 (11.12.12)  
Amended through 10.9.14

**OXFORD ZONING ORDINANCE**

OXFORD ZONING ORDINANCE ..... 1

SECTION 1. PURPOSE ..... 10

    §1.00 - Purpose ..... 10

SECTION 2. TERRITORY AFFECTED ..... 11

    §2.00 – Territory Affected ..... 11

SECTION 3. ESTABLISHMENT OF DISTRICTS ..... 11

    §3.00 – Zoning Districts ..... 11

SECTION 4. PROVISION FOR OFFICIAL ZONING MAP ..... 12

    §4.00 - Establishment, Attestation, and Location. .... 12

    §4.01 - Changes to Official Zoning Map. .... 12

    §4.02 - Replacement of Official Zoning Map..... 13

    §4.03 - Official Critical Area Overlay District Maps. .... 13

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES..... 14

    §5.00 - Rules for Interpretation..... 14

    §5.01 - Interpretation of Board of Appeals. .... 15

    §5.02 - Parcels Divided by District Boundary Lines. .... 15

SECTION 6. APPLICATION OF DISTRICT REGULATIONS ..... 15

    §6.00 - Conformance Required..... 15

    §6.01 - Multiple Use Prohibited..... 15

    §6.02 - Requirements are Minimums..... 15

SECTION 7. GENERAL PROVISIONS ..... 16

    §7.00 - Essential Services Exempted. .... 16

    §7.01 - Separability Clause. .... 16

    §7.02 - Interpretation and Application of Ordinance..... 16

SECTION 8. SPECIAL PROVISIONS ..... 16

    §8.00 - Off-street Parking. .... 16

    §8.01 On-street Parking. .... 18

    §8.02- Off-street Loading Spaces. .... 19

    §8.03 - Signs. .... 20

SECTION 9. NON-CONFORMITIES .....	25
§9.00 Non-conformities .....	25
§9.01 - Non-Conforming Lots of Record. ....	27
§9.02 - Non-Conforming Structures .....	28
§9.03 - Non-Conforming Uses of Land (or land with minor structures only).....	28
§9.04 - Non-Conforming Uses of Structures or of Structures and Premises in Combination..	29
§9.05 - Repairs and Maintenance.....	29
§9.06 - Uses Allowed Under Special Exception Provisions.....	30
SECTION 10. ADMINISTRATION AND ENFORCEMENT PROCEDURES.....	30
§10.00 - Administration.....	30
§10.01 - Building Permits.....	30
§10.02 - Applications for Building Permits.....	31
§10.03 - Expiration of Building Permits.....	32
§10.04 - Construction and Use to be as Provided in Plans and Applications.....	33
§10.05 – Reserved.....	33
§10.06 - Permit Procedures.....	33
§10.07 - Site Plan Requirements in the Critical Area.....	34
SECTION 11. BOARD OF APPEALS .....	38
§11.00 - Establishment and Composition.....	38
§11.01 - Proceedings of the Board of Appeals.....	39
§11.02 - Powers of the Board of Appeals.....	39
§11.03. Specific Provisions for Variances in the Critical Area.....	41
§11.04 - Decision of the Board.....	43
§11.05 - Who May File an Appeal or Application.....	43
§11.06 - Hearing, Notice.....	44
§11.07- The Calendar of the Board.....	44
§11.08 - Advice of the Planning Commission.....	44
§11.09 - Site Visit.....	45
§11.10- Stay of Proceedings.....	45
§11.11 - Repeated Applications.....	45
§11.12 - Limitation of Authority of the Boards.....	45

SECTION 12. APPEALS TO THE COURTS .....	46
§12.00 - Who May Appeal.....	46
§12.01 - Hearing; Additional Testimony.....	46
§12.02 - Costs Against the Board of Appeals.....	46
§12.03 - Decision of Circuit Court; Appeal to Court of Appeals; Costs.....	46
SECTION 13. DUTIES OF THE BOARD OF APPEALS, TOWN COMMISSIONERS, AND COURTS ON MATTERS OF APPEAL AND ENFORCEMENT .....	46
§13.00 – Intent.....	46
SECTION 14. FEES, CHARGES, AND EXPENSES .....	47
§14.00 - Fees.....	47
SECTION 15. AMENDMENTS .....	47
§15.00 - Provisions for Amendment.....	47
§15.01 - Who May Initiate Amendments.....	47
§15.02 -Form of Application.....	48
§15.03 - Procedure for Amendment.....	48
§15.04 - Site Visit.....	49
§15.05 - Findings for Reclassification Map or Text Amendment.....	49
§15.06 - Filing Fee for Reclassification.....	50
§15.07 - Repeated Application for Reclassification.....	50
§15.08 - Changing of Official Zoning Map.....	50
§15.09 – Critical Area Amendments .....	51
SECTION 16. COMPLAINTS REGARDING VIOLATIONS .....	52
§16.00 - Complaints.....	52
SECTION 17. PENALTIES FOR VIOLATION .....	53
§17.00 - Penalties.....	53
§17.01 - Enforcement in the Critical Area.....	53
SECTION 18. REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE .....	57
§18.00 - Repeal .....	57
§18.01 – Effective Date .....	58
SECTION 19. DEFINITIONS.....	58
§19.00 - General Interpretations.....	58

§19.01 - Definitions.....	58
SECTION 20. "RR" RURAL RESIDENTIAL DISTRICT .....	83
§20.00 - Statement of Intent.....	83
§20.01 - Permitted Principal Uses and Structures. ....	83
§20.02 - Special Exceptions.....	83
§20.03 - Accessory Uses and Structures.....	84
§20.04 - Height Regulations. ....	85
§20.05 - Area, Width, and Yard Requirements. ....	86
SECTION 21. "R-1" RESIDENTIAL DISTRICT .....	86
§21.00 - Statement of Intent.....	86
§21.01 - Permitted Principal Uses and Structures. ....	86
§21.02 - Special Exceptions.....	87
§21.03 - Accessory Uses and Structures.....	87
§21.04 - Height Regulations. ....	89
§21.05 - Area, Width, and Yard Requirements. ....	90
SECTION 22. "R-1-C" CLUSTER RESIDENTIAL DISTRICT.....	90
§22.00 - Concept.....	90
§22.01 - Intent. ....	91
§22.02 - Permitted Principal Uses and Structures. ....	91
§22.03 - Accessory Uses and Structures.....	92
§22.04 - Building Requirements.....	92
§22.05 - Streets. ....	92
§22.06 - Site Buffering Trees and Landscaping. ....	93
§22.07 - Common Open Space and Community Facilities.....	94
§22.08 - Application for Permits, Construction and Inspection. ....	94
SECTION 23. "R-2" HISTORIC RESIDENTIAL DISTRICT.....	94
§23.00 - Statement of Intent.....	95
§23.01 - Permitted Principal Uses and Structures. ....	95
§23.02 - Special Exceptions.....	96
§23.03 - Accessory Uses and Structures.....	96
§23.04 - Height Regulations. ....	98

§23.05 - Area, Width, and Yard Requirements. ....	99
SECTION 24. "R-3" RESIDENTIAL DISTRICT .....	99
§24.00 - Statement of Intent.....	99
§24.01 - Permitted Principal Uses and Structures. ....	100
§24.02 - Special Exceptions.....	100
§24.03 - Accessory Uses and Structures.....	100
§24.04 - Height Regulations. ....	102
§24.05 - Area, Width, and Yard Requirements. ....	102
SECTION 25. "C-1" COMMERCIAL DISTRICT .....	103
§25.00 - Statement of Intent.....	103
§25.01 - Permitted Principal Uses and Structures. ....	103
§25.02 - Special Exceptions.....	104
§25.03 - Accessory Uses and Structures.....	104
§25.04 - Height Regulations. ....	105
§25.05 - Area, Width, and Yard Requirements. ....	105
SECTION 26. "C-2" COMMERCIAL DISTRICT .....	105
§26.00 - Statement of Intent.....	105
§26.01 - Permitted Principal Uses and Structures. ....	105
§26.02 - Special Exceptions.....	106
§26.03 - Accessory Uses and Structures.....	107
§26.04 - Height Regulations. ....	107
§26.05 - Area, Width, and Yard Requirements. ....	107
SECTION 27. "C-3" MARITIME COMMERCIAL DISTRICT .....	107
§27.00 - Statement of Intent.....	107
§27.01 - Permitted Principal Uses and Structures. ....	107
§27.02 - Special Exceptions.....	108
§27.03 - Accessory Uses and Structures.....	108
§27.04 - Height Regulations. ....	109
§27.05 - Area, Width, and Yard Requirements. ....	109
SECTION 28. "C-4" HIGHWAY COMMERCIAL DISTRICT.....	109
§28.00 - Statement of Intent.....	109

§28.01 - Permitted Principal Uses and Structures. ....	110
§28.02 - Special Exceptions.....	110
§28.04 - Height Regulations. ....	111
§28.05 - Area, Width, and Yard Requirements. ....	111
SECTION 29. "M" MARITIME INDUSTRIAL DISTRICT.....	111
§29.00 - Statement of Intent.....	111
§29.01 - Permitted Principal Uses and Structures. ....	112
§29.02 - Special Exceptions.....	112
§29.03 - Accessory Uses and Structures.....	113
§29.04 - Height Regulations. ....	113
§29.05 - Area, Width, and Yard Requirements. ....	113
SECTION 30. "CIP" COMMERCIAL INDUSTRIAL PARK DISTRICT .....	114
§30.00 - Statement of Intent.....	114
§30.01 - Permitted Principal Uses and Structures. ....	114
§30.02 - Special Exceptions.....	115
§30.03 - Accessory Uses and Structures.....	115
§30.04 - Height Regulations. ....	115
§30.05 - Area, Width, and Yard Requirements. ....	115
§30.06 - Additional Provisions. ....	116
SECTION 31. TOWN OF OXFORD HISTORIC DISTRICT COMMISSION .....	116
§31.01 - Statement of Intent and Purpose.....	116
§31.02 - Power to Establish a Historic District Commission. ....	117
§31.03 - Gifts. ....	117
§31.04 - The Designated Historic District. ....	117
§31.05 - Maryland Historical Trust. ....	118
§31.06 - Architectural Easements. ....	118
§31.07 - Application for Permission to Build, Alter, Etc. ....	118
§31.08 - Factors for Consideration in Reviewing Plans for Construction or Change. ....	118
§31.09 - Only Exterior Features to be Considered. ....	119
§31.10 - Judgmental Guideline. ....	119
§31.11 - Application for Reconstruction, Alteration, etc. of Unusual Importance.....	119

§31.12 - Approval Under Certain Circumstances.....	120
§31.13 - Commission Meetings to be Public; Right to Appear and be Heard; Records of the Historic District Commission. ....	120
§31.14 - Certificate of Approval, Modification or Rejection of Application and Plans.....	121
§31.15 - Ordinary Maintenance Not Affected: Completion of Work Under Prior Permit. ...	121
§31.16 - Special Exceptions.....	121
§31.17 - Appeals. ....	122
§31.18 - Situation of Special Importance. ....	122
§31.19 - Power to Adopt Historic District Guidelines.....	122
§31.20 - Historic District Guidelines in Effect .....	122
<b>SECTION 32. SUPPLEMENTARY DISTRICT REGULATIONS .....</b>	<b>123</b>
§32.00 - Temporary Structures. ....	123
§32.01 - Accessory Buildings. ....	123
§32.02 - Traffic Visibility. ....	123
§32.03 - Structures to Have Access. ....	123
§32.04 - Conversion of or to Dwelling. ....	124
§32.05 - Lighting Restrictions. ....	124
§32.06 - Lot Depth, How Measured. ....	124
§32.07 - Lot Width, How Measured .....	124
§32.08 - Yard Depth and Width, How Measured. ....	124
§32.09 - Wetlands not to be Included in Required Area or Yards.....	124
§32.10 - Variance of Front Yard Requirements to Preserve Existing Building Line. ....	125
§32.11 - Fuel Storage Requirements.....	125
§32.12 - Fences. ....	125
§32.13 - Building Line Encroachments. ....	126
§32.14 - Camping and Recreational Vehicles.....	126
§32.15 - Mobile Homes and Permanent Floating Homes.....	126
§32.16 - Flood Plain Management.....	126
§32.17 - Conversion of Accessory Structures to Principal Structures.....	126
§32.18 - Accessory Structures on Through Lots .....	127
§32.19 - Decks and Patios.....	127

§32.20 - Commercial Manufactured Fabric Covered Shelters .....	127
SECTION 33. TOWN OF OXFORD CRITICAL AREA OVERLAY DISTRICT ("O").....	129
§33.01. Implementation of the Critical Area Program Purpose and Goals. ....	129
§33.02. Intensely Developed Areas. ....	131
§33.03. Limited Development Areas. ....	132
§33.04. Resource Conservation Areas. ....	136
§33.05. Land Use and Density.....	136
§33.06. Supplemental Use Standards.....	139
§33.07. Growth Allocation. ....	148
§ 33.08. Grandfathering. ....	151
§33.09 Variances. (See §11.03) .....	152
§33.10 Lot Consolidation and Reconfiguration.....	152
§33.11 Amendments (see §15.09) .....	153
§33.12 Enforcement (see §17.01).....	153
§33.13 The 100-Foot Buffer. ....	153
§33.14 Buffer Management Area (BMA) Provisions.....	159
§33.15 Other Habitat Protection Areas. ....	161
§ 33.16 Environmental Impact Assessment (EIA). ....	162
SECTION 34 RESERVED .....	163
SECTION 35. - WS/WC WILDLIFE SANCTUARY/CORRIDOR DISTRICT.....	163
§ 35.00 - Statement of Intent.....	163
§ 35.01 - Permitted Principal Uses and Structures. ....	163
§ 35.02 - Special Exceptions.....	164
§ 35.03 - Setback Regulations. ....	164
§ 35.04 - Area, Width Requirements. ....	164
SECTION 36. "EGS" ESSENTIAL GOVERNMENT SERVICES DISTRICT. ....	164
§ 36.00 - Statement of Intent.....	164
§ 36.00 - Permitted Principal Uses and Structures. ....	165
§ 36.02 - Accessory Uses and Structures.....	165
§ 36.03 - Special Exceptions.....	165
§ 36.04 - Changes of Use, Reclassification. ....	165

§ 36.05 - Historic District Commission Recommendation ..... 166

## SECTION 1. PURPOSE

### §1.00 - Purpose

- A. The purpose of this ordinance is to promote the health, safety, morals and general welfare of the community; to control congestion in the streets; to secure the public safety; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; to conserve the value of property; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements; and to preserve the beauty and aesthetic qualities of the Town.
  
- B. The zoning regulations and districts are herein established to implement the Oxford Critical Area Program, to minimize impacts on water quality and to conserve fish, wildlife, and plant habitats. They have been made with reasonable consideration, for among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the incorporated territory of the Town of Oxford, Maryland, consistent with the goals and objectives of Oxford's Comprehensive Plan.
  
- C. It also is the objective of this Zoning Ordinance is to implement the "Visions" contained in the Maryland Growth Management, Resource Protection and Economic Development Act, namely:
  - 1. A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.
  - 2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
  - 3. Growth is concentrated in existing population and business centers, growth areas are adjacent to these centers, or strategically selected new centers.
  - 4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
  - 5. Growth Areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. A well-maintained, multi-modal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.
7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.
8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged.
9. Land and water resources, including the Chesapeake and Coastal Bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.
10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.
11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.
12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

## **SECTION 2. TERRITORY AFFECTED**

### **§2.00 – Territory Affected**

This ordinance shall apply to all lands, buildings, and properties including any submerged land, water areas or islands, which lie within the Oxford Corporate Limits.

## **SECTION 3. ESTABLISHMENT OF DISTRICTS**

### **§3.00 – Zoning Districts**

This Town is hereby divided into the following zoning districts:

"R-R"            Rural Residential District (reserved for future use)

"R-1"	Residential District
"R-1-C"	Residential Cluster District
"R-2"	Historic Residential District
"R-3"	Residential District
"C-1"	Commercial District
"C-2"	Commercial District
"C-3"	Maritime Commercial District
"C-4"	Highway Commercial District
" M "	Maritime Industrial District
"CIP"	Commercial/Industrial Park District
"EGS"	Essential Government Services
"WS/WC"	Wildlife Sanctuary/Corridor District
"O"	Critical Area Overlay District
"GA"	Growth Allocation District

#### **SECTION 4. PROVISION FOR OFFICIAL ZONING MAP**

##### **§4.00 - Establishment, Attestation, and Location.**

- A. The boundaries of the zoning districts are shown on the Official Zoning Map of Oxford, Maryland, which together with all notations and explanatory matter thereon are hereby made a part of this ordinance.
- B. The Official Zoning Map shall be properly attested and shall remain on file with the Clerk/Treasurer of the Town of Oxford, with a copy to be provided to the Clerk of the Circuit Court for Talbot County and the Planning Officer for Talbot County.

##### **§4.01 - Changes to Official Zoning Map.**

- A. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners.
- B. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized changes of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under §17.

#### **§4.02 - Replacement of Official Zoning Map.**

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map.
- B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.
- C. The new Official Zoning Map shall be properly attested, and a notation of the date of adoption shall be entered on the map. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map and any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment of the prior map.

#### **§4.03 - Official Critical Area Overlay District Maps.**

- A. Official Critical Area Overlay District Maps shall be prepared and maintained in force as part of the Official Zoning Maps of the Town of Oxford. The Official Critical Area Maps shall be properly attested and shall remain on file with the Clerk/Treasurer of the Town of Oxford, with a copy to be provided to the Clerk of the Circuit Court for Talbot County and the Planning Officer for Talbot County.
- B. The Official Critical Area Map shall delineate the extent of the Critical Area Overlay District ("O") that shall correspond to the Chesapeake Bay Critical Area.
  - 1. The Critical Area Overlay District shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
    - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.
    - b. All lands and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
    - c. Modification to these areas through inclusion or exclusion proposed by the Town of Oxford and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

2. Within the designated Critical Area all land shall be assigned one of the following land use management classifications:
  - a. Intensely Developed Area (IDA)
  - b. Limited Development Area (LDA)
  - c. Resource Development Area (RCA)
- C. The land use management classification shall be as designated in the Town of Oxford Critical Area Program, as amended. The Critical Area Overlay District Maps may be amended by the Town Commissioners in compliance with amendment provisions in this ordinance, the Maryland Critical Area Law and Critical Area Criteria.

## **SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES**

### **§5.00 - Rules for Interpretation.**

Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following property lines shall be construed as following such property lines.
- C. Boundaries indicated as following approximately the Town incorporated limits shall be construed as following such incorporated limits.
- D. Wherever a district adjoins a river or other body of water, the district boundary lines shall be deemed to extend 125 feet beyond the mean low water line or 1/4 the width of the creek.
- E. Boundaries indicated as parallel to, or extension of, features indicated in A through D above shall be so construed.
- F. Where a boundary line is indicated as obviously not coinciding with property lines, center lines, municipal incorporated or jurisdictional limits, or other figures as indicated in A through E above, the boundary shall be determined by the scale of the map.

G. Boundaries of Land Management classifications within the "Critical Area Overlay Districts "O" district shall extend to a distance of 1,000' from tidal waters or tidal wetlands, whichever is more restrictive at which point their location may or may not correspond to features identified in A through E above.

**§5.01 - Interpretation of Board of Appeals.**

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or exist under circumstances not covered under §5.00, the Board of Appeals shall interpret the district boundaries.

**§5.02 - Parcels Divided by District Boundary Lines.**

Where a district boundary line divides a parcel which was in single ownership at the effective date of this ordinance, the Board of Appeals may permit, as a special exception, the extension of the district regulations for either portion of the parcel not to exceed 50 feet beyond the district line into the remaining portion of the parcel.

**SECTION 6. APPLICATION OF DISTRICT REGULATIONS**

**§6.00 - Conformance Required.**

Except as hereinafter specified, no land, building, structure, or premises shall be hereafter occupied or used, and no building or other structure, or part thereof shall be located, erected, reconstructed, extended, moved, enlarged, converted, or altered except in conformity with the district regulations hereinafter provided.

**§6.01 - Multiple Use Prohibited.**

No part of a yard or other open space, or off-street parking or loading spaces which are required for any building under the provisions of this ordinance shall be included as a part of the yard, open space, off-street parking or loading spaces which are similarly required for any other building.

**§6.02 - Requirements are Minimums.**

The district regulations of this ordinance shall be minimum requirements and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

## **SECTION 7. GENERAL PROVISIONS**

### **§7.00 - Essential Services Exempted.**

Essential services shall be defined as facilities owned or maintained by public utility companies, or public agencies located in public ways, or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication or similar services to adjacent customers; but not including any building, yard, station, or facility requiring a site of greater than 100 square feet, and not including any cross county line on towers or in a private right-of-way. Such essential services shall be permitted in any district, it being the intent hereof to exempt such essential services from the application of this ordinance.

### **§7.01 - Separability Clause.**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **§7.02 - Interpretation and Application of Ordinance.**

- A. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare.
- B. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

## **SECTION 8. SPECIAL PROVISIONS**

### **§8.00 - Off-street Parking.**

- A. In all districts no building, structure or premises shall be erected unless off-street parking space (see §19.01 for definition) is provided which is consistent with the provisions of this section.

- B. Each required parking space shall be no less than 20 feet in length and 9 feet in width, and contain no less than 180 square feet. Aisles between rows of parking spaces shall be no less than 22 feet in width.
- C. The number of parking places provided shall be determined according to the following schedule of minimum requirements:
1. Residential uses - one parking space of each dwelling unit; except that in cases where a lot is shown on a plot or deed which was recorded on or prior to June 20, 1953, and where, in the judgment of the Town Commissioners, the provision of the required off-street parking places is not feasible or practical, such lot shall be exempt from this requirement.
  2. Lodging, rooming, or boarding houses - one parking space for each guest lodging unit, plus one for the owner.
  3. Hotels and Inns - one parking space for each guest or sleeping room, plus one parking space for each three employees.
  4. Hospitals, nursing homes, rest homes, convalescent homes, and the like - one parking space for each two beds and one space for each three employees.
  5. Community centers, libraries, museums, civic clubs, lodges, and the like - one parking space for each 200 square feet of building gross floor area.
  6. Theaters, auditoriums, assembly halls - one parking space for each three seats.
  7. Restaurants, beer parlors, night clubs - one parking space for every four seats.
  8. Doctor's offices, clinics - four parking spaces for each doctor.
  9. Professional offices, other than clinics and doctor's offices - two parking spaces for each professional person.
  10. Churches - one parking space for each four seats in the principal auditorium.
  11. Office buildings - one parking space for each 500 square feet of gross floor area.
  12. Country club, private club - one parking space for every four memberships thereof.
  13. Retail stores - one parking space for each 200 square feet of building gross floor area.

14. Manufacturing plants; compounding, processing or packaging and other similar uses permitted in the "M" and "CIP" districts - one parking space for each two employees working on the principal shift.
  15. Marinas, boatyards, and similar establishments - one parking space for every two (2) boat slips or space for each boat in dry storage.
  16. Automobile Service Stations and/or repair shops - one (1) space for each 100 square feet of floor area. A minimum of ten (10) spaces shall be provided. Each service rack or bay may be counted as one space but pump areas may not be counted.
- D. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for the use that is mentioned which is most nearly similar shall apply. The aisles and parking spaces required in this section shall be smoothly graded, adequately drained, and constructed with a suitable material. Evidence of compliance with these requirements may be required either by:
1. Delineation of proposed parking configuration on a plat or
  2. By visible permanent marking on the site or both.

#### **§8.01 On-street Parking.**

- A. Only validly registered vehicles bearing valid current license tags may be parked upon public streets, roads, or rights of way within the Town of Oxford.
- B. Any vehicle parked upon a public street or public right of way within the Town of Oxford shall be operable. That is, upon request, such vehicle must be able to be started and safely driven or moved to another location.
- C. The owner, operator, or custodian of any vehicle parked upon a public street or right of way within the Town of Oxford, upon reasonable notice or request by a police officer, fireman, or representative of the Maintenance Department of the Town of Oxford, or upon written notice delivered to the owner, operator, or custodian, or publically posted on the public street or right of way, shall promptly remove said vehicle from the public road or public right of way to facilitate the purpose of the removal request. Failure to comply with a request under this paragraph may result in the towing or storage of the subject vehicle at the expense of the owner, operator, or custodian.
- D. No vehicle shall be permanently parked, stored, or deposited upon a public road or right of way within the Town of Oxford, except with the permission from the Police Department

of the Town of Oxford. As a condition of such parking, the Police Department may require that the owner, operator, or custodian provide adequate arrangements for moving the vehicle, if necessary. For purposes of this section, “permanently parked, stored, or deposited” means leaving a vehicle upon a public street or right of way in the same or substantially same location for more than 21 consecutive days.

- E. All owners, operators, or custodians of any vehicle parked upon a public road or right of way in the Town of Oxford shall leave a minimum of three feet clearance between his or her vehicle and any other vehicle similarly parked.
- F. All owners, operators, or custodians of any vehicle parked upon a public road or right of way, shall not block or impede any driveway or any lot or parcel, and shall leave sufficient space and clearance (a minimum of five feet) to permit a direct turning movement into that driveway.
- G. The Police Department of the Town of Oxford may recommend to the Commissioners of Oxford the designation of particular streets or areas as “Parking by Permit Only” areas, and recommend to the Commissioners an allocation and identification of available parking spaces for properties located along said streets.
- H. The registered owner of any vehicle parked on a public road or right of way, in contravention or in violation of this ordinance, and any operator or custodian, shall be responsible for all penalties, civil fines, or other charges, and expenses associated with enforcement of this ordinance, including, without limitation, towing and storage charges.
- I. Violations of this Ordinance shall be municipal infractions, as more particularly described in Maryland Annotated Code, Article 23A, §3, and in addition to the assessment of costs and expenses as provided for herein, shall be subject to the penalties set forth in the Municipal Infractions Civil Penalty Schedule for the Town of Oxford, as the same may be amended from time to time.

#### **§8.02- Off-street Loading Spaces.**

- A. In all districts any building or structure or part thereof having a gross floor area of 10,000 square feet or more, and which is to be occupied by manufacturing, storage, warehouse, store, wholesale store, hotel, hospital, laundry or other uses requiring the receipt or dispatch of materials by vehicles, shall be provided with a minimum of one off-street loading space.
- B. Each loading space shall be a minimum of 10 feet in width, 45 feet in length, and shall have a clear height of not less than 14 feet. Such loading space may occupy any part of the required yard space except a front yard or the required side yard on the street side of a

corner lot. Such spaces shall be smoothly graded, adequately drained, and constructed with a suitable material.

### **§8.03 - Signs.**

#### **A. Statement of Intent.**

The following sign regulations are established to assure compatibility of on-site structures with surrounding land use, both existing and proposed, to conserve and enhance property values in all districts, to promote traffic and pedestrian safety by minimizing distractions to drivers in the Town of Oxford, to protect the natural beauty of the Town of Oxford, to preserve the aesthetic integrity of the Town of Oxford and to preserve the integrity of the many historically and architecturally significant structures in the Town of Oxford.

#### **B. Applicability-Effect.**

The effect of this section as more specifically set forth herein is:

1. To establish a permit system to allow a variety of types of signs in commercial, maritime commercial, maritime industrial, highway commercial, and commercial industrial park districts, and limited variety of signs in other zones, subject to the standards and permit procedures of this section.
2. To prohibit all signs not expressly permitted by this section; and
3. To provide for the enforcement of the provisions of this section.

#### **C. Permitted Signs.**

Only signs placed by a governmental body or its agents, or which refer to a permitted use or an approved special exception use as set forth in the Zoning Ordinance are permitted, provided that such sign conform to the provisions of this section, and are located on the same lot as said use.

#### **D. Prohibited Signs**

1. Billboards, streamers, beacons, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions are the American flag. Flags and buntings exhibited to commemorate national patriotic holidays are permitted.
2. Flashing signs, roof signs, and signs containing reflective elements which sparkle

or twinkle in the sunlight are not permitted.

3. Portable signs, inflatable signs or tethered balloons are not permitted. The term “portable sign” does not include temporary signs placed by the public works department or the police department.
4. Any sign advertising or identifying a business or organization which is not located on that premises is not permitted.
5. Wall signs in excess of twenty square feet.
6. Freestanding signs in excess of twenty square feet on each side.

E. Safety Standards

1. No person may erect a sign that flashes.
2. Strings and bulbs are not permitted, except as part of a holiday celebration.
3. No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.
4. No person may erect, or maintain or keep a sign which:
  - a. is structurally unsafe
  - b. constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation, abandonment, or location
  - c. obstructs free entrance or exit from a required door, window of fire escape
  - d. is capable of causing an electrical shock
  - e. Exceptions
    - (1) Signs erected or posted and maintained for public safety and welfare.
    - (2) Directional signs solely indication ingress and egress places at driveway locations, containing no advertising material and where the display area does not exceed three (3) square feet or extend higher than four (4) feet above the ground.

- (3) Generic directional signs for commercial businesses (i.e., boatyards, restaurants, stores, etc.) may be hung under the street signs of their location, with the prior written authority of the Commissioners of Oxford. The Town of Oxford will provide these signs at a fee to the businesses benefitted.
- (4) Signs relating to trespassing, not exceeding two (2) square feet.

F. Non-Conforming Signs and Sign Structures

Existing non-conforming signs and sign structures may remain except as qualified below:

1. Other than sign maintenance, no non-conforming sign may be reconstructed, remodeled, or changed in size or location, unless such action will make the sign conforming in all respects.
2. Any non-conforming sign or sign structure which is destroyed or damaged by any casualty may not be restored, unless the owner establishes to the satisfaction of the permitting authority that the damage is less than 50 percent of the appraised value of the sign.

G. Administration

1. Permits
  - a. No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support system, and location of land or buildings, with all relevant measurements.
  - b. Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises. All applications for permits shall be submitted to the Town Clerk-Treasurer.
  - c. The Planning Commission shall act within forty five (45) days of receipt of the such application together with the required fee. Fees are set forth in §14.00.
  - d. The Planning Commission action or failure to act may be appealed to the Board of Appeals under the provisions of §11.00 of this Ordinance.

2. Enforcement

The Clerk-Treasurer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this Ordinance.

3. Removal of Signs

1. Any sign which has been ordered removed by the Clerk-Treasurer, or is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within thirty (30) days of written notice to remove.
2. All signs not removed in thirty (30) days may be removed by the Town and all costs will be billed to the property owner, and treated as a tax liability of the property.

4. Measurement of Sign Area

1. Sign measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
2. A sign consisting of individual letters or symbols attached to a surface shall have the area considered to be that of the smallest rectangle or other shape which encompasses all the letters and symbols.

5. Variance for Signs. Variances shall not be granted for any sign.

H. Development Standards

The following restrictions shall apply to permitted signs:

1. No on site sign shall exceed twenty (20) square feet.
2. No sign will be erected within ten (10) feet of the property line.
3. No person may erect a sign which is affixed to a fence, utility pole, tree or other natural object.

I. Signs Permitted After the Issuance of Sign Permit

The following signs may be erected in the Town of Oxford after the issuance of a permit by the Town:

1. No more than one (1) free standing sign per building lot, not exceeding twenty (20) square feet per side in area, and which the top of said sign is not more than seven (7) feet in height above ground level. Said sign shall contain only the trade name, trade mark, products sold, and or describe the business or activity conducted on the premises whereon such sign is located.
2. No more than one (1) building sign attached to each business with street frontage, which sign shall not exceeding one (1) square foot (to a maximum twenty (20) square feet) for each lineal foot of street frontage occupied by each business. Where a business has frontage on more than one street, one attached sign shall be permitted on each street frontage.
3. No more than one (1) sign denoting the architect, engineer or contractor placed on premises where construction, repair or renovation is in progress. Such sign shall not exceeding twenty (20) square feet.
4. No more than one (1) sign or bulletin board identifying a place of worship, library, museum, civic, social or fraternal club, which sign shall not exceeding twenty (20) square feet in area and shall be located on the premises of such institutions. These signs may also contain information customarily incidental to said places or organizations.
5. No more than one (1) sign advertising a real estate subdivision and not to exceed twenty (20) square feet in area, and be located on the property to be developed.
6. No more than one (1) sidewalk sign may be permitted in the C-1, C-2, or C-3 district. These signs shall not impede foot traffic on the sidewalks.

J. Signs Relating to Political Elections and Activities

Signs relating to political elections and activities shall be permitted under the following conditions:

1. That no sign be located on property owned or maintained by the Town of Oxford or upon any street, sidewalk or public right-of-way.
2. That no sign be installed without the owners of the site giving permission in writing for the sign to be installed.

3. That all signs be removed within five (5) days after the date upon which the election or activity occurs.

**K. Signs Permitted Without Permits**

The following signs may be erected without issuance of a sign permit:

1. No more than one (1) temporary sign advertising the sale, lease or rental of the premises upon which the sign is located. The total area of the sign may not exceed four (4) square feet. Such sign shall be removed within five (5) days following the sale, lease or rental of the premise.
2. Professional name plates or signs denoting the name and address of the occupants, which sign shall not exceed a total of four (4) square feet in area.

**L. Illumination Standards**

1. No flashing signs are permitted.
2. Illumination of exterior signs shall be restricted to indirect incandescent fixtures which shall be shielded to prevent direct observation of the light source from public ways or from nearby properties.

**SECTION 9. NON-CONFORMITIES**

**§9.00 Non-conformities**

- A. Within the districts established by this ordinance and later amendments hereto, there exist:
1. lots,
  2. structures and signs,
  3. uses of land, and
  4. uses of structures or structures and premises in combination which were lawful before this ordinance was passed and amended, but which would be prohibited or restricted under the terms of this ordinance or future amendment.
- B. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival, except in the case of historic structures, or

casualty loss or voluntary demolition of structures as provided for in this Section. It is further the intent of this ordinance that non-conformities shall not be enlarged, expanded, or extended except as hereinafter provided, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

- C. Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.
- D. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined as including the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition, or removal shall be deemed to be actual construction, provided that a building permit has been issued for the replacement structure and the work is being carried on diligently.
- E.
  1. It is the intent of this section to permit the voluntary demolition of structures that have become blighted, by reason of decay or casualty. It is further the intent of this section to grant the Planning Commission and Historic District Commission the tools and the authority to preserve the look and feel of the historic district of the Town of Oxford, and to maintain to the extent possible the traditional scale and bulk relationships among structures located therein, including new structures and replacement structures on lots which have received demolition permits.
  2. For the purposes of this ordinance “voluntary demolition” shall refer only to demolition by the property owner, after approval of the town, of those structures that are beyond reasonable repair, and which pose a hazard to the health, safety or welfare of the occupants of the structure or the public generally, (referred to as “blighted” structures). Determination of whether a structure meets the above criteria shall be made by the Planning Commission and/or the Historic District Commission, depending upon the location of the structure, with the right to appeal to the Board of Appeals. The Planning Commission or Historic District Commission, or the Board of Appeals, may employ independent consultants, at the expense of the applicant, to inspect the structure and advise the commission or the Board of Appeals concerning the condition of the structure and the reasonable feasibility of preservation.
  3. If any such blighted structure shall be voluntarily removed after approval of the Planning Commission and/or Historic District Commission, and after filing in the Town Office of a surveyor’s plat locating the existing structure, and after issuance of a demolition

permit, the original foot print of the removed structure shall continue to be recognized by the Town, and the lot shall be considered a grandfathered building site. Subject to any conditions imposed by the Planning Commission or the Historic District Commission in connection with the issuance of a demolition permit, an owner of the property may rebuild a permitted structure for a permitted use upon the same foot print occupied by the former structure, even if the location or impervious surfaces represented by the former structure are nonconforming under this ordinance, if the replacement structure in the historic district generally replicates the demolished structure. Any replacement structure is subject to building permit approval by the Planning Commission and/or the Historic District Commission, as provided in this ordinance. The Historic District Commission may require replication of the structure(s) demolished as a condition to approval of any new structure to be built on a historic district property which has received a demolition permit.

**§9.01 - Non-Conforming Lots of Record.**

- A. In any district within the corporate limits of Oxford in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record prior to June 20, 1953, notwithstanding the limitations imposed by other provisions of this ordinance, subject to the requirements of this § 9. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals; except that in the case of a lot which was recorded on or prior to June 20, 1953, the yard requirements shall be modified to allow for such lots having a front lot line width of 50 feet or less, a minimum side yard setback of 5 feet, and minimum rear yard setback of 8 feet. This provision shall not apply to adjacent individual lots otherwise meeting the requirements for inclusion hereunder which are being or have been used in fact as one lot; such adjacent lots shall be subject to the provisions of paragraph B below.
  
- B. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership (or are to have been treated as being in single ownership pursuant to the last sentence of paragraph A above) are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall not be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance; except that the provisions of this paragraph shall not apply to lots which are subject to the provisions of paragraph A of § 9.01 directly above,

and which were lots of record on or prior to June 20, 1953, which lots are located within the Town corporate limits.

- C. Provisions applicable to lot consolidation and reconfiguration in the Critical Area Overlay District (see §33.10).
- D. Non-conforming Lots of Record and Non-conforming Uses in the Critical Area (see §33.08).

### **§9.02 - Non-Conforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the provisions of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure shall be enlarged to an extent greater than 50 percent of its gross floor area, at the time of the effective date of adoption or amendment of this ordinance. Any allowable, (i.e., less than 50%,) enlargement shall conform to the current height and yard and impervious surface requirements and limitations in the applicable district, including Historic District requirements as applicable.
- B. No such structure may be moved by its owner for any reason for any distance whatever, unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Should such structure be damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, unless by malicious act, it shall not be reconstructed or restored except in conformance with the provisions of this ordinance. However, any dwelling lawfully existing at the time of the adoption of this ordinance which shall be destroyed or damaged to an extent of more than 50 percent of its value by any act of God or other casualty, or by approved voluntary demolition in accordance with §9.00.E. above, such dwelling may be repaired or reconstructed at its prior location notwithstanding any other provision of this ordinance.

### **§9.03 - Non-Conforming Uses of Land (or land with minor structures only).**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with gross floor area in excess of 100 square feet, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

**§9.04 - Non-Conforming Uses of Structures or of Structures and Premises in Combination.**

If lawful use involving individual structures with a gross floor area in excess of 100 square feet, or if such structures and premises in combination exist at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure shall be enlarged or extended to an extent greater than 50 percent of its existing gross floor area.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance.
- C. Any structure, or structures and land in combination in or on which a non-conforming use is superseded by a permitted use, shall hereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- D. When a non-conforming use of a structure, or structures and premises in combination, is discontinued or abandoned for twelve consecutive months or for 24 months during any three-year period (except when government action impedes access to the premises), the structure, or structures and premises in combination, shall not thereafter be used except in conformity with the regulations for the district in which it is located, except when the discontinuance or abandonment is a result of an act of God or casualty, or voluntary demolition approved in accordance with this § 9 of this Ordinance.

**§9.05 - Repairs and Maintenance.**

- A. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the gross floor area shall not be increased in excess of 50 percent of the existing gross floor area.

B. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**§9.06 - Uses Allowed Under Special Exception Provisions.**

Any use which has been or is permitted as a special exception in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming special exception use.

**SECTION 10. ADMINISTRATION AND ENFORCEMENT PROCEDURES**

**§10.00 - Administration.**

- A. The Town Commissioners shall administer and enforce the ordinance, except as otherwise provided herein.
- B. If the Town Commissioners shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and order the action necessary to correct it. They shall order or obtain an injunction to cause the discontinuance of illegal use of land, buildings or structures; removal of illegal building or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work or activity being done; shall utilize the proper authorities, if necessary, to insure compliance with or prevent violation of its provisions.

**§10.01 - Building Permits.**

- A. No building or other structure shall be erected, moved, removed, demolished, added to, or structurally altered, and no interior construction involving more than 50 percent renovation or the removal of a load bearing wall may be undertaken without a permit issued by the Town Office after review by the Town Building Official. Construction shall be in accordance with Oxford's building code as administered by the Town Office and the designated inspection agency.
- B. No building permit shall be issued except in conformance with the provisions of this ordinance, and the building code unless the Planning Commission receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this ordinance. For construction changing the external appearance of a building in the historic zone, a certificate of approval shall be required from the Historic District Commission.

In order to achieve the goals of the Oxford Critical Area Protection Program, a building permit is required for all new impervious surfaces within the critical area larger than 20 square feet in area, including, but not limited to, patios, decks, sidewalks, driveways, parking lots.

C. Building permits are not required for:

1. Alterations involving normal maintenance or repair; re-roofing, interior decoration, or changes solely to mechanical and/or electrical systems.
2. The screening of any existing porch.

#### **§10.02 - Applications for Building Permits.**

A. Application for building permits shall be made by the owners, owner's agent, or contract purchaser, and shall be made on forms provided by the Town Clerk accompanied by:

1. Three copies of a recorded plat showing the actual dimensions and shape of the parcel to be built upon; the exact size and locations on the parcel of buildings already existing, if any; and the location and dimension of the proposed building, structure or alteration, identification of neighboring property owners, critical area boundary and critical area buffer (when applicable), sediment control plan, elevation and delineation of floodplain.
2. Three complete sets of blueprints or other accepted drawings showing architectural design and style; footing, foundation and framing detail conforming to Town Building Code. The application shall include such information as lawfully may be required by the Town Office or other appropriate review authority which may include the Oxford Board of Port Wardens or Historic District Commission. Such information may include estimated cost of the proposed construction or alteration; existing or proposed use of building, structures, or land; the number of families, house-keeping units, or rental units which the building or buildings are designed to accommodate; natural features existing on the site; and such other matters as may be necessary to determine the conformance with Oxford's Comprehensive Plan and provide for the enforcement of this ordinance. Failure to conform to Oxford's Comprehensive Plan shall be grounds for denial of the permit application.

B. One copy of the aforesaid documents shall be returned to the applicant by the Town Office after such copy shall have been marked either as approved or disapproved and attested to same by the signature of a designated member of the Town Office on such copy. One

copy of the plans, identically marked, shall be retained for use by the building official and inspection agency. One copy will be filed in town records.

- C. Prior to the issuance of a permit for new construction, the Town Engineer shall determine if the parcel in question is adequately serviced by water, sewer, street access and storm drainage.
- D. All necessary fees for the above services must be paid by the applicant prior to issuance of a permit.

**§10.03 - Expiration of Building Permits.**

- A. If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire unless the permit shall be renewed by the Town Office before expiration.
- B. If the work described in any building permit has not been completed within one year of the date of issuance thereof, said permit shall expire; and further work shall not proceed unless a new building permit has been obtained.
- C. Subject to the provisions of the following paragraphs, no renewal of an existing building permit shall be granted after the expiration of one year from the date of issuance of the original permit unless reasonable progress shall have been made toward the completion of the construction or work described in the permit and related plans.
  - 1. Reasonable progress, for the purpose of this section, is defined as completion of all exterior work authorized or necessary under the original building permit, so that the exterior of the structure and the yard area shall present a finished appearance, free of debris and construction materials, and shall not detract from the value of surrounding properties, or present health or safety issues.
  - 2. If the Applicant fails to demonstrate reasonable progress as defined herein, the Town Office may grant a renewal only in the case of extraordinary and bona-fide hardship.
  - 3. Any denial or issuance of a renewal under this section shall be reviewable by the Board of Appeals, which shall have the authority to reverse, affirm, or modify the decision of the Town Office based upon verified evidence presented at a public hearing. The Board of Appeals shall have the authority to impose reasonable conditions upon the issuance of any renewal permit, including a performance or completion bond secured by corporate surety. The Board's authority under this

section is not limited by any other provision of this ordinance.

4. In the event of a request for renewal of an existing building permit after the construction or work contemplated in the original permit has commenced, or in the event of a request for issuance of a new permit after the expiration of a previous permit for failure to timely complete the work permitted, for the same or substantially similar work upon the same property, the Town of Oxford may require a performance and/or completion bond, or other adequate security as approved in form and substance by the Town Attorney, to secure timely completion of the project in accordance with the approved plans.
5. After issuance of a building permit, failure to comply with the conditions of the building permit, or failure to strictly comply with the provisions of this Ordinance, including completion within the time allowed, shall be considered a municipal infraction, and shall be subject to the provisions of §17 of this ordinance. Each day in violation shall be considered a separate offense, subject to separate citations.

#### **§10.04 - Construction and Use to be as Provided in Plans and Applications.**

- A. Building permits issued on the basis of plans and applications approved by the Town Office authorize only the use, arrangement, and construction set forth in such plans and applications, and no other use, arrangement, or construction.
- B. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in §17 hereof.

#### **§10.05 – Reserved**

#### **§10.06 - Permit Procedures.**

- A. A permit as herein described will be submitted to the Town Office for evaluation. The Town Office will require the prior approval of the Historic District Commission for changes to external appearance in the Historic District. The Town Office shall also require that prior review and/or approval of the Oxford Board of Port Wardens for any change in use or structure which may statutorily require same under the terms of the Oxford Harbor Management Plan and/or ordinances related thereto.
- B. All permits which are under appeal must be submitted to the Planning Commission for review at the time the appeal is made for evaluation and recommendation to the Appeals Board.

- C. The Town Office will require the designated inspection agency, to approve applications for conformance with the Town Building Code.
- D. After all necessary approvals are obtained, the Town Office, or their designated representatives, will issue the permit. Ensuing construction and inspection will be in conformance with the building code.
- E. Any adjustments or changes in the issued permit will require the permit to be void and the applicant must reapply for a valid permit.

**§10.07 - Site Plan Requirements in the Critical Area.**

A. General

The purpose of the site plan is to assure detailed compliance with applicable provisions of this ordinance and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all the specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all the required construction permits have been obtained subsequent to such approval.

B. Approving Authority

1. Site plans for proposed development activities shall be prepared and submitted as described below and approved by the Planning Commission.
2. Site plans for all multi-family dwellings, industrial and commercial buildings and developments, and mobile home parks shall be prepared and approved as set forth in the Oxford Subdivision Regulations, as amended, in addition to the requirements of this ordinance.
3. Site plans accompanying individual building permit applications shall be approved by the Planning Commission. The Planning Commission may waive some or all of the site plan information requirements below and may permit an applicant for an individual building permit to submit a abbreviated or minor site plan and environmental assessment.

C. Information Required to Be Included in the Site Plan

1. An area or vicinity map at a scale of not smaller than 1" = 2,000 feet and showing such information as the names and numbers of adjoining roads, streams, bodies of water, railroads, subdivisions, election districts, or other landmarks sufficient to clearly identify the location of the property.
2. A boundary survey plat of the entire site at a scale not smaller than 1" = 50 feet unless otherwise specified or approved by the Planning Commission showing the following:
  - a. North arrow and scale;
  - b. Existing topography at two (2) or five (5) foot contour intervals. Datum shall be stated in all cases and a reference or bench mark described on the plat together with the elevation. Source of contours shall be stated on the plat, such as field run or aerial topography, etc. Interpolation of contours from USGS quadrangle maps will not be accepted;
  - c. Slopes in excess of ten (10) percent;
  - d. Existing and proposed regraded surface of the land;
  - e. Location of natural features such as streams, major ravines, drainage patterns, on the parcel to be developed, the location of trees measuring greater than 12" in diameter to be retained and existing natural vegetation;
  - f. Floodplain boundaries (100 year);
  - g. Existing conditions map, including natural and manmade features; and
  - h. Location and areal extent of all soils with: (1) septic limitations; (2) wet soils; (3) hydric soils; and (4) soils with hydric properties as shown on the Talbot County Soil Survey.
3. A detailed drawing showing:
  - a. Location, proposed use, and height of all building (delineate all existing buildings and structures);
  - b. Location of all parking and loading areas with ingress and egress drives thereto;

- c. Location of outdoor storage (if any);
- d. Location and type of recreational facilities (if any);
- e. Location of all existing or proposed site improvements, including roads, bridges, bulkheads, storm drains, culverts, retaining walls, fences, stormwater management facilities as well as any sediment and erosion control structures (information on shore erosion shall include the existing shoreline management designation as shown on the Oxford Critical Area Program maps, existing structures, their condition, and areas for proposed structural and non-structural controls, shown on the boundary survey plat, at a scale of at least 1"=100 feet);
- f. Description, method, and location of water supply and sewerage disposal facilities;
- g. Location, size, and type of all signs;
- h. The location, size, and type of vehicular entrances to the site; and
- i. The location of the Critical Area District Boundary, the Buffer and other buffer areas, open space areas, and forested areas;
- j. The location of all Habitat Protection Areas as described in the Oxford Critical Area Program on or near the site;
- k. The location of all contiguous forested areas adjacent to the site that are linked to forested areas on the development site, i.e., hedgerows, forest patches or other wildlife corridors;
- l. The location of agriculture fields, barren lands, pasture, etc.;
- m. The location of tidal and non-tidal wetlands on the site;
- n. The location of existing water-dependent facilities on and adjacent to the site, including the number of existing slips and moorings on the site;
- o. The location and extent of existing and/or proposed erosion abatement approaches;
- p. The known locations of the habitat of any threatened or endangered species or species in need of conservation on or adjacent to the site, or within 1/4

mile of the site in the case of bald eagle habitats;

- q. The location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site; and
- r. A detailed drawing locating shore erosion abatement techniques to be included with the site plan.

4. Computations of:

- a. Total lot area;
- b. Building floor area for each type of proposed use;
- c. Building ground coverage (percentage);
- d. Road area;
- e. Number and area of off-street parking and loading spaces;
- f. Total site area in the Critical Area District;
- g. Total man-caused impervious surfaces areas and the percentage of site these occupy;
- h. Separate computations of the total acres of existing forest cover in the Buffer and in the Critical Area;
- i. Proposed agriculture open space areas;
- j. Proposed forest open space areas; and
- k. Total area of the site that will be temporarily disturbed during development and the total area that will be permanently disturbed. "Disturbed" is defined as any activity occurring on an area which may result in the permanent loss of or damage to existing natural vegetation.

5. In addition to the information above, site plans shall be accompanied by the following:

- a. A Forest Management Plan including the comments of the Bay Watershed Forester;

- b. A Habitat Protection Plan including the comments of the Maryland Fish, Heritage and Wildlife Administration, the Water Resources Administration and other appropriate state and federal agencies;
- c. A Stormwater Management Plan;
- d. A Sediment and Erosion Control Plan;
- e. A Planting Plan, as required; and
- f. An Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Oxford Critical Area Program. At a minimum the Environmental Assessment shall include:
  - (1) A statement of existing conditions, e.g., the amount and types of forest cover, the amount and type of wetlands, a discussion of existing agriculture activities on the site, the soil types, the topography, etc;
  - (2) A discussion of the proposed development project, including number and type of residential units, amount of impervious surfaces, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
  - (3) A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
  - (4) Documentation of all correspondence and findings.

## **SECTION 11. BOARD OF APPEALS**

### **§11.00 - Establishment and Composition.**

- A. A Board of Appeals is hereby established which shall consist of five members to be appointed by the Town Commissioners, each member for a term of office of three years. Members of the Board of Appeals may be removed from office by the Town Commissioners for cause, upon written charges and after public hearing. Vacancies shall be filled by the Town Commissioners for the unexpired terms of any member whose term

becomes vacant.

- B. The Town Commissioners shall designate one alternate member for the Board of Appeals who shall be empowered to sit on the Board in the absence of any member of the Board; when the alternate is absent, the Commissioners may designate a temporary alternate.

**§11.01 - Proceedings of the Board of Appeals.**

- A. The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in the Chairman's absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public.
- B. The Board shall make a transcript of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. Such transcripts shall be immediately filed in the Town Office and shall be a public record.

**§11.02 - Powers of the Board of Appeals.**

The Board shall have the following powers:

- A. Administrative review - to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Town Office, Planning Commission, Historic District Commission, in the enforcement of this ordinance.
- B. Interpretation of District Boundaries on Official Zoning Map - to determine, consistent with the provisions of § 5.01, the boundaries of zoning districts.
- C. Special Exceptions - to hear and decide only such special exceptions as the Board of Appeals is specifically authorized to pass on according to the provisions of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. Before the Board decides any application for special exception, it shall consider the following, where applicable;
  - 1. The most appropriate use of land, buildings, and structures in accordance with the Comprehensive Plan.

2. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  3. Utilities, with reference to location, availability and adequacy.
  4. Possible economic, noise, glare or other effects of the special exception which might adversely affect adjoining properties or properties generally in the district.
  5. General compatibility with adjacent properties and other property in the district.
- D. Variance. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted unless and until the applicant has demonstrated that:
1. Special conditions and circumstances exist which are not caused by actions of the applicant but which are peculiar to the land, structure, or building involved, and which are not generally applicable to other land, structures, or buildings in the same district
  2. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.
  3. Variances from Critical Area requirements in §33 are regulated as provided in §11.03.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance.
1. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, and shall be punishable under the provisions of § 17.
  2. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved.
- F. Board Has Powers of Town Commissioners and Planning Commission, Town Office, Board of Port Wardens and Historic District Commission on Appeals.

Except as provided in §11.12, in exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made; and to that end shall have the power of the Town Commissioners and Planning Commission, Town Office, Board of Port Wardens and Historic District Commission.

**§11.03. Specific Provisions for Variances in the Critical Area.**

- A. Applicability. The Town has established provisions where, owing to special features of a site or other circumstances literal enforcement of the Critical Area Overlay District ("O") provisions of this Zoning Ordinance would result in unwarranted hardship to an applicant, a variance may be obtained. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area Overlay District ("O"), that is subject to the application and for which a variance is required, does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of this Zoning Ordinance.
  
- B. Standards. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:
  - 1. Special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of this Ordinance would result in unwarranted hardship;
  
  - 2. A literal interpretation of the provisions of the Critical Area Overlay District ("O") provisions will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area Overlay District ("O");
  
  - 3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this Zoning Ordinance to other lands or structures within the Critical Area Overlay District ("O");
  
  - 4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property; and
  
  - 5. The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area Overlay District ("O")

and the granting of the variance will be in harmony with the general spirit and intent of the State Critical Area Law.

- C. Process. Applications for a variance will be made in writing to the Board of Appeals with a copy provided to the Critical Area Commission. Notice shall be provided as provided in §11.06. After hearing an application for a variance, the Board of Appeals shall make written findings reflecting analysis of each standard. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in paragraph A. above. The Town shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.
- D. Findings. Based on competent and substantial evidence, the Town shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in paragraph A. above. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
  - 1. The applicant;
  - 2. The Town or any other government agency; or
  - 3. Any other person deemed appropriate by the Town.
- E. Appeals. Appeals from decision concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of the Town for variances. Variance decisions by the Board of Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation or governmental agency aggrieved or adversely affected by any decision made under this Zoning Ordinance.
- F. Conditions and mitigation. The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the Critical Area Overlay District ("O") is maintained including, but not limited to the following:
  - 1. Adverse impacts resulting from the granting of the variance shall be mitigated by planting on the site per square foot of the variance granted at no less than a three to one basis or as recommended by Zoning Administrator or Planning Commission.
  - 2. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

- G. Commission notification. Within ten (10) working days after a written decision regarding a variance application is issued, a copy of the decision will be sent to the Critical Area Commission. The Town may not issue a permit for the activity that was the subject of the application until the applicable 30-day appeal period has elapsed.

**§11.04 - Decision of the Board.**

- A. All decision or actions of the Board shall be taken by resolution, in which at least three members present must cast concurring votes. Each resolution shall contain a statement of the grounds and findings forming the basis for such action or decision, and the full text of said resolution shall be incorporated into the transcript of the meeting.
- B. Should decisions of the Board concerning alleged administrative error by the Planning Commission, Historic District Commission, Town Office, Town Commissioners, or the Board of Port Wardens have the effect of reversing or modifying the decision of the Planning Commission or Historic District Commission or the Town Commissioners or the Board of Port Wardens, the Board shall inform the appropriate members and the Building Official of their decision with sufficient specificity to assure a reasonable basis for subsequent permit inspection and record keeping actions as may be prompted.

**§11.05 - Who May File an Appeal or Application.**

- A. Appeals and applications to the Board may be filed by an affected property owner, his agent or contract purchaser, or any property owner within 100' of said property who is:
  - 1. allegedly aggrieved by an order, requirement, decision or determination of the Town Commissioners or Town Office;
  - 2. desirous of obtaining an interpretation of a district boundary consistent with the provisions of Section 5.01;
  - 3. desirous of obtaining the grant of a special exception; or
  - 4. desirous of obtaining a grant for variance from the terms of this ordinance.
- B. Appeals must be filed within 30 days of the date of the decision appealed from. Appeals and applications shall be submitted in writing to the Town Clerk-Treasurer. Such appeals or applications shall be acted upon within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, unless the applicant and the

Board shall agree upon an extension.

- C. The applicant shall pay the Town Clerk-Treasurer for expenses incidental to the appeal. In the case of appeals, the Town Commissioners shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

**§11.06 - Hearing, Notice.**

- A. The Board of Appeals shall fix a reasonable time for the hearing of applications, interpretation of district boundaries, and appeals. At least 15 days before the date of the hearing, the Board shall send notices of the time and place of such hearing to the applicant or appellant, the Town Office, and to the owners of property located within 100 feet of the property affected, shown on the tax maps of the Department of Assessments and Taxation on the date the notices are mailed. The names of such property owners shall be provided by the applicant.
- B. Prior to the date of the hearing the Board shall cause to be published twice in a newspaper of general circulation, a notice of the time and place of such hearing. At the hearing any party may appear in person, by agent, or by attorney.

**§11.07- The Calendar of the Board.**

- A. Appeals and applications filed in proper form and accompanied by the required fee shall be numbered serially, docketed and placed upon the calendar which shall be posted continuously in a conspicuous location in the Town Office and on the Town bulletin board.
- B. The Board shall insure that a copy of the most current calendar is provided to the Planning Commission.

**§11.08 - Advice of the Planning Commission.**

- A. The Town Clerk-Treasurer shall, prior to the time of the Board of Appeals hearing, submit the applications for variances and special exceptions to the Planning Commission in order that said Commission shall provide advice to the Board of Appeals concerning said applications.
- B. The advice of the Planning Commission shall assess the impact of the proposed variance or special exception upon the Comprehensive Plan, and shall be forwarded to the Board in writing prior to the hearing.

- C. The Board may request from the Planning Commission such technical services, data, or factual evidence as will further assist the Board in making decisions.

**§11.09 - Site Visit.**

Prior to deciding on application for a variance or special exception, at least three Board members shall visit the site affected to ascertain the physical nature of the property and to determine the character of the area.

**§11.10- Stay of Proceedings.**

- A. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Town Commissioners certify to the Board of Appeals that by reasons of facts stated in the certificate to stay would, in their opinion, cause eminent peril to life and property.
- B. In such case, proceedings shall not be stayed other than a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Town Commissioners and on due cause shown.

**§11.11 - Repeated Applications.**

- A. If an application or appeal is disapproved by the Board of Appeals, thereafter the Board shall not be required to consider another application for substantially the same proposal on the same premises, until after one year from the date of such disapproval.
- B. If an appeal to the Board is perfected and the public hearing advertised, and thereafter the applicant withdraws the application or appeal, the applicant may file a new appeal complete with new fees as a subsequent and separate appeal.
- C. Any appeal that has been heard by the Board may not reapply for a minimum time of one year.

**§11.12 - Limitation of Authority of the Boards.**

- A. Nothing contained in this section shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision or determination which conforms to the provisions of this ordinance, and which is therefore not erroneous; nor to authorize the Board to validate, ratify or legalize any violation of law or of the

provisions of this ordinance.

- B. The Board shall not amend any of these provisions or cause changes to the Official Zoning Map; nor shall such authority be vested in the Board.

## **SECTION 12. APPEALS TO THE COURTS**

### **§12.00 - Who May Appeal.**

Any property owner allegedly aggrieved by any decision of the Board of Appeals or by a reclassification by the Town may appeal the same to the Circuit Court of Talbot County.

### **§12.01 - Hearing; Additional Testimony.**

If, upon the hearing it shall appear to the Court that testimony is necessary or for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

### **§12.02 - Costs Against the Board of Appeals.**

Costs shall not be allowed against the Board of Appeals unless it shall appear to the Circuit Court that the Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

### **§12.03 - Decision of Circuit Court; Appeal to Court of Appeals; Costs.**

Upon its determination of the case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken to the Court of Appeals of Maryland, during the period and in the manner prescribed by the rules of the Court of Appeals, from any decision of the Circuit Court. In such cases, the award of costs shall be subject to the discretion of the Court of Appeals.

## **SECTION 13. DUTIES OF THE BOARD OF APPEALS, TOWN COMMISSIONERS, AND COURTS ON MATTERS OF APPEAL AND ENFORCEMENT**

### **§13.00 – Intent.**

- A. It is the intent of this ordinance that all questions of interpretation shall first be presented

to the Planning Commission and questions of enforcement shall first be presented to the Town Commissioners.

- B. Further, the ordinance intends that such questions of interpretation or enforcement shall be presented to the Board of Appeals only on appeal from the decision of the Town Commissioners or Planning Commission, and recourse from the decisions of the Board of Appeals shall be to the courts.

## **SECTION 14. FEES, CHARGES, AND EXPENSES**

### **§14.00 - Fees**

- A. The Town Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, applications for special exception fund variance, and other matters pertaining to this ordinance. Such schedule shall be posted in the Town Office and may be altered or amended periodically by the Town Commissioners.
- B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
- C. The fees charged may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner, attorney, or similar service as may be used to assist the Town in the review of proposed development and improvement plans.

## **SECTION 15. AMENDMENTS**

### **§15.00 - Provisions for Amendment.**

- A. The regulations, restrictions, classifications, and boundaries set forth in this ordinance may from time to time be amended, supplanted, modified or repealed by the Town Commissioners.
- B. The reclassification of any property and the relocation of zoning district boundaries shall be deemed an amendment to this ordinance and subject to the provisions of this section.

### **§15.01 - Who May Initiate Amendments.**

Such amendment or other change to this ordinance may be initiated by:

- A. resolution of the Town Commissioners;
- B. motion of the Planning Commission; or
- C. petition of any property owner or contract purchaser of property in the area of Town zoning jurisdiction addressed to the Town Commissioners.

**§15.02 -Form of Application.**

- A. All applications for proposed amendments shall contain the applicant's name and address and shall be signed by the applicant. In the case of a proposed amendment to the text of the ordinance, the application shall set forth the new text to be added and existing text to be deleted or revised.
- B. In the case of a proposed change in the Official Zoning Maps, the application shall be in such form as the Town Commissioners may prescribe and shall include the following:
  - 1. A location map of sufficient accuracy and scale to show the location of the property affected and its relation to immediately surrounding properties and streets. A surveyor's description and plat will be required.
  - 2. The present and proposed zoning classification of the property.
  - 3. The area of the affected land in square feet if less than one acre and in acres if one acre or more.
  - 4. The application number, date of application, and action taken on all prior applications filed within three years previously for the reclassification of the whole or any part of the land proposed to be reclassified.
  - 5. Names and addresses of all property owners within 100 feet of the property involved.

**§15.03 - Procedure for Amendment.**

- A. Any proposed amendment or other change shall first be referred by the Town Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission shall cause such investigation to be made as it deems necessary, may require the submission of pertinent information for this purpose by any person concerned, and may hold such public hearings as are provided by its own rules.
- B. The Planning Commission shall submit its recommendation and pertinent supporting

information to the Town Commissioners within 60 days, unless an extension of time is granted by the applicant.

- C. After receiving the recommendation of the Planning Commission concerning any proposed amendment or other change to this ordinance, and before adopting or rejecting same, the Town Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard.
  - 1. The Town Commissioners shall give public notice to such hearing by causing the time, place and subject of such hearing to be published in a newspaper of general circulation in the Town, at least 15 days in advance of such hearing, and by conspicuously posting the property affected with the time, place, and nature of the hearing at least 15 days in advance of said hearing.
  - 2. Also, notices of the hearing shall be sent to the owners of property located within 100 feet of the property affected. The names of such property owners shall be provided by the applicant.
- D. Amendments involving Critical Area designations (e.g., IDA, LDA, RCA, BMA) shall comply with §15.09.

**§15.04 - Site Visit.**

Before the Town Commissioners shall accept or reject any application for the reclassification of land, a visit to the site in question shall be made by at least two Commissioners in order to inspect the physical features of the property and to determine the character of the surrounding area.

**§15.05 - Findings for Reclassification Map or Text Amendment.**

An application for map or text amendment shall be either approved or denied on its merits, or dismissed, by the Commissioners of the Town of Oxford. An application may be withdrawn at any time prior to the resolution of the Commissioners.

- A. No application for map amendment shall be approved for a zone other than that applied for.
- B. No application for map amendment shall be approved for a greater area than that applied for, but an application may be approved for a smaller area than that applied for if the reclassification of such smaller area is supported by the evidence of record, and if such smaller area is accurately delimited in the record.

- C. The decision of the Oxford Town Commissioners approving, denying, or dismissing any application for a map or text amendment shall be rendered within 60 days of the hearing (unless such time is extended by said Commissioners), and shall be in the form of a resolution adopted by the Oxford Town Commissioners in open session by a majority of those voting on a roll call be yeas and nays and appearing in the Minutes of the Meeting, and the resolutions shall not be valid unless they so appear. The resolutions when adopted shall be filed in the office of the Town Clerk-Treasurer; a copy of the resolution and opinion shall be promptly furnished by the Clerk-Treasurer to the members of the Board of Appeals.
- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the Town Commissioners shall make findings of fact in each specific case including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development, the recommendation of the Planning Commission and compatibility with the Town Comprehensive Plan. [Except as provided in §15.09.C, the Town Commissioners may grant the reclassification based upon a finding that there was a substantial change in the character of the area where the property is located, or that there is a mistake in the existing zoning classification.
- E. Where the decision involves a text amendment, the resolution shall be accompanied by an opinion of the Town Commissioners setting forth their conclusions and reasons therefore.

**§15.06 - Filing Fee for Reclassification.**

A filing fee, in an amount which shall be determined by the Town Commissioners, shall be charged for processing an application for reclassification.

**§15.07 - Repeated Application for Reclassification.**

No application for reclassification shall be accepted for filing by the Town Commissioners if the application is for the reclassification of the whole or any part of land for which reclassification has been denied within 18 months from the date of the Town Commissioners decision.

**§15.08 - Changing of Official Zoning Map.**

It shall be the duty of the Town Commissioners to change the Official Zoning Map promptly upon the adoption of any amendments, in order that said Map shall always be an up-to-date public record of the zoning districts in the Town.

## §15.09 – Critical Area Amendments

- A. Program changes. The Town Commissioners may from time to time amend the provisions of this Zoning Ordinance that apply to the Critical Area Overlay District ("O"). Such amendments include, but are not limited to, amendments, revisions, and modifications to zoning regulations, Critical Area Maps, implementation procedures, and local policies that affect the Critical Area Overlay District ("O"). All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in § 8-1809 of the Natural Resources Article of the Annotated Code of Maryland. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law § 8-1809(i) and § 8-1809(d), respectively.
- B. Comprehensive reviews. The Town will review its entire Critical Area Overlay District ("O") provisions and propose any necessary amendments at least every six (6) years. The anniversary of the date that the adoption of this Zoning Ordinance shall be used to determine when the review shall be completed. Within sixty (60) days after the completion of the review, the Town will send the following information in writing to the Commission:
1. A statement certifying that the required review has been accomplished;
  2. Any necessary requests for amendments, refinements, or other matters that the Town wishes the Commission to consider;
  3. An updated resource inventory; and
  4. A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.
- C. Zoning map amendments. Except for amendments or refinements developed during a six-year comprehensive review, a zoning map amendment in the Critical Area Overlay District ("O") may only be granted by the Town Commissioners upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:
1. Are wholly consistent with the land classifications in the originally adopted Program; or
  2. The Town proposes the use of growth allocation in accordance with the growth allocation provisions of this ordinance.

- D. Process. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research. Upon completing Findings of Fact, these documents shall be forwarded to the Town Commissioners. The Town Commissioners shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town. After the Town Commissioners approve an amendment, they shall forward their decision and applicable ordinances and resolutions along with the amendment request to the Critical Area Commission for final approval.
  
- E. Critical Area Commission review. When the Town submits a request for review and approval of changes to any element of the Zoning Ordinance provisions applicable to the Critical Area Overlay District ("O") including, but not limited to Zoning Ordinance text or maps, the request will include all relevant information necessary for the Chairman of the Commission, and as appropriate, the Commission, to evaluate the changes. The Chairman, and as appropriate, the Commission, shall determine if the requests for amendment(s) are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.
  
- F. Critical Area Commission decision. In accordance with the determination of consistency outline above, the Chairman, or as appropriate, the Commission will:
  - 1. Approve the proposed refinement or amendment and notify the local jurisdiction;
  - 2. Deny the proposed refinement or amendment;
  - 3. Approve the proposed refinement or amendment subject to one or more conditions;  
or
  - 4. Return the proposed refinement or amendment to the Town with a list of changes to be made.

**SECTION 16. COMPLAINTS REGARDING VIOLATIONS**

**§16.00 - Complaints**

- A. Whenever a violation of this ordinance occurs, or is alleged to have occurred, an aggrieved property owner may file a written complaint.
  
- B. Such complaint shall state fully the causes and basis thereof, and shall be filed with the

Town Clerk-Treasurer.

- C. The Town Commissioners shall then record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

## **SECTION 17. PENALTIES FOR VIOLATION**

### **§17.00 - Penalties**

- A. Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a municipal infraction as set forth in the Maryland Annotated Code, Article 23A, §3.
- B. Any person who violates this ordinance, or the building code, or fails to comply with any of its requirements shall upon conviction thereof be guilty of a municipal infraction and shall be fined not more than \$400, and in addition, shall pay all costs and expenses involved in the case. Each and every day such violation occurs shall be considered a separate offense, and shall be subject to separate citations and separate fines.
- C. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- D. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

### **§17.01 - Enforcement in the Critical Area.**

- A. Consistency.

The Critical Area provisions of this Ordinance, in accordance with the Critical Area Act and Criteria supersede any inconsistent law, Ordinance or plan of the Town of Oxford. In the case of conflicting provisions, the stricter provisions shall apply.

- B. Violations.

- 1. No person shall violate any provision of this Ordinance. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.

2. Each person who violates a provision of this Ordinance shall be subject to separate administrative civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit or order issued by the Town related to the Critical Area shall be a violation of this Ordinance and shall be enforced as provided herein.

C. Responsible persons.

The following persons may each be held jointly or severally responsible for a violation: (1) persons who apply for or obtain any permit or approval, (2) contractors, (3) subcontractors, (4) property owners, (5) managing agents, or (6) any person who has committed, assisted, or participated in the violation.

D. Required enforcement action.

In the case of violations of this Ordinance, the Town shall take enforcement action including:

1. Assess administrative civil penalties as necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying and citing the violation, issuing abatement and restoration orders, and reviewing mitigation plans and ensuring compliance with these plans;
2. Issue abatement, restoration, and mitigation orders as necessary to:
  - (a) Stop unauthorized activity;
  - (b) Restore and stabilize the site, as appropriate, to its condition prior to the violation or to a condition that provides the same water quality and habitat benefits; and
  - (c) Require the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Right to enter property.

Except as otherwise authorized and in accordance with the procedures specified herein, the Town Commissioners or their designee may obtain access to and enter a property in order to identify or verify a suspected violation, restrain a development activity, or issue a citation if the Town has probable cause to believe that a violation of this Ordinance has

occurred, is occurring, or will occur. Town officials shall make a reasonable effort to contact a property owner before obtaining access to or enter the property. If entry is denied, the Town may seek an injunction to enter the property to pursue an enforcement action.

F. Administrative civil penalties.

In addition to any other penalty applicable under State or Town law, every violation of a provision of Natural Resources Article, Title 8 Subtitle 18 or Critical Area provisions of this Ordinance shall be punishable by a civil penalty of up to \$10,000 per calendar day.

1. Before imposing any civil penalty, the person(s) believed to have violated this Ordinance shall receive: written notice of the alleged violation(s) including which, if any, are continuing violations, and an opportunity to be heard. The amount of the civil penalty for each violation, including each continuing violation, shall be determined separately. For each continuing violation, the amount of the civil penalty shall be determined per day. In determining the amount of the civil penalty, the Town shall consider:
  - (a) The gravity of the violation;
  - (b) The presence or absence of good faith of the violator;
  - (c) Any willfulness or negligence involved in the violation including a history of prior violations;
  - (d) The environmental impact of the violation; and
  - (e) The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to the Town for performing, supervising, or rendering assistance to the restoration and mitigation.
2. Administrative civil penalties for continuing violations shall accrue for each violation, every day each violation continues, with no requirements for additional assessments, notice, or hearings for each separate offense. The total amount payable for continuing violations shall be the amount assessed per day for each violation multiplied by the number of days that each violation has continued.
3. The person responsible for any continuing violation shall promptly provide the Town with written notice of the date(s) the violation has been or will be brought into compliance and the date(s) for Town inspection to verify compliance. Administrative civil penalties for continuing violations continue to accrue as set

forth herein until the Town receives such written notice and verifies compliance by inspection or otherwise.

4. Assessment and payment of administrative civil penalties shall be in addition to and not in substitution for recovery by the Town of all damages, costs, and other expenses caused by the violation.
5. Payment of all administrative civil penalties assessed shall be a condition precedent to the issuance of any permit or other approval required by this Ordinance.

G. Cumulative remedies.

The remedies available to the Town under this Ordinance are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

H. Injunctive relief.

1. The Town may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Ordinance, an administrative order, a permit, a decision, or other imposed condition.
2. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the Town from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

I. Variances pursuant to a violation.

The Town may accept an application for a variance regarding a parcel or lot that is subject to a current violation of this subtitle or any provisions of an order, permit, plan, or this Ordinance in accordance with the variance provisions of this Ordinance. However, the application shall not be reviewed, nor shall a final decision be made until all abatement, restoration, and mitigation measures have been implemented and inspected by the Town.

J. Permits pursuant to a violation.

The Town will not issue any permit, approval, variance, or special exception, unless the person seeking the permit has:

1. Fully paid all administrative, civil, or criminal penalties as set forth in §F. above;

2. Prepared a restoration or mitigation plan, approved by the Town, to abate impacts to water quality or natural resources as a result of the violation;
3. Performed the abatement measures in the approved plan in accordance with all Town regulations; and
4. Unless an extension of time is approved by the Town because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

K. Appeals.

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the Town in connection with the administration and enforcement of this Ordinance.

1. An appeal is taken by filing a written notice of appeal with the Board of Appeals in accordance with the provisions of the Ordinance and accompanied by the appropriate filing fee.
2. An appeal must be filed within thirty (30) days after the date of the decision or order being appealed; and
3. An appeal stays all actions by the Town seeking enforcement or compliance with the order or decisions being appealed, unless the Town certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the Town shall not be stayed except by order of a court on application of the party seeking the stay.

## **SECTION 18. REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE**

### **§18.00 - Repeal**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

## **§18.01 – Effective Date**

This ordinance as amended shall take effect and be in full force on the date of adoption by the Commissioners of Oxford.

## **SECTION 19. DEFINITIONS**

### **§19.00 - General Interpretations.**

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The words property owner may include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural; the plural number includes the singular.
- D. The word shall is mandatory; the word may is permissive.
- E. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- F. The word lot includes the word plot or parcel.

### **§19.01 - Definitions.**

For the purposes of this ordinance the following definitions shall apply:

*Abatement.* The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

*Access.* A way of approaching or entering a property for residents, fire equipment, etc.

*Accessory.* A structure that is detached from a principal structure, located on the same lot, and clearly incidental and subordinate to the principal structure.

*Accessory use or structure.* A use or structure which is;

1. clearly incidental to and customarily found in connection with, the principal use or structure;
2. is subordinate to and serves the principal use or structure;
3. is located on the same lot as the principal use or structure;
4. facilitates access by the handicapped; and
5. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, such as decks, tool sheds, garages, etc. No accessory building or structure shall be permitted on a lot without a dwelling.

Addition. Newly constructed area that increases the size of a structure.

Afforestation. The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

Agriculture. The use of land for farming, including dairying, pasturage, crop growth, horticulture, floriculture, livestock and poultry raising.

Anadromous Fish. Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Anadromous fish propagation waters. Those streams that are tributary to the Chesapeake Bay and Atlantic Coastal bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

Apartment House. A building used for residential housing of more than three families.

Appurtenances and Environmental Settings. Structures, or grounds or settings which surround a structure. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), setbacks and landscape elements.

Aquaculture: (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats

and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

*Bed and Breakfast, Boarding or Lodging House.* A dwelling containing not more than 6 guest rooms where, by prearrangement for definite periods, lodging or meals, or both are furnished for a fee. Owner must live on the premises.

*Best Management Practices (BMPs).* Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

*Boat Slip.* A berthing for a boat or other watercraft.

*Boathouse.* A building, shed, roof, or structure, (permanent or portable), built wholly or partly over water for sheltering a boat or boats.

*Buffer.* Area that based on conditions at the time of development is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists in, or is established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100-feet even if that area was previously disturbed by human activity or is currently developed and also include any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in the COMAR 26.23.01.01.

*Buffer Management Area (BMA) (formerly Buffer Exemption Area).* An area officially mapped by the Town of Oxford and approved by the Critical Area Commission as a BMA, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific BMA provisions can be permitted in the Buffer without a variance.

*Buffer Management Plan.* A plan designed and intended to describe methods and means used to protect, manipulate and utilize the buffer which provides multiple benefits.

*Bufferyard.* An area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Buffer Management Areas

to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

*Building*. A structure, of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

*Building Coverage*. The amount of land covered by the building footprint, usually measured in terms of percentage of a lot.

*Building Envelope*. The area of a lot, within a larger overall lot area within which buildings or structures may be located.

*Building Height*. The distance between the highest point of the roof (excluding antennas, chimneys of conventional proportions, flagpoles and other similar slender structures) and the mean of the natural ground level on the perimeter of the structure, except in the Floodplain. In the Floodplain, unless the structure is exempt from the Flood Protection Elevation requirement, Building Height shall be the distance between the highest point of the roof and the Flood Protection Elevation.

*Caliper*. The diameter of a tree measured at two inches above the root collar.

*Camping and Recreational Vehicles*. Any vehicle or structure mounted on wheels for use on highways or streets whose primary use as camping or recreation, self-propelled or drawn by other motive power, and designed and constructed to provide living and/or sleeping quarters for one or more persons and licensed as a camping or recreational vehicle.

*Canopy tree*. A tree that when mature commonly reaches a height of at least 35 feet.

*Cluster Development*. Allows the developer to use smaller lots than those specified for the zone in questions providing:

1. that the total number of building lots does not exceed the total permitted in that zone;
2. that the land saved is reserved in perpetuity in the form of open space;
3. Wetlands may not be included as land available for building when computing the number of lots.

*Colonial nesting water birds*. Herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

*COMAR*. The Code of Maryland Regulations, as from time to time amended, including any

successor provisions.

Commercial Dock. A facility for the mooring, berthing, storing, or securing of watercraft, and which is operated as a commercial enterprise, e.g. compensation is received in exchange for the provision of service(s). Included may be such services and sales operations as are directly incidental to the mooring, berthing, storing, securing or operation of watercraft.

Commission. The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Community Piers. Boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Comprehensive Plan. A plan prepared by the Oxford Planning Commission and adopted by the Town Commissioners which contains goals and objectives for the future of the Town and which sets forth policy and desirable actions for attaining those goals and objectives.

Condominium. A form of property ownership providing for individual ownership of a specific apartment (or other space not necessarily on the ground level) together with an undivided interest in the land or other parts of the structure in common with other owners.

Conservation Easement. A non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

Consolidation. A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. An application for consolidation may include a subdivision, lot line abandonment, boundary line adjustment, replatting request, or lot line adjustment.

Conventional Construction. Buildings which are fabricated or assembled in the greater part at the site where such buildings are to be located, not including mobile homes, or recreational trailers and vehicles, or buildings which are designed to be portable.

Critical Area. All lands and waters defined in Section 8.1807 of the Natural Resources. Article, Annotated Code of Maryland. They include:

1. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
2. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources

Article, Annotated Code of Maryland; and

3. Modification to these areas through inclusions or exclusions proposed by the Town of Oxford and approved by the Commission as specified in Section 8.1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission. The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Critical Area District. The Town of Oxford portions of the Critical Area, as defined in this ordinance. Also known as the Critical Area Overlay District.

Deck. A flat floored structure or impervious surface, without a roof, used in connection with (or by the occupants of) another structure on the property. A deck or patio may be attached to or separated from another structure.

Demolition. An action which results in the destruction or removal of a building or structure or portion thereof representing 20% or more of the floor area of the principal structure.

Density. The number of dwelling units per acre of gross area of a development tract, unless otherwise specified.

Developer. A person who undertakes development activity as defined in this Program; or a person who undertakes development activity as defined in the Criteria of the Commission.

Development Activities. The construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

Developed Woodlands. Areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Directional Signs. Signs which display the name and/or nature of a commercial activity, geographical area, or public building and indicate through writing or graphic material the geographic location of such an activity or building.

District. A portion of territory lying within the zoning jurisdiction of Oxford and subject to certain uniform requirements and regulations under the provisions of this ordinance.

Disturbance. Any alteration or change to the land. Disturbance includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn.

*Disturbed Area.* The area of a site where natural cover has been removed for construction of buildings, placement of septic systems or shared facilities, drives, roads, parking area, etc. and not replaced.

*Documented Breeding Bird Areas.* Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

*Drainageways.* Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including: The land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream shown on the U.S. Geological Service's 7 ½ minute Quadrangle sheets covering the incorporated areas of Talbot County.

*Duplex.* A single dwelling consisting of two single family units, situated side by side and having a common interior wall with separate utilities for each dwelling unit.

*Dwelling, Multi-family.* A residential building designed for or occupied by three or more families.

*Dwelling, Single Family.* A detached residential building designed for and occupied by one family only.

*Dwelling, Two-Family.* A detached residential building containing two dwelling units, designed for and occupied by not more than two families.

*Dwelling Unit.* A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

*Ecosystem.* A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

*Endangered Species.* Any species of fish, wildlife, or plants that have been designated as endangered by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. §et seq., as amended.

*Environmental Assessment.* A comprehensive report that describes the natural features and

characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Establishment. The planting or regeneration of native vegetation throughout the Buffer.

Excess Stormwater Run-off. All increases in stormwater resulting from:

1. An increase in the imperviousness or lot coverage of the site, including all additions to buildings, roads, and parking lots;
2. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
3. Alteration of drainageways, or regrading of slopes;
4. Destruction of forest; or
5. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

Exemption, Buffer. An act of the Town Commissioners, approved by the Critical Area Commission, that relieves an area of the Town or an individual property from the Buffer provisions of the Critical Area District.

Financial Assurance. A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the Town of Oxford.

Fisheries Activities. Commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Floating Home. Any vessel used, designed, or occupied as a dwelling unit, business office, or source of any occupation, or for any private or social club including, but not limited to a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure while moored or docked.

Flood Plain. Any normally dry land area that is susceptible to being inundated by water from any natural source, usually adjacent to a river stream or water course.

Floodplain, 100 year. That land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood having a one chance in a hundred (one percent chance) of being equaled or exceeded in any year.

Flood Protection Elevation. The elevation of the Base Flood plus a minimum of two feet Freeboard and a maximum of three feet Freeboard.

Footprint. The area within a building envelope within which buildings or structures are actually located.

Forest. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

Forest Interior Dwelling Birds. Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest Management. The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

Forest Practice. The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Freeboard. An increment of elevation added to the Base Flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

Garden Type Apartment. A type of multi-family dwelling in which a single building contains three or more dwelling units. Such units may share a common entrance, as well as common utilities and service facilities. Each story of a garden apartment building may contain separate dwelling units, but no building shall contain more than three stories or exceed the height requirements of this ordinance.

Grandfathered. The term describes the status accorded certain properties and development activities that are of record prior to the date of adoption of this Ordinance or provisions of this Ordinance.

Grandfathered Parcel or Grandfathered Lot. A parcel of land that was created or a lot created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

Gross Floor Area. The total floor area of all finished and usable floors, or portions thereof, when measured from outside to outside of exterior walls.

Growth Allocation. The number of acres of land in the Critical Area that the Town of Oxford may use to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is five percent of the total Resource Conservation Area acreage in the Town of Oxford at the time the Critical Area Commission approved the Town of Oxford's original Critical Area Program, not including tidal wetlands or land owned by the federal government plus any growth allocation provided to Oxford by Talbot County.

Guesthouse. Living quarters within a residence or a detached accessory building located on the same premises, such quarters not rented or otherwise used as a separate dwelling and having no separate utility meter.

Habitat Protection Areas. The Buffer, Non-Tidal Wetlands, Threatened and Endangered Species and species in Need of Conservation, Plant and Wildlife Habitat, and Anadromous Fish Propagation waters as defined in the Oxford Critical Area Program and COMAR 14.15.09.

Habitat Protection Plan. A plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the Plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the Plan is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

Height. (See Building height)

Highly Erodible Soils. Soils with a slope greater than 15 percent; or those soils with a "K" value greater than 0.35 with slopes greater than 5 percent.

Historic Waterfowl Staging And Concentration Area. An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

Home Occupation. An occupation conducted in a dwelling unit or accessory building located on the same lot as the dwelling. The size of the accessory building shall not exceed 25% of the gross floor space of the dwelling and shall not occupy more than 40% of the yard area.

1. No employee shall be hired. No stock in trade shall be carried except that which is

produced on the premises.

2. The use of the accessory building and/or dwelling unit for such occupation shall be clearly subordinate to this use for residential purposes; and not more than 25% of the gross floor area of the dwelling unit shall be used for such occupation.
3. There shall be no visible change in the outside appearance of the building or premises, except for one sign as provided in Section 8.02.
4. No use is permitted which could bring about unfavorable or offensive conditions such as excessive noise, vibrations, dust, smoke, odor, glare, or which would cause significant environmental pollution.

Hotel, Inn, or Lodge. A building containing seven (7) or more sleeping rooms, where by prearrangement for a specified period of time, lodging and/or meals are provided and in which the rooms are offered either singly or ensuite for hire, in which no provisions are made in any room or suite for cooking, and in which is maintained a public dining room and general kitchen.

Hydric Soils. Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of the plants on those soils.

Hydrophytic Vegetation. Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

Immediate Family. Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, or significant other.

Impervious Surface. Impervious surfaces are those which do not absorb water. They consist of, but are not limited to, all buildings, parking areas, driveways, roads, sidewalks.

Industrialized Building. A building assembly, or system of building subassemblies, and other service systems manufactured in its entirety, or in substantial part, offsite and transported to the point of installation or erection as a finished building or as part of a finished building comprising two or more industrialized building units.

In-kind Replacement. The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, and length.

Institutional. A use that provides a public service and is operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization,

and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

*Intensely Developed Area (IDA)*. An area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre.

*Invasive Species*. A species that is non-native or alien to the ecosystem under consideration whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

*Junk*. Dilapidated automobiles, trucks, boats, tractors, and other such vehicles and parts thereof, dilapidated wagons, trailers, and other kinds of vehicles and parts thereof, scrap building materials, scrap contractors equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair mattresses or bedding, old stoves, refrigerators, etc., or any other kind of scrap or waste materials which is stored, kept, handled, or displayed.

*K-value*. The soil erodibility factor in the Universal Soil Loss Equation.

*Land Clearing*. Any activity that removes the vegetative ground cover.

*Limited Development Area (LDA)*. An area: with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Program.

*Living Shoreline*. A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

*Local Significance*. Development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the Town of Oxford; and is not considered to be major development as defined in this Program.

*Loading Space, Offstreet*. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles and accessible to such vehicles when offstreet parking spaces

are filled.

Lot. Any plot or parcel or land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open space as required.

Lot, Corner. A lot located at the intersection of two or more streets or roads.

Lot Coverage. The percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement, or other any manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fence or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely.

Lot Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines and the rearmost points of the side lot lines.

Lot Frontage. The front of a lot is usually the side nearest the street. On corner and through lots all sides of a lot adjacent to streets shall be considered "frontage".

Lot of Record. A lot which is part of a subdivision recorded in the Land Records Office of Talbot County, or a lot or parcel described by metes and bounds which have been so recorded.

Lot, Through. A lot other than a corner lot with frontage on more than one street or road. Also known as a reverse frontage lot (see Figure 1).

Lot Types. Figure 1 which follows defines by illustration terminology used in this ordinance with reference to corner lots, interior lots, pan-handle lots and through lots.

Corner lot is defined as a lot located at the intersection of two or more streets.

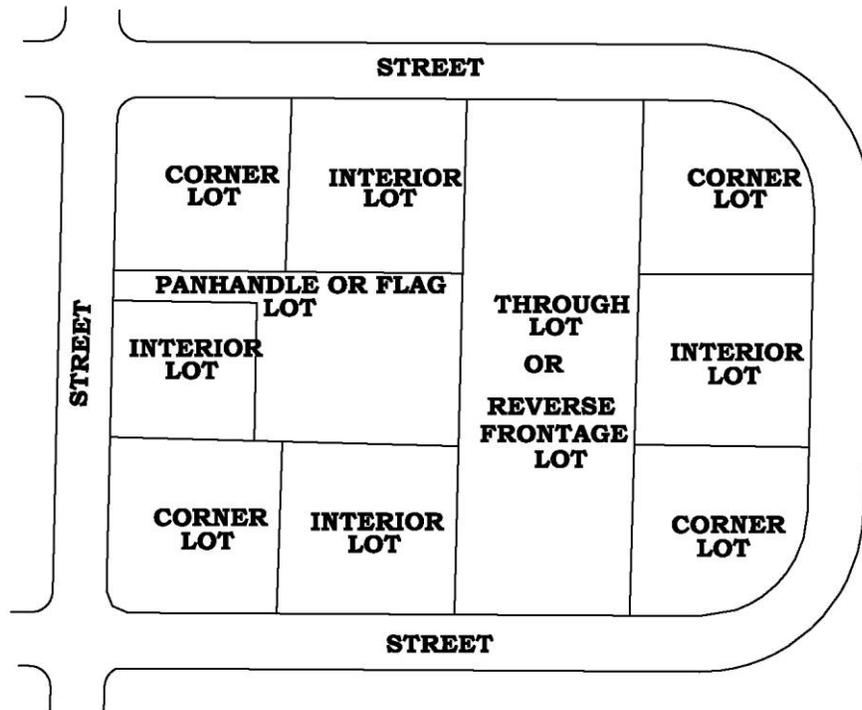
Interior lot is defined as a lot with only one frontage on a street.

Pan-handle lot is defined as a polygonal shaped lot with the appearance of a "frying pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle", when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope. The width of the handle must not be less than a minimum required at the point of access which shall be 20'. The use of Pan-handle lots shall be discouraged and reserved for conditions of parcel configuration which

may warrant their consideration.

Through lot is defined as a lot where both the front and rear yard adjoins a road and/or waterway. A waterway for purposes of this definition is considered to be any body of water or wetland affected by tidal action.

**Figure 1**



Lot Width. Width of a lot is the length of the front set back line between the two side lot lines, provided, however, that width between side lot lines at the foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of the lots on the turning circle of cud-de-sacs, or panhandle lots, where the 80 per cent requirement shall not apply.

Marina. Any facility for the mooring, berthing, storing, or securing of watercraft, but not including private facilities for similar uses for the private use of a waterfront property owner and his guests.

Mean High Water Line. The average level of high tides at a given location.

Mitigation. An action taken to compensate for adverse impacts to the environment resulting from development, development activity, or a change in land use or intensity.

Motel. A hotel which does not necessarily maintain a public dining room and/or general kitchen.

Native. Species that are indigenous to the physiographic area in Maryland where the planting is proposed. Species types have been defined as follows:

- Canopy tree means a tree that, when mature, reaches a height of at least 35 feet.
- Understory tree means a tree that, when mature, reaches a height of 12 to 35 feet.
- Large shrub means a shrub that, when mature, reaches a height of at least six feet.
- Small shrub means a shrub that, when mature, reaches a height of up to six feet.

Natural Vegetation. Plant communities that develop in the absence of human activities.

Natural Features. Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

Natural Heritage Area. Any communities of plants or animals which are considered to be among the best Statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

Natural Regeneration. The natural establishment of trees and other vegetation with at least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

Natural Vegetation. Those plant communities that develop in the absence of human activities.

New Development. That for purposes of implementing specific Critical Area provisions of this ordinance, new development (as opposed to redevelopment) means a development activity that

takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985.

*Non-Conforming Lot.* A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming (of record) prior to enactment of the zoning ordinance.

*Non-Conformities.* Lots, structures, uses of land and structures, and characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of the ordinance's enactment. They are permitted to continue, or they are given time to become conforming.

*Non-Point Source Pollution.* Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather by changes in land management practices.

*Non-tidal wetlands.* Those lands, excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland and the Natural Resources Article of the State Code of the Department of Natural Resources.

*Offsets.* Structures or actions that compensate for undesirable impacts.

*Offset Area.* Area of an individual site, or special area designated by the Town Commissioners, on which natural vegetation may be established to compensate for the creation of additional impervious surfaces in the Critical Area Buffer. Offset Areas may also be areas where structures are placed or actions taken as compensation for failure to achieve a ten (10) percent pollution reduction on a development site in an IDA.

*Open Space.* Undeveloped land used primarily for resource protection or recreational purposes. Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state or land areas retained in natural cover, agricultural or commercial forestry use.

*Open Water.* Tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

*Overlay Zone or District.* A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.

*Pad, Development.* The area of a lot, within a larger overall lot area that is devoted to structures.

In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

Parking Space, Offstreet. A space adequate for parking an automobile which is located in such a way that no parking or maneuvering incidental to parking shall be on any public street, road, sidewalk, or alley; and so that any automobile may be parked or unparked without moving another.

Permanent. Existing or intended to exist for an indefinite period.

Permitted Use. A use by right which is specifically authorized in a particular zoning district.

Physiographic Features. The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Pier. Any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. Pier does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

Plant Habitat. A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

Plat. A surveyor's map showing the location, boundaries, ownership, and dimensions of individual properties.

Porch. (See Deck)

Premises. A tract of land with the structures and buildings thereon.

Principal structure. The primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

Principal Use. The primary activity or structure for which a site is used, as distinguished from a secondary or accessory use.

Professional Office. The use of a building for the professional practice of a doctor of medicine, dentistry or psychiatry, a lawyer, architect, landscape architect, engineer, or similar professional person or persons.

Program Amendment. Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a Program refinement.

Program Refinement. Any change or proposed change to an adopted program that the Chairman

of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

1. A change to an adopted Program that results from State law;
2. A change to an adopted Program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

Project Approvals. The approval of development, other than development by the State or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

Property Owner. A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

Public Water-Oriented Recreation. Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

Public Way. Any street, alley, or other public areas of the Town, including waterways surrounding the Town.

Reclamation. The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

Reclassification. The changing of the zoning district classification which applied to a particular area of land.

Reconfiguration. A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. An application for reconfiguration may include a subdivision, a lot line adjustment, a boundary line adjustment, a replatting request, or a revision of acreage to increase density.

Recreational Vehicle. Any vehicle or structure mounted on wheels for use on highways or streets, which has as its primary use camping or recreation, which is self-propelled or drawn by other

motive power, which is designed and constructed to provide living and/or sleeping quarters for one or more persons, and which is licensed as a camping or recreational vehicle.

Redevelopment. The process of developing land that is or has been developed. For purposes of implementing specific provisions of this ordinance as relates to the Critical Area, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.

Reforestation. The establishment of a forest through artificial reproduction or natural regeneration.

Removal. Moving of a structure from one site to another, be it on the same property or on to another property.

Resource Conservation Area (RCA). An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.

Resource Utilization Activities. Any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.

Restoration. The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

Riparian Habitat. A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

Seasonally Flooded Water Regime. A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

Setback. The distance between the farthest roof overhang or portion of any structure, not including gutters, and the lot line.

Shore Erosion Control Measures. Any number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

1. *Nonstructural* - creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods;
  - a. Vegetation -- planting an existing shore with a wide band of vegetation;

- b. Bank sloping/Vegetation -- sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
- c. Contained Beach -- filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

2. *Structural*

- a. Revetment -- facing laid on a sloping shore to reduce wave energy and contain shore materials;
- b. Bulkhead -- excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
  - (1) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
  - (2) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

Shore Erosion Protection Works. Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the device is located. the term sign as used herein shall include both flat wall signs and freestanding signs.

Significant Shoreline Erosion. A documented annual rate of erosion of two (2) feet or greater.

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Small Shrub. A shrub that, when mature, reaches a height no greater than six feet.

Solar Energy Collection System. An accessory structure that is a roof-mounted, wall mounted or ground mounted device or equipment, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating of buildings located on the same property.

Soil Conservation and Water Quality Plans. Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

1. How the landowner plans to treat a farm unit;
2. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
3. The schedule to apply Best Management Practices.

Special Exception. A grant by the Board of Appeals of a specific use that would not be appropriate generally or without restriction and shall be based upon finding that certain conditions governing special exceptions as detailed in the zoning ordinance exist, that the use conforms to the plan and is compatible with the existing neighborhood.

Species of Concern. Rare, threatened or endangered species or species in need of conservation.

Species in Need of Conservation. Those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, 10-2A-06 and 4- 2A-03, Annotated Code of Maryland. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes species determined to be in danger pursuant to the Federal endangered species act.

Steep Slopes. Slopes of 15 percent or greater incline.

Structure. Anything placed, constructed or erected the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground including but not limited to: buildings, radio and TV antennas, satellite dishes, sheds, permanent signs, trailers, or mobile homes, swimming pools, swimming pool accessories, fences, booths, piers, jetties, bulkheads, garage, tanks, decks, exterior masonry walls, and heat/air conditioning equipment and generators.

Subdivision. The process (and result) of dividing a parcel of land into smaller buildable sites, blocks, streets, open space, and public areas, and the designation of the location of utilities and other improvements.

Substantial Alteration. A repair, reconstruction, replacement, or improvement of a principal structure, with a proposed total footprint that is at least 50 percent greater than that of the structure

that is the subject of the application.

Swimming Pool. Any portable or permanent structure containing a body of water 18" or more in depth, intended for recreational purposes, including a wading pool or hot tub, but not including an ornamental reflecting pool or fish pond or other types of pools, located and designed so as not to create a hazard or to be used for swimming or wading. A fence four (4) feet in height is required around all swimming pools, or around the property upon which the pool is located, unless the swimming pool is a public pool or a pool which serves a place of public accommodation.

Threatened and Endangered Species. Any species of fish, wildlife, or plants which have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes species determined to be in danger pursuant to the Federal endangered species act cited above (see Species in need of conservation).

Tidal Wetlands. State wetlands that are defined as any land under the navigable waters of the State below the mean high water line, affected by the regular rise and fall of tide, and private wetlands defined as any land not considered 'State wetlands' bordering beneath tidal waters, that is subject to regular or periodic tidal action and support aquatic growth. Private wetlands include tidal wetlands transferred by the State by a valid grant, lease, patent, or grant confirmed by Article V of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term 'regular or periodic tidal action' means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstances.

Timber Harvest Plan. A plan designed to detail the commercial harvesting by cutting and removing of tree stems from a site for commercial purposes. These plans need to be prepared by a registered forester or landscape architect.

Time Sharing. Sharing a dwelling unit or co-ownership according to a time schedule established by contract.

Topography. The existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

Townhouse. A one family dwelling on a permanent foundation, the walls on two sides of which are in common with walls of adjoining dwellings and are party walls, except that in a row of townhouses the end units have only one party wall.

Transportation Facilities. Anything that is built, installed, or established to provide a means of transport from one place to another.

Tributary Streams. Perennial and intermittent streams in the Critical Area that are so noted on the

most recent U.S. Geological Survey 7 ½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.

Understory. The layer of forest vegetation typically located underneath the forest canopy.

Understory Tree. means a tree that, when mature, reaches a height between 12 and 35 feet.

Unwarranted Hardship. That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Upland Boundary. The landward edge of a tidal wetland or nontidal wetland.

Utility. Any activity or use which provides and offers such services as water, sewerage, sewage treatment, electricity, gas, or communication.

Utility Transmission Facilities. Fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

Variance. A modification subject to approval by the Oxford Board of Appeals of certain requirements in the zoning ordinance, where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property, and not the result of any action taken by the applicant, a literal enforcement of the ordinance would result in unnecessary hardship. A variance may be granted subject to the provisions of Section 11 of this Ordinance. A buffer variance requires offset mitigation.

Water-dependent. Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which require location at or near the shoreline within the Buffer specified within COMAR 27.01.09.

Waterfowl. Birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Wetlands. (See "Tidal Wetlands" or "Non-tidal Wetlands")

Wildlife Corridor. Strip of land having vegetation that provides habitat and a safe passageway for wildlife.

Wildlife Habitat. Those plant communities and physiographic features that provide food, water, cover, and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals.

Wind Energy Collection System. An accessory structure consisting of a wind turbine and

associated control or conversion electronics that is roof-mounted, wall mounted or ground mounted that is intended to generate energy.

*Yard.* An open space on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in this Chapter.

*Yard, Front.* A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

*Yard, Rear.* A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

*Yard, Side.* A yard on the same lot as a building situated between the side lot line and a line parallel thereto, passing through the nearest point of a building, and extending from the front yard to the rear.

## SECTION 20. "RR" RURAL RESIDENTIAL DISTRICT

### §20.00 - Statement of Intent.

The intent hereof is that this district shall provide uncongested, hazard free residential neighborhoods which are comprised of single family detached residences and compatible structures and uses. This district is intended to be used in accordance with the Town's Comprehensive Plan.

### §20.01 - Permitted Principal Uses and Structures.

The following uses and structures shall be permitted in the "R-R" district:

- A. Single family detached dwellings.
- B. Wildlife sanctuaries.
- C. Public and private parks and playgrounds.
- D. The growing of agriculture crops.
- E. Forestry.
- F. Public buildings and structures of a recreational or public service type.
- G. Public information or event signs, subject to the provisions of § 8.02.
- H. Condominiums are not permitted.

### §20.02 - Special Exceptions.

The following uses and structures may be permitted by special exception in the "R-R" district.

- A. Churches.
- B. Home office, provided that the offstreet parking requirements of §8.00 shall be met.
- C. Public or private utility structures, (other than essential services, as defined in § 7.00).

**§20.03 - Accessory Uses and Structures.**

- A. The following accessory uses and structures shall be permitted in the “R-R” district:
1. Private garages, parking areas, and other customary residential outbuildings and structures.
  2. Home occupations, as defined in § 19.01.
  3. Signs advertising home occupations, subject to the provisions of § 8.02.
  4. Temporary real estate and builders signs, subject to the provisions of § 8.02.
  5. Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
  6. Piers and slips, but not boathouses, permanent or portable, for use of the property owner only, as per § 33.05 and permitted by the Oxford Board of Wardens. Davits and other pier-mounted boat lifting devices are permitted subject to approval by the Oxford Board of Port Wardens. Slips must be deeded to a property.
  7. Gazebos.
  8. Antennas.
  9. Generally, uses and structures customarily associated with, and directly incidental to, the permitted principal uses and structures.
  10. Swimming pool, providing a residence exists, and with the following restrictions:
    - a. any pool area shall be surrounded by fencing 4 feet in height with a safety gate.
    - b. must be secured by residents at all times when not in uses by a locking gate.
    - c. no external lighting shall be placed or fixed in such a manner as to cause a concentrated beam to be directed outside the boundaries of the lot.
    - d. pool, pumps, filters, and other pool accessories are subject to the same setbacks as the principal structures
    - e. sliding boards and diving boards are permitted.

- f. adjacent property owners must be notified in writing by the Town Office at least 15 days prior to issuance of a permit.
  - g. water discharge from the pool must be handled in a manner which limits pollution impacts to the Chesapeake Bay and tributaries.
11. Heat pumps, air conditioners and other utility structures (utilizing the latest technology in silencing) integral to the principal structures, and subject to the same setbacks as the principal structures.
  12. Guesthouses, subject to the same setbacks as the principal structures.
  13. Uses and structures customarily associated with, and directly incidental to, the uses and structures permitted by special exception shall have been granted by the Board of Appeals.
  14. Satellite dishes which are located outside of the dwelling or other permitted structure, or other aerial or antennae for either reception or transmission, shall be landscaped so as to be concealed so as not to be visible from the roadway, the other lots and from adjacent waterways. No television antennae or satellite dish or other aerial or antennae may be placed on the roof of any building.
  15. Trailers and mobile homes are not permitted as residences or guest quarters and may not be occupied within this zone; however, licensed recreational vehicles are permitted to be parked or stored on the property.
- B. The following provisions shall apply to accessory structures:
1. Accessory structures shall be located only in a rear yard or side yard, except for boundary fences and signs allowed herein.
  2. No accessory structure or part thereof, except for boundary fences, shall be located within the front yard setback.

**§20.04 - Height Regulations.**

No building or structure shall exceed 35 feet in height. This height limitation shall not be applied to: steeples, flagpoles, or essential services as defined in § 7.00, or stick TV antennas. Buildings and structures which are accessory to residential uses shall not exceed 21 feet in height.

**§20.05 - Area, Width, and Yard Requirements.**

The following minimum requirements for the “R-R” district shall be as follows:

Lot Area	minimum 1 acre
Lot Width at front building line:	
On Road	100 feet
Setback from water	100 feet
Front Yard Depth	50 feet
Rear Yard Width	25 feet
Side Yard Depth	15 feet
Maximum lot coverage	25 percent

Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 21. "R-1" RESIDENTIAL DISTRICT**

**§21.00 - Statement of Intent.**

The intent hereof is that this district shall provide uncongested, hazard free residential neighborhoods which are comprised of single family detached residences and compatible structures and uses. This district is intended to be used in the areas of Oxford which historically have shown a pattern of development which is compatible with the uses and densities described herein, and also in the areas identified in the Town Comprehensive Plan for new single family residential growth.

**§21.01 - Permitted Principal Uses and Structures.**

The following uses and structures shall be permitted in the "R-1" district:

- A. Single family detached dwellings.
- B. Duplex dwelling (two family units).
- C. Public and private parks and playgrounds.
- D. The growing of agricultural crops.
- E. Forestry.
- F. Public buildings and structures of a recreational or public service type.
- G. Public information or event signs, subject to the provisions of § 8.02.

**§21.02 - Special Exceptions.**

The following uses and structures may be permitted by special exception in the "R-1" district:

- A. Churches.
- B. Home office, provided that the off-street parking requirements of § 8.00 shall be met.
- C. Public or private utility structures, (other than essential services, as defined in § 7.00).

**§21.03 - Accessory Uses and Structures.**

- A. The following accessory uses and structures shall be permitted in the "R-1" district:
  - 1. Private garages, parking areas, and other customary residential outbuildings and structures.
  - 2. Home occupations, as defined in § 19.01
  - 3. Signs advertising home occupations, subject to the provisions of § 8.02.
  - 4. Temporary real estate and builders signs, subject to the provisions of § 8.02.
  - 5. Temporary buildings and structures incidental to construction work which shall be

removed upon completion or abandonment of the construction work.

6. Pier and slips, but not boathouses, (permanent or portable), for the wet storage of boats for use by the property owner only. Davits and other pier-mounted boat lifting devices are permitted subject to approval by the Oxford Board of Port Wardens.
7. Gazebo.
8. Antennas.
9. Generally, uses and structures customarily associated with, and directly incidental to, the permitted principal uses and structures.
10. Swimming pool, providing a residence exists, and with the following restrictions:
  - a. size not to exceed 650 sq. ft., length not to exceed 40 ft.
  - b. any pool area shall be surrounded by fencing 4 feet in height with a safety gate.
  - c. must be covered when residents are away.
  - d. no external lights.
  - e. pumps, filters, and other pool accessories subject to the same setbacks as the principal structures.
  - f. sliding boards not permitted.
  - g. Adjacent property owners must be notified in writing by the Town Office at least 15 days prior to issuance of a permit.
  - h. Water discharge from the pool must be handled in a manner which limits pollution impacts to the Chesapeake Bay and tributaries.
11. Heat pumps, air conditioners and other utility structures (utilizing the latest technology in silencing) integral to the principal structures, and subject to the same setbacks as the principal structures.
12. Guesthouses.

13. Uses and structures customarily associated with, and directly incidental to, the uses and structures permitted by special exception, only after such special exception shall have been granted by the Board of Appeals.

B. The following provisions shall apply to accessory structures:

1. Accessory structures shall be located only in a rear yard or side yard, except for boundary fences, or walls and signs allowed herein.
2. No accessory structure or part thereof except for boundary fences or walls, shall be located less than two feet from any side or rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the street side property line. Except on corner lots, the minimum side yard and/or rear yard requirements for accessory structures shall be as set forth in Section 21.04 of this ordinance.
3. Satellite antennas.
  - a. Applications for roof mounted satellite antennas must be accompanied by owners' certification that the roof provides a sufficiently strong structure mount to withstand adverse weather such as hurricanes.
  - b. Dish diameter shall be limited to 12'.

#### **§21.04 - Height Regulations.**

- A. No principal structure or building shall exceed a Building Height of 30 feet. These height limitations shall not apply to: steeples, flagpoles, or essential services as described in § 7.00, or stick TV antennas.
- B. Building Height in the Floodplain shall be determined in accordance with the Flood Protection Elevation, unless the building or structure is exempt pursuant to the Floodplain Management Ordinance. No more than three feet of Freeboard shall be permitted.

#### **C. Accessory Structures-Building Height and Setback.**

No accessory structure shall exceed a Building Height of 18 feet. Accessory structures that exceed 16 feet in Building Height shall require an increased Setback from side lot lines and rear lot lines as follows:

1. An accessory structure 17 feet in Building Height shall have a minimum setback of 4 feet.

2. An accessory structure 18 feet in Building Height shall have a minimum setback of 6 feet.

**§21.05 - Area, Width, and Yard Requirements.**

A. The minimum requirements for the "R-1" district shall be as follows:

Lot Area	10,000 square feet, except that lots for duplexes shall be at least 15,000 square feet
Lot Width	60 feet
Front Yard Depth	25 feet, subject to the provisions of Section 32.10
Side Yard Width	15 feet
Rear Yard Depth	25 feet
Exception	For lots of record on or prior to June 20, 1953, and with a street lot line of 50 feet or less, yard requirements are modified as follows:  Side yard Depth - 5 feet Rear yard Depth - 8 feet
Maximum lot coverage.	40%.

B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 22. "R-1-C" CLUSTER RESIDENTIAL DISTRICT**

**§22.00 - Concept.**

A cluster development is a concept which encourages and permits variations in residential development by allowing deviation in lot size, type of dwelling, lot coverage, and open space from

that which is normally required in an "R-1" District. Density not to exceed 8 units per acre with a minimum lot size of 7,000 square feet.

**§22.01 - Intent.**

On in-town parcels large enough or in "R-1" areas that may be annexed after adoption of this amended ordinance, the minimum lot size may be waived by the Planning Commission in favor of the cluster concept if they find that such utilization of the land would be more in keeping with the comprehensive plan than dividing the land into lots. By clustering the homes, the following objectives may be met:

- A. To encourage innovative and creative design of residential developments which will prevent environmental degradation and in fact enhance the environment including:
  - 1. protection of water courses, flood plains, and wetlands;
  - 2. conservation of erodible soils or areas of significant historic, scenic, or natural resource value;
  - 3. promotion of green buffers, landscaping, and energy conservation.
- B. To encourage a more efficient use of land and services in order to reduce construction and utility costs which may promote the availability of "affordable" housing.

**§22.02 - Permitted Principal Uses and Structures.**

- A. Same as for "R-1" District
- B. Townhouses, provided any row of townhouses may not include more than eight dwelling units. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three feet and variation in materials or design, so that no more than three abutting units will have the same front yard depth or the same, or essentially the same, architectural treatment of facades and roof lines.
- C. Apartments, no more than 4 units per structure.
- D. No uses permitted by Special Exception.

**§22.03 - Accessory Uses and Structures.**

Same as for the "R-1" district, but does not permit guest houses.

**§22.04 - Building Requirements.**

- A. Height restrictions same as "R-1". (See § 21.04)
- B. Residential and other structures shall be set back far enough to protect the privacy of adjacent existing uses.
- C. Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space whenever possible.
- D. No structure shall be located within 20 feet of the right-of-way of any street or parking area within the development site.
- E. No residences shall be erected within a distance less than 15 feet from any other residences except for common wall units in a townhouse building group.
- F. Lot coverage - Impervious surfaces are surfaces that do not absorb rain. Such surfaces include buildings, roads, sidewalks, patios, parking areas, and any other paved areas. Such surfaces shall not occupy more than 30% of the gross development area. Minimizing impervious surfaces is encouraged.
- G. Dimensional restrictions may be modified by the Planning Commission.
- H. Off street parking shall comply with § 8.00. Common parking lots may be utilized.
- I. Only signs complying with § 8.02.1 1 and 4 are permitted.

**§22.05 - Streets.**

- A. Streets shall be local or collection and constructed in accordance with Oxford's Building code.
- B. The street system shall be designed to prevent or minimize through traffic in residential areas.

- C. Walkways providing access to residential areas and open space are encouraged.

**§22.06 - Site Buffering Trees and Landscaping.**

- A. A buffer is an appropriate mix of vegetation and/or grading to achieve visual screening, physical separation, noise and glare dampening, and aesthetically pleasing visual transitions along public or common lands as well as between adjacent properties.
- B. Existing trees shall be preserved and utilized wherever possible. When natural tree cover and vegetation does not exist or cannot be preserved, landscaping shall be provided to enhance the buffers, improve the appearance of the development, and aid in erosion control.
- C. Perimeter buffering: The primary functions of perimeter buffering are to minimize off-site noise or glare, provide buffering and separation from adjacent districts, and to provide for the protection of natural resources adjacent to the development site.
- D. Interior buffering: Interior buffering provides for:
  - 1. protection of on-site natural resources through physical separation,
  - 2. reduction of noise and glare and
  - 3. shade trees along the various common area within the development site.
- E. Requirements:
  - 1. Perimeter buffer of 100 feet (may be reduced by Planning Commission if conditions warrant).
  - 2. interior buffers may be required by the Planning Commission to:
    - a. protect the privacy of each individual lot,
    - b. screen parking and trash collection areas, heat pumps, air conditioning units, utility transformers, etc.,
    - c. provide for the physical separation from sensitive natural features such as wetlands.

**§22.07 - Common Open Space and Community Facilities.**

- A. The location, shape, size, and character of the common open space should be appropriate to the development proposed and for its intended use.
- B. Common open space areas shall:
  - 1. be exclusive of private lots, street right-of-ways, and parking areas.
  - 2. equal to or exceed 15% of the gross site area.
  - 3. contain no more than 40% of these areas designated Resource Protection Areas (areas shown to be a shoreline, wetlands, flood plains, drainageways, mature woodlands, hydric soils, erosion hazard areas).
- C. Common open space shall be provided for recreational purposes and/or protection of significant site features.
- D. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized by the Planning Commission for the common space.
- E. Open space developed for recreational use will be dedicated to Town ownership if the Town so desires.
- F. Area of open space not owned by the Town will be owned by the individual lot owners, and responsibility for the maintenance of those areas shall be established by the Town Commissioners.

**§22.08 - Application for Permits, Construction and Inspection.**

Application for permits, construction and inspection will be in accordance with this ordinance, Oxford's subdivision regulations and the Town building code.

**SECTION 23. "R-2" HISTORIC RESIDENTIAL DISTRICT**

**§ 23.00 - Statement of Intent.**

The intent hereof is that this district shall be used to maintain the general character of Historic Oxford by allowing for the preservation and restoration of existing structures, and assuring that new structures in these areas will be compatible with the existing structures and uses.

**§ 23.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "R-2" district:

- A. Single family detached dwellings.
- B. Duplex dwellings (two family units).
- C. A residential structure which is in existence at the effective date of this ordinance may be altered to contain as many as three separate dwelling units so long as the exterior appearance of the structure is not, in the judgment of the Town Planning Commission, after formal review and approval by the Historic District Commission, significantly changed in order to accommodate the additional dwelling units, and so long as all other legal requirements are met. There shall be no more than one dwelling unit per floor, and each unit shall contain a minimum of 750 square feet.
- D. Public or private parks or playgrounds.
- E. Public buildings and structures of a recreational or public service type.
- F. Public information of event signs, subject to the provisions of § 8.02.

**§23.00 - Statement of Intent.**

The intent hereof is that this district shall be used to maintain the general character of Historic Oxford by allowing for the preservation and restoration of older residences, and assuring that new developments in these areas will be generally compatible with the existing structures and uses.

**§23.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "R-2" district:

- A. Single family detached dwellings.
- B. Duplex dwellings (two family units).
- C. A residential structure which is in existence at the effective date of this ordinance may be

altered to contain as many as three separate dwelling units so long as the exterior appearance of the structure is not, in the judgment of the Town Planning Commission, after formal review and approval by the Historic District Commission, significantly changed in order to accommodate the additional dwelling units, and so long as all other legal requirements are met. There shall be no more than one dwelling unit per floor, and each unit shall contain a minimum of 750 square feet.

- D. Public or private parks or playgrounds.
- E. Public buildings and structures of a recreational or public service type.
- F. Public information of event signs, subject to the provisions of § 8.02.

### **§23.02 - Special Exceptions.**

The following principal uses and structures may be permitted by special exception in the "R-2" District:

- A. Churches
- B. The home office of a doctor of medicine, dentistry or psychiatry.
- C. Private or public schools.
- D. Rest homes, nursing homes and other institutions for human care or the treatment of non-contagious diseases.
- E. Utilities, other than essential services as defined in § 7.00.
- F. Bed and Breakfast or tourist homes for not more than six lodging units.

### **§23.03 - Accessory Uses and Structures.**

- A. The following accessory uses and structures shall be permitted in the "R-2" district:
  - 1. Private garages, parking areas, and other customary residential outbuildings and structures.
  - 2. Customary incidental home occupations, provided that nothing is sold or stocked except what is produced on the premises. (See § 19.01 -Home Occupations.)

3. Signs advertising home occupations, subject to the provisions of § 8.02.
4. Temporary real estate and builders' signs, subject to the provisions of § 8.02.
5. Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
6. Pier and slips, but not boathouses, for the wet storage of boats for use by the property owner only. Davits and other pier-mounted boat lifting devices are permitted subject to approval by the Oxford Board of Port Wardens.
7. Gazebo.
8. Antennas, Satellite Antennas, Solar and Wind Energy Collection systems.
9. Generally, uses and structures customarily associated with, and directly incidental to, the permitted principal uses and structures.
10. Uses and structures customarily associated with, and directly incidental to, the uses and structures permitted by special exception, only after such special exception shall have been granted by the Board of Appeals.
11. Heat pumps, air conditioners and other utility structures (utilizing the latest silencing technology) integral to the principal structures, and subject to the same setbacks as the principal structures.
12. Swimming pool, providing a residence exists, and with the following restrictions:
  - a. size not to exceed 650 sq. ft., length not to exceed 40 ft.
  - b. any pool area shall be surrounded by fencing 4 feet in height with a safety gate.
  - c. must be covered when residents are away.
  - d. no external lights.
  - e. pumps, filters, and other pool accessories subject to the same setbacks as the principal structures
  - f. sliding boards not permitted.

- g. adjacent property owners must be notified in writing by the Town Office at least 15 days prior to issuance of a permit.
- h. Water discharge from the pool must be handled in a manner which limits pollution impacts to the Chesapeake Bay and tributaries.

13. Guesthouses.

B. The following provisions shall apply to accessory structures:

- 1. Accessory structures shall be located only in a rear yard or side yard, except for boundary fences, or walls and signs allowed herein.
- 2. No accessory structure or part thereof except boundary fences, or walls and signs shall be located less than two feet from any side or rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the street side property line.

C. The following provisions apply to modern equipment in the Historic District:

- 1. Skylights. For Structures having historic or architectural significance in the Historic District, skylights shall only be installed where they are not visible from the public way.
- 2. Satellite/television/radio antennas. Satellite antenna and/or dishes on residential or commercial buildings in the Historic District shall be located on the least prominent area of a structure, consistent with functional requirements.
  - a. Applications for roof mounted satellite antennas shall be accompanied by owners' certification that the roof provides a sufficiently strong structure mount to withstand adverse weather such as hurricanes.
  - b. Satellite dish diameters shall be limited to 36 inches.
- 3. Solar and Wind Energy Collection Systems. Solar and Wind energy collection systems shall be located on surfaces that are not visible from public way.

**§23.04 - Height Regulations.**

The same height regulations shall apply as for the "R-1" district. (See § 21.04)

**§23.05 - Area, Width, and Yard Requirements.**

A. The minimum requirements for the "R-2" district shall be as follows:

Lot Area	10,000 square feet, except that lots for duplexes shall be at least 15,000 square feet
Lot Width	60 feet
Front Yard Depth	25 feet, subject to the provisions of Section 32.10.
Side Yard Width	8 feet
Rear Yard Depth	25 feet
Exception	For lots of record on or prior to June 20, 1953, and with a street lot line of 50 feet or less, yard requirements are modified as follows:  Side yard Depth - 5 feet Rear yard Depth - 8 feet
Maximum lot coverage.	40%.

B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 24. "R-3" RESIDENTIAL DISTRICT**

**§24.00 - Statement of Intent.**

The intent hereof is that the "R-3" district shall provide land for moderate density multifamily residential uses and certain other uses and structures which are compatible therewith.

### **§24.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "R-3" district:

- A. Townhouses, providing that any row of townhouses may not include more than six dwelling units. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three feet and variation in materials or design, so that no more than three abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.
- B. Public and private parks and playgrounds.
- C. The growing of agricultural crops.
- D. Forestry.
- E. Public buildings and structures of a recreational or public service type.
- F. Public information or event signs, subject to the provisions of § 8.02.
- G. Single family detached dwelling.
- H. Duplex dwelling.

### **§24.02 - Special Exceptions.**

The same principal uses and structures may be allowed by special exception as for the "R-1" district.

### **§24.03 - Accessory Uses and Structures.**

- A. The following accessory uses and structures shall be permitted in the "R-3" district:
  - 1. Private garages, parking areas, and other customary residential out-buildings and structures. (Does not include guest houses.)
  - 2. Customary incidental home occupations, provided that nothing is sold or stocked except what is produced on the premises. (See § 19.01 - Home Occupations.)

3. Signs advertising home occupations, subject to the provisions of § 8.02.
4. Temporary real estate and builders signs, subject to the provisions of § 8.02.
5. Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
6. Piers and slips, but not boathouses, for the wet storage of boats and davits are permitted, for use of property owners only.
7. Gazebo.
8. Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
9. Antennas.
10. Heat pumps, air conditioners and other utility structures (utilizing the latest silencing technology) integral to the principal structure, and subject to the same setbacks as the principal structure.
11. Swimming pool, providing a residence exists, and with the following restrictions:
  - a. size not to exceed 650 sq. ft., length not to exceed 40 ft.
  - b. any pool area shall be surrounded by fencing 4 feet in height with a safety gate.
  - c. must be covered when residents are away.
  - d. no external lights.
  - e. pumps, filters, and other pool accessories subject to the same setbacks as the principal structures
  - f. sliding boards not permitted.
  - g. adjacent property owners must be notified in writing by the Town Office at least 15 days prior to issuance of a permit.
  - h. Water discharge from the pool must be handled in a manner which limits pollution impacts to the Chesapeake Bay and tributaries.

12. Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall be granted by the Board of Appeals.

B. The following provisions shall apply to accessory structures:

1. Accessory structures shall be located only in a rear yard or side yard, except for boundary fences or walls and signs allowed herein.
2. No accessory structure or part thereof except boundary fences or walls shall be located less than two feet from any side or rear lot line, except than on corner lots no such structure shall be located less than 15 feet from the street side property line.
3. Satellite antennas.
  - a. Applications for roof mounted satellite antennas must be accompanied by owners' certification that the roof provides a sufficiently strong structure mount to withstand adverse weather such as hurricanes.
  - b. Dish diameter shall be limited to 12'.

**§24.04 - Height Regulations.**

The same height requirements shall apply as for the "R-1" District. (See § 21.04.)

**§24.05 - Area, Width, and Yard Requirements.**

A. The minimum requirements for the "R-3" district shall be as follows:

Lot Area	7,000 square feet per dwelling unit
Lot Width	60 feet
Front Yard Depth	25 feet, subject to the provisions of Section 32.10.
Side Yard Width	15 feet*

Rear Yard Depth	25 feet
Exception	*Except that this side yard width shall not be required for townhouses which are not end units in a row. End units shall be required to have a 15 foot wide side yard on their exposed side.
Maximum lot coverage	40%.

- B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

## SECTION 25. "C-1" COMMERCIAL DISTRICT

### §25.00 - Statement of Intent.

The intent hereof is that the "C-1" district shall be used to provide for localized neighborhood commercial services, and small tourist oriented shops, and shall not include general or large scale commercial activities, nor include maritime or highway oriented commercial activities.

### §25.01 - Permitted Principal Uses and Structures.

The following principal uses and structures shall be permitted in the "C-1" district:

- A. Antique shops, not to exceed 2,000 square feet of gross floor area.
- B. Art shop, not to exceed 2,000 square feet of gross floor area.
- C. Grocery or food store, providing that no such use shall exceed 2,000 square feet of gross floor area.
- D. Beauty shop and barber shop, not to exceed 2,000 square feet of gross floor area.
- E. Florist shop, and sales of horticultural supplies, not to exceed 2,000 square feet of gross floor area.
- F. General dry goods and/or hardware store, providing that no such use shall exceed 2,000 square feet in gross floor area.

- G. Gift shop, book shop, not to exceed 2,000 square feet of gross floor area.
- H. Pharmacy, providing that no such use shall exceed 2,000 square feet of gross floor area.
- I. Shoe repair shop, not to exceed 2,000 square feet of gross floor area.
- J. Taxidermy business, not to exceed 2,000 square feet of gross floor area.
- K. Upholstery shops, not to exceed 2,000 square feet of gross floor area.
- L. Professional offices, not to exceed 2,000 square feet of gross floor area.

**§25.02 - Special Exceptions.**

The following principal uses and structures may be permitted by special exception in the "C-1" district:

- A. Utilities, other than essential services as defined in § 7.00.
- B. All structures permitted by § 26.02 (10) hereof except that no such structure shall exceed 2,000 square feet of gross floor area.
- C. Uses and structures listed in § 25.01, but which involve the use of more than 2,000 and no more than 10,000 square feet of gross floor area may be permitted by special exception.
- D. Apartment: an existing structure may be altered to contain no more than 3 dwelling units with a minimum of 750 square feet per unit, provided further that all other provisions of this ordinance, including off street parking requirements applicable to residential uses, are strictly complied with.

**§25.03 - Accessory Uses and Structures.**

The following accessory uses and structures shall be permitted in the "C-1" district:

- A. Home occupations.
- B. Signs of the types listed in § 8.02; except farm signs, and subject to the provisions of § 8.02.
- C. Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.

- D. Accessory uses and structures customarily associated with and directly incidental to the permitted principal use and structure.
- E. A single secondary residential use may be located on an upper story or at the rear of a building.

**§25.04 - Height Regulations.**

The same height regulations shall apply as for the "R-1" district. (See § 21.04.)

**§25.05 - Area, Width, and Yard Requirements.**

- A. The minimum requirements for the "C-1" district shall be as follows:

Front Yard Depth	25 feet.
Side Yard Depth	2 feet except a side yard of 15 feet shall be required when such use is adjacent to a residential building or district.
Rear Yard Depth	25 feet
Maximum lot coverage	50 percent
Minimum lot size	10,000 square feet

**SECTION 26. "C-2" COMMERCIAL DISTRICT**

**§26.00 - Statement of Intent.**

The intent hereof is that the "C-2" district shall provide for a more general range of commercial activities than the "C-1" district but shall not include maritime or highway oriented enterprises.

**§26.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "C-2" district:

- A. All uses and structures permitted in the "C-1" district.
- B. Hotel, Inn, or Lodge.
- C. Museums featuring local Oxford history and interpretations thereof.

**§26.02 - Special Exceptions.**

The following principal uses and structures may be permitted by special exception in the "C-2" district:

- A. Bank.
- B. Bakery.
- C. Business Offices.
- D. Restaurants and food carry-out establishments, not including drive-in type eating places.
- E. Automobile, farm and garden equipment repair and service establishments.
- F. Newspaper and print shop.
- G. Commercial swimming pool.
- H. Commercial greenhouses.
- I. Tailor shop.
- J. Retail business generally, but not including uses which would comprise a nuisance to adjacent property owners due to excessive noise, traffic light, or other offensive conditions as may be determined by the Board of Appeals.
- K. Utilities, other than essential services as defined in § 7.00.
- L. All structures and uses permitted by special exception in the "C-1" district.

**§26.03 - Accessory Uses and Structures.**

The same accessory uses and structures shall be permitted as for the "C-1" district, and also including uses and structures customarily found in connection with, and directly incidental to, the structures and uses permitted by special exception only after such special exception shall have been granted by the Board of Appeals.

**§26.04 - Height Regulations.**

The same height regulations shall apply as the "R-1" district. (See § 21.04.)

**§26.05 - Area, Width, and Yard Requirements.**

- A. The same requirements, including those for maximum site coverage, and minimum lot size shall apply as for the "C-1" district. (See § 25.05.)
- B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 27. "C-3" MARITIME COMMERCIAL DISTRICT**

**§27.00 - Statement of Intent.**

The intent hereof is that the "C-3" district shall be used to provide for certain types of water-oriented commercial activity but not for commercial activities generally.

**§27.01 - Permitted Principal Uses and Structures.**

The following uses and structures shall be permitted in the "C-3" district:

- A. Piers, docks, wharves, and other facilities, except boathouses for the berthing and securing of watercraft.
- B. Launching ramps and equipment for the launching and/or removal of watercraft.

- C. Fishing equipment sales, bait, and ice sales.
- D. Wet storage and mooring of seaworthy watercraft in operable condition.
- E. Dry storage facilities for seaworthy watercraft in operable condition.
- F. Facilities for the repair of watercraft.
- G. Public information or event signs, subject to the provisions of § 8.02.
- H. Yacht Club.
- I. Watercraft sales, rental and charter of boats.
- J. Marine equipment sale (engines and accessories).
- K. Construction of watercraft.

**§27.02 - Special Exceptions.**

The following principal uses and structures may be permitted by special exception in the "C-3" district:

- A. Utilities, other than essential services as defined in § 7.00.
- B. One residence for property or business owner or full-time marine employee.
- C. Fuel sales for watercraft only.
- D. Coin-operated laundromat.
- E. Snack bar.

**§27.03 - Accessory Uses and Structures.**

The following accessory uses and structures shall be permitted in the "C-3" district:

- A. Uses and structures customarily associated with, and directly incidental to, the permitted principal uses and structures.

- B. Uses and structures customarily associated with, and directly incidental to, the uses and structures permitted by special exception only after such special exception has been granted by the Board of Appeals.
- C. Temporary real estate signs, signs on the premises advertising commercial enterprises, directional signs advertising commercial enterprises, all such signs subject to the provisions of § 8.02.
- D. Temporary buildings and structures incidental to construction; these shall be removed upon completion or abandonment of the construction work.

**§27.04 - Height Regulations.**

The same height regulations shall apply as for the "R-1" district. (See § 21.04)

**§27.05 - Area, Width, and Yard Requirements.**

- A. The following minimum requirements shall apply for the "C-3" district:

Lot Area	15,000 square feet per dwelling unit
Other	2 feet except on a side where the lot abuts on a residential district and/or on a street. The building setback shall be 15 feet from that property line.
Maximum lot coverage	50%.

- B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 28. "C-4" HIGHWAY COMMERCIAL DISTRICT**

**§28.00 - Statement of Intent.**

It is the intent hereof that the "C-4" district shall provide for certain types of commercial uses

which are directly related to highway or street activity and which customarily are located adjacent to major streets or roads, and that the "C-4" district shall not include other types of commercial uses and structures.

### **§28.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "C-4" district:

- A. Fuel sales.
- B. Sale of snacks, soft drinks, and miscellaneous items, such use not to exceed 600 square feet of gross floor area.
- C. Service and minor repair of motor vehicles.
- D. Public information and event signs, subject to the provisions of § 8.02.

### **§28.02 - Special Exceptions.**

The following principal uses and structures shall be permitted by special exception in the "C-4" district:

- A. Major repair of motor vehicles.
- B. Utilities, other than essential services as defined in § 7.00.

### **28.03 - Accessory Uses and Structures.**

The following accessory uses and structures shall be permitted in the "C-4" district:

- A. Uses and structures customarily associated with, and directly incidental to the permitted principal uses and structures.
- B. Uses and structures customarily associated with, and directly incidental to the uses and structures permitted by special exception only after such special exception has been granted by the Board of Appeals.
- C. Temporary real estate signs, signs on the premises advertising commercial enterprises, directional signs advertising commercial enterprises, all such signs subject to the provisions of § 8.02.

- D. Temporary buildings and structures incidental to construction, which shall be removed upon completion or abandonment of the construction work.

**§28.04 - Height Regulations.**

The same height regulations apply as for the "R-1" district. (See § 21.04)

**§28.05 - Area, Width, and Yard Requirements.**

The following minimum requirements shall apply for the "C-4" district:

- A. The maximum site coverage by all buildings, including those serving both principal and accessory uses shall be 50 percent.

Lot Area	15,000 square feet
Lot Width	100 feet
Front Yard Depth	40 feet, subject to the provisions of Section 32.10.
Side Yard Width	15 feet
Rear Yard Depth	25 feet
Maximum lot coverage	50%.

- B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 29. "M" MARITIME INDUSTRIAL DISTRICT**

**§29.00 - Statement of Intent.**

The intent hereof is that the "M" district shall be used to provide for certain industrial uses which

have limited effects upon the use of surrounding land. No industrial use is to be permitted which would bring about unfavorable or offensive conditions such as excessive noise, vibration, dust, heat, smoke, odor, or glare.

**§29.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "M" district:

- A. The same permitted principal uses and structures as for the "C-3" district.
- B. Seafood packing and processing, including docking facilities for commercial watermen.
- C. Boatyards.
- D. Restaurants.

**§29.02 - Special Exceptions.**

The following principal uses and structures may be permitted by special exception in the "M" district:

- A. Research, experimental, or testing laboratories.
- B. Warehouses, storage, and distribution establishments.
- C. Business engaged in manufacturing, compounding, processing, or packing operations (not including seafood packing and processing) which are of light industrial nature. "Light industrial" shall include only such uses as do not create unfavorable or offensive conditions such as excessive noise, vibration, dust, heat, smoke, odor, or glare, and which would not tend to bring significant levels of environmental pollution.
- D. Utilities other than essential services, as defined in § 7.00
- E. One residence for the owner, lessee or full time employee.
- F. Business or professional offices as additional uses (not as principal uses, notwithstanding the introductory language above) within the confines of a building existing upon the date of enactment of this amendment. Each use upon the subject parcel must independently meet the off-street parking requirements set forth in this Ordinance. This section does not

authorize the construction of office buildings in the Maritime Industrial District, nor does it permit the expansion of existing buildings to accommodate office uses. The term “business office” as used herein shall mean space within an existing building wherein the services or activities are primarily administrative, clerical or communications operations. Product manufacturing, storage, repair or distribution is not permitted under this section.

**§29.03 - Accessory Uses and Structures.**

The following accessory uses shall be permitted in the "M" district:

- A. Signs on the premises advertising an industrial enterprise, directional signs advertising industrial enterprises, and temporary real estate signs, all such signs subject to the provisions of § 8.02.
- B. Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- C. Uses and structures customarily associated with, and directly incidental to, the permitted principal uses and structures, except boathouses.
- D. Uses and structures customarily associated with, and directly incidental to, the uses and structures permitted by special exception only after such special exception has been granted by the Board of Appeals.

**§29.04 - Height Regulations.**

The same height regulations shall apply as for the R-1 district. (See § 21.04.)

**§29.05 - Area, Width, and Yard Requirements.**

- A. The following minimum requirements shall apply for the "M" district:

Lot Area	15,000 square feet per dwelling unit
Other	2 feet except on a side where the lot abuts on a residential district and/or on a street. The building setback shall be 15 feet from that property line.

Maximum lot coverage	50%.
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- B. Structure setbacks necessary to establish required yards shall be determined by measuring from the lot or parcel boundary line to the nearest extension or protrusion of the roof excluding gutters. For example, the measurement shall be from or to the farthest extension of the roof, rather than from the foundation or wall.

**SECTION 30. "CIP" COMMERCIAL INDUSTRIAL PARK DISTRICT**

**§30.00 - Statement of Intent.**

The "CIP" zone is intended to provide a controlled and planned area for certain commercial-industrial businesses which have a limited effect upon the surrounding land. It is further intended to create a compatible situation for the occupants of the park itself. No use is to be permitted which would bring about unfavorable or offensive conditions, such as excessive noise, vibrations, dust, heat, smoke, odor, glare or which will tend to bring about significant levels of environmental pollution.

**§30.01 - Permitted Principal Uses and Structures.**

- A. Agriculture, including the growing of crops, including commercial greenhouse and plant houses.
- B. Storage and sale of farm machinery.
- C. Warehouse, storage and distribution establishments.
- D. Businesses engaged in repair and servicing, manufacturing, compounding, assembling, processing and packaging operations, provided that:
  - 1. Such businesses do not create unfavorable or offensive conditions such as excessive noise, vibrations, dust, smoke, odor or glare; and/or
  - 2. such businesses would not tend to bring about significant levels of environmental pollution.
- E. Commercial storage.
- F. Building supplies and warehousing of building supplies.

- G. Cleaning and repair services.
- H. Utilities other than essential services as defined in § 7.00.
- I. Construction, repair, sales and maintenance of watercraft.
- J. Retail, on site sales, which are in conjunction with a manufacturing, repair or service business.
- K. Commercial offices.
- L. One or more principle use may be located in one structure.
- M. Research, experimental or testing laboratories.

**§30.02 - Special Exceptions.**

Uses which are determined by the Board of Appeals to be of the same general character as those permitted in the district.

**§30.03 - Accessory Uses and Structures.**

Same as § 29.03

**§30.04 - Height Regulations.**

Same as for R-1 district. (See § 21.04.)

**§30.05 - Area, Width, and Yard Requirements.**

- A. Minimum lot area - 15,000 square feet.
- B. The setback for any principal or accessory structure, as well as outside storage, is 50' from any other zoning district.
- C. Maximum site coverage, including principal and accessory structures, shall be 50 percent.



- E. to promote the use and preservation of the Historic District for the education, welfare, and pleasure of the residents of the Town.

**§31.02 - Power to Establish a Historic District Commission.**

- A. The Town Commissioners shall have the power to create a Commission to be called "The Historic District Commission".
- B. The Commission shall consist of five members, appointed by the Town Commissioners. All five members of the Commission shall be full time residents of the Historic District and registered voters eligible to vote in Oxford town elections. Each member shall possess a demonstrated special interest, specific knowledge, or academic training in such fields as history, architecture, architectural history, planning, archeology, historic preservation, urban design or related disciplines and agree to serve on this Commission.
- C. The members shall be appointed for terms of three years each, except that in making the initial appointments, some appointments shall be established for less than three years in order that when these initial terms expire, all eventual appointments shall be for three years and shall not expire at the same time. A Chairman shall be chosen by the members on an annual basis on or about July 1st of each year.
- D. Members of this Commission are eligible for reappointment. Any vacancy on the Commission shall be filled by the appointees of the Town Commissioners according to requirements herein for the unexpired term of particular position.

**§31.03 - Gifts.**

The Commission shall have the right to accept and use gifts for the exercise of its functions.

**§31.04 - The Designated Historic District.**

For the purpose of defining that area which is herein called the "Historic District" of Oxford or formerly referred to as the "Historic Area" or the "Old Town" of Oxford or in any and all things relating to the zoning ordinance section entitled "Historic Area Provision", it is hereby declared that such reference is made only to that portion and area of the Town of Oxford after the first annexation south including the Episcopal Church lot, across to the head of Town Creek, including the triangle, as designated on the Oxford Zoning Map.

**§31.05 - Maryland Historical Trust.**

The Maryland Historical Trust may be designated by the Commission to make an analysis of, and recommendation for and concerning, the preservation of structures of historic and architectural value within the area served by the Commission. Such report, if requested, shall be accepted as advisory counsel only, and shall not be considered binding.

**§31.06 - Architectural Easements.**

- A. The Commission may secure by purchase or agreement any architectural easements in connection with structures located within the Historic District.
- B. Such easement shall, according to the provisions herein set forth, grant to the Commission, the residents of the historic district, and the general public the perpetual right to have the exterior appearance of designated parts of any structure upon which it is applied retained in substantially the same character as when the easement took effect.

**§31.07 - Application for Permission to Build, Alter, Etc.**

- A. Before the construction, alteration, reconstruction, moving or demolition of any structure, walkway or driveway is made within the Historic District, application for a building permit shall be made to the Town Office in accordance with Oxford's Zoning Ordinance.
- B. The Town Office shall rule on its legality from the stand point of the Town Zoning Ordinance and if changes are involved which would alter the exterior appearance of a structure intended to be visible from an adjacent public way in the district, or involve the construction or alteration of a driveway or walkway intended to be visible from an adjacent public way in the district, the Town Office shall forward the application to the Historic District Commission for a certificate of approval before a permit can be issued.

**§31.08 - Factors for Consideration in Reviewing Plans for Construction or Change.**

In reviewing the plans for any such construction or change the Historic District commission shall give consideration to:

- A. the historic or architectural value and significance of the structure and its relationship to the historic values of the surrounding area;
- B. the relationship of the exterior architectural features of the structure to the remainder of the

structure and to the surrounding area;

- C. the general compatibility of exterior design, arrangement, texture, and materials proposed to be used;
- E. any other factors including aesthetic factors which the Commission deems to be pertinent.
- F. general maintenance.

**§31.09 - Only Exterior Features to be Considered.**

- A. The Commission shall consider only exterior features of a structure and shall not consider any interior arrangements.
- B. The Commission shall not disapprove an application except with respect to the several factors specified herein.

**§31.10 - Judgmental Guideline.**

- A. The Commission shall hereby be empowered to issue a "certificate of approval," for any permit request within the designated Historic District of Oxford except as herein set forth.
- B. The Commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value.
- C. The Commission shall be lenient in its judgment of plans for structures of little historic value, or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures of the surrounding area.
- D. The Commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period.

**§31.11 - Application for Reconstruction, Alteration, etc. of Unusual Importance.**

- A. If an application is submitted for reconstruction or alterations affecting the exterior appearance of a structure of unusual importance in areas that shall be in the expected and intended view of the interested public, or for the moving or demolition of a structure, the preservation of which structure the Commission deems to be of unusual importance to the Town or unusual importance to the entire State or to the Nation, the Commission shall attempt with the owner of the structure to formulate an economically feasible plan for the

preservation of the structure.

- B. Unless in these circumstances the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic value of the structure, the Commission shall reject the application for reconstruction or alteration, forwarding its rejection to the Planning Commission.
- C. An applicant for any such reconstruction or alteration, if rejected, may request a second permit application within a period of one year from the date of the first rejection, provided and in which case the second request for acceptance shall, in the opinion of the Commission, show new information or new changes in plans according to the prior recommendations of, and in accordance with, the findings of the Commission and in conformance with the Historic District provisions as herein set forth.
- D. If an application is submitted for reconstruction, alteration, and/or for moving or demolishing a structure that the Commission deems to be of unusual historic importance, and no economically feasible or agreeable plan has been formulated to insure the preservation of said structure, the Commission shall have ninety days from the date of such conclusion in which to expend all reasonable effort to formulate and negotiate an agreeable solution with the owner-applicant. If no such solution can be reached, the Commission shall issue a rejection subject to the provisions herein.

### **§31.12 - Approval Under Certain Circumstances.**

In the case of a structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Commission may approve the proposed reconstruction or alteration despite the fact the changes come within the provisions of § 31.10 above if:

- A. retention of the structure, as is, would, in the opinion of the Commission, cause undue financial or personal hardship to the owner; or
- B. the retention of the structure, as is, would, in the opinion of the Commission, not be to the overall best interests of a majority of persons in the Community.

### **§31.13 - Commission Meetings to be Public; Right to Appear and be Heard; Records of the Historic District Commission.**

- A. All meetings of the Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Commission.

- B. The Commission shall keep an open record of its resolutions, proceedings, and actions which shall be available for public inspection during reasonable hours.

**§31.14 - Certificate of Approval, Modification or Rejection of Application and Plans.**

- A. The Commission shall file with the Town Office a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review.
- B. No building permit for such change or construction shall be issued unless and until such a certificate of approval has been received.
- C. The failure of the Commission to act upon an application within 45 days from the date the application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five day period is agreed upon mutually by the applicant and the Commission.
- D. If the application has been withdrawn after the Commission has met and reviewed the application, the application may not be resubmitted for a period of one year.

**§31.15 - Ordinary Maintenance Not Affected: Completion of Work Under Prior Permit.**

Nothing in this subtitle shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance. Nothing in this subtitle affects the right to complete any work covered by a permit issued prior to the effective date of this ordinance.

**§31.16 - Special Exceptions.**

- A. It is the intention of the Commissioners of Oxford that the businesses and general commerce of certain industries are valuable to the welfare of the town. Because of the nature of the work to which they are committed and dedicated and because certain flexibility of use is an inherent necessity of such businesses, Maritime Industrial structures and all their appurtenances and environmental settings relating to Maritime Industrial use in those areas which are zoned "M - Maritime Industrial" shall not be governed under the Historic District provisions but shall be subject to all other provisions of this ordinance excluding Section 31. All uses in the "M" zone that do not pertain specifically to Maritime Industrial uses, defined as Seafood Packing and Boatyards (Section 29.01.B and Section 29.01.C), are subject to the provisions of Section 31.

- B. Whereas it may occur that a question shall arise that is not covered under the Historic District ordinances as herein provided and in any and all matters which are not here covered, the Oxford Planning Commission shall govern and regulate according to the Zoning Ordinance for Oxford, Maryland.

**§31.17 - Appeals.**

Any person allegedly aggrieved by a decision of the Historic District Commission shall have the right of appeal to the Oxford Board of Zoning Appeals.

**§31.18 - Situation of Special Importance.**

Any property located outside the Historic District may apply for Historic District Annexation if the property is of significant historic import and would thereafter comply with the Historic District regulations and such designation shall be identified on the deed for such property and recorded in the County Lands Records.

**§31.19 - Power to Adopt Historic District Guidelines**

- A. The Historic District Commission shall prepare and adopt historic district design guidelines for rehabilitation, new construction, and a definition of "ordinary maintenance" based on the objective preservation standards.
- B. These guidelines shall be made available to all property owners in the Oxford Historic District after review and approval of the Town Commissioners.

**§31.20 - Historic District Guidelines in Effect**

The design guidelines for rehabilitation of structures, modification of structures, and new construction within the Oxford Historic District, are those guidelines recommended by the Historic District Commission in 2014, and adopted by the Commissioners of Oxford pursuant to Ordinance 1407. The Guidelines shall be included as an appendix to the Oxford Zoning Ordinance.

(History – Amended by Ordinance 1407, adopted 9.23.14)

## **SECTION 32. SUPPLEMENTARY DISTRICT REGULATIONS**

### **§32.00 - Temporary Structures.**

- A. Temporary buildings and/or structures for a permitted use may be erected or placed upon lots in all zoning districts only after a building permit has been issued for the erection of placement of the temporary structures.
- B. A temporary structure shall not be permitted to exist upon any lot or parcel for more than five (5) months in a twelve month period, and must be completely and totally removed at the expiration of five (5) months from the date the permit therefor is issued.
- C. No removal permit or other permits shall be issued for the same or any similar temporary structure upon the same lot for a period of twelve months from the date of the first such permit.
- D. Temporary structure must conform to applicable zoning district requirements concerning setbacks, side yards, front yards, height, and screening, and similar performance requirements.

### **§32.01 - Accessory Buildings.**

No accessory building will be permitted on a lot without a principal permitted use.

### **§32.02 - Traffic Visibility.**

On a corner lot in any zoning district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and a half (2 1/2) feet and ten (10) feet above the centerline grades of the intersection streets, in the area bounded by the street edges of such corner lots and a line formed by joining points along said street edges at a location thirty (30) feet from their point of intersection.

### **§32.03 - Structures to Have Access.**

Every principal building or structure hereafter constructed, located, enlarged, converted, or altered, shall be on a lot adjacent to a public street or road and all structures shall be located so as to provide safe and convenient access for servicing fire protection equipment and required offstreet parking.

**§32.04 - Conversion of or to Dwelling.**

The conversion of a building into a dwelling shall be permitted only if a new building of similar construction would be allowed in the particular district in which the building proposed for conversion is located.

**§32.05 - Lighting Restrictions.**

No lighting shall be permitted in any zone which is of a flashing, intermittent, rotating, or other animated type, or which would tend to blind or distract motorists, or which causes glare or disturbance to surrounding residences.

**§32.06 - Lot Depth, How Measured.**

The depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines and the rearmost points of the side lot lines.

**§32.07 - Lot Width, How Measured**

Width of a lot is the length of the front set back line between the two side lot lines, provided however that width between side lot lines at the foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirement shall not apply.

**§32.08 - Yard Depth and Width, How Measured.**

Each front, or rear yard depth or side yard width, required herein shall be measured at right angles (or radially) from the nearest street right of way lines, or adjacent property lines, or from the mean high water line. (See Definitions Section 19.)

**§32.09 - Wetlands not to be Included in Required Area or Yards.**

In calculating the area of any lot for the purposes of compliance with the minimum lot area requirements of the district regulations, State or private wetlands, as designated on the Wetlands Boundaries Maps of the Department of Natural Resources, State of Maryland, shall not be included as a part of the lot area, nor shall such State or private wetlands be included as a part of any yard

required herein.

### **§32.10 - Variance of Front Yard Requirements to Preserve Existing Building Line.**

In all districts on streets or shore fronts where existing buildings and structures create a clearly defined setback line, a new building may be located in such a manner as to preserve the existing building setback line, even though such building may not provide for the full yard required herein.

### **§32.11 - Fuel Storage Requirements.**

- A. In all districts, tanks with a capacity of 300 gallons or greater used for the storage of flammable liquids shall be underground in a leak proof containment structure.
- B. Natural Gas tanks larger than 100 lb. shall be underground in a leak proof containment structure.
- C. All such installations must be approved by the State Fire Marshal and must be installed consistent with EPA Guidelines.
- D. No underground fuel tank installations may be permitted in the Chesapeake Bay Critical Buffer except after a variance has been granted by the Board of Appeals, after notice to the Chesapeake Bay Critical Area Commission.
- E. Fuel storage tanks within the 100 year Flood Plain may be placed underground, and shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding. All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

### **§32.12 - Fences.**

- A. No wall or fence shall be erected in excess of a height of four (4) feet, except that fence posts and ornamental gates may be four and one-half (4 1/2) feet in height.
- B. A fence or wall in excess of the height limitations established herein shall only be permitted, if at all, as a special exception use, and the Board of Appeals shall have the authority to grant such a special exception use in all zoning districts, and to impose conditions concerning maintenance and materials, in addition to any other reasonable conditions.

- C. Except that fences surrounding public swimming pools and pools which serve places of public accommodation may be 6 feet in height.
- D. All other provisions of the Zoning Ordinance permitting swimming pool fences in excess of four feet are hereby repealed.

**§32.13 - Building Line Encroachments.**

Steps may encroach on the front building line not to exceed a distance of nine (9) feet.

**§32.14 - Camping and Recreational Vehicles.**

- A. It shall be unlawful to park any camping and/or recreation vehicle overnight on a public street or public land in Oxford.
- B. Any property owner or resident shall be permitted to place a camping and/or recreational vehicle on his/her own property providing there is no hook-up to utilities or use of it for living or other purposes.

**§32.15 - Mobile Homes and Permanent Floating Homes.**

Mobile homes, and permanent floating homes, are not permitted in any district.

**§32.16 - Flood Plain Management.**

All development and construction in Oxford must conform to Oxford Flood Plain Management Ordinance.

**§32.17 - Conversion of Accessory Structures to Principal Structures.**

No accessory structure shall be attached or connected to a primary structure, or to a principal structure, or attached or connected to a structure used for a permitted principal use or a special exception use, where the practical effect of the attachment or connection would be to reduce the yard width or depth which would otherwise be required for the principal permitted structure or use, or to the permitted special exception structure or use. (See Ordinance 0205 — passed 12/11/01)

### **§32.18 - Accessory Structures on Through Lots**

In any case in which a lot is classified as a “through lot” pursuant to this Ordinance, the lot owner may construct or maintain accessory structures in one of the two front yards, provided the following conditions are met:

- A. The setbacks or yard size requirements established by the ordinance are adhered to; and
- B. Construction, placement or maintenance of the accessory structures in question is not practically feasible in an existing side yard. It is the policy of this Ordinance that accessory structures on through lots be located in side yards, if practically feasible, and if such location is consistent with sideyard setback requirements; and
- C. In any case in which the building permit official determines that the accessory structure in question may be located in a side yard, a building permit shall not be issued for a front yard location except upon granting of a variance by the Board of Appeals, subject to the usual requirements applicable thereto.

### **§32.19 - Decks and Patios**

- A. In all districts, decks and patios shall not extend beyond the building envelope for the primary structure on any lot.
- B. Decks and patios shall not be considered accessory structures or uses for purposes of computing front, back, or side yard requirements under this ordinance.

### **§32.20 - Commercial Manufactured Fabric Covered Shelters**

- A. “Shelter” as the term is used in this section, means any pre-manufactured or commercially manufactured apparatus, building or structure with a fabric, plastic or other non-rigid material, covering a metal, wood, or composite frame, so constructed as to permit temporary, permanent or portable siting on a parcel.
- B. One shelter may be permitted on any parcel or lot in the C-3 or M Zoning districts as a special exception, requiring review by the Oxford Planning Commission in accordance with § 11.08, and approval by the Oxford Appeals Board in accordance with §11.02.03 of the Oxford Zoning Ordinance.

- C. In addition to the special exception criteria set forth in § 11.02.03, the Board of Appeals shall ensure that the following criteria have been met by the applicant before any such special exception is granted:
1. A shelter may be permitted only in active boatyards and marinas in the C-3 (Maritime Commercial) and M (Marine Industrial) districts.
  2. A shelter may be permitted as a principal structure only for the repair of watercraft, as opposed to boat storage, in the C-3 and M Districts.
  3. The maximum height for such shelters shall be thirty (30) feet.
  4. The maximum site coverage limitations in the zoning district in which the shelter is located shall be applied to such shelters. Maximum site coverage, including traditional structure and/or shelters shall not exceed fifty (50) percent of any parcel.
  5. The minimum required side yard setbacks for such shelter shall be 2 feet, except on a side where the lot abuts a residential district or street, in which case the setback shall be 15 feet from the property line.
  6. If the shelter is intended to be moved to different locations upon the site, the area in which it shall be used shall be used shall be delineated upon the site plan.
  7. The minimum lot size upon which any such shelter may be permitted shall be 15,000 square feet.
  8. A special exception for such a shelter shall provide as a condition that the owner or applicant shall consent to inspections by the Town's designee to ascertain that any electric service used in connection with the shelter is being safely provided, and the Town may revoke any use or occupancy permit in the event a qualified inspector shall determine that the shelter or activities therein are not in accordance with appropriate Maryland Occupational Safety and Health standards.
  9. If the shelter is located in a Flood Plain, it shall be required to conform to the Oxford Flood Plain Management Ordinance.
  10. The Board of Appeals shall consider whether there is adequate access to and from the shelter for emergency vehicles in the case of a medical emergency, fire or catastrophe, and may require reasonable vehicular access, and separation from other structures on the site to facilitate such access. The Board of Appeals may rely upon the recommendation of the Oxford Volunteer Fire Department concerning he adequacy of emergency vehicle access.

11. Any shelter permitted to be placed in the Town of Oxford shall have two means of egress which do not require a crank or mechanical implement for emergency use.
  12. The shelter shall be anchored, tied down, and otherwise secured and affixed in accordance with the manufacturer's instruction and specifications. The Applicant shall demonstrate that those specifications are appropriate for local wind and snow loads.
- D. Only one shelter per boatyard or marina.
- E. Shelters as defined herein which are erected and maintained in accordance with the terms of this ordinance and the manufacturer's recommendations, are exempt from the BOCA National Building Code as adopted for use in the Town of Oxford, provided that the manufacturer's plans and specifications for such shelter have been signed and sealed by a licensed professional engineer, and a copy of said plans and specifications are filed with the application for a special exception.
- F. The Applicant shall make a bonafide effort to locate and/or screen the shelter to minimize its visual impact from nearby residences or public ways.

### **SECTION 33. TOWN OF OXFORD CRITICAL AREA OVERLAY DISTRICT ("O")**

#### **§33.01. Implementation of the Critical Area Program Purpose and Goals.**

- A. The Oxford Critical Area Program
1. The Oxford Critical Area Program consists of the Oxford Zoning Chapter including the Official Critical Area map. Related provisions may be found in the Oxford Subdivision Regulations.

B. Goals.

The goals of the Oxford Critical Area Program are to accomplish the following:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Establish land use policies for development in the Critical Area which

accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.

C. Regulated activities and applicability.

Any applicant for a permit or license to pursue activities within the Critical Area, including but not limited to, development or redevelopment, grading, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities shall have such permits or licenses issued by the Town after review to determine compliance with the Oxford Zoning Ordinance.

D. Critical Area Overlay District Map. The Official Critical Area Overlay District Map is maintained in force as part of the Official Zoning Map for Oxford as described in §4.03A.

E. General Requirements

1. Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in this Ordinance.
2. Reasonable accommodations for the needs of disabled citizens.
  - a. An applicant seeking relief from the Critical Area standards contained in this Ordinance in order to accommodate the reasonable needs of disabled citizens shall have the burden of demonstrating the following:
    - (1) The existence of a physical disability;
    - (2) Literal enforcement of the provisions of this Ordinance would result in discrimination by virtue of such disability;
    - (3) A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this Ordinance;
    - (4) The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Ordinance as applied to the property; and
    - (5) Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the

particular disability of the applicant.

- b. The Board of Appeals shall determine the nature and scope of any accommodation under this Ordinance and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
- c. The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this Ordinance. Appropriate financial assurances may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.

**§33.02. Intensely Developed Areas.**

A. Development standards.

For all development activities in the Intensely Developed Areas, the applicant shall identify any environmental or natural feature described below and meet all of the following standards:

- 1. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation;
- 2. All roads, bridges, and utilities are prohibited in a Habitat Protection Area, unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction, and maintenance shall:
  - a. Provide maximum erosion protection;
  - b. Minimize negative impact on wildlife, aquatic life, and their habitats; and
  - c. Maintain hydrologic process and water quality.
- 3. All development activities that must cross or affect streams shall be designed to:
  - a. Reduce increases in flood frequency and severity that are attributable to development;
  - b. Retain tree canopy so as to maintain stream water temperature within

- normal variation;
  - c. Provide a natural substrate for stream beds; and
  - d. Minimize adverse water quality and quantity impacts of stormwater.
4. All development and redevelopment activities shall include stormwater management technologies that reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to development or redevelopment as provided in *Critical Area 10% Rule Guidance Manual – Fall 2003* and as may be subsequently amended.

**§33.03. Limited Development Areas.**

A. Development standards.

For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below, and shall meet all of the following standards:

1. Development and redevelopment shall be subject to the water-dependent facilities requirements of this Ordinance;
2. Roads, bridges, and utilities are prohibited in a Habitat Protection Area unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction and maintenance shall:
  - a. Provide maximum erosion protection;
  - b. Minimize negative impacts on wildlife, aquatic life and their habitats; and
  - c. Maintain hydrologic processes and water quality.
3. All development activities that must cross or affect streams shall be designed to:
  - a. Reduce increases in flood frequency and severity that are attributable to development;
  - b. Retain tree canopy so as to maintain stream water temperature within normal variation;
  - c. Provide a natural substrate for stream beds; and

D. Minimize adverse water quality and quantity impacts of stormwater.

4. If there is a wildlife corridor system identified by the Department of Natural Resources, Wildlife Heritage Service on or near the site which can be enhanced by additional plantings, the applicant shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Ordinance. Oxford shall ensure the maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the Town through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts and other organizations.
5. Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for Limited Development Areas.
6. Except as otherwise provided in this subsection, lot coverage is limited to 15% of a lot or parcel or any portions of a lot or parcel that are designated LDA.
  - a. If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then lot coverage is limited to twenty-five (25%) of the parcel or lot.
  - b. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to fifteen percent (15%) of the parcel or lot.
  - c. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then lot coverage may exceed fifteen percent (15%) of the individual lot; however the total lot coverage for the entire subdivision may not exceed fifteen percent (15%).
  - d. Lot coverage limits provided in §a and §b above may be exceeded, upon findings by the Planning Commission or its designee that the following conditions exist:
    - (1) The lot or parcel is legally nonconforming. A lot or parcel legally developed as of July 1, 2008 may be considered legally

nonconforming for the purposes of lot coverage requirements.

- (2) Lot coverage associated with new development activities on the property have been minimized;
- (3) For a lot or parcel one-half acre or less in size, total lot coverage does not exceed the lot coverage limits in §a by more than twenty-five percent (25%) or five hundred square feet (500 square feet), whichever is greater;
- (4) For a lot or parcel greater than one-half acre and less than one acre in size, total lot coverage does not exceed the lot coverage limits in §(b) or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;
- (5) The following table summarizes the limits set forth in subsections (1) through (3) above:

Table A.6.d. Lot Coverage Limits

Lot/Parcel Size (Square Feet)	Lot Coverage Limit
0 – 8,000	25% of parcel + 500 SF
8,001 – 21, 780	31.25% of parcel
21,780 – 36,300	5,445 SF
36,301 – 43,560	15% of parcel

- e. If the Planning Commission or its designee makes the findings set forth in subparagraph d above and authorizes an applicant to use the lot coverage limits set forth in that paragraph, the applicant shall:
  - (1) Demonstrate that water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and
  - (2) Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of the development activity.
  - (3) If the applicant cannot provide appropriate stormwater treatment and plantings due to site constraints, then the applicant shall pay a fee to Oxford in lieu of performing the on-site mitigation. The

amount of the fee shall be \$1.50 per square foot of the required mitigation.

7. The alteration of forest and developed woodlands shall be restricted and shall be mitigated as follows:
  - (a) The total acreage in forest and developed woodlands within the Critical Area shall be maintained or preferably increased;
  - (b) All forests and developed woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;
  - (c) If an applicant is authorized to clear more than 20 percent of a forest or developed woodlands on a lot or parcel, the applicant shall replace the forest or developed woodlands at 1.5 times the areal extent of the forest or developed woodlands cleared, including the first 20 percent of the forest or developed woodlands cleared.
  - (d) An applicant may not clear more than 30 percent of a forest or developed woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of 3 times the areal extent of the forest or developed woodlands cleared.
  - (e) If an applicant is authorized to clear any percentage of forest or developed woodland the remaining percentage shall be maintained through recorded, restrictive covenants or similar instruments approved by the Town.
  
8. The following are required for forest or developed woodland clearing as required in subparagraph 7 above:
  - a. The applicant shall ensure that any plantings that die within twenty-four (24) months of installation shall be replaced. Financial assurance in an amount determined by Oxford shall be posted to assure satisfactory replacement as required in §7 above and plant survival;
  - b. No clearing is allowed until the Town has issued a permit;
  - c. Clearing of forest or developed woodlands that exceed the maximum area allowed in subparagraph 7 above or prior to the issuance of a permit shall be replanted at three times the areal extent of the cleared forest; and

- d. If the areal extent of the site limits the application of the reforestation standards in this section the applicant may be allowed to plant offsite or pay a fee in lieu of planting.
9. If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15 percent.
- a. The applicant shall designate, subject to Town approval, a new forest area on a part of the site not forested; and
  - b. The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the Town.
  - c. The applicant may be allowed to pay a fee in lieu of planting to meet the requirements of this subsection provided in lieu fees can be used to implement a comprehensive offset strategy developed by the Town and approved by the Critical Area Commission.

**§33.04. Resource Conservation Areas.**

A. Development standards.

For all development activities and resource utilization in the Resource Conservation Areas, the applicant shall meet all of the following standards:

- 1. Land use management practices shall be consistent with the policies and criteria for the Habitat Protection Area provisions of this Ordinance.
- 2. Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres.
- 3. Development activity within the Resource Conservation Areas shall be consistent with the requirements and standards for Limited Development Areas as specified in this Ordinance.
- 4. Nothing in this section shall limit the ability of a land owner to participate in any agricultural easement program or to convey real property impressed with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres.

**§33.05. Land Use and Density**

A. Permitted Uses

1. Permitted uses in the Critical Area shall limited to those uses allowed in the underlying zoning classification as modified by Table 1.a and the supplemental use standards in 33.06 provided such uses meet all standards established for the Critical Area Overlay District.

Table A1.a Permitted Uses

LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted		Land Use Management Designation		
Item	Use Description	IDA	LDA	RCA
1.00	RESIDENTIAL			
1.10	Accessory Dwelling Unit	P	P	PC
2.00	INSTITUTIONAL			
2.10	Existing institutional uses	P	P	PC
2.20	New institutional uses	P	P	NP
2.30	Cemetery	P	P	PC
2.40	Group Home	P	P	PC
2.50	Day Care	P	P	PC
3.00	COMMERCIAL			
3.10	Existing commercial uses	P	P	PC
3.20	New commercial uses	P	P	NP
3.30	Home occupation	P	P	PC
3.40	Bed and breakfast facility	P	P	PC
4.00	MARITIME/WATER DEPENDENT			
4.10	Expansion of existing commercial marinas	P	P	PC
4.20	New marina, commercial	P	P	NP
4.30	Community piers and noncommercial boat docking and storage	P	P	PC
4.40	Public beaches and public water-oriented recreational and educational areas	P	P	PC
4.50	Research Areas	P	P	PC
4.60	Fisheries activities	P	P	P
4.70	Structures on Piers	PC	PC	PC
4.80	Private pier	P	P	P
5.00	RECREATION			

	<b>LEGEND:</b> P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted	Land Use Management Designation		
Item	Use Description	IDA	LDA	RCA
5.10	Golf course	P	P	PC
6.00	<b>INDUSTRIAL</b>			
6.10	Existing industrial uses	P	P	PC
6.20	New industrial uses	P	PC	NP
6.30	Non-maritime heavy industry	P	NP	NP
7.00	<b>TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES</b>			
7.10	Utility transmission facilities	PC	PC	PC
8.00	<b>PUBLIC/QUASI-PUBLIC</b>			
8.10	Sanitary landfill; rubble fill	PC	PC	PC
8.20	Solid or hazardous waste collection or disposal facilities	PC	PC	PC
8.30	Sludge Facilities	PC	PC	PC

B. Maximum Permitted Density

1. The maximum permitted density for properties located in the Oxford Critical Area shall be as shown in Table B.1.

Table B.1  
Maximum Residential  
Density (Dwelling Units Per Acre)

Land Use Management Designation		
IDA	LDA	RCA
Density permitted by Underlying Zoning	Density permitted by Underlying Zoning	1 dwelling unit per 20 acres

2. Calculation of 1-in-20 acre density of development.

In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the Resource Conservation Area, the Town:

- (a) Shall count each dwelling unit;
- (b) May permit the area of any private wetlands located on the property to be included under the following conditions:

- (i) The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight (8) acres; and
- (ii) The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private survey approved by the Town, the Commission, and the Maryland Department of the Environment.

**§33.06. Supplemental Use Standards.**

The following supplemental use standards apply to the permitted uses listed in Table A.1.a above and shall apply when the permitted use is allowed in the underlying zoning district.

**A. Accessory Dwelling Unit (1.10)**

- 1. If a permitted use in the underlying zoning district, one additional dwelling unit (accessory dwelling unit) as part of a primary dwelling unit may be permitted in the Resource Conservation Area (RCA) provided the additional dwelling unit is served by the Oxford sewer system and:
  - a. is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit and does not exceed 900 square feet in total enclosed areas; or
  - b. It is located within the primary dwelling unit and does not increase the amount of lot coverage already attributed to the primary dwelling unit.
- 2. An additional dwelling unit meeting all of the provisions of this section may not be subdivided or conveyed separately from the primary dwelling unit; and
- 3. The provisions of this section may not be construed to authorize the granting of a variance, unless the variance is granted in accordance with the variance provisions contained herein.

**B. Existing institutional uses (2.10)**

- 1. Existing institutional facilities shall be allowed in Resource Conservation Areas.
- 2. Expansion of existing institutional facilities and uses in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the Grandfathering provisions in §33.08 and may require growth allocation.

C. New institutional uses (2.20)

1. New institutional facilities and uses, except those specifically listed shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain institutional uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Ordinance. These institutional uses are limited to:
  - a. A cemetery or columbarium that is an accessory use to an existing church; provided manmade lot coverage is limited to 15 percent of the site or 20,000 square feet, whichever is less;
  - b. A day care facility in a dwelling where the operators live on the premises and there are no more than eight (8) children;
  - c. A group home or assisted living facility with no more than eight (8) residents; and
  - d. Other similar uses determined by the Town and approved by the Critical Area Commission to be similar to those listed above.

D. Existing Commercial Uses (3.10)

1. Existing commercial facilities and uses, including those that directly support agriculture, forestry, aquaculture or residential development shall be allowed in Resource Conservation Areas.
2. Expansion of existing commercial facilities and uses in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the Grandfathering provisions in §33.08 and may require growth allocation.

E. New commercial uses (3.20)

1. New commercial uses, except those specifically listed, shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain commercial uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Ordinance. These commercial uses are limited to:

- a. A home occupation as an accessory use on a residential property and as provided for in this Ordinance;
- b. A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility; and
- c. Other uses determined by the Oxford and approved by the Critical Area Commission to be similar to those listed above.

F. Expansion of existing commercial marinas (4.10)

- 1. Expansion of existing commercial marinas may be permitted within Resource Conservation Areas provided:
  - a. Water quality impacts are quantified and appropriate Best Management Practices that address impacts are provided;
  - b. That it will result in an overall net improvement in water quality at or leaving the site of the marina;
  - c. The marina meets the sanitary requirements of the Department of the Environment; and
  - d. Expansion is permitted under the nonconforming use provisions of this Ordinance.
- 2. Expansion of existing commercial marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that the applicant demonstrates:
  - a. The project meets a recognized private right or public need;
  - b. Adverse effects on water quality, fish, plant and wildlife habitat are minimized and Best Management Practices are applied to address impacts;
  - c. Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and
  - d. Expansion is permitted under the nonconforming use provisions of this Ordinance.

G. New marina, commercial (4.20)

1. New commercial marinas shall not be permitted in Resource Conservation Areas (RCAs).
2. New commercial marinas may be permitted in Limited Development Areas (LDAs) and Intensely Developed Areas (IDAs) if allowed in the underlying zoning, provided:
  - a. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
  - b. New marinas meet the sanitary requirements of the Department of the Environment.
  - c. New marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that it can be shown:
    - (1) The project meets a recognized private right or public need;
    - (2) Adverse effects on water quality, fish, plant and wildlife habitat are minimized and Best Management Practices are applied to address impacts; and
    - (3) Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer.

H. Community piers and noncommercial boat docking and storage (4.30)

1. New or expanded community marinas and other non-commercial boat-docking and storage facilities may be permitted in the Buffer subject to the requirements in this Ordinance provided that:
  - a. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
  - b. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;
  - c. The facilities are associated with a residential development approved by the Town for the Critical Area and consistent with all State requirements and

the requirements of this Ordinance applicable to the Critical Area;

- d. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities and Best Management Practices are applied to address impacts; and
- e. If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.

2. Number of slips or piers permitted.

The number of slips or piers permitted at the facility shall be the lesser of §a or §b below:

- a. One slip for each 50 feet of shoreline in the subdivision in the Intensely Developed and Limited Development Areas and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
- b. A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Table 2.b Number of Slips Permitted

Platted Lots or Dwellings in the Critical Area	Slips
up to 15	1 for each lot
16 – 40	15 or 75% whichever is greater
41 – 100	30 or 50% whichever is greater
101 – 300	50 or 25% whichever is greater
over 300	75 or 15% whichever is greater

I. Public beaches and public water-oriented recreational and educational areas (4.40)

- 1. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas.
- 2. These facilities may be permitted within the Buffer in Limited Development Areas

and Resource Conservation Areas provided that:

- a. Adequate sanitary facilities exist;
- b. Service facilities are, to the extent possible, located outside the Buffer;
- c. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result;
- d. Disturbance to natural vegetation is minimized and Best Management Practices are applied to address impacts; and
- e. Areas for possible recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Areas if service facilities for these uses are located outside of the Buffer.

J. Research areas (4.50)

1. Water-dependent research facilities or activities operated by State, Federal, or local agencies or educational institutions may be permitted in the Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Buffer.

K. Fisheries activities (4.60)

1. Commercial water-dependent fisheries including, but not limited to structures for crab shedding, fish off-loading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations and fisheries activities may be permitted in the Buffer in Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas.

L. Structures on Piers (4.70)

1. Except as provided in §a, §b, and §c below, construction of dwelling unit or other non-water-dependent structure on a pier located on State or private tidal wetlands is prohibited.
  - a. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved provided a permit was issued by the Department of Natural Resources on or before January 1,

1989.

- b. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved if the following conditions exist:
  - (1) The project is located in an Intensely Developed Area (IDA);
  - (2) The project is constructed on a pier that existed as of December 1, 1985 that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area; and
  - (3) The project does not require an expansion of the pier greater than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface of a pier to be removed is not intact, but pilings identify its previous size, then that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed.
- c. A building permit for the repair of an existing dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved.
- d. If a structure that is not water-dependent is permitted under the exceptions included in this section, an applicant is required to demonstrate that the project will meet the following environmental objectives using the standards established herein:
  - (1) The construction and operation of the project will not have a long term adverse effect on the water quality of the adjacent body of water;
  - (2) The quality of stormwater runoff from the project will be improved; and

- (3) Sewer lines or other utility lines extended for the pier will not affect the water quality of adjoining waters.

M. Golf course (5.10)

1. A golf course, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc., may be permitted in Resource Conservation Areas (RCAs) provided:
  - a. Such use is a permitted use allowed in the underlying zoning district; and
  - b. Development is in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005.

N. Existing industrial uses (6.10)

1. Existing industrial facilities and uses, including those that directly support agriculture, forestry, or aquaculture may be permitted in Resource Conservation Areas (RCAs).
2. Expansion of existing industrial facilities and use in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the grandfathering provisions in §33.08 and may require growth allocation.

O. New industrial uses (6.20)

1. New industrial uses shall not be permitted in Resource Conservation Areas (RCA).
2. New, expanded or redeveloped industrial facilities may only be permitted in Limited Development Areas (LDA) if permitted uses in the underlying zoning district and provided such facilities meet all requirements for development in the LDA.
3. New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas (IDAs) that have been designated as Buffer Management Areas.

P. Non-maritime heavy industry (6.30)

1. Non-maritime heavy industry may be permitted if:

- a. The site is located in an Intensely Developed Area (IDA); and
- b. The activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

Q. Utility transmission facilities (7.10)

1. Utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters, may be permitted in the Critical Area provided:
  - a. The facilities are located in Intensely Developed Areas (IDAs); and
  - b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
2. These provisions do not include power plants.

R. Sanitary landfill; rubble fill (8.10)

1. Sanitary landfills or rubble fills may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.
2. Existing, permitted facilities shall be subject to the standards and requirements of the Maryland Department of the Environment.

S. Solid or hazardous waste collection or disposal facilities (8.20)

1. Solid or hazardous waste collection or disposal facilities, including transfer stations may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality wastewater management problem.
2. Existing, permitted facilities shall be subject to the standards and requirements of the Maryland Department of the Environment.

T. Sludge Facilities (8.40)

1. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities may be permitted in the Critical Area provided:
  - a. The facility or activity is located in an Intensely Developed Areas; and
  - b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
2. Agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100 foot-Buffer.

**§33.07. Growth Allocation.**

A. Growth allocation available to Oxford includes:

1. An area equal to five (5) percent of the RCA acreage located within Oxford and;
2. Growth allocation available to Oxford as provided for by Talbot County.

B. Growth Allocation Floating Zone District GA.

1. Purpose. The Growth Allocation Floating Zone is not mapped but is designated for use in areas classified as Resource Conservation Areas (RCA) and/or Limited Development Area (LDA) within the Oxford Critical Area Overlay District. The purpose of the floating zone is to permit a change in the land management classification established in the Critical Area Overlay District on specific sites so that they may be developed to the extent permitted by the underlying zoning classification or the land use management classification. Only projects which have been approved by the Town Commissioners for award of the Critical Area Growth Allocation are eligible for floating zones.
2. Designation of floating zones.
  - a. The Growth Allocation District GA shall be a floating zone.
  - b. The Growth Allocation District GA provides for changing the land management classification of Resource Conservation Areas (RCA's) and

Limited Development Areas (LDA's) in the Critical Area Overlay District.

- C. Standards. When locating new Intensely Developed or Limited Development Areas the following standards shall apply:
1. A new Intensely Developed Area shall only be located in a Limited Development Area or adjacent to an existing Intensely Developed Area;
  2. A new Limited Development Area shall only be located adjacent to an existing Limited Development Area or an Intensely Developed Area;
  3. New Intensely Developed Areas shall be at least 20 acres in size unless:
    - a. They are contiguous to an existing IDA or LDA; or
    - b. They are a grandfathered commercial or industrial use, which existed as of January 1988. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
  4. No more than one-half of the Oxford's growth allocation may be located in Resource Conservation Areas (RCAs) except as provided in §9 below;
  5. A new Limited Development Area or Intensely Developed Area shall be located in a manner that minimizes impacts to Habitat Protection Area as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
  6. A new Intensely Developed Area shall only be located where they minimize their impacts to the defined land uses of the Resource Conservation Area (RCA);
  7. A new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
  8. New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of this Ordinance for such areas, shall be so designated on the Oxford Critical Area Maps and shall constitute an amendment to this Ordinance subject to review by the Oxford Planning Commission and approval by the Town Commissioners and the Critical Area Commission as provided herein.

9. If Oxford is unable to utilize a portion of its growth allocation as set out in subsections 1 and 2 above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the growth allocation which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in subsection 4 above.

D. Additional Factors.

In reviewing map amendments or refinements involving the use of growth allocation the Planning Commission and Town Commissioners shall consider the following factors:

1. Consistency with Oxford Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan. "Consistency with" means that a standard or factor will further, and not be contrary to the following items in the comprehensive plan:
  - a. Policies;
  - b. Timing of the implementation of the plan, of development, and of rezoning;
  - c. Development patterns;
  - d. Land uses; and
  - e. Densities or intensities.
2. For a map amendment or refinement involving a new Limited Development Area, whether the development is:
  - a. To be served by a public wastewater system;
  - b. A completion of an existing subdivision;
  - c. An expansion of an existing business; or
  - d. To be clustered.
3. For a map amendment or refinement involving a new Intensely Developed Area, whether the development is:
  - a. To be served by a public wastewater system;

- b. If greater than 20 acres, to be located in a designated Priority Funding Area; and
  - c. To have a demonstrable economic benefit.
4. The use of existing public infrastructure, where practical;
  5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
  6. Impacts on a priority preservation area;
  7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
  8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development and/or sea level rise.

**§ 33.08. Grandfathering.**

**A. Continuation of existing uses.**

1. The continuation, but not necessarily the intensification or expansion, of any use in existence on January 1988 may be permitted, unless the use has been abandoned for more than one year or is otherwise restricted by existing municipal Ordinances.
2. If any existing use does not conform with the provisions of this Ordinance, its intensification or expansion may be permitted only in accordance with the variance procedures in §33.09.

**B. Residential density on Grandfathered Lots.**

1. Except as otherwise provided, the following types of land are permitted to be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of this Ordinance.
  - a. A legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985

- b. Land that received a building permit subsequent to December 1, 1985, but prior to January 1988.
- c. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval between June 1, 1984 and December 1, 1985;
- d. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985 and provided that either development of any such land conforms to the IDA, LDA or RCA requirements in this Ordinance or the area of the land has been counted against the growth allocation permitted under this Ordinance.

C. Consistency.

Nothing in this Section may be interpreted as altering any requirements of this Ordinance related to water-dependent facilities or Habitat Protection Areas.

**§33.09 Variances. (See §11.03)**

**§33.10 Lot Consolidation and Reconfiguration.**

A. Applicability

The provisions of this section apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

- 1. Those for which a Critical Area variance is sought or has been issued; and
- 2. Those located in the Resource Conservation Area and are less than 20 acres in size.

B. Procedure

An applicant seeking a parcel or lot consolidation or reconfiguration shall provide the information required in COMAR 27.01.02.08.E.

- 1. Oxford will not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with COMAR 27.01.02.08.F.

2. The Planning Commission shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
  - a. After a final written decision or order is issued, the Planning Commission shall send a copy of the decision or order and a copy of any approved development plan within ten (10) business days by U.S. mail to the Critical Area Commission's business address.

**§33.11 Amendments (see §15.09)**

**§33.12 Enforcement (see §17.01)**

**§33.13 The 100-Foot Buffer.**

A. Applicability and Delineation

An applicant for a development activity or a change in land use shall apply all of the required standards for a minimum 100-foot Buffer as described in this section. The minimum 100-foot Buffer shall be delineated in the field and shall be shown on all applications as follows:

1. The minimum 100-foot Buffer, based on existing field conditions, is delineated landward from:
  - a. The mean high water line of tidal water;
  - b. The edge of each bank of a tributary stream; and
  - c. The landward boundary of a tidal wetland.
2. The Buffer shall be expanded beyond the minimum 100-foot Buffer as described in subsection A.1 above and the minimum 200-foot Buffer as described in subsection A.3 below, to include the following contiguous land features:
  - a. A steep slope at a rate of four feet for every one percent of slope or the entire steep slope to the top of the slope, whichever is greater;
  - b. A nontidal wetland to the upland boundary of the nontidal wetland;

- c. The 100-foot buffer that is associated with a Nontidal Wetland of Special State Concern as stated in COMAR 26.23.06.01;
  - d. For an area of hydric soils or highly erodible soils, the lesser of:
    - (1) The landward edge of the hydric or highly erodible soils; or
    - (2) Three hundred feet where the 300 foot expansion area includes the minimum 100-foot Buffer.
3. Applications for a subdivision or for a development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include:
- a. An expanded Buffer in accordance with subsection A.2 above; or
  - b. A Buffer of at least 200 feet from a tidal waterway or tidal wetlands; and a Buffer of at least 100-feet from a tributary stream, whichever is greater.
4. The provisions of subsection A.3 above do not apply if:
- a. The application for subdivision or site plan approval was submitted before July 1, 2008, and were legally recorded (subdivisions) or received final site plan approval (site plans), by July 1, 2010;
  - b. The application involves the use of growth allocation.

B. Permitted activities.

If approved by the Town, in conjunction with an approved Buffer management plan, disturbance to the Buffer is permitted for the following activities only:

- 1. A new development or redevelopment activity associated with a water-dependent facility; or
- 2. A shore erosion control activity constructed in accordance with COMAR 26.24.02, COMAR 27.01.04, and this Ordinance;
- 3. A development or redevelopment activity approved in accordance with the variance provisions of this Ordinance;

4. A new development or redevelopment activity on a lot or parcel that was created before January 1, 2010 where:
  - a. The Buffer is expanded for highly erodible soil on a slope less than 15 percent or is expanded for a hydric soil and the expanded Buffer occupies at least 75% of the lot or parcel;
  - b. The development or redevelopment is located in the expanded portion of the Buffer and not within the 100-foot Buffer; and
  - c. Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.
  
5. A new or replacement septic system on a lot created before January 1, 1988, where:
  - a. The Health Department has determined the Buffer is the only available location for the septic system; and
  - b. Mitigation is provided at a 1:1 ratio for the area of canopy cleared of any forest or developed woodland.

C. Buffer establishment in vegetation.

An applicant for a development activity, redevelopment activity or a change in land use that occurs outside the Buffer, but is located on a on a riparian lot or parcel that includes the minimum 100-foot Buffer, shall establish the Buffer in vegetation if the Buffer is not fully forested or fully established in woody or wetland vegetation. A Buffer Management Plan in accordance with the standards of §F is required.

1. The provisions of this section apply to:
  - a. Approval of a new subdivision;
  - b. A lot or parcel that is converted from one land use to another;
  - c. Development or redevelopment on a lot or parcel created before January 1, 2010.
  
2. The provisions of this section do not apply to the in-kind replacement of a principal structure.

3. If a Buffer is not fully forested or fully established in woody or wetland vegetation, the Buffer shall be established in accordance with COMAR 27.01.09.01-1.

D. Mitigation for impacts to the Buffer.

An applicant for a development activity that includes disturbance to the Buffer shall mitigate for impacts to the Buffer and shall provide a Buffer Management Plan in accordance with the standards set forth in this section.

1. Authorized development activities may include a variance, subdivision, site plan, shore erosion control permit, building permit, grading permit, and special exception.
2. All authorized development activities shall be mitigated in accordance with the ratios and calculations found in COMAR 27.01.09.01-2(H).
3. All unauthorized development activities in the Buffer shall be mitigated at a ratio of 4:1 for the area of disturbance in the Buffer.
4. Planting for mitigation shall be planted onsite within the Buffer. If mitigation planting cannot be located within the Buffer, the Town may permit planting in the following order of priority:
  - a. On-site and adjacent to the Buffer;
  - b. On-site elsewhere in the Critical Area; and
  - c. Fee in lieu in accordance with COMAR 27.01.09.01-5.

E. Buffer Planting Standards.

1. An applicant that is required to plant the Buffer for Buffer establishment or Buffer mitigation shall apply the planting standards set forth in COMAR 27.01.09.01-2 and 01-4.
2. Variance to the planting and mitigation standards of this Ordinance is not permitted.

F. Required Submittal of Buffer Management Plans.

An applicant that is required to plant the Buffer to meet establishment or mitigation

requirements shall submit a Buffer Management Plan as provided in COMAR 27.01.09.01-3 with the application for the specific activity. The provisions of this section do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

1. A Buffer Management Plan that includes planting for establishment shall be submitted with all other application materials, clearly specify the area to be planted and state if the applicant is:
  - a. Fully establishing the Buffer;
  - b. Partially establishing an area of the Buffer equal to the net increase in lot coverage, or
  - c. Partially establishing an area of the Buffer equal to the total lot coverage.
2. Any permit for development activity that requires Buffer establishment or Buffer mitigation will not be issued until the Town approves a Buffer Management Plan.
3. An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved.
4. The Town will not approve a Buffer Management Plan unless:
  - a. The plan clearly indicates that all planting standards under subsection E will be met; and
  - b. Appropriate measures are in place for the protection and maintenance of all Buffer areas.
5. For a Buffer Management Plan that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy will not be issued until the applicant:
  - a. Completes implementation of a Buffer Management Plan; or
  - b. Provides financial assurance to cover the costs for:
    - (1) Materials and installation; and
    - (2) If the mitigation or establishment requirement is at least

5,000 square feet, long-term survivability requirements as set forth in COMAR 27.01.09.01-2.

6. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
7. If an applicant fails to implement a Buffer Management Plan, that failure shall constitute a violation of this Ordinance. A permit for development activity will not be issued for a property that has the violation.
8. An applicant shall post the property proposed for subdivision prior to final recordation in accordance with COMAR 27.01.09.01-2.
9. Buffer management plans that include natural regeneration shall follow the provisions of COMAR 27.01.09.01-4.

G. Fees-In-Lieu of Buffer Mitigation.

A fee in-lieu of mitigation will be collected if the planting requirements of the Buffer Management Plan cannot be fully met onsite in accordance with the following standards:

1. Fee-in-lieu monies shall be collected and held in a special fund, which may not revert to Oxford's general fund;
2. Fee-in-lieu shall be assessed at \$1.50 per square foot of required Buffer mitigation;
3. A portion of fee-in-lieu money can be used for management and administrative costs; however, this cannot exceed 20% of the fees collected; and
4. Fee-in-lieu monies shall be used for the following projects:
  - a. To establish the Buffer on sites where planting is not a condition of development or redevelopment;
  - b. For water quality and habitat enhancement projects as approved by the Critical Area Commission or by agreement between the Town and the Critical Area Commission.

H. Shore Erosion Control Projects.

Shore erosion control measures are permitted activities within the Buffer in accordance with the following requirements:

1. An applicant for a shore erosion control project that affects the Buffer in any way, including, but not limited to access, vegetation removal and pruning, or backfilling shall submit a Buffer Management Plan in accordance with the requirements of this section; and
2. Comply fully with all of the policies and criteria for a shore erosion control project stated in COMAR 27.01.04 and COMAR 26.24.06.01.

(History – Amended by Ordinance 1218, adopted 4.9.13)

### **§33.14 Buffer Management Area (BMA) Provisions.**

#### **A. Development and Redevelopment Standards.**

New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems will not be permitted in the Buffer in a designated BMA unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission finds that efforts have been made to minimize Buffer impacts and the development complies with the following standards:

1. Development and redevelopment activities have been located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
2. Variances to other local setback requirements have been considered before additional intrusion into the Buffer.
3. Commercial, industrial, institutional, recreational and multi-family residential development and redevelopment shall meet the following standards:
  - a. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the minimum required setback for the zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line.
  - b. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the minimum setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent

properties shall not be used to determine the setback line. A new structure may be constructed on the footprint of an existing structure.

4. Single family residential development and redevelopment shall meet the following standards:
  - a. New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the minimum setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 50 feet from the water (or the edge of tidal wetlands).
  - b. Existing principal or accessory structures may be replaced in the same footprint.
  - c. New accessory structures may be located closer to the water than the setback if the Planning Commission has determined there are no other locations for the structures. The area of new accessory structures shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total in the Buffer.
5. Variances to other local setback requirements shall be considered before additional intrusion into the Buffer is permitted.
6. Development and redevelopment may not impact any Habitat Protection Area (HPA) other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
7. Buffer Management Area (BMA) designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
8. No natural vegetation may be removed in the Buffer except that required by the proposed construction.
9. Mitigation for development or redevelopment in the in the BMA approved under the provisions of this subsection shall be implemented as follows:
  - a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in

the Buffer or at another location approved by the Planning Commission.

- b. Applicants who cannot fully comply with the planting requirement in §a. above, may use offset by removing an equivalent area of existing lot coverage in the Buffer.
- c. Applicants who cannot comply with either the planting or offset requirements in subparagraphs a. or b. above shall pay into a fee-in-lieu program as follows:
  - (1) Applicants shall submit to the Planning Commission two cost estimates from qualified landscape businesses for planting the equivalent of twice the extent of the development within the 100-foot Buffer. The estimate shall include the cost of stock, planting, staking, mulching and a one year survival guarantee.
  - (2) The Planning Commission shall determine the amount of the fee-in-lieu based on the average of the two estimates.
- d. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical Area to enhance wildlife habitat, improve water quality, or otherwise promote the goals of the Oxford's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been required under existing local, State, or federal laws, regulations, statutes, or permits. The status of these funds must be reported in the jurisdiction's quarterly reports.
- e. Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes or other instrument approved by the Town and recorded among the land records of the County.

### **§33.15 Other Habitat Protection Areas.**

#### **A. Identification.**

An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas includes:

- 1. Threatened or endangered species or species in need of conservation;

2. Colonial waterbird nesting sites;
3. Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
4. Existing riparian forests;
5. Forest areas utilized as breeding areas by future interior dwelling birds and other wildlife species;
6. Other plant and wildlife habitats determined to be of local significance;
7. Natural Heritage Areas; and
8. Anadromous fish propagation waters.

**B. Standards**

1. An applicant for a development activity proposed for a site within the Critical Area that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a Habitat Protection Area on or near a site.
2. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resource.
3. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

**§ 33.16 Environmental Impact Assessment (EIA).**

**A. Applicability**

The Planning Commission, Board of Appeals or Town Commissioners may require an Environmental Impact Assessment (EIA) for the following:

1. Development or redevelopment activities in the Critical Area requiring site plan

- approval;
2. Development or redevelopment activities in the Critical Area requiring subdivision approval;
  3. Development or redevelopment activities within a Habitat Protection Area other than a detached single family dwelling;
  4. An application of Growth Allocation; or
  5. An application of a variance other than for detached single family dwelling.

## **SECTION 34 RESERVED**

## **SECTION 35. - WS/WC WILDLIFE SANCTUARY/CORRIDOR DISTRICT**

### **§ 35.00 - Statement of Intent.**

The intent hereof is that this district shall remain in its natural state to provide and protect an area for natural habitat of wildlife and plant life. It shall prohibit any and all forms of construction and manmade intrusion, be they of a temporary or permanent nature, unless their sole purpose is to promote the health of wildlife and plant life of the area. "WS/WC" may be designated in any zoning district.

After this district has been requested by the property owner and granted by the Commissioners, the terms of this designation shall convey in perpetuity on the property and shall be recorded in the Talbot County Land Records.

### **§ 35.01 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the "WS/WC" district:

- A. Bird houses, nesting poles and roosting boxes.
- B. Aquatic foundations for plants and/or animals.
- C. Necessary firebreaks.
- D. Maintenance and service of pre-existing conditions, i.e., utilities.

**§ 35.02 - Special Exceptions.**

Only structures or permanent fixtures that are necessary for the health of the environment, for the protection of the ecosystem and are not otherwise specifically stated in § 35.01.

**§ 35.03 - Setback Regulations.**

- A. All areas of the tidal wetlands require a one hundred (100) foot buffer between their outermost boundary, HWM (high water mark), and any impervious structures or setback line.
- B. All areas of the non-tidal wetlands require a twenty-five (25) foot buffer between their outermost boundary and any impervious structure or setback line.

**§ 35.04 - Area, Width Requirements.**

- A. The requirements of “WS/WC” will vary as each district meets the criteria set forth in § 35.00.
- B. Area - May be any size, no minimum and no maximum
- C. Width - May be any size, no minimum and no maximum

**SECTION 36. “EGS” ESSENTIAL GOVERNMENT SERVICES DISTRICT.**

**§ 36.00 - Statement of Intent.**

- A. The intent of the “EGS” district shall be to provide for the location, operation, and establishment of essential government services, and the reclassification of any such property when it is no longer necessary for government purposes, and has been declared surplus property by the government entity or fire department owning or operating the same.
- B. Essential government services, as used herein, means facilities owned and/or operated by the Town of Oxford, the United States of America, the State of Maryland, and the Oxford Volunteer Fire Department, Inc., for purposes of Town government, the provision of Town services, the provision of emergency fire and rescue services, and for environmental and aquatic research.

- C. Essential government services are to be distinguished from essential services (which include public utility facilities owned or operated by utility companies) as defined in §7.00 of the Zoning Ordinance.

**§ 36.00 - Permitted Principal Uses and Structures.**

The following principal uses and structures shall be permitted in the “EGS” district:

- A. Administrative offices and other facilities owned and/or operated by the Town of Oxford for the benefit of the citizens of the Town or operated by non-profit agencies pursuant to written agreement with the Town of Oxford, including community centers, recreational facilities, facilities for the maintenance department and similar facilities.
- B. Environmental and/or aquatic research facilities owned and operated by the United States Government, the State of Maryland, or their agencies.
- C. Fire departments and rescue squad facilities owned and operated by the Oxford Volunteer Fire Department, Inc.

**§ 36.02 - Accessory Uses and Structures.**

The uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.

**§ 36.03 - Special Exceptions.**

Neither the Town of Oxford, nor the State of Maryland, nor the United States of America, shall be required to seek a special exception for any use or structure maintained by the government for the public benefit; provide, however, that before changing the use of any parcel or structure or placing any structure thereon, the government in question shall have given notice of its intent to devote property or structure to an essential government purpose, and shall have disclosed the purpose.

**§ 36.04 - Changes of Use, Reclassification.**

- A. If any such property or structure devoted to an essential government purpose shall be declared surplus and no longer needed for an essential government purpose by the governmental agency or fire department operating the same, upon application by any contract purchaser or owner thereof, the Planning Commission and Commissioners of

Oxford may consider the reclassification of said property without reference to the change or mistake rule, notwithstanding any other provision of this ordinance.

- B. It is the intent hereof that if reclassification becomes necessary, the Planning Commission and Commissioners of Oxford shall examine surrounding land uses, and reclassify the subject property in a manner not inconsistent therewith.

**§ 36.05 - Historic District Commission Recommendation.**

Where appropriate, the Town Commissioners may request an advisory opinion from the Historic District Commission with regards to the historic value of a property or structure or any proposed changes to the exterior of a structure located within the Designated Historic District, although at no time is the Town of Oxford, nor the State of Maryland, nor the United States of America bound to the advisory opinion.