

**LAND MANAGEMENT  
ORDINANCE  
FOR THE  
TOWN OF MEXICO, MAINE**

Date adopted: June 12, 2000

Attest: *Penny S. Duguay*  
Penny S. Duguay, Town Clerk

**TOWN OF MEXICO  
LAND MANAGEMENT ORDINANCE  
PUBLIC HEARING VERSION**

**SECTION 1. Title**

This Ordinance shall be known and cited as the Town of Mexico Land Management Ordinance and will be referred to as this Ordinance.

**SECTION 2. Purpose**

To implement the provisions of the Town's Comprehensive Plan; to conserve the natural resources; to provide orderly growth and appropriate land uses; and to promote the health, safety and welfare of the community.

**SECTION 3. Authority**

This Ordinance is adopted pursuant to the provisions of Article VIII-A of the Maine Constitution, provisions of Title 30-A M.R.S.A. Section 3001, and the State's Growth Management Law, Title 30-A M.R.S.A. Section 4312, et seq.

**SECTION 4. Applicability**

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Mexico exclusive of the land and water areas subject to the Shoreland Zoning Ordinance, Town of Mexico except as follows.

- A. The area defined as the Downtown Development District shall not have to comply with Section 12, Nonconformance, Section 14, Table of Land Uses, Section 15.A, Minimum Lot Standards and Section 15.B, Principal and Accessory Structures of the Shoreland Zoning Ordinance, Town of Mexico.
- B. Signs in the General Development District as defined in the Shoreland Zoning Ordinance, Town of Mexico shall comply with Section 11.K of this Ordinance. ordinance

**SECTION 5. Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflict with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

**SECTION 6. Validity and Severability**

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

**SECTION 7. Effective Date**

The effective date of this Ordinance shall be the date of the adoption by the legislative body.

## **SECTION 8. Amendments**

### **A. Initiation of Amendments**

An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
2. Request of the municipal officers; or
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the town.

B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the public hearing shall comply with Title 30-A M.R.S.A. Section 4352.9.

C. The Town Clerk shall forward to the Selectmen of adjacent communities of which a Land Use District amendment is proposed which is within five hundred (500) feet of a common town border at least ten (10) days in advance of the public hearing. The adjacent community may provide verbal or written testimony.

D. An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

E. Copies of amendments, attested and signed by the Town Clerk shall be submitted to the State Planning Office within thirty (30) days of adoption.

## **SECTION 9. Nonconformance**

### **A. Purpose**

It is the intent of these provisions to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

### **B. General Requirements**

#### **1. Transfer of Ownership**

Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

#### **2. Repair and Maintenance**

This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures. All repairs and alterations shall comply with the provisions of applicable standards as contained in this Ordinance.

3. Rebuilding

If a nonconforming structure is damaged or destroyed by fire, other natural causes, or removed it may be rebuilt within one (1) year from date of destruction except as may be required by the Town of Mexico Floodplain Management Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

**C. Nonconforming Structures**

1. Expansions

A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure.

2. Foundations

Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to exceed the maximum structure height as contained in Section 10.G.

**D. Nonconforming Uses**

1. Expansion

Expansion of nonconforming uses may be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined below.

- a. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Sections 10.G and 11 of this Ordinance and the Site Plan Review Ordinance for the Town of Mexico.
- b. The expansions of the nonconforming use will not encroach further on the required setbacks.
- c. The proposed expansion is of the same character or less noxious than the current nonconforming use.
- d. The expansion use will not create a traffic hazard nor increase an existing traffic hazard.
- e. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with this Ordinance.
- f. The amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed expansion shall be equal to or less than the present use.
- g. The rate of surface water run-off from the site will not be increased.
- h. The hours of operation of the proposed expansion will be compatible with the existing, surrounding land uses.

i. The proposed use will not increase the adverse impact on surrounding properties.

2. Change of Nonconforming Use

An existing legal nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made in accordance with the criteria in Section 9.D.1. a-i., above.

3. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding two years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

**E. Nonconforming Lots**

1. Nonconforming Lots

A vacant, nonconforming lot of record recorded on or before the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. **Contiguous Lots - Vacant or Partially Built**

If two or more contiguous lots or parcels are in single or joint ownership of record and recorded in the Oxford County Registry of Deeds on or before October 1, 1994, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots may be built upon, conveyed separately, or conveyed together provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

**F. Vested Rights**

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it commenced, and the owner is in compliance with all validly issued permits, both state and local.

**SECTION 10. Land Use Districts**

**A. Purpose**

The purposes of these district requirements are:

1. To implement the Comprehensive Plan policies;
2. To provide for development and redevelopment in locations where suitable public infrastructure is available;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

**B. Location of Districts**

Said districts are located and bounded as shown on the Official Land Management District Map entitled "Land Management District Map of Mexico, Maine" dated and on file at the Town Office. The Official Map shall be signed by the Town Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

**C. Rules Governing District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Management District Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad right-of-way, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Land Management District Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Management District Map, or other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

**D. Division of Lots by District Boundaries**

Where a Land Management District boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by no more than fifty (50) feet provided that the other portion is not regulated by the Town of Mexico Shoreland Zoning Ordinance.

**E. Specific District Purposes**

The following describes the major land use districts included in this Ordinance and shown on the Land Management District Map of Mexico, Maine.

1. Industrial

The purpose of this district is to provide locations for manufacturing, processing and warehousing that are or can be served by public water and sewer and have access to transportation systems with the capacity to carry traffic associated with these types of land uses.

2. Commercial I

The purpose of this district is to provide for locations adjacent to Route 2 for commercial and service related businesses and light manufacturing that are designed to not conflict with the traffic carrying function of this major travel corridor.

3. Commercial II

The purpose of this district is to provide locations for low intensity commercial and service businesses compatible with residential uses and the scenic qualities of Route 17.

4. Downtown Commercial

The purpose of this district is to provide for greater flexibility in development standards to encourage business development and redevelopment and the utilization of vacant and/or underutilized space, maintain historic values and implement the Downtown Redevelopment Plan by providing for a mixture of land uses typical located in downtown locations.

5. Residential I

The purpose of this district is to provided locations for high density residential land uses including single and multi family dwellings, mobile home parks and commercial type uses associated with residential locations.

6. Residential II

The purpose of this district is to provide locations for medium density residential areas adjacent to town-maintained or developer constructed roads. Residential uses including single family, multi-family and mobile home parks are the primary land uses in this District.

7. Rural

The purpose of this district is to maintain its rural characteristics while allowing low density residential development and other land uses that require a rural location.

**F. Table of Land Uses**

All land use activities, as indicated in Table 1, Table of Land Uses, shall conform with all of the applicable land use standards in Sections 11. The district designation for a particular site shall be determined from the Official Land Use District Map.

Key to Table:

Yes	Allowed (no permit required but must comply with all applicable performance standards contained in Section 11.)
No	Prohibited
PB	Requires a Site Plan Review Approval pursuant to the Site Plan Review Ordinance for the Town of Mexico, Maine or other review as noted.
CEO	Requires a permit from the Code Enforcement Officer

Abbreviations:

I	Industrial
C-I	Commercial I
C-II	Commercial II
DC	Downtown Commercial
R-I	Residential I
R-II	Residential II
R	Rural

## LAND USES

LAND USES	DISTRICTS						
	I	C-I	C-II	DC	R-I	R-II	R
1. Single family dwelling	no	CEO	CEO	CEO	CEO	CEO	CEO
2. Duplex	no	CEO	CEO	CEO	CEO	CEO	CEO
3. Multi-family dwelling	no	PB <sup>1</sup>	no				
4. Mobile home park	no	no	no	no	PB <sup>1</sup>	PB <sup>1</sup>	no
5. Congregate housing	no	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no
6. Structures accessory to residential uses	CEO						
7. Home Occupations	yes <sup>3</sup>						
8. Agriculture	yes						
9. Timber harvesting	yes						
10. Mineral extraction, including sand and gravel extraction	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	PB <sup>2</sup>
11. Cemetery	no	PB <sup>2</sup>	PB <sup>2</sup>	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>
12. Church	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no
13. Fire/police stations	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no
14. Government offices	no	PB <sup>2</sup>	no				
15. Public/private schools	no	PB <sup>2</sup>	no				
16. Nursing Home	no	PB <sup>2</sup>	no				
17. Museum/Library	no	PB <sup>2</sup>	no				
18. Hospital	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no
19. Public Utility Facility	PB <sup>2</sup>						
20. Automobile Graveyard/Recycling/Junkyard	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	no	PB <sup>2</sup>
21. Gasoline service station	PB <sup>2</sup>	PB <sup>2</sup>	no	PB <sup>2</sup>	no	no	no
22. Auto repair/Sales	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
23. Hotel/Motel	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
24. Bed & Breakfast	no	PB <sup>2</sup>					
25. Indoor Theater	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
26. Kennel/Veterinary Hospital	no	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	PB <sup>2</sup>
27. Neighborhood Convenience Store	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no
28. Offices:Business, Professional, Medical	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
29. Restaurant	no	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
30. Retail Business	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
31. Service Business	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no
32. Shopping Center	no	PB <sup>2</sup>	no	PB <sup>2</sup>	no	no	no
33. Wholesale Business	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	PB <sup>2</sup>
34. Signs	CEO						
35. Heavy Manufacturing	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	no
36. Light Manufacturing	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	PB <sup>2</sup>
37. Demolition/Waste Disposal	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	no	PB <sup>2</sup>
38. Sawmill	PB <sup>2</sup>	PB <sup>2</sup>	PB <sup>2</sup>	no	no	no	PB <sup>2</sup>
39. Accessory Structures/Uses	CEO <sup>4</sup>						
40. Uses similar to uses requiring a CEO permit	CEO						
41. Uses similar to uses requiring a PB permit	PB						

<sup>1</sup> Requires subdivision review and approval by the Planning Board pursuant to the Town of Mexico Subdivision Ordinance.

<sup>2</sup> Requires site plan review and approval by the Planning Board pursuant to the Town of Mexico Site Plan Review Ordinance.

<sup>3</sup> Home occupations that do not meet the standards in Section II.B.4 of the Site Plan Review Ordinance for the Town of Mexico require a permit from the Planning Board pursuant to Section VI. C of the Site Plan Review Ordinance for the Town of Mexico, Maine.

<sup>4</sup> See specific standards contained in Section 11.N.

**G. Dimensional Requirements**

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Mexico shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this ordinance and the Town of Mexico Subdivision Ordinance). After the effective date of this ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this ordinance.

**SPACE AND BULK STANDARDS**

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Impervious Surface Ratio <sup>3</sup>	Maximum Structure Height
Industrial	40,000 sq. ft.	200 ft.	50 ft. <sup>1</sup>	25 ft.	25 ft.	0.75	45 ft.
Commercial I	40,000 sq. ft.	200 ft.	25 ft. <sup>1</sup>	15 ft.	10 ft.	0.70	45 ft.
Commercial II	40,000 sq. ft.	200 ft.	50 ft. <sup>1</sup>	15 ft.	10 ft.	0.60	45 ft.
Downtown Commercial	7,500 sq. ft. with W & S 20,000 sq. ft. without W & S	75 ft.	15 ft. <sup>1/2</sup>	10 ft.	10 ft.	0.90	45 ft.
Residential I	15,000 sq. ft. with W & S 30,000 sq. ft. without W & S	100 ft.	25 ft. <sup>1</sup>	25 ft.	25 ft.	0.50	45 ft.
Residential II	20,000 sq. ft. with W & S 40,000 sq. ft. without W & S	150 ft.	50 ft. <sup>1</sup>	25 ft.	25 ft.	0.65	45 ft.
Nonconforming Lots	5,000-7,500 sq. ft. with W & S	50 ft.	25 ft.	15 ft.	15 ft.	N/A	45 ft.
Rural	80,000 sq. ft.	250 ft.	50 ft. <sup>1</sup>	25 ft.	25 ft.	0.25	45 ft.

NOTES:

- <sup>1</sup> Measured from the edge of the right-of-way.
- <sup>2</sup> In cases where there is a uniform and consistent street wall along a street, and the front setback requirement of fifteen (15) feet is greater than the typical setback as determined by the code enforcement officer, the front setbacks may be reduced to the prevailing setback by the code enforcement officer. When such setback reduction occurs, the front setback for the proposed structure must be the prevailing setback.
- <sup>3</sup> The total area of all structures, parking lots and other non-vegetated surfaces.
- <sup>4</sup> Upon request, a variance may be approved for 6 ft. side and rear setbacks on nonconforming lots by the planning board and abutters.

1. Required Frontage

- a. All lots hereinafter created shall possess a minimum frontage on (1) a public road, or on (2) a privately-owned road or other thoroughfare or access route which complies with the Town of Mexico Street Standards Ordinance.
- b. Corner lots shall have the minimum road frontage on at least one (1) road.

Signed:

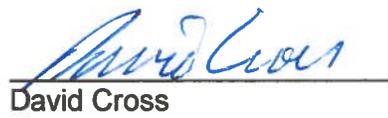
  
Daniel Casey, Chairman

  
Ernest Robichaud

  
Gerald Drinkuth

  
Leon Cantin, Vice Chair

\_\_\_\_\_  
Reggie Arsenault, Jr.

  
David Cross

\_\_\_\_\_  
Joseph Derouche

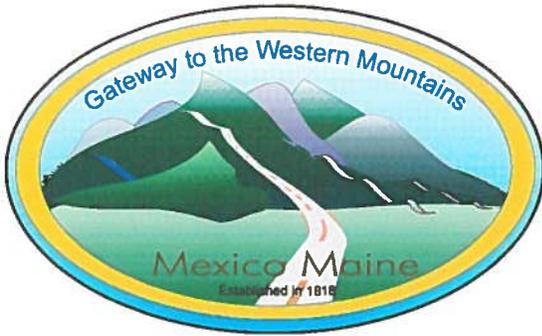
  
Edward Carey, Sr.

**Planning Board Members**

Date: *September 7, 2006*

\*\*Approved by voters November 7, 2006

 Penny S. Duguay Town Clerk



**TOWN OF MEXICO  
CODE ENFORCEMENT OFFICER**

**DAVID W. ERRINGTON**

P.O. Box 251  
134 Main St.  
Mexico, ME 04257-0251

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**LAND MANAGEMENT ORDINANCE**  
**FOR THE TOWN OF MEXICO, MAINE**

April 5, 2016

The planning board proposes to reduce the set back requirements, side and rear for residential from 25ft. down to 6ft. and Down Town Commercial from 10ft to 6ft. This would change the bulk standard chart attached and the Land management district map would stay the same as both the districts overlap. Most of these lots are 50ft x 100ft.

David Errington

CEO/LPI

Adopted: June 14, 2016  
Penny S. Duguay, Town Clerk



*Both  
Districts  
overlap*

G. Dimensional Requirements

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Mexico shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance and the Town of Mexico Subdivision Ordinance). After the effective date of this Ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this Ordinance.

SPACE AND BULK STANDARDS

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Impervious Surface Ratio <sup>3</sup>	Maximum Structure Height
Industrial	40,000 sq. ft.	200 ft.	50ft. <sup>1</sup>	25 ft.	25 ft.	0.75	45ft.
Commercial I	40,000 sq. ft.	200 ft.	25 ft. <sup>1</sup>	15 ft.	10 ft.	0.70	45 ft.
Commercial II	40,000 sq. ft.	200 ft.	50 ft. <sup>1</sup>	15 ft.	10 ft.	0.60	45 ft.
Downtown Commercial	7,500 sq. ft. With W&S 20,000 Sq. Ft. Without W&S	75ft.	15ft. <sup>2</sup>	10 ft. 6'	10 ft. 6'	0.90	45 ft.
Residential I	15,000sq.ft. With W&S 30,000sq.ft. Without W&S	100 ft.	25 ft. <sup>1</sup>	25 ft. 6'	25 ft. 6'	0.50	45 ft.
Residential II	20,000 sq.ft. With W&S 40,000sq.ft. Without W&S	150 ft.	50 ft. <sup>1</sup>	25 ft.	25 ft.	0.65	45 ft.
Rural	80,000 sq. ft.	250 ft.	50 ft. <sup>1</sup>	25 ft.	25 ft.	0.25	45 ft.

NOTES:

- <sup>1</sup> Measured from the edge of the right-of-way.
- <sup>2</sup> In cases where there is a uniform and consistent street wall along a street, and the front setback requirement of fifteen (15) feet is greater than the typical setback as determined by the Code Enforcement Officer, the front setbacks may be reduced to the prevailing setback by the Code Enforcement Officer. When such setback reduction occurs, the front setback for the proposed structure must be the prevailing setback.
- <sup>3</sup> The total area of all structures, parking lots and other non-vegetated surfaces.

1. Required Frontage

- a. All lots hereinafter created shall possess a minimum frontage on (1) a public road, or on (2) a privately-owned road or other thoroughfare or access route which complies with the Town of Mexico Street Standards Ordinance.
- b. Corner lots shall have the minimum road frontage on at least one (1) road.

2. Cul-de-sac Frontage

New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of thirty-five (35) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

3. Front Setback

The minimum front setback along a public road, privately-owned road or common driveway shall be measured from the edge of the right-of-way line, according to the above table. The depth of any yard abutting a public road shall conform to the front setback.

4. Multiple Structures

If more than one(1) principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front side, and rear setback and road frontage requirements. Each principal structure shall be designed on its own lot.

5. Parking Areas

Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines. (This shall not apply to personally owned vehicles on residential lots.)

6. Setback Measurements

All setbacks shall be measured from the property line to the nearest part of the structure except as provided for above.

7. Accessory Structures

Accessory structures shall comply with Section 11.N.

8. Corner Lots

The front setback requirement shall be observed along all roads abutting the lot.

9. Corner Lot Obstructions

All corner lots shall be kept free from visual obstruction for a distance of twenty (25) feet measured along the street lines.

10. Heights Limits

Height limits of forty-five (45) feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.

## SECTION 11. Performance Standards

### A. Backlots/Residential

Backlots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

1. If a backlot is accessible only by legally enforceable right-of-way, it may be used if the following conditions are met:
  - a. The right of way must be conveyed by deed or other legal instrument registered in the Oxford County Registry of Deeds to the owner of the backlot and be a minimum of fifty (50) feet in width.
  - b. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
  - c. The right-of-way deed or other legal instrument must be recorded in the Oxford County Registry of Deeds before a building permit is issued.
  - d. Creation of a fifty (50) foot wide right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, of, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
  - e. The right-of-way may serve only one (1) single-family dwelling unless the following provisions are met:
    - 1) The right-of-way may serve two (2) single-family dwellings if a driveway meets the standards contained in Section VI.L. of the Town of Mexico Street Standards Ordinance are met.
  - f. No more than one (1) right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least one hundred fifty (150) feet of frontage on a public or privately owned road frontage, and the center lines of the right-of-way entrances are at least two hundred (200) feet apart.
  - g. Backlots legally recorded on or before October 1, 1994, served by a deeded right-of-way legally recorded on or before October 1, 1994, shall be exempt from the minimum right-of-way requirements.
  - h. Each single family dwelling on a back lot shall be located within an area defined by a circle with a minimum diameter equal to the required road frontage in the District.

### B. Backlots/Industrial and Commercial

Backlots may be developed for industrial/commercial uses, although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions.

1. The right-of-way must be conveyed by deed or other legal instrument registered in the Oxford County Registry of Deeds to the owner of the backlot and be a minimum of fifty (50) feet in width.
2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
3. The right-of-way deed or other legal instrument must be recorded in the Oxford County Registry of Deeds before a building permit is issued.
4. Creation of a fifty (50) foot wide right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
5. The shortest distance between the backlot and the road shall be at least two hundred (200) feet.

#### **C. Apartment Conversions**

1. Purpose

The purpose of these standards are to provide less expensive rental units to the housing stock; make housing units available to lower income households who might otherwise have difficulty finding housing in Mexico and to protect property values and traditional residential characteristics.

2. General Requirements

The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a permit granted by the Code Enforcement Officer, provided that the following are met:

- a. Such conversion shall not create more than one (1) additional dwelling unit in a single family structure.
- b. The converted apartment shall be designed so that the appearance of the building remains that of a single-family dwelling, with the exception of second floor emergency egress if required.
- c. The design of the apartment conforms to all applicable standards in building and other codes.
- d. Adequate off-street parking shall be provided.
- e. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the apartments.
- f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

**D. Multi-family Structures**

1. Lot size standards set forth in the Shoreland Zoning Ordinance Mexico, Maine shall govern those areas regulated by that Ordinance.
2. For those areas served by public water and sewer the following requirements shall be met for new and converted multi-family structures.
  - a. Lots for multi-family structures shall have 10,000 square feet of land areas for each dwelling unit above two (2).
  - b. For each dwelling unit above two (2) there shall be an additional twenty-five (25) feet of road frontage.
3. For those areas not served by public sewer and water the following requirements shall be met for new or converted multi-family structures.
  - a. Lots for multi-family structures shall have 20,000 sq. ft of land area for each dwelling unit above two (2).
  - b. For each dwelling unit above two (2) there shall be an additional fifty (50) feet of road frontage.
  - c. Side and rear setbacks shall be a minimum of fifty (50) feet.

**E. Water Quality Protection**

No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake, pond or on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells, or on the ground surface in such a manner that would cause water quality degradation. Such activities shall be in conformity with applicable local, state and federal laws.

**F. Storm Water Runoff**

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

**G. Erosion and Sedimentation Control**

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - a. Mulching and revegetation of disturbed soil.

- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - c. Permanent stabilization structures such as retaining walls or riprap.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- 4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- 5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

#### **H. Soils**

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

**I. Driveways**

Each residential structure shall have a driveway not less than ten(10) feet in width and extend at least ten(10) feet beyond the road right to way width. Driveways shall be inspected by the Code Enforcement officer to determine if shall be necessary.

**J. Off-Street Parking**

A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

1. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
2. Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
3. Off-street parking spaces shall comply with the following standards.
  - a. Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.
  - b. Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

4. Off-street parking shall be provided to conform with the number required in the following:

Residential	
With 2 or more bedrooms	two per dwelling unit
With one bedroom	1 1/4 per dwelling unit
Retail	one per 300 sq. ft. of gross floor area
Office	one per 200 sq. ft. of gross floor area
Wholesale/warehouse	one per 1,200 sq. ft. of storage or gross floor area
Industrial/Manufacturing	one per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus 1/2 per employee
Nursing/convalescent homes	1/2 per bed
Schools	
Elementary	one per classroom
Secondary	5 per classroom
Theaters/auditoria/churches	one per five seats and one space per 100 sq. ft. of area for assembly
Eating and drinking establishments	one per three seats

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

5. Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Mexico or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within five hundred (500) feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

6. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

7. The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

**K. Signs**

1. Purposes. The purposes of these standards are to encourage the effective use of signs as a means of communication in the Town of Mexico; to maintain and enhance the aesthetic environment of the Town of Mexico; to create and maintain an attractive business climate in the Town of Mexico; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and implement the intent of the Mexico Comprehensive Plan.
2. Except as provided in Section 3.a-m, no sign may be erected, enlarged, illuminated or substantially altered without a Sign Permit issued by the Code Enforcement Officer after finding that the sign is in accordance with the provisions of this section.
3. The following types of signs are permitted, except where otherwise prohibited by law and shall not require a Sign Permit issued by the Code Enforcement Officer.
  - a. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).
  - b. Any sign approved by the Planning Board, as an element of Site Plan Review, prior to the effective date of this Ordinance or as proposed in a pending application.
  - c. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.
  - d. One non-illuminated non-internally lit sign not exceeding six (6) square feet used to describe a home occupation.
  - e. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.
  - f. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church and like events and garage sales, auctions and like events.
  - g. One sign each for a building contractor, architect or engineer; each sign shall not exceed sixteen (16) square feet relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.
  - h. Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.
  - i. Any sign(s) placed by the State or Federal Governments or Town of Mexico that comply with the Department of Transportation standards.
  - j. Outdoor signs identifying restrooms, parking, entrance and similar information.
  - k. Memorial signs or tablets, names of buildings and date of construction, or historic markers when cut into masonry, bronzed or other permanent material affixed to the structure or placed on the property.

- l. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
  - m. Signs not exceeding eight (8) square feet per sign which identify entrances and exists to parking and service areas.
4. Prohibited Signs: The following signs are prohibited in all areas of the Town of Mexico.
- a. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations.
  - b. No permanent sign except traffic and similar public safety signs, official business directional signs shall be located in the public right-of-way of any street or highway except as may be allowed by State law.
  - c. No sign shall protrude beyond the property line of the lot on which it is placed.
  - d. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit public streets or private roads.
  - e. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
  - f. Inflatable signs, tethered balloons and pennants except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.
  - g. Signs relating to any business which has been out of business for more than 365 days. The owner of the property or his agent shall be responsible for removing such signs.
  - h. Temporary movable signs are not permitted except for the following uses with the issuance by the Code Enforcement Officer of a no fee temporary sign permit.
    - i) To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at some premises for more than 90 days in any calendar year.
    - ii) To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed 90 days in any calendar year.
    - iii) To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.
5. Nonconforming Signs. Nonconforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below.
- a. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.
  - b. No illumination may be added to any nonconforming sign except if such illumination complies with the provisions of this section.
  - c. A nonconforming sign may not be moved except for maintenance, change in message or repair or replaced except to bring the sign into conformity with this section.

- d. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

6. General Provisions

- a. Signs must be kept clean, legible and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.
- b. Except for banners, flags, temporary signs and window signs conforming with all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
- c. All signs shall meet the following setback standards:
  - i) A minimum of twenty (20) feet from the outside edge of the paved portion of any public way with more than two travel lanes and/or a total paved portion in excess of twenty-four (24) feet in width.
  - ii) A minimum of five (5) feet from the right-of-way of any public or private street.
  - iii) All signs shall be setback a minimum of five (5) feet from side and rear lot lines.
- d. Area and height of signs shall be computed as follows.
  - i) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
  - ii) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
  - iii) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

7. Specific Standards

a. Commercial I, Commercial II, General Development and Industrial Districts: The following standards apply to the Commercial I, Commercial II, General Development and Industrial Districts.

i) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this section.

ii) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall area to which is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and architectural features.

iii) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.

iv) Projecting Signs: One projecting sign is permitted per structure. Such signs shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.

v) Free Standing Signs:

a) One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district; an additional free standing sign is permitted provided it complies with Subsections b) and c) below.

No free standing sign shall exceed eighty (80) square feet in area. The top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.

b) For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a.) above, no free standing sign shall exceed eighty (80) square feet in surface area.

c) For lots with linear street frontages of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.

d) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.

- e) Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 160 square feet.
  - vi) Illumination: Signs shall be illuminated only by the following means:
    - a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;
    - b) Interior or surface mounted, non-exposed, white lights of reasonable intensity; and
    - c) Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.
  - vii) Awning and canopy signs: Awning and canopy signs are permitted. Canopies over fuel island shall only advertise fuel and fuel products.
- b. Downtown Commercial District.

First time signs and signs that replace existing signs in the Downtown Commercial shall comply with the following:

- i) In the case of a multi-tenant development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.
- ii) On each premise, there shall be permitted one (1) wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership, operation, or control therein. Such signs shall not occupy more than twenty (20) percent of the wall area to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors, and major architectural features.
- iii) Window and door signs are allowed without regard to the percentage of the door or window in which they are displayed.
- iv) One projecting sign is permitted per structure, projecting signs shall extend no lower than ten (10) feet above ground level, projecting from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet.
- v) One free standing sign is permitting per lot. No free standing sign shall be greater than twenty-four (24) square feet.
- vi) Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.
- vii) Signs shall be illuminated only by the following means:
  - a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
  - b) Interior, non-exposed, white lights of reasonable intensity.

- c. Residential Districts
  - i) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
  - ii) All signs shall be mounted flat on the wall or free standing.
  - iii) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
  - iv) Total Signage: The permitted total signage shall not exceed twenty-four (24) square feet.
  
- d. Rural District:
  - i) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
  - ii) All signs shall be mounted flat on the wall or be free standing.
  - iii) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light of the premises.
  - iv) Total Signage: The permitted total signage shall not exceed thirty-two (32) square feet.
  
- b. Except for banners, flags, temporary signs and window signs all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or other structure by direct attachment to a ridged wall, frame or structure.
  
- c. Signs may be illuminated only by shielded, non-flashing lights.

**Types of Signs by Land Management District**

Type of Sign	Land Management District			
	C-1, C-2 & I	DC	R-1 & R-2	R
Wall <sup>1</sup>	P	P	P	P
Roof <sup>1</sup>	P	P	N	N
Projecting	P	P	N	N
Free Standing	P	P	P	P
Window/Door	A	A	A	A

- A = Allowed no permit necessary
- P = Permitted with a sign permit issued by the Code Enforcement Officer
- N = Not permitted
- 1. One (1) wall or roof sign is permitted per premise

**Type and Size of Sign by Land Management District**

District	Type of Sign							
	Freestanding		Wall		Roof		Projecting	
	# Allowed	Max Area	# Allowed	Max Area	# Allowed	Max Area	# Allowed	Max Area
C-1, C-2 & I	1 <sup>1</sup>	80 sq.ft. <sup>2</sup>	1	30% of wall area <sup>3</sup>	1	30% of wall area <sup>3</sup>	1	32 sq.ft.
DC	1	24 sq.ft.	1	20% of <sup>3</sup> wall area	1	20% of wall area <sup>3</sup>	1	24 sq.ft.
R-1 & R-2	1	24 sq.ft. <sup>4</sup>	1	24 sq.ft. <sup>4</sup>	Not Allowed		Not Allowed	
R	1	32 sq.ft. <sup>4</sup>	1	32.sq.ft. <sup>4</sup>	Not Allowed		Not Allowed	

1. One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district an additional free standing sign is permitted.
2. For lots with linear street frontages of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.
3. On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than the percentage, identified in the above table, of the wall to which is attached or is above.
4. The total area of freestanding and wall signs shall not exceed the square footage identified in the table above.

**M. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

**N. Accessory Structures**

1. Accessory structures one hundred and fifty (150) square feet and less.

Accessory structures one hundred and fifty (150) square feet and less shall require a permit from the Code Enforcement Officer and shall not be located within the front setback but may be located not less than ten(10) feet from the side and rear lot line.

2. Accessory structures greater than one hundred and fifty (150) square feet.

Accessory structures greater than one hundred and fifty (150) square feet shall require a permit from the Code Enforcement Officer and meet setbacks for the District in which they are located. In addition Section III.A.1 of the Site Plan Review Ordinance for the Town of Mexico, Maine shall be complied with.

## Section 12 Appeals

### A. Powers and Duties of the Board of Appeals

Appeals shall be to the Mexico Board of Appeals according to the procedures of the Town of Mexico Board of Appeals Ordinance to the extent that the following provisions are inconsistent with that Ordinance, the following provisions of this Ordinance shall control. The Board of Appeals shall have the following powers:

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
2. Variance Appeals: To authorize variances upon appeal within the limitations set forth in this Ordinance.

### B. Variance Appeals

Variances may be permitted only under the following conditions:

1. Variances may be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
2. The Board of Appeals shall not grant a variance unless it finds that:
  - a. The strict application of the terms of this Ordinance would result in undue hardship.  
  
The term "undue hardship" shall mean:
    - i) The land in question cannot yield a reasonable return
    - ii) The need for a variance is due to unique circumstances of the property and not to general neighborhood conditions.
    - iii) The granting of a variance will not alter the essential character of the locality, and
    - iv) The hardship is not the result of action taken by applicant or a prior owner.
3. The Board of Appeals may grant a variance to a owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
4. The Board of Appeals shall limit any variances as strictly as possible in order to insure conformance with the purposes and provisions of this Code to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

## **C. Appeal Procedure**

### **1. Making an Appeal**

- a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the decision.
- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - i) A concise written statement indicating what relief is requested and why it should be granted.
  - ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
  - iii) A fee of \$20.00 payable to the Town of Mexico to cover administrative costs. The applicant shall in addition, pay the Town of Mexico for all costs of public hearing notices.
- c. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

### **2. Decision by Board of Appeals**

- a. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- c. The person filing the appeal shall have the burden of proof.
- d. The Board shall decide all appeals within thirty(30) days after the close of the hearing, and shall issue a written decision on all appeals.
- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

## **D. Appeal to Superior Court**

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

**E. Reconsideration**

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

**Section 13. Enforcement**

**A. Nuisances**

Any violation of this Ordinance shall be deemed to be a nuisance.

**B. Code Enforcement Officer**

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.

A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

**C. Legal Actions**

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

**D. Fines**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

**Section 14. Administration**

**A. Code Enforcement Officer**

This ordinance shall be administered by a Code Enforcement Officer who shall be appointed or reappointed annually by the Municipal Officers. The Code Enforcement Officer shall inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this Code. The Code Enforcement Officer in the performance of his duties shall have the right to enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this Code.

**B. Building Permits**

A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement conversion or demolition or any structure or part thereof as required by the Town of Mexico Building Code.

**Section 15. Definitions**

**A. Construction of Language**

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

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

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

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

The word "structure" includes the word "building."

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "Town" or "municipality" means the Town of Mexico, Maine.

**Abandoned:** Abandonment is the stopping of an activity, use, business, in addition to: actions taken by a property owner or representative that removes the major portion of materials, goods, equipment, facilities or parts thereof necessary for the operation of the activity, use, business. Also, contains the element of abandoned and/or change to a less intensive use of the property/structure.

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

**Aggrieved Party:** an owner of land whose property is directly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

**Alteration:** Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building.

The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

**Automobile Body Shop:** A business establishment engaged in body, frame or fender straightening and repair or painting and undercoating.

**Automobile Graveyard:** A place where three or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

**Back Lot:** Any lot or parcel of land that does not have frontage on a public road or privately-owned street meeting the standards contained in Section VI.H. of the Town of Mexico Street Construction Ordinance or lacks the minimum frontage as required under Section 10.G of this Ordinance.

**Bed and Breakfast:** Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

**Business and Professional Offices:** The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

**Campground:** Land upon which one or more tents are erected or trailers are parked for temporary family recreational use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground" and "tenting grounds."

**Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Cemetery:** Property used for the interring of the dead.

**Church:** A building or structure, or group of buildings or structures, designed primarily intended and used for the conduct of religious services excluding Sunday School.

**Code Enforcement Officer:** A person appointed by the municipal officers to administer and enforce this code.

**Commercial Recreation:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, and bowling alleys but not including amusement facilities, as defined herein.

**Commercial Use:** Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings or dwelling units.

**Comprehensive Plan:** Comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

**Conforming:** A building, structure, use of land, or portion thereof, which complies with all the provisions of this Ordinance.

**Congregate Housing:** Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

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

**Demolition/Waste Disposal:** A facility including a landfill operated by a public, quasi-public or private entity which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Development:** Any manmade changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

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

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

**Duplex:** A building containing only two dwelling units for occupation by not more than two families.

**Dwelling:** Any building or structure or portion thereof designed or used for residential purposes.

1. **Single-family Dwelling:** Any structure containing only one dwelling unit for occupation by not more than one family.
2. **Multi-family Dwellings:** A building containing three or more dwelling units such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another with the number of families not exceeding the number of dwelling units.

**Dwelling Unit:** A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

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

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

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

**Filling:** Depositing or dumping any matter on or into the ground or water.

**Flag:** Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as symbol of a government, political subdivision or other entity.

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

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

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

**Freestanding Sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structure.

**Frontage, Road:** The linear distance between the sidelines of a lot measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot.

**Garage:** An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

**Gasoline Service Station:** Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

**Government Office:** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

**Gravel Pit:** See mineral extraction.

**Group Home:** A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A group home may include a community living facility, foster home or intermediate care facility.

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

**Home Occupation:** An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.

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

**Hotel/Motel:** A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

**Impervious Surface Ratio:** A measure of the intensity of land uses that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

**Industrial Use, Heavy:** The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

**Industrial Use, Light:** The use of real estate, building or structure, or any portion thereof, which main processes involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

**Junkyard:** A visible yard, field or other area used as place for storage and/or sale of the following:

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber; and
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

**Kennel:** An establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

**Light Manufacturing:** A use engaged in the manufacture, predominantly only from previously prepared materials, of finished products or parts, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products.

**Lot:** An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

**Lot Area:** The total horizontal area within the lot lines.

**Lot, Corner:** A lot at least two contiguous sides abutting upon a street or right-of-way.

**Lot Coverage:** The percentage of a lot covered by all buildings, parking areas and impervious services.

**Lot Lines:** The lines bounding a lot as defined below:

1. **Front Lot Line:** Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

**Lot, Minimum Area:** The required lot area within a district for a single use.

**Lot of Record:** A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of Deeds on or before the effective date of this Ordinance.

**Lot, Through:** Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

**Lot Width:** The distance between the side boundaries of the lot measured at the front setback line.

**Manufactured Housing/Mobile Home Unit:** Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. section 4358(1).

**Manufacturing:** The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

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

**Mineral Exploration:** Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

**Mineral Extraction:** Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

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

**Mobile Home Park:** A parcel of land under unified ownership approved by the Town of Mexico Planning Board pursuant to the Town of Mexico Subdivision Ordinance.

**Mobile Home Park Lot:** Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

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

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

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

**Nonconforming Structure:** A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nonconforming Use:** Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nonhabitated Accessory Structure:** A structure which is incidental and subordinate to the principal use or structure which is not considered a dwelling unit.

**Nursing Home:** A privately operated establishment where maintenance and personal or nursing care is provided for persons who are unable to care for themselves.

**Parks and Recreation:** Noncommercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, restrooms, bath houses and the maintenance of such land and facilities. The term shall not include campgrounds or commercial recreation and amusement centers.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in series, designed to move in the wind.

**Permitted Use:** Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

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

**Planning Board:** The planning board of the Town of Mexico.

**Principal Structure:** A building other than one which is used for purposes incidental or accessory to the use of another building or use on the same premises.

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

**Privately-Owned Street:** A residential street meeting the standards contained in Section VI.H. of the Town of Mexico Street Standards Ordinance not including a street serving a mobile home park which is not intended to be dedicated as a public way.

**Projecting Sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Public and Private Schools:** Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

**Public Facility:** Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Public Utility:** Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**Quarry:** A place where stone is excavated from rock.

**Reconstructed:** The rebuilding of a road or section of a road to improve its serviceability.

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

**Repair:** to take necessary action to fix normal damage or storm damage.

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

**Restaurant:** An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

**Retail Business:** A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**Right-of-way:** All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

**Road:** Public and private ways such as highways, streets and other rights-of ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sand and Gravel Pit:** See mineral extraction.

**Service Business:** Establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

**Setback:** The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

**Shoreland Area:** The land area located within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

**Sign:** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind of the public.

**Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

**Substantial Damage:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Movable Sign:** Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

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

**Trucking/Distribution Terminal:** An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

**Undue Hardship:** As used in the code, the words "undue hardship" shall mean all of the following:

1. that the land in question cannot yield a reasonable return unless a variance is granted; and
2. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. that the granting of a variance will not alter the essential character of the locality; and
4. that the hardship is not the result of action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

**Use:** The manner in which land or a structure is arranged, designed or intended, or is occupied.

**Variance:** A relaxation of the terms of this code where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

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

**Wall Sign:** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Warehousing/Storage:** The storage of goods, wares and merchandise in a warehouse.

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

**Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Wholesale Business:** The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguish from the sale to the general public.

LANDMANAGEMENT. ORD 4/20/00

Date amended: 6/12/2007

Attest: Penny S. Duquay, Clerk

1. Amend Section 10.F, Table of Land Uses as follows:

LAND USES

LAND USES	DISTRICTS						
	I	C-I	C-II	DC	R-I	R-II	R
<u>Mobile Home</u>	no	CEO	CEO	<u>no</u>	CEO	CEO	CEO

2. Amend Section 15, Definitions, as follows:

Mobile Home: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two types of mobile home homes are included. Those two types are:

- (a) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; and
- (b) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

Modular Homes: Structures that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, of the Maine Revised Statutes and rules adopted under the chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the units.

3. Amend the Land Management District Map of Mexico, Maine to increase the size of the Downtown Commercial District to Richards Ave. as depicted on the attached map.

