TOWN OF CLINTON, MAINE

Land Use Ordinance

Enacted June 13, 1992

Revised	**06/12/1993**	**0/6/21/1994**	**06/25/1995**
	06/25/1996	**06/19/1999**	**08/27/1999**
	11/07/2000	**06/12/2001**	**06/10/2003**
	06/09/2009	**06/08/20210**	**06/14/2011**
	06/12/2012	**11/04/2014**	**06/13/2017**
	06/08/2021	**06/11/2024**	**06/09/2026**

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ARTICLE 1. GENERAL

A. TITLE

This Ordinance shall be known and cited as the Land Use Ordinance of the Town of Clinton, Maine, and will be referred to as "this Ordinance."

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), and the State's growth management law, Title 30-A, MRSA, Sections 4312 et.seq.

C. PURPOSES

The purpose of this Ordinance is to implement the provisions of the Town's Comprehensive Plan and to promote the health, safety, and general welfare of the residents of the community.

D. APPLICABILITY

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Clinton, exclusive of the land and water area subject to the Town's Shoreland Zoning Ordinance.

E. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinances, regulations, or statutes, the more restrictive provision shall prevail.

This Ordinance supersedes and replaces the Clinton Site Plan Review Ordinance and Clinton Land Use Ordinance, effective 3/11/88.

F. VALIDITY AND SEVERABILITY

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

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of the adoption or approval of subsequent updates by vote at Town Meeting.

H. AMENDMENTS

This Ordinance may be amended by majority vote at Town Meeting.

ARTICLE 2. NON-CONFORMANCE

A. PURPOSE

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

B. GENERAL REQUIREMENTS

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures, without a permit pursuant to this Ordinance.

C. NON-CONFORMING STRUCTURES

1. **Expansions:** A non-conforming structure may be expanded or added onto upon obtaining a permit from the appropriate Town permitting authority, provided that the proposed expansion does **not** increase the structure's non-conformity. Specifically, expansions must not further deviate from standards related to:
    - Minimum yard dimensions
    - Maximum lot coverage
    - Floodplain and wetlands setbacks

Structures shall not be enlarged in a manner that exacerbates existing non-conformities. For example, an addition is not permitted on the side of a structure that already encroaches into a required setback.

An accessory dwelling unit (ADU) may be permitted on a non-conforming lot or within a non-conforming structure, provided that the ADU does **not** further increase the existing non-conformity.

2. **Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setbacks and/or other dimensional requirements to the greatest practical extent as determined by the Planning Board. Additionally, the applicant must demonstrate or provide proof to the CEO that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules.

   In determining whether the building relocation meets the setbacks and/or other dimensional requirements to the greatest practical extent, the CEO shall base the decision on:

   - Lot size
   - Lot slope
   - Potential for soil erosion,
   - Location of the septic system,
   - Other on-site soils suitable for septic systems, and
   - The type and amount of vegetation to be removed to accomplish the relocation.

3. **Reconstruction or "Replacement":** Any non-conforming structure may be reconstructed or replaced provided that:

   - A permit is obtained from the Town permitting authority within (1) one year from the date of the event or occurrence causing the need to replace or reconstruct the structure;
   - Such reconstruction or replacement is in compliance with the applicable setbacks and/or other dimensional requirements to the greatest practical extent as determined by the permitting authority; and,
   - The applicant must demonstrate that the present subsurface sewage disposal system meets the requirements of State law and the State Of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in full compliance with the law and said Rules.

D. NON-CONFORMING USES

1. **Expansions:** An existing non-conforming use may be expanded, only after obtaining an applicable permit from the appropriate permitting authority. The permitting authority may approve such an expansion if it determines that the proposal aligns with the intent and standards outlined in the Site Plan Review Ordinance and/or relevant sections of this Ordinance. If the proposal fails to meet one (1) or more of these criteria, the expansion may be denied.

2. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use upon obtaining an applicable permit from the appropriate permitting authority. The permitting authority shall approve the proposed change unless it determines that:
   - The proposed use is not equally or more appropriate to the district than the existing non-conforming use; or
   - The proposed use would likely have a greater adverse impact on adjacent properties than the existing non-conforming use.

   The determination of appropriateness and potential adverse impact shall be based on the probable changes in the factors outlined in the Site Plan Review Ordinance and/or relevant sections of this Ordinance. The performance standards of this Ordinance apply to all applications for new non-conforming uses. A permitted or conforming use shall not be changed in a manner that creates a non-conforming use.
3. **Discontinuance:** A non-conforming use that has been discontinued or abandoned for one (1) year or more shall not be resumed and shall be considered extinguished.

   However, the removal or demolition of a non-conforming structure, for any reason, shall not constitute an abandonment of the non-conforming structure or use, provided that a permit for the replacement structure is obtained from the appropriate permitting authority within one (1) year of the removal or demolition.
4. **Supersession:** Where a non-conforming use is superseded by a permitted use, the property shall thereafter conform to the permitted uses, and such non-conforming use shall not be resumed. When a non-conforming use is replaced by a permitted use, the property shall thereafter conform to the requirements for permitted uses, and the previous non-conforming use may not be resumed.

E. NON-CONFORMING LOTS

1. **Non-conforming Lots:** As of the effective date of this Ordinance or amendment, a legally existing, vacant, non-conforming lot of record may be built upon without obtaining a variance, provided that the lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can-be met.

Variances for setbacks or other requirements—excluding those related to lot size or frontage—must be approved by the Board of Appeals. If more than one (1) residential dwelling unit or other use is constructed, established, or created on a non-conforming lot of record, the minimum lot size requirement of the District in which it is located shall be met for each residential dwelling unit, and all frontage and setback requirements of the District shall apply.

2. **Contiguous Built Lots:** If two (2) or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, with a principal use or structure existing on each lot, the lots may be conveyed separately or together. However, all lots created through such conveyance must comply with the requirements of the Subsurface Waste Disposal Rules, and each lot must conform to the dimensional requirements of this Ordinance, to the greatest practicable extent.
3. **Contiguous Lots - Vacant or Partially Built:** If two (2) or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one (1) or more of the lots are vacant or contain no principal structure, the lots shall be combined as necessary to meet the dimensional requirements.
4. **Single Lot with Multiple, Principal Structures - Division:** If two (2) or more principal uses or structures existed on a single lot of record as of the effective date or amendment date of this Ordinance, the lot may be divided and each use or structure sold on a separate lot, provided the division complies with the State Subsurface Wastewater Disposal Rules and meets the setback and dimensional requirements of this Ordinance to the greatest practicable extent.

   If the division of a lot containing two (2) or more principal uses or structures results in separate lots that meet the dimensional requirements of this Ordinance, the Planning Board may approve the division.

   If the proposed division results in lots that do not meet the setback or dimensional requirements of this Ordinance, the applicant shall obtain a Variance for the specific dimensional standard not met through the Board of Appeals.

5. **"NON-CONFORMING LOTS":** If two (2) or more lots with contiguous frontage on a right-of-way and in the same ownership are of record on the effective date of this Ordinance Amendment, pursuant to a final subdivision plan duly approved by the Town of Clinton Planning Board, those lots shall be considered separate and distinct parcels for the purposes of this Ordinance and shall be exempt from the dimensional requirements imposed by Article 2.(E- Non-Conforming Lots, 3- Contiguous Lots- Vacant or Partially Built) of this Ordinance with respect to Non-Conforming lots.

F. VESTED RIGHTS

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, or by submitting applications for building or State permits. These rights generally take effect only when actual substantial construction has begun, or, for pending applications, when the formal review process to determine compliance with applicable performance standards has started on a complete application. Any construction must be legal at the time it begins and the property owner must obtain and comply with all validly issued State and local permits.

ARTICLE 3. LAND USE DISTRICT REQUIREMENTS

A. PURPOSE

The purpose of these district designations is:

1. To allow and encourage future growth to occur in designated portions of the community and to restrict and discourage growth in other areas;
2. To provide for a separation of land uses that might otherwise be incompatible;
3. To protect the natural resources of the community from degradation; and,
4. To provide the community with an orderly growth pattern for the future.

B. BOUNDARIES

The location and boundaries of the above districts are established as shown on the "Town of Clinton Zoning Map" and are part of the Ordinance. Revised 1993. Mylar. App. 6-25- 96.

Unless otherwise set forth in the official Town of Clinton Zoning Map, district boundary lines are property lines, the center lines of roads, streets, and rights of way. Where uncertainty exists as to the exact location of the district boundary lines, the Board of Appeals shall be the final authority as to location.

For boundaries as they relate to Shoreland Zoning, see the Shoreland Zoning Ordinance.

C. LAND USES

The tables that follow specify the land uses permitted in each district in accordance with this Ordinance. If a given area or lot of land is located within the Wellhead Protection District, then the land use restrictions set forth in Article 3A- Wellhead Protection District Requirements, of this Ordinance will supersede and control over the following tables of land uses regardless of all other land use district assignments. Any use of land situated in the Wellhead Protection District not specifically allowed by Article 3A, Wellhead Protection District Requirements, is prohibited.

D. LAND USE DISTRICT DESCRIPTION

Commercial (C)- The purpose of this district designation is to provide a location for mixed-use land uses, including commercial and residential development, while discouraging incompatible land uses, such as more intense commercial or industrial uses.

Industrial/Commercial (IC)- The intent of this land use district designation is to provide a location for land uses that would typically be incompatible with residential land uses.

Medium Density (MD)- This district designated is intended to provide a location primarily for residential development away from land uses that are more commercial in nature.

Low Density (LD)- The purpose of the Low Density District is to accommodate residential development at reduced concentration than is permitted in the Medium Density District.

Rural (R)- This area is intended for agriculture, animal husbandry, forestry, outdoor recreation, natural resource-based activities, and agriculturally based activities. Future growth of housing and home-based businesses will be allowed but will be expected to conform to the rural/farming character of the area so that traditional activities such as farming and forestry will not be hindered.

Resource Protection (RP)- The purpose of the Resource Protection District designation is to protect environmentally sensitive areas like wetlands, floodplains, and habitats from development that would adversely affect them. This is accomplished through stricter regulatory oversight and limited or prohibited permitted land uses that potentially have a negative impact. Through these restrictions, this designation aims to preserve natural resources, protect water quality, and prevent damage to ecosystems.

Wellhead Protection District- See Article 3A.

Land Use Table Key

C= Commercial

IC= Industrial/Commercial

LD= Low Density

MD= Medium Density

R= Rural

RP= Resource Protection

RESIDENTIAL USE/STRUCTURES	C	IC	LD	MD	R	RP
Accessory Dwelling Units (Residential)	CEO	CEO	CEO	CEO	CEO	SZ
Accessory Structure (Non-residential)	CEO	CEO	CEO	CEO	CEO	SZ
Cluster Development	N	N	PB	PB	PB	PB
Congregate Housing	PB	N	PB	N	N	N
Duplex, 2-Family Dwelling	CEO	N	CEO	CEO	CEO	N
Home Occupation	Y.	Y	Y	Y	Y	CEO
Manufacture Housing (Certified)	CEO	CEO	CEO	CEO	CEO	SZ
Mobile Home Park	N	N	N	PB	N	N
Multi-family Dwelling	PB	N	PB	PB	N	N
Single-family Dwelling	CEO	CEO	CEO	CEO	CEO	CEO

Table Key

N= Use not allowed in district

CEO= Permit can be approved by the CEO

Y= Allowable use- no permit required

PB= Proposed use requires Planning Board review and approval

SZ- See Shoreland Zoning Ordinance

COMMERCIAL USE/STRUCTURES	C	IC	LD	MD	R	RP
Accessory Structures (Non-Residential Uses)	CEO	CEO	CEO	CEO	CEO	CEO
Amusement Facility	PB	PB	N	N	N	N
Automobile Graveyard, Junkyard	PB	PB	N	N	N	N
Automobile Sales and Car Wash	PB	PB	N	N	N	N
Automobile Repair, Body Shop,	PB	PB	N	N	N	N
Bed and Breakfast	PB	PB	PB	PB	PB	N
Boarding, Lodging	PB	PB	PB	PB	PB	N
Boat Building, Repair, Marina	PB	PB	PB	PB	PB	N
Hardware Store/Lumber Yard	PB	PB	N	N	PB	N
Commercial School/Trade School	PB	PB	PB	N	PB	N
Firewood Processing	N	PB	N	N	PB	N
Fisheries Processing, Storage	N	PB	N	N	N	N
Gasoline Service Station	PB	PB	PB	N	PB	N
Hotel/Motel	PB	PB	N	N	N	N
Indoor Theater	PB	PB	N	N	N	N
Kennel, Stable	PB	PB	PB	N	PB	N
Mobile/Modular Home Sales	PB	PB	N	PB	PB	N
Convenience Store	PB	PB	PB	N	PB	N
Offices; Businesses, Professional, Medical	PB	PB	PB	N	N	N
Publishing, Printing	PB	PB	N	N	N	N
Recreation	PB	PB	N	N	PB	N
Restaurant	PB	PB	PB	N	N	N
Retail Business	PB	PB	PB	N	PB	N
Self-Storage Facilities	PB	PB	N	N	N	N
Service Business	PB	PB	PB	N	PB	N
Commercial Solar	PB	PB	N	N	PB	N
Shopping Center	PB	PB	N	N	N	N
Veterinary Hospital	PB	PB	N	N	N	N
Wholesale Business	PB	PB	PB	N	N	N
Wireless Telecommunications Facility (minor) <70 feet	PB	PB	N	N	PB	N

COMMERCIAL USE/STRUCTURES	C	IC	LD	MD	R	RP
Wireless Telecommunications Facility (major) =/>70 feet and/or Any expansion	PB	PB	N	N	PB	N

*1 Only an automobile repair shop or a body shop of two (2) or less bays and with two (2) or less mechanics/body repairmen will be allowed in the Rural Zone. No automobile sales or car washes shall be permitted in the Rural Zone.

Table Key

N= Use not allowed in district

CEO= Permit can be approved by the CEO

Y= Allowable use- no permit required

PB= Proposed use requires Planning Board review and approval

SZ- See Shoreland Zoning Ordinance

INDUSTRIAL COMMERCIAL USES/STRUCTURES	C	IC	LD	MD	R	RP
Accessory Use (Non-Residential)	N	CEO	N	N	N	N
Bulk Oil/Gas Terminal	N	PB	N	N	N	N
Demolition/Waste Disposal	N	PB	N	N	N	N
Medical Marijuana	N	PB	N	N	N	N
Manufacturing	N	PB	N	N	N	N
Recycling Operations	N	PB	N	N	N	N
Sawmill	N	PB	N	N	N	N
Self-Storage Facility	N	PB	N	N	N	N
Transportation, Communication Facilities	N	PB	N	N	N	N
Trucking Distribution Terminal	N	PB	N	N	N	N
Warehousing and Storage	N	PB	N	N	N	N

Table Key

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CEO= Permit can be approved by the CEO

Y= Allowable use- no permit required

PB= Proposed use requires Planning Board review and approval

SZ- See Shoreland Zoning Ordinance

PUBLIC SERVICES USES/STRUCTURES	C	IC	LD	MD	R	RP
Accessory Structure (Non-Residential)	CEO	CEO	CEO	CEO	CEO	CEO
Church, Synagogue, Parish House	PB	PB	PB	PB	PB	N
Community Centers/Clubs	PB	PB	PB	PB	PB	N
Daycare	PB	PB	PB	PB	PB	N
Essential Services	PB	PB	PB	PB	PB	Y
Fire/Police Station	PB	PB	PB	PB	PB	N
Government Office	PB	PB	PB	PB	PB	N
Group Homes, Hospice	PB	PB	PB	PB	PB	N
Nursing Homes	PB	PB	PB	PB	PB	N
Hospital	PB	PB	PB	PB	PB	N
Out-Patient Medical Facility	PB	PB	PB	PB	PB	N
Museum, Library	PB	PB	PB	PB	PB	N
Parks and Recreation	PB	PB	PB	PB	PB	N
Public, Private School	PB	PB	PB	PB	PB	N
Public Utility Facility	PB	PB	PB	PB	PB	N

Table Key

N= Use not allowed in district

CEO= Permit can be approved by the CEO

Y= Allowable use- no permit required

PB= Proposed use requires Planning Board review and approval

SZ- See Shoreland Zoning Ordinance

OUTDOOR, RESOURCE BASED USES/STRUCTURES	C	IC	LD	MD	R	RP
Non-Residential Accessory Structure	CEO	CEO	CEO	CEO	CEO	CEO
Commercial Agriculture	PB	PB	PB	PB	PB	SZ
Commercial Aquaculture	PB	PB	PB	PB	PB	N
Campground	N	N	N	N	PB	SZ
Cemetery	N	N	N	N	PB	N
Extractive Industry	PB	PB	N	N	PB	N
Farm Stands	Y	Y	Y	Y	Y	Y
Commercial Forest Products	PB	PB	PB	PB	PB	PB/SZ
Commercial Nurseries	PB	PB	PB	PB	PB	PB/SZ
Golf Course	N	N	N	N	PB	N

Table Key

N= Use not allowed in district

CEO= Permit can be approved by the CEO

Y= Allowable use- no permit required

PB= Proposed use requires Planning Board review and approval

SZ- See Shoreland Zoning Ordinance

LOT REQUIREMENTS						
DIMENSIONS	**C**	**IC**	**LD**	**MD**	**R**	**RP**
With Public Sewer	7,500 sq. ft.	2 acres	7,500 sq. ft.	7,500 sq. ft	7,500 sq. ft.	N/A
Without Public Sewer	1 acre	2 acres	20,000 sq. ft.	1 acre	2 acres	N/A
Minimum Frontage (linear feet)	20	100	75	100	200	N/A
Minimum Yard Dimensions (linear feet)						
Front Setback (linear feet)	10	50	35	50	50	N/A
Side setback (linear feet) (notes 4 & 5 for more details)	From residential- 15 From Commercial- 0	20	15	20	20	N/A
Rear setback (linear feet)	15	20	15	20	20	N/A

Notes

1)Minimum lot area per mobile home in mobile home parks shall be 6,500 square feet with sewer and 20,000 square feet without sewer.

2)The minimum lot area per dwelling unit is 3 acres in areas located over the Town's aquifers in the Wellhead Protection Districts as identified in the Comprehensive Plan, Enacted June 13, 1992, and as updated.

3)The minimum lot area for lots connected to the municipal sewer is a quarter (¼) acre.

4)Commercial side setback abutting another commercial property is 0 (zero). Commercial side setback abutting a residential property is 15 feet.

5)Minimum setback from each abutting owner on all property boundaries.

NOTES TO TABLE:

A. **Lot Size Calculation.** All lots created after the effective date of this Ordinance shall comply with the lot dimensions detailed in Article 3- Land Use District Requirements, Lot Requirements table above.

B. **Required Frontage.** All lots created after the effective date of this Ordinance, shall possess a minimum frontage on (1) a public road, or (2) on a private road or other thoroughfare or access route which meets the specifications for road construction in the Town's Subdivision Review Standards. For back lots that are not part of a subdivision, the road frontage requirement is not applicable; however, back lots must have adequate vehicle access provided in conformance with Article 4- Performance Standards, (A- Access to Property), and all dimensional requirements of this Ordinance.

C. **Cul-de-sac Frontage.** New building lots located on a cul-de-sac shall be designed so that they have a minimum of one hundred (100) feet of street frontage in the Rural District and a minimum of fifty (50) feet of street frontage in all other districts. All other lot dimensional requirements shall apply.

D. **Front Setback (Road Setback).** The minimum front setback along a public road shall be measured from the centerline of the road, according to the above table. The depth of any yard abutting a public road shall conform to the front setback.

E. **Multiple Principal Dwelling Units on One Lot.** If more than one (1) dwelling unit is constructed on a single parcel of land, the minimum lot area per principal dwelling unit requirement shall apply, and all dwelling units shall meet the front, side, and rear setback requirements. This requirement does not apply to Accessory Dwelling Units. If more than one (1) commercial or industrial structure is constructed on a lot, the minimum lot area required shall be met for each additional structure, even if such structures are connected.

F. **Driveways. Parking Areas.** Driveways and parking areas may be located within any required setback area but shall not be located within six (6) feet of the side or rear lot lines.

G. **Setback Measurements.** All setback requirements shall be measured from the property line to the nearest part of the building, except for front setback (see above).

H. **Non-Residential Garages, Accessory Structures.** No garage or other accessory structure not intended for human habitation shall be located in the required setbacks except as permitted as follows: When located to the rear of the principal structure on the lot, accessory buildings that are no larger than 150 square feet in floor area may be located within the required side or rear setbacks, provided that the structure shall not be located less than six (6) feet from a side or rear lot line.

I. **Corner Lots.** The front setback (road setback) requirements shall be observed along all roads abutting the lot.

J. **Corner Lot Obstructions.** All corner lots shall be kept free from visual obstruction for a distance of twenty-five (25) feet measured from the edge of the pavement or traveled way.

K. **Wetlands. Floodplains Setback.** Structures shall be located outside of designated floodplain area and 75 feet from wetlands identified by the Town Shoreland Zoning Ordinance. This requirement shall not apply to pipelines, sewer lines, and electrical transmission lines.

ARTICLE 3A. WELLHEAD PROTECTION DISTRICT REQUIREMENTS

A. PURPOSE

The purpose of the Wellhead Protection District is to protect the quality of the Tapley Well, Clinton's public water supply, through the regulation of land use activities that have potential to be sources of contamination.

The Wellhead Protection District includes the surface and subsurface area surrounding the Tapley public water supply well. Contaminants are reasonably likely to move through the surface and subsurface areas reach the well. The Wellhead Protection District is composed of both the primary and secondary Wellhead Protection Districts.

B. DISTRICT BOUNDARIES

The Wellhead Protection District is depicted by the map entitled, "Primary and Secondary Wellhead Protection Districts for Clinton's Tapley Well" prepared by Emery and Garrett Groundwater, Inc., dated January 1993.

This map identifies the boundaries of the Wellhead Protection Districts. The following general description of the boundaries for both the districts is merely a guide:

1. The **Primary Wellhead Protection District** is the area surrounding the Tapley Well which is underlain by saturated sands and gravels. To the North it is bounded by Evergreen Cemetery, to the South the railroad embankment, and to the East, the 12- Mile Brook. On the West the boundary is approximately 500 feet west of the well.

2. The **Secondary Wellhead Protection District** was defined based on the photo lineaments, permeability of the soils, topographic divides and estimated maximum safe yield of well. It is an area totaling 638 acres. To the North it crosses 1-95, forming an arc whose furthest distance from I-95 is 1500 feet. To the East, it follows along Mutton Lane and Railroad Street and on the South it is around the cemetery. The western boundary is along the topographic divides West of the Central Maine Power Lines.
3. **Challenging the Wellhead Protection District Boundary.** A landowner or developer may dispute the inclusion of their property within the Wellhead Protection District through the following process:
   a. Agree to pay the fee to hire a hydrogeologist consultant chosen by and answerable to the Clinton Water District and Planning Board. Provide the Trustees Water District Trustees and the Planning Board with the findings of the investigation.
   b. Provide a report to the consultant of the Water District, including the following results of the investigation:
      i. Several borings into surficial deposits on the site in question to determine thickness and nature of deposits.
      ii. Remote sensing of bedrock fractures by means of aerial imagery and geophysical surveys.
      iii. Drilling of wells into bedrock aquifer.
      iv. Arranging with the Water District to pump the Tapley Well while monitoring water levels at the well or wells located on the site.

After the abovementioned requirements are met, zoning changes can only be made by approval at Town Meeting after a public hearing.

C. LAND USES

The following activities are strictly regulated in the Wellhead Protection District:

Industrial Land Uses

i. Waste processing for resource recovery
ii. Outdoor storage of chemicals in an unprotected area
iii. Road salt storage
iv. Lumber and wood veneer, productions and preserving
v. Industrial machinery cleaning or repair
vi. Scrap metal recycling, auto salvage, junkyards
vii. Underground storage of petroleum products, coals, or chemicals
viii. Textile mill or apparel processing
ix. Paper manufacturing
x. Mining, including gravel mining, common burrow, topsoil

Commercial Land Uses

i. New or used car dealers
ii. Recreational vehicle dealers
iii. Dry cleaning establishments
iv. Gasoline service stations
v. Fuel oil dealers
vi. Printing and publishing

Miscellaneous Land Uses

i. Stump dumps
ii. Chemicals or laboratories
iii. Airports

The above described activities or uses are absolutely prohibited within the Primary Wellhead Protection District.

The above-described activities or uses are presumed to be prohibited within the Secondary Wellhead Protection District, but this presumption may be overturned by following the procedure and providing the evidence outlined below.

D. APPLICANT'S BURDEN OF PROOF

To challenge the presumption of prohibition for a proposed use or activity within the Secondary Wellhead Protection District, the applicant must petition the Planning Board and provide clear and convincing evidence that the proposed use will not threaten the quality of the Tapley Well aquifer. The applicant must also show that the proposed use or activity meets the criteria and standards in this Ordinance and the Site Plan Review Ordinance. The burden of proof lies with the applicant.

E. PETITION TO PLANNING BOARD

The applicant must petition the Planning Board for its finding and determination that the prohibition is not applicable to the proposed use or activity. Upon a preliminary finding that the proposed use or activity is deemed prohibited within the Wellhead Protection District(s), the Planning Board shall schedule a public hearing on the petition. The public hearing shall be held within sixty (60) days of the Board's receipt of a complete petition and Site Plan Review application containing all information required by this Ordinance and the Site Plan Review Ordinance. In addition to the information required in the Site Plan Review application, the applicant may be required to submit the following:

a. A thorough hydrogeological assessment of the proposed site and the contiguous area including any classified surface waters, significant sand and gravel aquifers and fractured bedrock aquifers that could be affected by the proposal during normal operation or in the event of unforeseen circumstances, including the failure of any engineered barriers to ground water flow. The assessment must include a description of ground water flow rates, the direction of ground water flow in both the horizontal and vertical directions, and the degree of dilution or attenuation of any contaminants that may be released from the proposed site and flow toward any classified surface water, significant sand and gravel aquifer or fractured bedrock aquifer.

b. A complete listing, description, and classification, including toxicity ratings and a reliable estimate of the maximum quantity of annual usage, for each and every substance which may be used, processed, created, stored, discharged, or released by the proposed use, including, but not limited to, hazardous substances, hazardous waste, special waste, toxins, petroleum, petroleum by-products, biological agents, pollutants, contaminants, and chemicals, and substances which may degrade and reconfigure, whether by natural processes or by molecular reaction with other substances present in the ground or stored or released by the proposed use. This report must contain a thorough assessment by a qualified chemical or biological engineer or expe1i as to the risk of contamination of the Tapley Well aquifer posed by such substances during normal operation of the proposed use as well as in the event of unforeseen discharge or release of such substances at the site. The Planning Board may require an independent assessment and evaluation by an independent chemical or biological engineer or expert, retained by the Board, with the reasonable costs of such expert services payable in advance by the applicant.

c. The following activities are deemed to be a potential threat to the quality of the Tapley Well Aquifer:
   i. Any commercial use liquids that are heavier than water (Dense Non- Aqueous-Phase liquids - DNALPs) including, but not limited to such materials as trichloroethylene, perchloroethylene, 1,1,1-trichloroethane, creosote, poly-carbonated biphenyls (PCBs), and chlorobenzenes.
   ii. Underground storage of petroleum products and liquid chemicals.
   iii. Outdoor, barrel storage of any organic or inorganic liquid or solid chemical substances.
   iv. Pits, ponds and lagoons for waste storage and disposal.
   v. Road salt storage.

F. PLANNING BOARD DECISION

Within thirty (30) days of the public hearing, the Planning Board shall issue a written decision on the petition. If the petition is approved, the Planning Board may impose reasonable conditions or restrictions upon the proposed use or activity to mitigate potential impacts on the Wellhead aquifer. For example, the Planning Board may set a maximum limit as to the quantity of substances used, processed, created, stored, discharged, or released. The Planning Board may also require the applicant to provide a financial or performance guarantee sufficient to cover the full costs of installing or constructing all required improvements, as well as any remedial or safety features.

G. NOTIFICATION OF CHANGE OR MODIFICATION OF USE

Any use or activity approved under this subsection shall be strictly limited to, and construed according to, the application filed with the Planning Board. The applicant, or its successors, shall notify the Planning Board prior to any change or modification in the substances used, created, processed, stored, discharged, or released by the use or activity. Such notification must include a complete listing and description of each substance, including its classification, toxicity rating, and a reliable estimate of quantity. Within thirty (30) days of receiving the notification, the Planning Board shall determine whether the proposed change or modification constitutes a significant variation to the approved use or activity. If so, the Planning Board shall require submission of a petition under this subsection, supported by clear and convincing evidence that the proposed change or modification will not pose a potential threat to the quality of the Wellhead aquifer. A change or modification of use includes any increase in the quantity of substances beyond the maximum allowable limit set by the Planning Board, or beyond the quantity permitted as a pre-existing nonconforming use under this Ordinance.

H. PRE-EXISTING NON-CONFORMANCE

Any use or activity that is otherwise prohibited but lawfully exists within the Wellhead Protection District as of the effective date of this Ordinance shall be recognized as a pre-existing, non-conforming use under Article 2- Non-Conformances, of this Ordinance. For each such use or activity, the Planning Board shall require a complete filing that includes a listing, description, and classification of all substances used, processed, stored, discharged, or released, including their toxicity ratings and annual quantities. The provisions for "Notice of Change or Modification of Use" shall apply to these grandfathered uses in the event of any change or modification of substances or any increase in substance usage following the effective date of this Ordinance.

I. PENALTY FOR NON-COMPLIANCE

A person or entity who violates the provisions of this Ordinance, including the failure to file notification for the change or modification of use, shall be subject to a fine up to $2,500.00 for each day the violation continues, pursuant to Article 6-Administration, Enforcement, and Penalties of this Ordinance.

J. APPEALS RIGHTS

An aggrieved party may appeal the decision of the Planning Board under this Ordinance to the Appeals Board within thirty (30) days of the date of the Planning Board's written decision.

K. PARTY STATUS OF WATER DISTRICT

The Planning Board shall promptly notify the Clinton Water District, or its successors, (hereinafter called "The Water District"), of an application or petition relating to a use or activity regulated under this Article. The Water District shall be considered an interested party and shall receive all materials and information submitted by the petitioner. The Water District shall be entitled to present evidence to the Planning Board at any hearing conducted upon petition. Upon request, the Planning Board may continue the proceeding for a reasonable time to allow the Water District to prepare expert testimony or other evidence in response to information presented by the petitioner. The Water District shall have the right to express its views to the Planning Board at any hearing, and the Planning Board shall consider the Water District's position before issuing its decision on the petition.

The following uses are allowed, (y*), provided the Planning Board reviews the activities for their impact on the Wellhead Protection District. The Planning Board may impose reasonable conditions or restrictions upon an activity or use to alleviate potential impact on the Wellhead Protection District.

Footnotes are to Special Performance Standards below.

Pipelines, pump stations*

Home occupations*3

Roads and parking lots*4

Public sewer systems*

Agriculture*1

Golf course, recreational facilities and parks*

Lumber and hardware retail stores*7

Retail nurseries and garden stores

Automobile or small engine repair shops*2

Power laundries, beauty shops, photo finishing labs (car wash operations are OK so long as they are connected to public sewer)*5

Food processing*

Fabricated metal products*

Medical, vet offices

Require hookup to public sewer system*

Residential*6,8

Electronic and electrical equipment repair and manufacture*

L. SPECIAL PERFORMANCE STANDARDS TO PROTECT THE CLINTON WELL

1. Agricultural Activities- involving tillage of more than one acre, or the spreading, disposal, or storage of manure in the Wellhead Protection District shall be conducted in accordance with a Management Plan specially prepared for the farmers by the Kennebec County Soil and Water Conservation District. The use of pesticides and herbicides shall be in compliance with the rules and regulations of the Maine D. E. P., U.S. E.P.A, and Management Plan of the Kennebec County Soil and Water Conservation District.
2. Fabricated Metal- Automobile and Small Engine Repair Shops- Activities shall only be conducted on flooring impervious to the materials being used. Floor drains shall be connected to the sewers. All waste oils and spent solvents shall be stored in leak-proof containers and disposed of in a legally approved disposal or recycling facility. There shall be no underground storage of gasoline or oil.
3. Home Occupations- Applicant shall indicate any incidental use of chemicals in the occupation in the home. If the home is not on public sewer, plans for disposal of grease or chemicals shall be submitted through the Planning Board.
4. Parking Lots- Provisions shall be made to catch storm water runoff from paved parking lots. The catch basin should have provisions to either drain into a storm sewer or a grass- covered catch basin. The catch basin should be cleaned on a regular basis.
5. Power laundries, beauty shops, and photo finishing facilities shall only be permitted in areas served by public sewers. All chemicals, detergents, cleaners, and photo finishing substances must be stored indoors, and all waste products shall be properly contained. Floor drains shall be connected to the sewer system.

6. Residential- Consistent with dimensional requirements in Article 3- Land Use District Requirements of this Ordinance, minimum lot size for residences with public sewers must be 7,500 square feet. Without public sewer, the minimum lot area per dwelling unit is 3 acres in the Wellhead Protection District.
7. Retail, Hardware, Lumber, Nurseries and Garden Sales- Pesticides and fertilizers shall be stored in areas protected by a roof and adequate sides to prevent exposure to precipitation.
8. Sanitary Provisions- Any septic systems located in the Wellhead Protection District shall be inspected annually by the property owner to insure that the system is functioning properly. Property owners may request that the Code Enforcement Officer or Plumbing Inspector conduct the. Malfunctioning systems shall be repaired or replaced.
9. Sewer System- The sewer pipes under the Wellhead Protection District shall be monitored for leaks annually and maintained on a regularly scheduled basis.

ARTICLE 4. SPECIFIC PERMIT REQUIREMENTS

A. ACCESSORY DWELLING UNIT (ADUs)

The purpose of this housing opportunity is to allow for a second dwelling unit on a lot with an existing dwelling unit.

For the purposes of this Ordinance, Accessory Dwelling Units and Accessory Apartments will be referred to as ADUs. **These standards apply to residential Accessory Dwelling Units for which a permit is sought after the adoption date of this Ordinance.**

1. **Permitting Authority-** Dwelling units expressly allowed under this Article must be permitted by Building Permits or a change of use permit issued by the Code Enforcement Officer.
2. **Allowance-** Any lot where a single-family dwelling is the principal/primary structure may establish one (1) ADU.
3. **Shoreland Zoning-** All ADUs must comply with Shoreland Zoning requirements (for example, in the Shoreland Zone, for a single-family residence to establish an ADU, the lot must have twice the minimum lot area and twice the minimum shore frontage).
4. If there is more than one dwelling unit on a lot, as a result of the provisions of this Article, the lot is not eligible any additional increases in density except as allowed in the district.

5. **Water/Wastewater-** The owner of all dwelling units and/or Accessory Dwelling Units must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to issuance of a Certificate of Occupancy. Written verification must include the following:
   a) If connected to the Clinton Water District for sewage disposal, or equivalent centralized system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
   b) If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules;
   c) If connected to the Clinton Water District water system for municipal drinking water, or equivalent centralized system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;
   d) If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.
6. Only one (1) Accessory Dwelling Unit shall be exempt from any density requirements or calculations related to the area in which the Accessory Dwelling Unit is constructed. This exemption does not apply to an Accessory Dwelling Unit proposed in a Shoreland Zoning district.
7. An ADU may be constructed only:
   a) Within an existing dwelling unit on the lot;
   b) Attached to a single-family dwelling unit;
   c) As a new structure on the lot for the primary purpose of creating an ADU; or,
   d) Within an existing accessory structure if the setback requirements of this Ordinance are met.
8. All ADUs must meet the dimensional standards of this Ordinance, except for minimum lot size and minimum area-per-dwelling requirements, from which they are exempt. This exemption does not apply within areas subject to Shoreland Zoning, as detailed in Article 4- Specific Permit Requirements, A.- Accessory Dwelling Unit Requirements, 3 of this Ordinance.

9. The ADU must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies.
10. An ADU is allowed on a non-conforming lot or in a non-conforming structure if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviation from the dimensional standard(s) creating the non-conformity.
11. ADUs do not count towards the total number of dwellings pursuant to Clinton's Subdivision Ordinance.
12. Residential dwelling units, including ADUs, permitted after January 1, 2024, do not override or invalidate any lawful private easements, covenants, deed restrictions, or similar agreements that impose stricter limitations than those in this section, provided those agreements do not violate the U.S. Constitution or the Maine Constitution.
13. The ADU may not be greater than 1,200 square feet or exceed 60% of the floor area of the principal structure, whichever is greater.
14. Additional parking requirements for an ADU, beyond those required for the single-family dwelling, are not permitted.
15. None of the dwelling units expressly permitted under this Article shall be registered and/or used as short term rentals (lodging or vacation rentals).

B. MULTIPLE SINGLE-FAMILY DWELLING UNITS ON A SINGLE LOT

The purpose of this housing opportunity is to allow multiple dwelling units on lots where residential uses are allowed subject to the following provisions:

1. **Permitting Authority-** Dwelling units expressly allowed under this Article must be permitted by building permits or a change of use permit from the Code Enforcement Officer, or by Site Plan Review when subdivision is triggered.
2. **Water/Wastewater-** The owner of all dwelling units and/or Accessory Dwelling Units must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to issuance of a Certificate of Occupancy. Written verification must include the following:
   a) If connected to the Clinton Water District for sewage disposal, or equivalent centralized system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

b) If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules;

c) If connected to the Clinton Water District water system for municipal drinking water, or equivalent centralized system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;

d) If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

2. **Undeveloped Parcels** (no existing dwelling units on property):

   a. If the parcel is served by a public, special district or other centrally managed water system, or if the parcel is in the town's designated growth area, pursuant to the Comprehensive Plan, the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this may be subject to a subdivision process. Subdivision Ordinance requirements still apply.

   b. If the parcel is not in an area served by a public, special district or other centrally managed water system, or if the parcel is outside of the designated growth area pursuant to the Comprehensive Plan, the lot owner of record is permitted to have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures. Subdivision Ordinance requirements still apply.

3. **Developed Parcels** (lots with existing dwelling units on property):

   a) If the parcel contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed (for a total of three dwelling units). The additional dwelling units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.

   b) If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.

4. **Shoreland Zoning-** All residential dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal Shoreland Zoning Ordinances.

5. Residential dwelling units permitted after January 1, 2024, do not override or invalidate any lawful private easements, covenants, deed restrictions, or similar agreements that impose stricter limitations than those in this section, provided those agreements do not violate the U.S. Constitution or the Maine Constitution.
6. **Minimum Area Requirements-** If more than one (1) principal dwelling unit is constructed or established on a single lot, all dimensional requirements for land area shall be met for each additional dwelling unit and/or principal structure. For example, if the minimum lot size is one-acre per dwelling unit, the lot size requirement for a second principal dwelling would be two (2) acres.
7. If there is more than one dwelling unit on a lot, as a result of the provisions of this Article, the lot is not eligible any additional increases in density except as allowed in the district.
8. No additional road frontage is required for additional principal dwelling units on one (1) lot.
9. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or Clinton's Subdivision Ordinance relating to division of a tract or parcel of land.
10. None of the dwelling units expressly permitted under this Article shall be registered and/or used as short term rentals (lodging or vacation rentals).
11. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot will not be treated as a vacant lot; it will be treated as if the dwelling unit was still standing (see Undeveloped Parcels versus Developed Parcels above).

C. AFFORDABLE HOUSING DEVELOPMENT

The purpose of this housing opportunity is to provide a density bonus for affordable housing developments.

1. Affordable housing developments are permitted in zoning districts that allow multi-family housing and are in Clinton's designated growth area.
2. The Planning Board shall review all applications for affordable housing developments per the Site Plan Review Ordinance and the Subdivision Ordinance, as applicable.

ARTICLE 5. GENERAL PERFORMANCE STANDARDS

A. ACCESS TO PROPERTY

Public or Private Road Access. Each property must have access via an abutting public or private road. Private rights-of-way shall be secured through permanent easements. Access to back lots shall be maintained as development occurs, in accordance with the following standards:

1. A thirty (30) foot wide right-of-way from a public road may serve up to two (2) dwelling units;
2. A fifty (50) foot wide right-of-way from a public road is required to serve more than two (2) dwelling units;
3. Any right-of-way serving three (3) or more dwelling units must be constructed with the road standards outlined in this Ordinance and the Town of Clinton Subdivision Ordinance.

B. BUFFER STRIPS

All new residential dwellings shall be set back a minimum of one hundred (100) feet from the boundary of any property where active farming operations take place.

C. SANITARY PROVISIONS

1. If a property is not served by the Clinton Water and Sewer District or any other public sewer system, approval of a building permit application shall require submission of a completed Maine Department of Health and Human Services, Bureau of Health Engineering site evaluation form (HHE-200) demonstrating suitable soil conditions for subsurface wastewater disposal.
2. Industrial or commercial wastewater may be discharged into municipal sewers only in amounts and at a quality that is compatible with municipal sewage treatment operations. Such wastewater may require pretreatment at the source to make it suitable for municipal treatment. Pretreatment may include, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation or reduction, and dilution.
3. The disposal of industrial or commercial wastewater by any method other than the municipal sewer system must comply with all applicable Maine state water pollution laws. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter shall not be discharged into the municipal system.

D. CERTIFICATE OF OCCUPANCY

No structure shall be occupied until the Code Enforcement Officer has issued a Certificate of Occupancy confirming that all conditions of the applicable permits have been met and that the structure has successfully passed all required inspections. No residential building may be inhabited unless equipped with a functioning, approved waste disposal system and a safe, potable water supply.

E. HOME OCCUPATIONS

1. Permitted home occupations shall be carried out without altering the residential character of the structure or neighborhood or changing the character of the lot from its principal use as a residence.
2. A home occupation shall be carried on by permanent residents of the dwelling unit, with no more than two employees who are not residents of the dwelling unit.
3. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.

ARTICLE 6. ADMINISTRATION, ENFORCEMENT AND PENALTIES

A. ADMINISTERING BODIES AND AGENTS

The provisions of this Ordinance are administered by the Planning Board, Board of Appeals, and the Code Enforcement Officer.

1. **Code Enforcement Officer (CEO)**

a) **Appointment-** A Code Enforcement Officer shall be appointed or reappointed annually within one week after the annual Town Meeting.

b) **Powers and Duties-** The Code Enforcement Officer (CEO) shall have the following powers and duties:

i. **Enforce the Ordinance**

The CEO is responsible for enforcing all provisions of this Ordinance and ensuring compliance.

ii. **Permit Review and Referrals**

The CEO shall review and act on building, construction, and land use applications; refer applications requiring Site Plan Review to the Planning Board; other relevant applications, and forward requests for variances or administrative appeals to the Board of Appeals.

iii. **Inspections and Right of Entry**

The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO may enter any property during reasonable hours or enter any building with the consent of the owner, occupant, or agent, to inspect for compliance with this Ordinance.

iv. **Investigation and Notices**

The CEO shall investigate complaints and reported violations and issue written notices specifying the violation and required corrective action. The CEO shall investigate all complaints and reported violations and issue written notices outlining the violation and the corrective action required.

v. **Records**

The CEO shall maintain complete and accurate records of all inspections, applications, permits, variances, revocations, appeals, court actions, violations, violation investigations, fees collected, and any other essential transactions of the office, such as denial of permits, revocation actions, and revocation of permits.

vi. **Appeals and Legal Proceedings**

The CEO shall participate in appeals proceedings and appear in court when necessary.

vii. **Permit Revocation**

The CEO may revoke a permit, after notice and hearing, if it was issued in error or based on incorrect information.

viii. **Consultants**

The CEO may hire independent, qualified consultants at the expense of the responsible party to ensure compliance or correct nuisances.

c) **Violations and Enforcement Actions**

i. **Stop Illegal Activity**

Upon identifying a violation, the CEO may:

- Stop illegal uses of land, buildings, or structures;
- Order removal of unauthorized structures, additions, or alterations;
- Halt any illegal work through the issuance of a Stop Work Order; or
- Take any other action authorized to ensure compliance.

ii. **Notification and Legal Action**

If the CEO determines that any provision of this Ordinance is being violated, they shall provide written notice to the responsible party, describing the violation and directing corrective action. This may include stopping illegal use of land, buildings, or structures, removing unauthorized buildings or structures, or abating nuisance conditions.

The CEO shall notify the Planning Board and Town Manager of violations, including non-compliance with approved site plans or conditions. The Town may pursue legal action to enforce compliance or stop violations.

If corrective action is not taken, the Municipal Officers, upon notice from the CEO, shall pursue any legal or equitable actions necessary to enforce this Ordinance, including seeking injunctions and fines. The Municipal Officers or their authorized agent may enter into administrative consent agreements to resolve violations and impose fines without court action. Consent agreements may not permit an illegal structure or use to continue unless there is clear and convincing evidence that it resulted directly from erroneous advice given by an authorized Municipal Official, the owner did not act in bad faith, or removal would cause substantial environmental harm.

iii. **Civil Violations and Penalties**

Pursuant to Title 30-A MRSA §4452:

- Owners, tenants, contractors, or any parties involved may each be held responsible.
- Each day a violation continues is a separate offense.
- Minimum penalty for starting construction or land use without a permit: $100.
- Maximum per-day penalty: $2,500 ($5,000 in Resource Protection Districts within the shoreland zone).
- Repeat offenses within two years may increase penalties up to $25,000.
- The municipality may recover reasonable attorney's fees, expert witness fees, and costs if it prevails, unless the court finds such recovery unjust.

iv. **Records and Reporting.**

The CEO shall maintain complete records of all enforcement actions and submit periodic summaries to the Planning Board and applicable state agencies, as required.

2. **Planning Board**

a) A Town of Clinton Planning Board is hereby established consisting of five (5) regular members and one (1) alternate member, all of whom shall be appointed by the Municipal Officers for a term of up to three (3) years. All Planning Board members shall be residents of the Town of Clinton.

b) Where there is a permanent vacancy, the Municipal Officers shall appoint a person to serve for the remainder of the unexpired term. The Board may, however, act without a full Board, provided that three members are present.

c) The Board shall elect a Chair and Secretary annually from its own members at the first regular meeting after July 1st.

d) **Planning Board Duties**

i. The Planning Board shall administer Clinton's Land Use Ordinances, Subdivision Ordinance, Site Plan Review Ordinance, Shoreland Zoning Ordinance, and any other applicable Town ordinances; review general use exceptions; issue Shoreland Zoning permits requiring Planning Board review; and carry out any other duties assigned by this Ordinance or by the Board of Selectmen that require action by the Planning Board

ii. The Planning Board shall hold public hearings and make recommendations to the Board of Selectmen on requests for rezoning.

iii. An appeal from the Planning Board's decision may be filed with the Board of Appeals, in accordance with Article 7 of this Ordinance, within thirty (30) days of the decision.

3. **Site plan Review Ordinance**

The Site Plan Review Ordinance establishes the application procedures and review process. The Planning Board serves as the reviewing authority for all Site Plan Review applications. Refer to the Site Plan Review Ordinance for additional details.

4. **Board of Appeals**

The Board of Appeals is responsible for reviewing appeals of decisions by the Code Enforcement Officer and Planning Board, and for hearing administrative and variance appeals pursuant to Article 7- Appeals.

B. PERMITS REQUIRED

After the effective date of this Ordinance, no person shall engage in any permitted activity, alter or expand an existing use or structure, or renew a discontinued nonconforming use without first obtaining a permit.

1. **Building Permit-** A Building Permit is required for the erection, alteration, rebuilding, repair, remodel, enlargement, demolition, or relation of any proposed or existing building and shall be obtained from the Code Enforcement Officer (CEO). Building Permit types include:
   a) Residential Building Permit
   b) Accessory Dwelling Unit Building Permit
   c) Commercial/Industrial Building Permit
   d) Non-Residential Accessory Structures Building Permit

2. **Accessory Dwelling Unit Permit-** An Accessory Dwelling Unit Permit is required for the erection, alteration, rebuilding, repair, remodel, enlargement, demolition, or relocation of any proposed or existing Accessory Dwelling Unit. An Accessory Dwelling Unit Building Permit shall be obtained from the CEO. For more information, see Article 4- Specific Permit Requirements.
3. **Site Plan Review Permit-** See Site Plan Review Ordinance.
4. **Plumbing Permit** (When applicable)

C. PERMIT APPLICATION FEES

1 A fee must be submitted with any application for a Building/Land Use Permit or Site Review. Refer to the current fee schedule.

2 All land use permit fees may be amended by the Board of Selectmen based on Planning Board recommendations. Before adopting or changing the fee schedule, the Select Board shall hold a properly noticed public meeting.

D. BUILDING PERMIT PROCEDURE

1. Building permits are required in the Town of Clinton before beginning construction whenever an owner or authorized agent plans to construct, enlarge, alter, repair, remodel, move, demolish, or change the occupancy of a building or structure.
2. The CEO shall serve as the building official as defined in 25 MRSA §2371. The CEO shall be responsible for issuing Building Permits and Certificates of Occupancy, for inspecting all permitted construction for compliance with this and other relevant ordinances.

3. **Application Requirements:** All applications shall be submitted in writing and must include a site plan drawn to scale. Applications must be on official Clinton forms and must be submitted to the Code Enforcement Officer. Building Permit applications that are under the purview of other relevant ordinances may have additional requirements.
4. **Authorization:** All applications shall be signed by the property owner(s) or the property owner's authorized agent. The signature shall serve to certify that the information provided is correct. If the person signing the application is not the property owner, then a letter from the property owner authorizing the signee as the authorized agent is required.
5. The CEO shall receive the written Building Permit Application during normal office hours and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application, and issue the permit, if approved, within fourteen (14) calendar days.
6. **Date:** All applications must include the submission date. The CEO shall record the date and time the application is received.
7. When plumbing or septic work is required to make a building habitable, no building permit shall be issued unless a plumbing permit has first been secured. All sewage and water connections for all structures must comply with the requirements of the Maine State Plumbing Code.
8. Following completion of the activity permitted in conformance with the appropriate codes, the CEO shall issue a Certificate of Occupancy. No structure shall be utilized for the purpose for which it was permitted without the issuance of a Certificate of Occupancy.
9. An appeal from the CEO's decision may be filed with the Board of Appeals, in accordance with Article 7 of this Ordinance, within thirty (30) days of the decision.

E. ACCESSORY DWELLING UNIT (ADU) REQUIREMENTS AND BUILDING PERMIT PROCEDURE

1. Accessory Dwelling Unit (ADU) Building Permits are required before starting any construction in the Town of Clinton when an owner or authorized agent plans to construct, enlarge, alter, repair, remodel, move, demolish, or modify a building or structure to create an ADU. The CEO is responsible for issuing ADU Building Permits and Certificates of Occupancy, and for inspecting all permitted work to ensure compliance with this Ordinance.
2. The CEO shall accept written ADU Building Permit applications during normal office hours and determine whether all required materials have been provided. Once the application is deemed complete, the CEO shall approve or deny the application and, if approved, issue the permit within fourteen (14) calendar days.
3. ADU Building Permits become invalid if the authorized work does not begin within 365 days of issuance or if work starts but is suspended or abandoned for 365 days. The CEO may grant one (1) or more written extensions of up to 365 days each, provided the request is made in writing and demonstrates justifiable cause.

F. PROCEDURE FOR ADMINISTERING PERMITS- GENERAL

1. **Determination of Complete Application-**. Within thirty (30) days of receiving a written application, the CEO and Planning Board, as specified in Article 3 of this Ordinance, shall notify the applicant in writing whether the application is complete or, if incomplete, specify the additional information required to make it complete.
2. **Public Hearing-** If a public hearing is required, it shall be scheduled within thirty (30) days of the application being accepted as complete. The applicant is required to send abutter notifications by certified mail with return receipt requested.
3. **Timing of Actions-** The Planning Board or CEO, as applicable, shall approve, approve with conditions, or deny all permit applications in writing:
   a) Within thirty (30) days of a public hearing, or
   b) If no hearing is required, within thirty (30) days of acceptance of the complete application.
   c) If the Planning Board has a backlog of applications, a decision shall be made within thirty (30) days of the first available agenda date after receiving the completed application, or within thirty (30) days of a public hearing if one is held.

4. **Professional Review-**

   a. **Professional Services-** The Planning Board may require a qualified consultant to review all or part of an application, determine compliance with this Ordinance, and provide guidance for achieving compliance, if needed. The consultant will provide a cost estimate, and the applicant must deposit the full amount with the Town, which will be held in an escrow account. The Town will pay the consultant from these funds and refund any remaining balance to the applicant. Consultants must be mutually acceptable to both the Town and the applicant.

   b. **Additional Studies-** The Planning Board may require the applicant to conduct any study it considers necessary to ensure compliance with the Ordinance. All costs for such studies shall be the responsibility of the applicant.

5. **Financial Guarantee-** Before granting final approval of any plan, the Planning Board may require the applicant to post a bond or establish an escrow account in an amount deemed reasonably necessary to ensure completion of all required improvements, in a form approved by the Planning Board and Town Selectmen. The Town shall have access to the site at all times to monitor progress and may review all project-related records and documents.

6. **Conditions-** The Planning Board may impose reasonable conditions on application approvals to ensure compliance with the standards and criteria of this Ordinance.

7. **Burden of Proof-** The applicant bears the responsibility of demonstrating that the proposed land use complies with the purposes and provisions of this Ordinance.

G. EXPIRATION OF PERMIT

Permits become invalid if the authorized work does not begin within 365 days of issuance, or if work is suspended or abandoned for 365 days after commencement. The CEO may grant one (1) or more written extensions of up to 365 days each, provided the request is submitted in writing with a demonstrated justifiable cause.

ARTICLE 7. APPEALS

A. APPOINTMENT AND COMPOSITION

1. **Establishment-**The Select Board shall appoint all members of the Board of Appeals.
2. **Membership-** The Board of Appeals shall include five (5) regular members with staggered three-year terms and one (1) alternate with a one-year term. Individuals appointed to fill an unexpired term shall serve only the remainder of that term but may be reappointed. The alternate is expected to attend all meetings to ensure they are fully apprised of any matters that may come before them on appeal.

   The alternate member shall act with full authority when a regular member is unavailable due to conflict of interest, absence, or incapacity. All members may be reappointed.
3. **Officers and Minutes-** The Board of Appeals shall annually elect a chairperson and a secretary from among its membership. The Chairperson shall preside at all meetings. The secretary shall keep minutes of all proceedings, which shall show the vote of each member upon each question. The secretary will submit all proceedings to the Town Clerk in accordance with the Clinton Town Charter. All minutes of the Board of Appeals shall be public record.
4. **Quorum-** A quorum will consist of three (3) members and/or alternate members of the Board of Appeals. All members, including the Chairperson, shall be entitled to vote. An application shall be decided by majority vote.
5. **Majority Vote-** A majority vote of the Board of Appeals members present and voting is required to overturn any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board; to remand a matter to either body; to rule in favor of an applicant on any issue the Board of Appeals is authorized to decide under this Ordinance; or to grant any variation from the Ordinance's stated terms.

B. POWERS AND DUTIES

The following 1-4 are the various types of appeals that shall be heard by the Clinton Board of Appeals.

1. **Administrative Appeals-** The Board of Appeals has the power to hear and decide appeals where it is alleged that there is an error in any order, decision, requirement, interpretation or ruling made by the Code Enforcement Officer or Planning Board in the administration or enforcement of this and Ordinance and all other ordinances under the purview of the CEO and Planning Board.

The CEO and/or Planning Board shall refer all Administrative Appeals to the Board of Appeals in writing along with the reason for the appeal. All appeals shall be made by any interested party within thirty (30) calendar days of a decision rendered by the Code Enforcement Officer or Planning Board. The Board of Appeals may affirm, modify or reverse any ruling or decision of the Code Enforcement Officer if the Board of Appeals makes written findings of fact that such ruling or decision is contrary to the provisions of this Ordinance. The appeal shall be heard in its entirety.

2. **Referrals by Code Enforcement Officer.** The Board of Appeals is authorized to hear, review, and decide matters related to the application and interpretation of the permitted uses and development requirements of this Ordinance and all other ordinances under the purview of the CEO and Planning Board, when such matters are referred by the Code Enforcement Officer. In doing so, the Board may obtain testimony or advice from expert witnesses or consultants of its choosing. The appellant shall be responsible for all associated costs.
3. **Miscellaneous appeals.** The Board of Appeals also has the power to grant appeals from the provisions of this Ordinance and all other ordinances under the purview of the CEO and Planning Board as follows:
   a. To permit the change of a lawful non-conforming use to another non-conforming use as provided in Article 2- Non-Conformance, D. Non-Conforming Uses, of this Ordinance;
   b. To permit a conforming use to expand into a zone where it would be non-conforming as provided in Articles 2 and 3 of this Ordinance;
   c. Where uncertainty exists, to determine the precise location of any zoning district boundary line as specified in Article 3- Land Use District Requirements, of this Ordinance.
   d. See also Article 2- Non-conformance.

4. **Variance Appeals-** Variances may be granted by the Board of Appeals only where strict application of this Ordinance and all other ordinances under the purview of the CEO and Planning Board, or a provision thereof, would cause undue hardship to the petitioner and their property. The words "undue hardship" as used in this Article mean:
   a. That the land in question cannot yield a reasonable return unless a variance is granted;
   b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
   c. That the granting of a variance will not alter the essential character of the locality;

d. That the hardship is not the result of action taken by the applicant or a prior owner;

e. Notwithstanding the provisions contained in this Ordinance, including this Article, the Board of Appeals may grant a variance to the owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability. The Board shall restrict any variance granted under this Article solely to the installation of the equipment or the construction of structures necessary for access to or egress from the dwelling.

"Physical or mental handicap" includes any condition recognized under the Americans with Disabilities Act (ADA) or documented by a qualified medical professional.

f. That the variance is the minimum variance that will make possible reasonable use of the land, building or structure; and

g. That a variance may only be granted for a use permitted in a particular zone.

h. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, and setback requirements.

i. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance and all other ordinances under the purview of the CEO and Planning Board.

j. The Board shall not grant a variance unless it finds that:

   i. The proposed structure or use complies with the performance standards of this Ordinance, the Site Plan Review Ordinance, and all other ordinances administered by the CEO and Planning Board, except for the specific provision that created the nonconformity and from which relief is being requested; and,

   ii. The strict application of the terms of this Ordinance and the Site Plan Review Ordinance would result in undue hardship.

   iii. A variance cannot be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent districts.

k. The Board of Appeals shall restrict any variance it grants to the minimum necessary to ensure the greatest possible compliance with the purposes and provisions of this Ordinance. The Board may impose any conditions it deems appropriate, and the recipient of the variance must comply with all such conditions.

l. If a variance is granted under this Article, a certificate shall be prepared in recordable form identifying the current property owner, referencing the property's most recently recorded deed, and stating that a variance—along with any conditions—was granted and the date of approval. This certificate must be recorded at the local registry of deeds within thirty (30) calendar days of the final approval. Failure to record the certificate within this period renders the variance void. A variance is not effective until it is recorded as required.

m. Applications for variances within the shoreland zone must be submitted to Maine DEP twenty (20) calendar days before action is taken by the Board of Appeals. Any comments received from the Maine DEP prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

n. In addition, when the proposed use is to be located in shoreland areas or the Resource Protection District, the Board of Appeals shall make a positive finding that the proposed use must comply with the standards established in this Ordinance and the Town of Clinton Shoreland Zoning Ordinance. Variances in shoreland areas are authorized only for lot area, lot coverage by structures and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited. The Code Enforcement Officer shall submit a copy of all variances granted in shoreland areas to the Department of Environmental Protection within seven (7) business days of the Board's decision.

C. SUBMISSION AND CONSIDERATION FOR A VARIANCE

1. Each applicant(s) (current property owner or owners) for a variance shall submit written statements to the Board of Appeals, which may include diagrams or photographs, all of which shall become part of the official record of the petition, demonstrating the following:

a. The specific nature of the hardship affecting the property under appeal, including the physical conditions that are claimed to create such undue hardship; see section 4 Variance Appeal of this Article 7 for the meaning of undue hardship

b. That these physical conditions are unique to the property in question and are not generally shared by neighboring or nearby properties within the same neighborhood or zoning district;

c. That granting the requested relief would not negatively impact neighboring or nearby properties, would not pose a risk to public health, safety, or convenience, and would not compromise the intent or integrity of this Ordinance or any other land use ordinance.

2. Where contiguous lots in common ownership can be joined so as to eliminate substandard lots, undue hardship shall not exist and no variance shall be granted.
3. When a landowner purchases land with actual or constructive knowledge of zoning restrictions and/or deed restrictions, they may not be granted a variance on the grounds of undue hardship.
4. The Board of Appeals shall make written findings of fact that the applicant has satisfied each element constituting undue hardship as defined above.
5. The Board of Appeals may impose such conditions, in addition to those required elsewhere in this Ordinance, as it deems necessary to ensure compliance with all standards and requirements. Any violation of these conditions shall constitute a violation of this Ordinance. Such conditions may include, but are not limited to, the following specifications:
   a. type of vegetation,
   b. increased setback requirements,
   c. specified sewage disposal and water supply facilities,
   d. landscaping, fencing, and vegetative screening,
   e. hours of operation and operation controls,
   f. professional inspection and maintenance,
   g. sureties, deed restrictions, and restrictive covenants,
   h. location of piers and docks,
   i. vehicular access, circulation, and parking,
   j. signs, lighting, and
   k. types of construction.
6. Granting a variance by the Board of Appeals under this Article will require the Board to issue a certificate as provided in 30-A M.R.S. § 4353(5), as amended. Failure by the applicant to record the certificate in the Kennebec Registry of Deeds within ninety (90) calendar days of approval renders the variance invalid.

D. PETITIONS FOR RECONSIDERATION OF ISSUANCE OF A VARIANCE

1. The Board of Appeals shall reconsider the granting of any variance application upon petition by the Planning Board. Such a petition may be filed only after the Planning Board has issued an advisory recommendation to the Board of Appeals under Subsection E – Appeals Procedure of this Article. The petition must indicate that it is submitted at the direction of the majority of the Planning Board, as evidenced by an affirmative vote taken at a public meeting where a quorum was present. The petition must also specify the reasons why the Planning Board believes that granting the variance would be inconsistent with this Ordinance.

2. The affected party must file any petition for reconsideration with the Chair of the Board of Appeals within fourteen (14) calendar days after the Planning Board is notified of the Board of Appeals' decision on the variance application.
3. Upon receiving the petition, the Chair of the Board of Appeals shall notify the applicant and all abutting landowners who were notified of the original application within five (5) business days. The Board of Appeals shall hold a public hearing to reconsider the variance application within ten (10) business days of that notice.
4. The Board of Appeals may reconsider a decision denying an application within forty-five (45) calendar days of its original decision. Reconsideration may be initiated by the Board of Appeals on its own or upon request by the applicant. Any applicant request must be submitted within fourteen (14) calendar days of the original decision. If the Board of Appeals does not act to reconsider within forty-five (45) calendar days, the original decision becomes final, and any new application is subject to the one-year limitation established by this Article.

   Within five (5) business days of deciding to reconsider, the Chair of the Board of Appeals shall notify the applicant and all abutting landowners who were notified of the original application. The notice shall inform them of a public hearing to be held at the next regularly scheduled Board of Appeals meeting. The Board may hold additional hearings and accept further evidence and testimony as part of the reconsideration.

E. APPEAL PROCEDURE

1. Any person seeking a decision (either administrative or variance appeal) from the Board of Appeals may file an application with the Code Enforcement Officer.
2. At the time of application filing, the applicant shall pay the fee according to the fee schedule, in addition to any costs for legal notification. The Code Enforcement Officer shall provide the applicant with a dated receipt.
3. The Chair of the Board of Appeals shall promptly schedule a public hearing to occur within forty-five (45) calendar days of the application filing.
4. Notice of the date, time, and location of the public hearing shall be provided to the applicant and the public hearing will be noticed in accordance with the procedures outlined in Clinton's Town Charter.
5. The applicant shall mail a copy of the notice by first-class mail to all property owners within five hundred (500) feet of the subject property at least fourteen (14) calendar days before the public hearing.

a. Property owners are those listed by the Town of Clinton Assessor as responsible for paying property taxes. Notices shall be sent to the owners' last-known addresses. Failure of any property owner to receive notice shall not require a new hearing or invalidate the Board's action.

b. The Assessor will provide the applicant with a list of abutting addresses to which the public hearing notice will be sent.

6. The Board of Appeals shall keep a complete record of all property owners notified.

7. Upon receipt of an application, the Code Enforcement Officer shall promptly notify the Planning Board. Prior to the public hearing, the CEO and/or Planning Board will provide a written report stating the reason the applicant(s)' request was rejected.

8. At any hearing, the applicant who initiated the appeal shall appear in person, or by agent or attorney.

9. The Board of Appeals shall not request or accept any expression of opinion, whether by show of hands or any other method, from individuals attending the public hearing.

10. The Board of Appeals shall maintain a written record of all applications, including the date received, the date of the hearing, the individual presenting the application, any relevant testimony, and the Board's findings of fact and decision. All records shall be kept in a permanent file at the municipal office and shall be accessible to the public.

11. The Code Enforcement Officer shall attend all hearings of the Board of Appeals and submit their justification for denial to the Board.

12. The applicant's case shall be presented first. If the applicant is absent, any representative must provide written authorization to appear on the applicant's behalf. To ensure orderly proceedings, each party shall speak without interruption, and all questions must be directed through the Chair. All attendees shall follow the instructions of the Chair.

13. Following the public hearing, the Board of Appeals shall issue findings of fact based on the hearing record and render a decision on the application. The applicant shall be notified in writing of the findings and decision within seven (7) calendar days, with a copy provided to the Town Clerk and municipal officers, as per the Clinton Town Charter, [Section 4.02 Appointed and Elected Positions, c.- Appointed Boards and Committees, Committee Activities (2) (https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/2022_Charter.pdf)] which states:

    All appointed boards and committees shall hold meetings that are open to the public. Board and Committees shall maintain a written record of meetings, including the results of all motions and votes. One copy of the minutes of each meeting shall be filed with the Town Clerk within ten (10) working days after approval by the board or committee.

    If a variance is granted within a shoreland zone, the Department of Environmental Protection shall also receive a copy within seven (7) calendar days.

14. If the Board of Appeals grants an appeal or variance, the applicant's legal rights under that approval shall expire if construction or alteration has not been substantially completed within one (1) year from the date the appeal or variance was granted.

15. After the Board of Appeals issues a decision, no new application on essentially the same matter may be submitted within one (1) year of the original denial, unless otherwise permitted under this Article or unanimously approved by the Planning Board. The Planning Board may authorize a new hearing only if, in its sole judgment, the original hearing involved a legal error, a material factual misunderstanding, or there have been substantial changes in circumstances that warrant reconsideration.

16. **Appeal to Superior Court-** Any aggrieved party who participated in the proceedings before the Board of Appeals may appeal the Board's decision to the Superior Court in accordance with State law within thirty (30) calendar days of the decision.

17. **Reconsideration-** The Board of Appeals may reconsider any decision within thirty (30) calendar days of its original action and may hold additional hearings and receive further evidence and testimony as part of that reconsideration.

ARTICLE 8. DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall carry their customary dictionary meanings. If there is any inconsistency between the text of this Ordinance and any map, illustration, or table, the text shall prevail. For the purpose of this Ordinance, certain words and terms used herein are defined as follows:

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

The term "Municipal Officer" means the Select Board.

Words used in the present tense include the past and future; and words used in the plural include the singular.

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

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

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

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 Clinton, Maine.

B. DEFINITIONS:

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

Abutter: A property owner whose land abuts, is contiguous to, or shares a common boundary with another property, including property located across a stream, street, road, public way, deeded right of way, or private way from the property involved in an application or appeal.

Accessory Building or Structure: A building or structure located on the same lot as, and customarily subordinate to, the principal building or structure. A deck or similar extension of the principal structure, or a garage attached to the principal structure by a roof or shared wall, is considered part of the principal structure. Accessory buildings or structures, whether individually or collectively, may not visually or functionally exceed the principal building on the lot. Examples of an accessory or building include but are not limited to sheds, structures, decks, garage, pools, and fences.

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An Accessory Dwelling Unit shall be subordinate to the principal dwelling unit on the lot. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 1,200 square feet, or 60% of the floor area of the principal structure, whichever is greater.

Accessory Use: The term "accessory use" shall apply only to a subordinate use of land or buildings that is customarily incidental to the principal building or principal use of the land and located on the same lot as the principal building or use. Accessory uses, whether considered individually or in the aggregate, shall not subordinate the principal use on the lot. The term "incidental," in reference to the principal use or structure, shall mean both: (a) subordinate and minor in significance to the principal use or structure, and (b) attendant to the principal use or structure.

Affordable Housing Development:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

C. For purposes of this definition, "majority" means more than half.

D. For purposes of this definition, "housing costs" means:
   1. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
   2. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Aggrieved Party: Any person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; whose land abuts, or is located across a road, street, or body water from, property for which a permit or variance has been granted, or any other person or group of persons who have suffered direct harm as a result of the granting or denial of such permit or variance.

Agriculture: The cultivation of soil for the production of food, crops, or other valuable or useful products, including commercial gardening and the growing of nursery stock, as well as keeping and raising of animals, fish (see Aquaculture), or fowl for sale or for any commercial use, including but not limited to swine, poultry, cattle, dairy, and horses. It does not include agricultural industries such as fruit or poultry processing plants or fur farms, nor does it include forest management or timber harvesting activities.

Alteration: Any change, addition, or modification requiring construction, including changes in the location of structural members of a building or structure, such as bearing walls, columns, beams, or girders, or changes in the use of a building. The term also includes the construction, modification, or addition of a deck, dormer, staircase, or roof, but does not include cosmetic or decorative changes.

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

Apartment: See Dwelling or Accessory Dwelling Unit.

Aquaculture: The cultivation or propagation of freshwater, estuarine, or marine plants or animals for harvest.

Aquifer: Geologic deposits or structures from which useable quantities of groundwater are available for households, municipalities, businesses, or industries.

Area Median Income: The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached: Connected by a shared wall to the principal structure or having physically connected finished spaces.

Authorized Agent: Anyone having written authorization to act on behalf of a property owner(s). The authorization shall be signed by the property owner(s).

Back Lot: A lot with no frontage on a public or private road.

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Ordinance.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation by the owner. The dwelling must be the owner's full-time, permanent residence; otherwise, it shall be classified as a hotel or motel. Individual guest rooms shall not contain cooking facilities.

Boarding/Lodging Facility: A residential structure in which lodging and/or meals are provided for compensation for a period of one week or longer, and in which a family residing on the premises serves as the owner or proprietor. If the requirement for a resident family is not met, the facility shall be classified as a hotel or motel. Individual guest rooms shall not contain cooking facilities.

Boarding Kennel: Any place, building, tract of land or abode in or on which three (3) or more privately owned companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where three (3) or more companion animals are kept for training purposes for compensation. This definition also includes facilities where control of a companion animal is taken for a portion of a day for purposes such as exercise, daycare, or entertainment.

Buffer Strip: A portion of a property or an entire property, that is intentionally left undeveloped to separate land uses and reduce potential impacts- such as noise, dust, visibility, glare, or similar effects- on adjacent properties or on sensitive natural resources.

Building: Any structure, or part of a structure, forming a three-dimensional enclosure constructed of building materials, temporary or permanent, and intended for the housing, shelter, or enclosure of persons, animals, or property. The term includes attached or associated elements such as decks, porches, breezeways, railings, stairs, foundations, pilings, and swimming pools. Structures separated only by abutting walls without direct access between the structures are considered separate buildings. Excluded are sidewalks, fences, driveways, parking areas, electrical transmission or distribution lines, and retaining walls.

Business and Professional Offices: Facilities where administrative, managerial, or specialized professional services are provided, primarily involving knowledge-based work, recordkeeping, and client or organizational support, and typically requiring advanced education or professional licensing. Retail sales and activities involving the regular use of trucks as part of the business operation are excluded.

Campground: Land upon which one or more tents are erected, or trailers are parked for temporary use for a fee on sites arranged specifically for that purpose. Land accommodating one or more tents or recreational vehicles or other shelters for temporary dwelling use on sites arranged specifically for that purpose and for which a fee is paid. No recreational vehicle or tent shall be used for temporary dwelling except in an approved campground licensed by the State of Maine.

Cemetery: Land used or intended to be used for the burial of human or animal remains and dedicated for such purposes, including mausoleums and mortuaries when operated as part of a cemetery and within its boundaries.

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

Certificate of Occupancy: An official document issued by the Code Enforcement Officer certifying that a building or structure complies with applicable building codes, zoning regulations, and other relevant ordinances, and is therefore approved for lawful occupancy or use.

Childcare, Home: A home or establishment providing day care for up to twelve (12) children under the age of sixteen (16) years and licensed by the Maine Department of Health and Human Services.

Childcare Facilities/Nursery School: Facilities offering daytime care for preschool or school-age children and licensed by the Maine Department of Health and Human Services. Such facilities, for the purposes of this Ordinance, are classified as daycare center or nursery school when the number of children exceeds the definition of home childcare. Childcare facilities, with or without consideration for the services rendered, may be operated as a service business or within a church or community building.

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

Club: A voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes, whose facilities, including any clubhouse, are limited to members and their guests and generally not open to the public. A club is not operated for commercial or pecuniary gain and includes fraternities, sororities, and similar social organizations.

Cluster Development: A residential project of five (5) or more lots, planned and controlled by a single developer, allowing flexibility in housing design, including single-family, two-family, or multifamily dwellings. The development is designed as a cohesive whole to promote architectural variety, efficient land use, reduced infrastructure requirements, permanent open space, and preservation of natural features. All cluster developments must comply with Clinton's relevant municipal ordinances.

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

Code of Maine Rules: State of Maine regulations.

Commercial Agriculture: See Agriculture definition above. Commercial Agriculture excludes Retail Cannabis Establishments, including Retail Cannabis Cultivation Facilities, as defined by state law.

The term includes leased or rented land used for agricultural purposes, as well as associated processing and storage of crops, and related buildings or structures such as barns, storage facilities, greenhouses, temporary shelters, indoor cultivation areas, and accessory processing facilities. Outdoor recreational and educational activities that are accessory to the agricultural uses— such as hayrides, corn mazes, agritainment, and similar activities—are permitted. All Commercial Agriculture activities must comply with this Ordinance.

Commercial Farm: See Agriculture definition above.

Commercial Firewood Processing: A place where firewood is delivered, cut or split, and from which it is sold.

Commercial Forestry: The management, cultivation, and harvesting of trees or other forest products on forested land for commercial purposes, including the production of timber, wood, pulp, or other forest-derived products for sale or profit. This includes land classified as forest land under the Maine Tree Growth Tax Law (36 M.R.S. §573) and activities conducted in accordance with an approved forest management plan or engaged in the forest products business. Commercial forestry does not include the incidental cutting of trees for personal use, firewood, or landscaping.

Commercial Nursery: An establishment engaged in the cultivation, propagation, and sale of plants, including trees, shrubs, vines, flowers, vegetables, or other nursery stock, for commercial purposes. A commercial nursery may sell plants for planting, landscaping, or agricultural use, either on-site or off-site, and includes operations licensed or subject to licensing under Maine nursery laws (Title 7 M.R.S. §2171 et seq.). This definition does not apply to the personal cultivation of plants for non-commercial or household use.

Commercial Recreation: Any business that charges a fee for providing recreational activities, including but not limited to campgrounds, racquet or tennis clubs, health and fitness facilities, amusement parks, golf courses, gyms, and swimming pools. This definition does not include amusement facilities, as separately defined.

Commercial Use: The use of land, buildings, or structures— excluding home occupations as defined below—primarily intended to generate income through the sale of goods or services, but not including the rental of residential buildings or dwelling units.

Community Center: A building that serves as a regular meeting place for local, non-profit community organizations, where the primary use is for non-profit activities, and which does not engage in activities typically conducted by a business.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Comprehensive Plan: A document or interrelated documents adopted by the Town of Clinton containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving those goals, and strategies for implementation of those policies.

Conforming Structure: A building or structure, or any part thereof, that complies with all applicable provisions of this Ordinance.

Conforming Use: A use of buildings, structures, or land that complies with all applicable provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments with central dining facilities, providing supportive services to elderly or disabled individuals who are unable to live independently but do not require the constant supervision or intensive medical care of intermediate-care or skilled nursing facilities. For purposes of this Ordinance, congregate housing includes only facilities certified by the State of Maine as meeting all standards and guidelines for congregate housing as established by the Department of Human Services under Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved onto a site, or subjected to any physical operations necessary for construction.

Convenience Stores: A retail establishment under 2,500 square feet designed to serve the daily needs of a residential neighborhood, primarily selling merchandise such as basic foods, newspapers, household items, and emergency home repair supplies. This definition excludes sit-down dining, eat-in food service, or drive-through/take-out windows. See Site Plan Review Ordinance for more details.

Density: The number of dwelling units per lot of land, subject to dimensional requirements.

Designated Growth Area: An area that is designated in Clinton's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination thereof, and into which most development projected over ten (10) years is directed.

Development: the construction, addition, or alteration of buildings, structures, or other non-natural features; and any change in land use involving the alteration of land, water, or vegetation.

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

District: A specified portion of the municipality, delineated on the official "Town of Clinton Zoning Map", within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Duplex: A structure containing two (2) dwelling units.

Dwelling: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments.

A. Single-Family Dwelling - Any structure containing only one (1) dwelling unit.
B. Two-Family Dwelling (Duplex) - A building containing only two (2) dwelling units.
C. Multi-Family Dwelling - A building containing three (3) or more dwelling units.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity or essential communications or for the collection, treatment or disposal of wastes, including without limitation, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories but not buildings. This definition excludes wireless telecommunication facilities that are subject to Site Plan Review.

Existing Dwelling Unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits, not including:

A. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas (see Site Work definition);
B. The excavation of material incidental to and at the site of construction or repair of streets; and
C. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

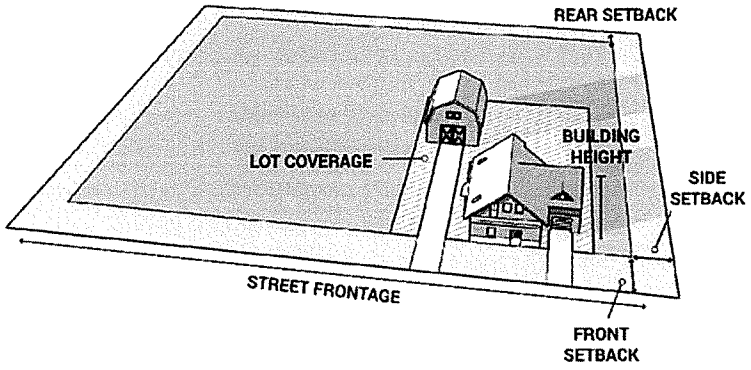
Farm Stand: A structure or designated area where agricultural or horticultural products grown or produced on the property, as well as items sourced or produced locally, are sold directly to the public. The purpose of a farm stand is to provide a direct marketing outlet for farm and locally sourced products while supporting local agriculture.

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

Flood: A temporary rise in stream flow or tidal surge that results in water overflowing its banks and inundating adjacent areas or the unusual and rapid accumulation of runoff of surface waters from any source.

A. Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
B. Flood Plain: The lands adjacent to a body of water which have been or may be covered by a flood.
C. Regional Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year (the 100-year flood), or the flood of record, whichever is greater.
D. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation.

Frontage, Road: The linear distance measured along the front of the public or private street or road-right-of-way. The length of a lot's boundary line that abuts a public right-of-way, a private road, or an access easement. It is measured in linear feet along the traveled portion of the road, right-of-way, or easement, typically between two points where the side lot lines intersect with the road, right-of-way, or easement. See diagram to right.



Garage: A building or part of a principal building which is used primarily for the storage of motor vehicles as an accessory use. A **detached garage** is a separate accessory structure located on the same lot as the principal building. An **attached garage** is physically connected to the principal building. This definition includes carports.

Gasoline Service Station:

A. A building and premises where gasoline or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles), batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made and no other:
   i. Sales and servicing of spark plugs, batteries, distributors and distributor parts;
   ii. Tire servicing and repair, but not recapping or regrooving;
   iii. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors and the like;
   iv. Radiator cleaning and flushing;
   v. Washing and polishing inside an enclosed building and sale of automotive washing and polishing equipment;
   vi. Greasing and lubrication;
   vii. Providing and repairing fuel pumps, oil pumps and lines;
   viii. Minor servicing and repair of carburetors;
   ix. Emergency wiring repairs;
   x. Adjusting and repairing brakes;
   xi. Motor adjustments;
   xii. Sales of cold drinks, packaged foods and similar convenience goods for auto service station customers, as accessory and incidental to the principal operation.
B. Uses permissible at auto service stations do not include major body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in auto service stations.
C. An auto service station is not a repair garage or a body shop.

Hardship: See Undue Hardship

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

Home Occupation: An occupation or profession conducted within a dwelling that is clearly incidental and secondary to its use for residential purposes and that does not alter the character of the dwelling. By way of example, and not limitation, home occupations may include the production of foods such as breads, cookies, or preserves, as well as crafts such as rugs, birdhouses, fishing flies, and quilts. The term also includes professional and personal services, subject to any limitations on the number of employees established elsewhere in this Ordinance.

Hospital: An institution providing primarily in-patient medical or surgical care, including related facilities such as laboratories, outpatient departments, training facilities, central services, and staff offices.

Hotel/Motel: A commercial building or group of buildings providing temporary accommodations for travelers or transient guests for a fee or compensation, with sleeping rooms that do not include cooking facilities. Each unit has a private bathroom and a separate entrance, either to the outdoors or a common corridor. Hotels or motels may include on-site restaurant facilities for guests and the public.

Hydric Soil: Soil that is saturated, flooded, or ponded long enough during the growing season to develop an aerobic conditions in the upper part.

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

Junkyard: A yard, field, or other area used as a place of storage for:

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances, and/or furniture;
B. Discarded, scrap, and junked lumber;
C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or nonferrous material; and
D. Garbage dumps, waste dumps, and sanitary fills.

Kennel: An establishment where five (5) or more dogs are kept in a single location under one ownership for breeding, hunting, showing, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one (1) litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

Land Use Ordinance: Also known as a Zoning Ordinance. A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

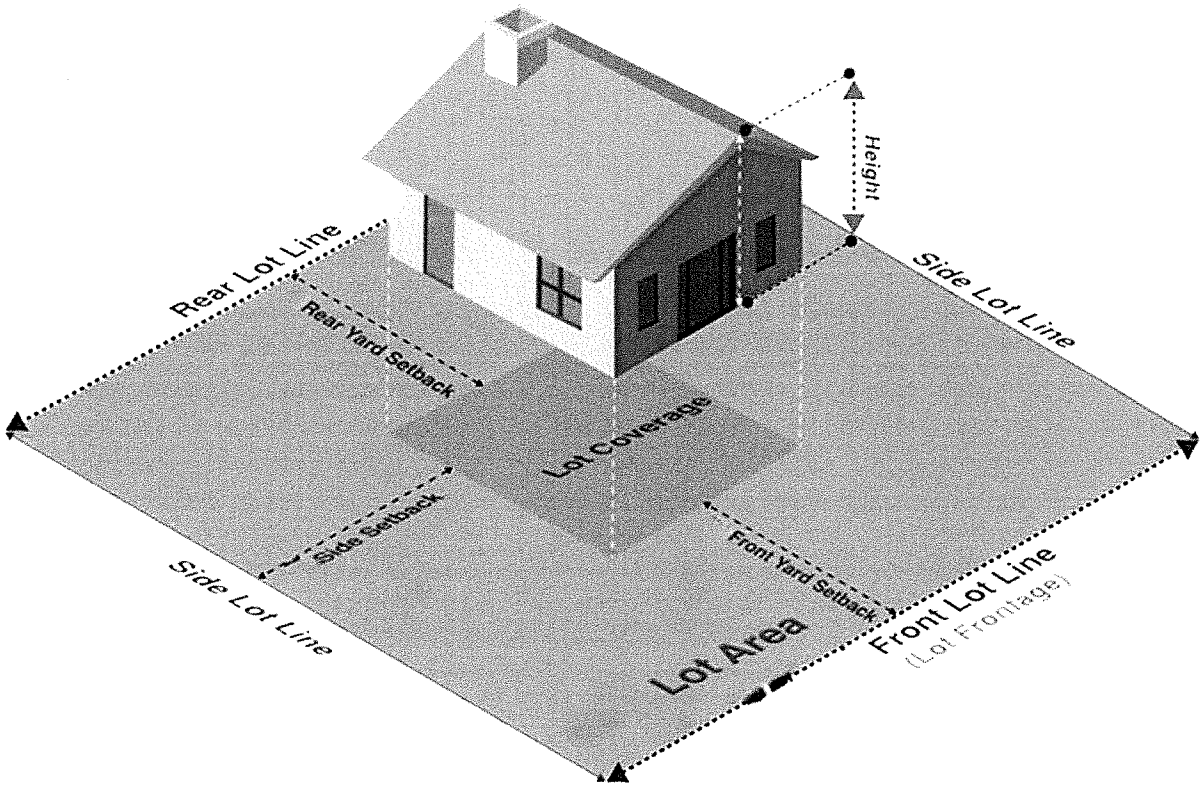
Lot: A single parcel of developed or undeveloped land.

Lot Lines: The lines bounding a lot as defined below. **(See diagram below)**

A. Front Lot Line: For an interior lot, the lot line that separates the lot from the public or private street right-of-way. For a corner lot or through lot, the lot line that separates the lot from either of the two public or private street rights-of-way. Where a public or private street right-of-way does not exist or cannot be determined, the front lot line shall be the edge of the paved or graveled portion of the road.

B. Rear Lot Line: The lot line opposite the front lot line. On a lot that narrows to a point at the rear, the rear lot line shall be an imaginary line, not less than ten (10) feet in length, drawn between the side lot lines and parallel to the front lot line at the point farthest from the front lot line. On a corner lot, the rear lot line shall be the lot line opposite the front lot line of least dimension.

C. Side Lot Line: Any lot line other than the front or rear lot lines.



Lot Measurements (See diagram above)

A. Lot Area: The total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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

C. Lot, Coverage: The percentage of a lot covered by all buildings.

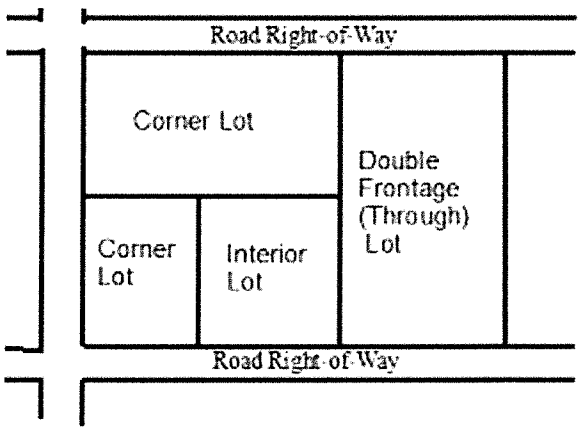
D. Lot Depth: The distance between the midpoints of two lines drawn across the lot, one connecting the foremost points of the side lot lines and the other connecting the rearmost points of the side lot lines. See the definition of "Rear Lot Line."

E. Lot, Minimum Area: The required minimum lot area for a single use within a district per this Ordinance.

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

G. Lot, Shorefront: Any lot abutting a body of water that is regulated by the Shoreland Zoning Ordinance.

H. Lot, Through: Also known as a double frontage lot. An interior lot having frontage on two more or less parallel streets or rights-of-way; between a street or right-of-way and a body of water; or between two bodies of water, as distinguished from a corner lot. All sides of a through lot that abut streets, rights-of-way, or bodies of water shall be considered frontage, and required front yards shall be provided on each such side. See diagram to right.



I. **Lot width:** The horizontal distance between the side lot lines, measured at the front setback line.

Maintenance: The routine care, repair, or upkeep of a building, structure, or property to preserve its condition, ensure proper functioning, and prevent deterioration, without altering its use, size, or location.

Manufactured Housing, Qualified: A residential structure constructed in a manufacturing facility and transported to a building site for use as housing. This term includes:

A. HUD-Code Manufactured Homes: Units built after June 15, 1976, certified by the manufacturer as complying with U.S. Department of Housing and Urban Development standards, transportable in one or more sections, built on a permanent chassis, and designed for use as dwellings with required utilities, with or without a permanent foundation.
B. Modular Homes: Units not built on a permanent chassis, certified as complying with Title 10, Chapter 957 and applicable rules, designed for placement on a permanent foundation and connection to required utilities.

All manufactured housing shall have:

- A pitched, shingled roof (minimum 2:12 pitch; corrugated metal excluded);
- A permanent foundation permitted for single-family dwellings under the Town's building code; and
- Exterior siding residential in appearance.

These standards shall not prevent the relocation of legally sited manufactured housing existing as of August 4, 1988. Manufactured housing not meeting this definition is prohibited as a new use but may continue as a lawful nonconforming use, consistent with Title 30-A M.R.S.A. §4358.

Medical Cannabis Cultivation Facility- See Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Clinton (https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/Mari_Retail.pdf)

Medical Marijuana Production Facility Limit: There shall be no more than four Medical Marijuana Caregivers allowed to operate within a single Medical Marijuana Production Facility.

Mobile Home Park: A parcel of land under unified ownership approved by the Planning Board for the placement of two (2) or more manufactured homes. Permit applications related to Mobile Home Parks will be reviewed under the Site Plan Review Ordinance, as Mobile Home Parks are considered a commercial use.

Multi-Family Dwelling: A structure containing three (3) or more dwelling units.

Municipality: Town of Clinton.

Municipal Complex: A building or group of buildings that accommodates municipal offices and services and may also include cultural, recreational, athletic, convention, or entertainment facilities owned or operated by a governmental agency.

Non-Conformance:

A. Non-Conforming: A building, structure, use of land, or portion thereof that was lawfully in existence at the time of adoption or amendment of this Ordinance, but which does not comply with one or more applicable provisions of this Ordinance.

B. Non-Conforming Lot: A lot that was lawfully created in accordance with applicable laws and ordinances in effect at the time of its creation, but which does not meet one or more current dimensional or other regulatory requirements of this Ordinance.

C. Non-Conforming Structure: A structure which does not meet any one or more of the dimensional lot requirements in Article 3 of this Ordinance, but which is allowed solely because it was in lawful existence at the time this Ordinance or amendments took effect.

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

Non-Residential Accessory Structure: A permitted structure of building customarily incidental and subordinate to the principal use of the lot that supports functions related to the principal use or building. An accessory structure is located on the same lot as the principal use or structure and is not intended for human habitation.

Nursing Home: A facility that provides skilled nursing and related medical services for individuals who are not acutely ill but require skilled nursing care and medical services. These facilities are operated in connection with a hospital and designed to accommodate convalescent or other persons who need skilled nursing care for a period of not less than 24 hours a day.

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

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.

Planning Board: The Planning Board of the Town of Clinton.

Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*

Principal Structure: Also known as the Primary Structure. A structure in which the main or primary use of the structure is conducted.

Principal Use: The primary use to which the premises are devoted and the main purpose for which the premises exist.

Prohibited Use: A use that is not permitted in a zone or district.

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

Public Utility Facility: A facility, whether publicly or privately owned, that provides direct or indirect utility services to the public, including but not limited to water and sewage pumping stations and treatment facilities, telecommunications structures, and major electrical transmission lines, pipelines, or substations primarily intended to convey services through a community. This definition does not include local utility distribution lines.

Quadplex: A structure containing 4 (four) dwelling units.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living accommodations for one (1) or more persons and not intended or used as a dwelling. This term includes, but is not limited to, pickup campers, travel trailers, tent trailers, motor homes, and converted vans or trucks.

A vehicle, including Recreational Vehicles are generally considered a motor vehicle, thus subject to appropriate taxation for motor vehicles by the Town of Clinton even if not currently registered.

Residential Use: Buildings, structures, land, or portions thereof, used, designed, or intended for use as a home or residence for one or more individuals. Residential uses may include single-family (principal and ADUs), duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this Ordinance the following uses are not included under this definition: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals. The abovementioned uses are considered commercial uses.

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

> **Fast-Food or Drive-Through Restaurant:** An establishment where meals are prepared and served for quick consumption on or off the premises, often in edible or disposable containers, with minimal time between ordering and service.
>
> **Sit-Down Restaurant:** An establishment where meals are prepared and served for consumption on the premises, typically requiring a moderate amount of time between ordering and service.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

Retail Business: A business that sells, rents, or leases goods or services directly to the end consumer for personal use or consumption, rather than for resale.

Right-of-way: A strip or area of land over which passage is legally permitted, including: a public way or road accessible to the public; a private way with passage rights held by an individual; or land used by the Town of Clinton or a utility for the installation, maintenance, and repair of utility infrastructure.

Road: An existing State, county, or Town way or a street accepted or dedicated for public use by the Town of Clinton or State of Maine. The term "road" shall not include those ways which have been discontinued or abandoned.

Sawmill: A facility or machine used to cut logs into lumber or other wood products for commercial purposes. This does not include small-scale residential or backyard sawmills intended for personal use.

School:

> **Public and Private Schools (including Parochial Schools):** An educational institution where knowledge or instruction is imparted and which meets either of the following criteria: it is operated on a non-profit basis, or it offers courses sufficient to satisfy state compulsory education requirements.
>
> **Commercial School:** An educational institution operated for profit, offering instruction in specialized or vocational subjects such as dance, music, riding, correspondence courses, aquatic skills, driving, or business.

Setback Requirements: The minimum horizontal distance from a lot line, shoreline, or road to the nearest structure, or other regulated object or area as defined in this Ordinance, including porches, steps, and railings.

Self-Storage Building: A building or group of buildings containing individual, compartmentalized storage units that are leased or rented separately and accessed through individual doors.

Shopping Center: A unified complex of commercial establishments on a single site, planned and managed as one unit with on-site parking. This includes any two (2) or more retail or service establishments under common ownership or management totaling 15,000 square feet or more. The buildings may be connected to each other or not.

Shoreland Zoning Requirements: Includes shoreland zoning requirements under Title 38 Chapter 3, and the Town of Clinton Land Use and Shoreland Zoning Ordinances.

Site Work: Initial, exterior construction activities that prepare raw land for construction. Site work encompasses essential tasks such as but not limited to clearing, grading, excavation, soil stabilization, the installation of underground utilities, landscaping, paving, and other similar work.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. § 436-A(12). The term includes structures temporarily or permanently located, such as decks, patios, steps, landings, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

Single Family Dwelling Unit: A structure containing one dwelling unit.

Site Plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by municipal ordinances. It includes lot lines, building sites, reserved open spaces, buildings, and major landscape features, both natural and man-made.

Site Plan Review Ordinance: A municipal ordinance requiring developers to submit detailed plans for non-residential or multi-family projects to the Planning Board and CEO for review. The Site Plan Review Ordinance ensures compliance with zoning, safety, and environmental standards, covering aspects such as traffic, parking, landscaping, and infrastructure to minimize negative impacts on neighboring properties.

Subdivision: As defined in the Subdivision Law, 30-A M.R.S.A. Section 4401 and Town of Clinton Subdivision Ordinance.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming, whether in the ground or above the ground.

Tiny Home: A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
B. Does not exceed 400 square feet in size;
C. Does not exceed any dimension allowed for operation on a public way under this Ordinance; and
D. Is a vehicle without motive power.

Triplex: A structure containing three (3) dwelling units.

Undue Hardship: A condition in which strict compliance with this Ordinance would prevent a property owner from making reasonable use of their property due to the property's physical characteristics, such as size, shape, topography, or soil conditions. An undue hardship is not established by personal or financial circumstances or by actions taken by the property owner. Relief granted for an undue hardship shall not result in significant harm to the public interest or defeat the intent of this Ordinance. This definition is consistent with the criteria for variances under 30-A M.R.S.A. § 4353(6).

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance: A modification or relaxation of the requirements of this Ordinance granted when, due to circumstances or conditions unique to a specific property— but not generally applicable to other properties in the same district— and not caused by the applicant, strict enforcement of the ordinance would create unnecessary or undue hardship.

Vehicle Body Shop: A business establishment engaged in general repair, engine rebuilding, or parts replacement. services such as collision repair, body or frame straightening, painting, undercoating, motor vehicle reconditioning, and related maintenance.

Vehicle Graveyard, Junkyard: A yard, field, or other area used as a place of storage. other than temporary storage by an establishment or place of business which is engaged primarily in doing autobody repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in Title 29, Section 1, Subsection 7, or parts thereof. A yard, field, or other area used for the storage of three (3) or more unserviceable, unregistered, discarded, worn-out, or junked motor vehicles, or parts thereof, as defined in Title 29, Section 1, Subsection 7, excluding temporary storage by an establishment or business primarily engaged in auto body repair for the purpose of making vehicles serviceable.

Vehicle/Heavy Equipment Repair Garage: A facility where, with or without the sale of engine fuels, the following services may be performed: general repair and maintenance, engine rebuilding, and/or the renting and sale of automobiles.

Vehicle Sales (Dealer): means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a vehicle or industrial equipment and who has:

A. An established place of business for those purposes in this State;
B. A current dealer license issued by the Secretary of State.

Waiver: A relaxation of all or portions of the submission requirements if the information is not required to determine compliance with the standards of this Ordinance. A waiver is not the same as a variance.

Wetland:

An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, certain forested areas, and similar areas. See the Shoreland Zoning Ordinance for more details. Fresh water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act. The parameters that characterize wetlands are:

A. The vegetation is predominantly wetland or aquatic;
B. The soils are predominantly undrained hydric or wetland soils; and
C. The substrate is non-soil (such as sand, gravel or rock) and the area is saturated with water or covered with water at least 2 months during each year.

Wireless Telecommunications Facilities: Any structure, tower, antenna, or device used to provide radio or television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone service, specialized mobile radio (SMR) communications, common carrier wireless exchange services, personal communications service (PCS), or pager services.

- **Major Wireless Telecommunications Facility:** Any such facility over 70 feet in height, any expansion that increases its height by more than 20 feet, or any facility requiring a Planning Board permit.
- **Minor Wireless Telecommunications Facility:** Any such facility not classified as "Major" and requiring a permit only from the Code Enforcement Officer.

Zoning Ordinance: Also known as a Land Use Ordinance. A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.