

## Chapter 13: Existing Land Use

**Goal:** To generate an analysis of current land use for the Town of Clinton

**Purpose:** Along with the vision statement, develop future land use policies, and determine if changes are needed.

### Recent Development:

**Existing Land Use Ordinance:** The current Land Use Ordinances, Town of Clinton were enacted June 13, 1992. Derivations to this document have occurred through a process when the Planning Board and the Code Enforcement Officer request changes to be made to the Selectmen. If approved by the Selectmen, citizens vote to approve or disapprove the changes. The last change was June 13, 2017 concerning medical marijuana. The Land Use Ordinance was amended to add a new Subsection W relating to Wireless Telecommunications Facility Siting. Clinton's Land Use Ordinance has served the community well.

The six different land use districts in Clinton are: Commercial, Industrial/Commercial, Low Density, Medium Density, Rural, and Resource Protection. **Map 13-1** indicates the distribution of the districts. The land use districts requirements are:

1. To allow the future growth to occur in designated portions of the community and to restrict 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.
4. To provide for an orderly future growth pattern of the community.

The land uses permitted in each district, in conformance with the Performance Standards of the Land Use Ordinance, are shown in the following tables. However, without referring to the complete Land Use Ordinance, the Land Use Districts uses could be taken out of context.

In Table 13-1 through Table 13-5, the asterisks (\*) shown in the various district columns are published changes (derivations). Consult the Land Use Ordinance for complete explanation.

**Existing Land Use**

<b>Table 13-1</b>						
<b>USE/STRUCTURE</b>	<b>COMMERCIAL (C)</b>	<b>INDUSTRIAL COMMERCIAL (IC)</b>	<b>LOW DENSITY (LO)</b>	<b>MEDIUM DENSITY (MD)</b>	<b>RURAL (R)</b>	<b>RESOURCE PROTECTION (RP)</b>
<b>RESIDENTIAL</b>						
Accessory Structure	Y	Y	Y	Y	Y	Y*
Cluster Development	N	N	Y*	Y	Y	N
Congregate Housing	Y	N	Y	Y	N	N
Duplex, 2 Family Dwelling	Y	N	Y	Y	Y	N
Home Occupation	Y	Y	Y	Y	Y	N
Manufacture Housing (Certified)	Y	Y	Y	Y	Y	Y*
Mobile Home Park	N	N	N	Y*	N	N
Multi-family Dwelling	Y*	N	Y*	Y*	N	N
Single-family Dwelling	Y	Y	Y*	Y	Y	Y*

Existing Land Use

Table 13-2						
USE/STRUCTURE	COMMERCIAL (C)	INDUSTRIAL COMMERCIAL (IC)	LOW DENSITY (LD)	MEDIUM DENSITY (MD)	RURAL (R)	RESOURCE PROTECTION (RP)
<b>COMMERCIAL</b>						
Accessory Structures	Y	Y	Y*	N	Y	N
Amusement Facility	Y*	Y*	N	N	Y*	N
Automobile Graveyard, Junkyard	N	Y*	N	N	Y*	N
Automobile Repair, Body Shop,	Y	Y	N	N	Y1*	N
Sales, Car Wash						
Bed and Breakfast	Y	Y	N	Y	Y	N
Boarding, Lodging	Y	Y*	Y	Y*	Y*	N
Boat Building, Repair, Marina	Y*	Y	Y*	N	Y*	N
Building Materials, Retail Sales	Y	Y	N	N	Y*	N
Commercial School	Y*	Y	Y*	N	Y*	N
Firewood Processing	N	Y*	N	N	Y*	N
Fisheries Processing, Storage	N	Y*	N	N	N	N
Gasoline Service Station	Y	Y*	N	N	Y*	N
Hotel/Motel	Y	Y*	N	N	Y*	N
Indoor Theater	Y	N	Y*	N	N	N
Kennel, Stable, Veterinary Hospital	Y*	Y*	N	N	Y*	N
Mobile/Modular Home Sales	Y	Y*	N	Y*	Y*	N
Neighborhood Convenience Store	Y	Y*	Y	N	Y*	N
Offices; Business, Professional, Medical	Y	Y*	Y*	N		N

**Existing Land Use**

USE/STRUCTURE	COMMERCIAL (C)	INDUSTRIAL COMMERCIAL (IC)	LOW DENSITY (LD)	MEDIUM DENSITY (MD)	RURAL (R)	RESOURCE PROTECTION (RP)
<b>COMMERCIAL (Table 13-2 continued)</b>						
Publishing, Printing	Y	Y	N	N	Y	N
Radio, Television Tower	N	Y*	N	N	Y*	N
Recreation	Y	Y	N	N	Y*	N
Restaurant	Y	Y*	Y*	N	N	N
Retail Business	Y	Y*	Y*	N	N	N
Retail Business ** <7 employees	Y	Y*	Y*	N	Y*	N
Service Business	Y	Y*	Y*	N	Y*	N
Shopping Center	Y	Y*	N	N	N	N
Wholesale Business	Y*	Y*	Y*	N	N	N
Wireless Telecommunications Facility (minor) <70 feet	N	Y	N	N	Y	N
Wireless Telecommunications Facility (major) =/>70 feet And/or Any expansion	N	Y*	N	N	Y*	N

**Existing Land Use**

<b>Table 13-3</b>						
<b>USE/STRUCTURE</b>	<b>COMMERCIAL (C)</b>	<b>INDUSTRIAL COMMERCIAL (IC)</b>	<b>LOW DENSITY (LD)</b>	<b>MEDIUM DENSITY (MD)</b>	<b>RURAL (R)</b>	<b>RESOURCE PROTECTION (RP)</b>
<b>INDUSTRIAL COMMERCIAL</b>						
Accessory Use	N	Y	N	N	N	N
Bulk Oil/Gas Terminal	N	Y*	N	N	N	N
Demolition/Waste Disposal	N	N	N	N	N	N
Medical Marijuana	N	Y	N	N	N	N
Manufacturing	N	Y*	N	N	N	N
Recycling Operations	N	Y*	N	N	N	N
Sawmill	N	Y*	N	N	N	N
Transportation, Communication Facilities	N	Y*	N	N	N	N
Trucking Distribution Terminal	N	Y*	N	N	N	N
Warehousing and Storage	N	Y*	N	N	N	N

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<b>Table 13-4</b>						
USE/STRUCTURE	COMMERCIAL (C)	INDUSTRIAL COMMERCIAL (IC)	LOW DENSIT Y (LD)	MEDIUM DENSITY (MD)	RURAL (R)	RESOURCE PROTECTION (RP)
<b>MISCELLANEOUS</b>						
Accessory Structure	Y	Y	Y	Y	Y	Y
Church, Synagogue, Parish House	N	N	Y*	Y*	Y*	N
Community Centers/Clubs	Y*	N	Y*	Y*	Y*	N
Daycare	N	N	Y	Y	Y	N
Essential Services	Y	Y	Y	Y	Y	Y
Fire Police Station	Y	Y*	Y*	Y*	Y*	N
Government Office	Y	Y*	Y*	N	Y*	N
Group Homes, Hospice	N	N	Y*	Y*	Y*	N
Nursing Homes	Y	N	Y*	N	Y	N
Hospital	Y	N	Y*	N	N	N
Out-Patient Medical Facility	Y	N	Y*	N	Y*	N
Museum, Library	Y	Y*	Y*	N	N	N
Public, Private School	Y	Y*	Y*	Y*	Y*	N
Public Utility Facility	Y*	Y*	Y*	Y*	Y*	Y*

**Existing Land Use**

<b>Table 13-5</b>						
<b>USE/STRUCTURE</b>	<b>COMMERCIAL (C)</b>	<b>INDUSTRIAL COMMERCIAL (IC)</b>	<b>LOW DENSITY (LD)</b>	<b>MEDIUM DENSITY (MD)</b>	<b>RURAL (R)</b>	<b>RESOURCE PROTECTION (RP)</b>
<b>OUTDOOR, RESOURCE BASED USES</b>						
Accessory Structure	Y	Y	Y	Y	Y	Y
Agriculture/Aquaculture	Y	Y	Y	Y	Y	Y
Agricultural/Aqua cultural Products Processing and Storage	Y	Y*	N	Y	Y	N
Animal Breeding or Care	N	Y*	N	N	Y	N
Campground	N	N	N	Y*	Y*	N
Cemetery	N	N	N	Y	Y	N
Extractive Industry	N	N	N	Y*	Y*	N
Farm Stands	Y	Y	Y	Y	Y	Y
Forestry	Y	Y	Y	Y	Y	Y
Golf Course excluding miniature golf	N	N	N	Y*	Y*	N
Parks and Recreation	Y	Y	Y	Y	Y	Y

**Existing Land Use**

**Summary of Current Lot Size Requirements and Area Requirements:** The Resource Protection District will not allow any development so is not depicted in the tables below.

<b>Table 13-6</b>					
<b>Minimum Lot Size</b>					
<b>Source: Land Use Ordinances, Town of Clinton</b>					
<b>Dimensions</b>	<b>Commercial</b>	<b>Industrial Commercial</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>Rural</b>
<b>With public sewer</b>	0	2 Acres	7,500 Sq. Ft.	7,500 Sq. Ft.	7,500 Sq. Ft.
<b>Without Public Sewer</b>	43,060 Sq. Ft.	2 Acres	20,000 Sq. Ft.	1 Acre	2 Acres

<b>Table 13-7</b>					
<b>Minimum Lot Area Principal Structure or Dwelling</b>					
<b>Source: Land Use Ordinances, Town of Clinton</b>					
<b>Dimensions</b>	<b>Commercial</b>	<b>Industrial Commercial</b>	<b>Low Density</b>	<b>Medium Density</b>	<b>Rural</b>
<b>With public sewer</b>	7,500 Sq. Ft.	2 Acres	7,500 Sq. Ft.	7,500 Sq. Ft.	7,500 Sq. Ft.
<b>Without Public Sewer</b>	30,000 Sq. Ft.	2 Acres	20,000 Sq. Ft.	1 Acre	2 Acres
<b>Minimum Frontage</b>	20 Ft.	100 Ft.	75 Ft.	100 Ft.	200 Ft.
<b>Front Setback</b>	10 Ft.	50 Ft.	35 Ft.	50 Ft.	50 Ft.
<b>Side Setback (notes 4 and 5)</b>	0-15 Ft.*	20 Ft.	15 Ft.	20 Ft.	20 Ft.
<b>Rear Setback</b>	15 Ft.	20 Ft.	15 Ft.	20 Ft.	20 Ft.
<b>Medical Marijuana (note 6)</b>	NA	250 Ft.	NA	NA	NA

- 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) There is no minimum lot area for single accessory apartments.
- 3) The minimum lot area per dwelling unit is 3 acres in areas located over the Town’s aquifers as identified in this Comprehensive Plan without public sewer. The minimum lot area per dwelling unit is 3 acres in areas located in the Wellhead Protection District as identified in Section 3A of this the Land Use Ordinances without public sewer. One quarter acre is required with public sewer.
- 4) \*Commercial side setback abutting a commercial property is 0 (zero).
- 5) \*Commercial side setback abutting residential property is 15 feet.
- 6) Minimum setback from each abutting owner on all property boundaries is 250 Feet and may only be located in Industrial Commercial District.

**Other Land Use Regulatory tools:**

1. **Adult Business Ordinance:** The regulations of this Ordinance are not directed at the content of speech but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Ordinance is to regulate the place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses, and to prevent their location in proximity to residences, day care centers, Schools, houses of worship, public parks or recreational areas. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas of the Town at large. The purpose of this Ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.
2. **Floodplain Management Ordinance:** The Town of Clinton has chosen to become a participating community in the National Flood Insurance Program. The National Flood Insurance Act of 1968, as amended delineates the floodplain which was adopted as recently as July 9, 2019.
3. **Property & Building Safety Maintenance Ordinance:** The purpose of this Ordinance is to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, property values, and to prevent nuisance conditions.
4. **State Shoreland Zoning Ordinance:** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; and to conserve natural beauty and open space. This document was last amended on May 1, 2006. This was adopted by the Town of Clinton.
5. **Subdivision Ordinance:** Adopted by the Town of Clinton in June 1992, this ordinance's purpose is to implement the State Subdivision Law, Title 30-A M.R.S.A., Sections 4401 – 4406. "Subdivision" means the division of a tract or parcel of land into three or more lots within any five-year period that begins on or after September 23, 1971. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into three or more dwelling units within a five-year period. The Clinton Ordinance covers permitting, from the submission to approval/disapproval, for construction requirements both vertical and horizontal in order to protect health, safety, and environmental concerns.

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6. Trailer Park Requirements: The purpose of these requirements are to establish minimum standards for the design, construction, and maintenance of mobile home parks, to make them safe, decent, and sanitary and to determine the minimum responsibilities for Owners/Operators of said parks. These requirements were adopted on March 11, 1989.

7. Wind Ordinance: The purpose of this ordinance is to regulate the siting, construction and operation of Wind Energy Facilities in the Town of Clinton, Maine in order to protect the public health, safety and welfare. This ordinance was adopted June 12, 2012.

### Conclusions:

- Most of the new construction has been on a lot by lot basis rather than subdivisions which are within the town's vision.
- The regulatory and non-regulatory measures are adequate. Clinton has the administrative capacity to manage its land use program to include a Planning Board and Code Enforcement Officer. Currently, the Code Enforcement Officer is a part-time position and may need to go full-time to accommodate federal and state regulations.
- The estimated minimum amount of land to accommodate projected development for the next 10 years:
  - Residential: Table 8-1, Changes in Total Housing Stock, shows between 1990 and 2010 an average increase of 15 housing units per year. From 1980 to 1990 the average was 38 per year. The housing boom in the 1980's and 1990's notwithstanding, the current trend is closer to five units per year determined by the review of recent building permits.
  - Institutional: In the last 10 years there has been one institutional facility unit. It is expected that there will be three built in the next 10 years with a need for approximately 15 acres.
  - Commercial/Industrial: In the last 10 years two commercial facilities have been built. It is expected in the next 10 years there will be three commercial/industrial units built with a need for 30 acres.

**Policies:** There are none required by the State of Maine.

**Strategies:** There are none required by the State of Maine.

**Issues:** No issues were identified.