

ARTICLE 8 - RESIDENTIAL USES, DIMENSIONS AND STANDARDS

RESIDENTIAL USES provide the social structure of the community. They include single-family homes, multi-family dwellings, congregate housing, and mobile home parks. Residential use also includes the accessory uses of an accessory apartment, a bed and breakfast, a home business, or a home occupation. Residential uses require adequate regulation to maintain safe and affordable housing in friendly and functional neighborhoods.

8.1. ALLOWED RESIDENTIAL USES AND ACTIVITIES**Key to Table 8A:**

A=allowed without permit, but the land use must be in compliance with all applicable standards;

N=not allowed;

C=requires CEO permit, no Planning Board review;

C*=Planning Board review required in the Shoreland Management Area: (For a complete list of allowed uses and permitting authority in the Shoreland Management Area see **Article 9, Table 9A.**);

P=requires CEO permit following Planning Board review;

L=requires plumbing permit; RS refers to the Residential Standards found in this Article;

MDS refers to Major Development Standards found in **Article 15**;

SS refers to Shoreland Standards found in **Article 9**.

TABLE 8A: RESIDENTIAL USES AND ACTIVITIES

LAND USE ACTIVITY	GROWTH MANAGEMENT AREA		
	GMA 1	GMA 2	GMA 3
Accessory Residential Unit	C/L	C/L	C/L
Bed and Breakfast	C/L	C/L	C/L
Conversion of Seasonal Dwelling to Year Round	C/L	C/L	C/L
Conversion to Multi-Family Dwelling (more than 2)	P/L	P/L	P/L
Home Occupations Level 1	A	A	A
Home Occupations Level 2	C	C	C
Mobile Home Park	P	N	N
Multi-family Dwelling – 3 to 6 dwelling units in a single structure (restricted to no more than 6 units in a single structure in GMA 1 and no more than 4 units in GMA 2)	P/L	P/L	N
Residential back lot development	P	P	P
Single Family Detached Dwelling – Includes mobile homes, and both seasonal and year round homes (See Article 9 SS 20.0 for special exceptions in the Resource Protection District)	C*/L	C*/L	C*/L
Two-family Dwelling – Duplex	C*/L	C*/L	C*/L
Yard Sales, less than 4, 3 day events per year are allowed without a permit; 4 or more events shall be treated as a Level 2 Home Occupation	A	A	A
Accessory structures, services or uses that are essential for the exercise of a use listed above with the exception of structures with height >35 feet which require site plan review	C	C	C

RESIDENTIAL USES, DIMENSIONS AND STANDARDS

8.2. DIMENSIONAL REQUIREMENTS**TABLE 8B: DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL USES**(NDA = net developable acreage, see **GPS 15.0** in Article 7.)

DIMENSIONAL REQUIREMENT	GROWTH MANAGEMENT AREA		
	GMA 1	GMA 2	GMA 3
PROPOSED CHANGES – Add the next three rows; delete the existing two rows following.			
Residential Density	1.5 ac/single or duplex unit	2.0 ac/single or duplex unit	
3 to 6 unit housing	2.25 acres for first three units in single structure; .25 acres for each additional unit for a maximum of 6 dwelling units in one structure (Not allowed in Limited Residential District)		
Net Developable Area	60% of site	50% of site	
(proposed to delete) Minimum Lot Area for Single Family Dwellings	2 acres 1.50 NDA	2 acres 1.75 NDA	5 acres 3.0 NDA
(proposed to delete) Minimum Lot Area for Two-family Duplexes and Multi-family Dwellings	3 acres plus 0.5 acres for each additional unit over 2, maximum of 6 units per structure, 2.5 acres NDA plus 0.5 acre for each additional unit over 2 [Only Single Family and Two Family are allowed in the Limited Residential District]	3 acres plus 0.5 acres for each additional unit over 2, maximum of 4 units per structure, 2.75 acres NDA plus 0.5 acre for each additional unit over 2 [Only Single Family and Two Family are allowed in the Limited Residential District]	5 acres for a duplex, 3.0 NDA, Multi-family not allowed [Only Single Family and Two Family are allowed in the Limited Residential District]
Maximum Lot Coverage in the Shoreland Area for all allowed residential uses*	20%	20%	20%
Minimum Front Setback from Route 9 or Route 180	50 feet	50 feet	50 feet
Minimum Front Setback from Local Roads or Private Ways	The greater of: 20 feet from right-of-way or 30 feet from edge traveled surface		
Minimum Side and Rear Setbacks	10 feet	10 feet	10 feet
Maximum Height of Residential Structures	35 feet	35 feet	35 feet
Maximum Height of Accessory Structures on a lot with a Principal Residential Structure	Accessory structures with a height greater than 35 feet require Planning Board site plan review and approval, the minimum setback from property lines for such structures will be at least the height plus 10%, with other standards appropriate to the use of the structure		
Minimum Lot Width and Road Frontage when fronting on Route 9 or Route 180	200 feet	200 feet	500 feet

Minimum Lot Width and Road Frontage when fronting on a Local Road or Private Way	150 feet	200 feet	
Minimum Shore Frontage and Lot Width in the Shoreland Area for all allowed residential uses*	200 feet	200 feet	200 feet

*See Notes to Table 9A in Article 9 for additional requirements in the Shoreland Management Area.

8.3. ACCESSORY RESIDENTIAL USES

The following Residential Standards shall govern all permits and approvals issued by the Code Enforcement Officer and the Planning Board for residential land use activities. In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards prior to issuing final approval.

8.3.1. Accessory Residential Units. An accessory-residential unit may be added to any single family detached dwelling or to an accessory-structure on the same lot as a single family detached dwelling unit, except in the Shoreland Management Area, or added to a non-residential structure provided that:

8.3.1.1. The accessory residential unit shall not be greater than 750 square feet or 50% of the total square footage of the primary dwelling or non-residential structure, whichever is more restrictive.

8.3.1.2. The accessory residential unit shall be at least four hundred (400) square feet for one (1) bedroom units plus one hundred twenty (120) square feet for each additional bedroom.

8.3.1.3. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or non-residential use.

8.3.1.4. A mobile home may not be used as an accessory residential unit; nor may an accessory residential unit be added to a mobile home.

8.3.1.5. The single-family dwelling is owner-occupied.

8.3.1.6. A building permit from the Code Enforcement Officer is obtained.

8.3.1.7. All of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met.

8.3.1.8. All requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with **22 MRSA §42**, as may be amended from time to time, are met; and each dwelling unit must be hooked into an approved subsurface wastewater disposal system.

8.3.1.9. All requirements of the Maine State Minimum Lot Size Rules **12 MRSA §4807**, as may be amended from time to time, are met.

The Code Enforcement Officer shall have the right to inspect all accessory residential units to ensure compliance with this section.

8.3.2. Bed and Breakfast

"Bed and Breakfast" accommodations shall be permitted in the private, year-round residence of the host family who live on the premises provided that:

8.3.2.1. The maximum number of guests at any time is six (6) persons, not including children under the age of twelve (12);

8.3.2.2. The maximum number of guest rooms is three (3);

8.3.2.3. Breakfast is the only meal provided by the host family;

8.3.2.4. The "Bed and Breakfast" operation shall not have any adverse effect on the neighbors.

8.3.3. Home Occupations: Level 1

There are no "home occupation" permits or site plan review required for Level 1 Home Occupations. However, depending on the nature of the business, other local, state or federal regulations and/or permits may apply.

The following criteria shall apply to all Level 1 Home Occupations:

8.3.3.1. The use shall be clearly incidental and subordinate to the residential use of the property and shall not change the character thereof;

8.3.3.2. The use shall be conducted within the dwelling by resident occupants. No nonresident employees shall be allowed;

8.3.3.3. The use shall not create additional pedestrian, automobile or truck traffic in excess of the normal amount typical for the area. Client or customer visits to the site shall normally be limited to not more than three (3) per day, and 10 per week;

8.3.3.4. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard;

8.3.3.5. One (1) non-illuminated sign not exceeding four (4) square foot in area may be appropriately placed to identify the home occupation; and

8.3.3.6. Uses which include the following shall not be allowed as Level 1 home occupations: on-site automotive repair or service (includes any mechanism containing an internal combustion engine); painting of vehicles, trailers, boats or machinery; pest control; veterinary services; or any use which violates any applicable law.

Any person who desires an official written determination as to whether or not a particular use constitutes a Level 1 Home Occupation may request an interpretation by the Code Enforcement Officer. Such interpretation shall require completing a home occupation questionnaire, and submitting such questionnaire to the Town Office.

8.3.4. Home Occupations: Level 2

On conforming lots of two acres or larger, a Level 2 Home Occupation may be allowed subject to Code Enforcement Officer review and permitting as shown in Table 8A in Article 8 of this Ordinance. However, depending on the nature of the business, other local, state or federal regulations and/or permits may apply.

The following criteria shall apply to all Level 2 Home Occupations:

8.3.4.1. The use shall be clearly incidental and subordinate to the residential use;

8.3.4.2. The use shall be conducted within the dwelling or accessory building by resident

inhabitants, and may include no more than two (2) nonresident (up to full-time) employees;

8.3.4.3. Accessory buildings containing Level 2 home occupation uses shall be limited in area to a footprint of not more than 1,200 square feet (total);

8.3.4.4. The use shall not create additional pedestrian, automobile or truck traffic in excess of normal amount typical for the area and there shall be adequate off-road parking space. Client or customer visits to the site shall normally be limited to not more than eight (8) per day;

8.3.4.5. One (1) non-illuminated sign not exceeding six (6) square feet in area may be appropriately placed to identify the business, but should not be intended as an advertising display to attract customers. Such a sign shall not be located within the required front yard setback, nor within any street right-of-way;

8.3.4.6. Uses which are expressly prohibited or uses which may be authorized subject to discretionary land use approval by other provisions of this Ordinance shall not be authorized as Level 2 home occupations; and

8.3.4.7. Activities generating hazardous waste that do not qualify as 'small quantity generator exempt' under **DEP Chapter 850 Hazardous Waste Rules and 38 MRSA, § 1301** do not qualify for Home Occupation Level 2.

8.4 CONVERSION TO MULTI-FAMILY DWELLING

Conversion of existing structures into multi-family dwelling units, in growth management areas permitting multi-family dwellings, may be permitted subject to site plan review and provided that:

8.4.1. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.

8.4.2. Approval of conversion plans by the plumbing inspector(s) is required prior to issuance of a building permit.

8.4.3. Each dwelling unit shall be at least four hundred (400) square feet in area for one (1) bedroom units plus one hundred twenty (120) square feet for each additional bedroom.

8.4.4. Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

8.5 MOBILE AND MODULAR HOMES

Mobile and modular homes, as defined in **Title 30-A, MRSA, §4358, Subsection 1**, whether new, used or relocated, and whether sited in a mobile home park or an individual house lot in the Town of Clifton, shall conform to the following provisions:

8.5.1. Mobile Home Manufacturing Date. The Code Enforcement Officer will not issue a permit for a mobile home older than 20 years old at the time of permit issuance. For example, on June 1, 2015, the mobile home must be built after June 1, 1995.

8.5.2. Moving Permit Required. Any movement of a mobile or modular home over any Town or State road within the Town of Clifton for the purpose of relocating within the Town, for the purpose of storage, repairing or installation on a lot by the homeowner, by an agent contractor or transport company, or for removing from the Town, requires a permit from the Code Enforcement Officer.

8.5.3. Written application. The applicant shall submit a signed application, a scaled site plan (for installations), a State of Maine Certificate of taxes/sewer fees paid, and home information to include: make, model, year, color, serial number, mover and zone type.

RESIDENTIAL USES, DIMENSIONS AND STANDARDS

- 8.5.4. Fee Required.** The application shall be accompanied by the fee required as set forth in the Select Board Schedule of Fees.
- 8.5.5. Zone Certification.** Mobile and modular homes sited in the Town shall meet or exceed **Zone 1** construction standards.
- 8.5.6. Site Consideration.** All mobile and modular homes shall be sited so as to minimize risk to the home from erosion, water hazards and steep slopes.
- 8.5.7. Clearance.** Clearance under the home shall be a minimum of 12 inches beneath the lowest member of the main frame (I-beam or channel beam). On a basement or split entry-type foundation over a habitable lower-level area, or when the bottom of the main frame members are more than 3 feet above ground level, a foundation system for a mobile home shall be designed by a registered professional architect or engineer.
- 8.5.8. Ventilation and Access of Under Floor Areas.** Provision shall be made to minimize condensation and provide for combustion air for heat appliances through ventilation openings or other suitable means. Openings shall provide cross ventilation and be designed to retard entry of debris and rodents. Clothes dryers shall be vented to the atmosphere.
- 8.5.9. Skirting Required.** A durable skirting shall be installed. The skirting shall be secured and stable. Access openings not less than 18 inches in any dimension and not less than 3 sq. ft. in areas shall be provided and so located that any water supply and sewer drain connections are accessible for inspection.
- 8.5.10. Plumbing Permit Required.** All State of Maine Plumbing Codes will be followed.
- 8.5.11. Exterior Mechanical Equipment.** Mechanical equipment (heating and /or cooling equipment) shall meet the following requirements:
- 8.5.11.1.** Mechanical Equipment shall not be installed in a manner that would obstruct any means of required egress. Mechanical equipment shall not be installed in window openings which are part of an existing system and shall not obstruct sidewalks or other means of egress from the home.
 - 8.5.11.2.** All fuel piping systems serving mobile and modular homes, which are not part of the mobile or modular home shall be designed and constructed in compliance with all applicable local, state and federal codes.
- 8.5.12. Water Supply.** For any shared well serving more than one home, piping and installation shall conform to the following:
- 8.5.12.1.** The water-riser pipes shall be a minimum of 3/4 in. nominal diameter. Water-riser pipes shall extend a minimum of 6 in. above ground elevation. Water-riser pipes shall be terminated with a threaded plug, hose bib, or cap when a manufactured home does not occupy a site. Surface drainage shall be diverted from the location of the riser pipe.
 - 8.5.12.2.** An accessible shutoff valve shall be provided on the water-riser pipe serving the mobile or modular home. The system shall be protected from backflow for single family residences on shared wells.
 - 8.5.12.3.** Provision shall be made to protect the water supply piping and valves from freezing, including the riser.
 - 8.5.12.3.1.** Frost-proof valves shall be installed where necessary and shall be listed for backflow protection.
 - 8.5.12.3.2.** In areas subject to heaving and thawing, the pipes shall be adequately protected to prevent damage.

8.5.12.3.3. Heat cables and tape, when used for protection of plumbing components against freezing, shall be listed and labeled.

8.5.12.3.4. Install in accordance with manufacturer's directions and listing requirements.

8.5.12.3.5. A well shall not be located within the boundaries of the mobile or modular home stand.

8.6. CONVERSION OF SEASONAL DWELLING TO YEAR-ROUND

Compliance with this section satisfies compliance with **Article 9 SS 4.0** for conversions in the Shoreland Management Area.

8.6.1. Prior to converting a seasonal dwelling, as defined in this Ordinance, to a year-round or principal dwelling, the owner or his/her authorized agent shall obtain a conversion permit from the Town of Clifton Plumbing Inspector. The Plumbing Inspector shall not approve a conversion permit if a holding tank is used as a means of wastewater disposal or storage. The Plumbing Inspector shall issue a permit for conversion of a seasonal dwelling to a year-round dwelling if one of the following conditions is met:

8.6.1.1. A subsurface wastewater disposal application, completed after July 1, 1974, exists indicating that the dwelling's wastewater disposal system substantially complies with Maine Department of Human Services rules and applicable Town ordinance provisions, provided that the disposal system was installed with the required permit and certificate of approval; or

8.6.1.2. A replacement system for an existing wastewater disposal system has been constructed so that it substantially complies with Maine Department of Human Service rules and applicable Town ordinances; or

8.6.1.3. The dwellings unit's wastewater is connected to an approved sanitary sewer system.

8.6.2. It shall be a violation of this Ordinance to convert a seasonal to a year-round dwelling without the required conversion permit. For the purposes of this requirement, a seasonal dwelling is a dwelling which existed on December 31, 1981, and which was not used as a principal or year-round residence during the period from 1977 to 1981. A year-round dwelling is a dwelling which meets one of the following criteria:

8.6.3. The dwelling is listed as an occupant's legal residence for the purpose of voting, filing a tax return, or automobile registration; or

8.6.4. The dwelling has been occupied for a period exceeding seven (7) months in any calendar year.

8.7. RESIDENTIAL BACK LOT DEVELOPMENT

On conforming lots of record existing on the date of adoption of this ordinance, one additional lot may be created, subject to Site Plan Review approval of the Planning Board. Such additional residential lot shall not be sold, rented or occupied unless all of the following requirements are met:

8.7.1. Such additional residential lot is not less in size than the minimum lot size of the Growth Management Area the lot is in;

8.7.2. The creation of such additional residential lot does not reduce the lot size of the existing lot of record to less than the minimum lot size of the Growth Management Area the lot is in;

8.7.3. Such additional residential lot is accessible over a deeded right-of-way, of not less than fifty feet (50') in width to a public road; and

8.7.4. Such right-of-way does not diminish the existing road frontage by more than fifty feet (50').