

Town of Harrington

Land Use Regulations

SECTION: 1

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section of the Maine Constitution, the provisions of the Title 30-A, MRSA Section 3001 (Home Rule), the State's growth management law, Title 30-A MRSA, Section 4311 et. seq., as amended, for the purpose of promoting the Safety, Health, and General Welfare as well as the efficiency and economy in the process of the development of the Town of Harrington, Maine. In the Town Meeting Convened, **March XX, 2019**, the following revised ordinance was enacted by the voters of the Town of Harrington, Maine, superseding all previous Town Land Use Regulation.

SECTION: 2 DISTRICTS

For the purpose of this ordinance the Town of Harrington, Maine is divided into three districts:

THE SHORELAND DISTRICT, GENERAL DISTRICT, and the INLAND WETLANDS DISTRICT.

- 2.1 The Shoreland District is all the land area as governed by the Harrington Shoreland Zoning of any lake, pond, river, stream or saltwater body.
- 2.2 The Inland Wetlands District defined as swamp, bog, and marsh larger than two (2) acres as governed by the Harrington Shoreland Zoning.
- 2.3 The General District is the remainder of the land in Harrington, Maine not included in Section 2.1 and 2.2

SECTION: 3 SINGLE FAMILY RESIDENTIAL USE

A lot of land which is NOT served by a Public or Private community sewage system, whether created by plat, laid out in metes and bounds, or otherwise described, shall NOT be used for a single family residential purpose unless such lot of land contains at least 20,000 square feet and if the parcel is within 250 feet of a lake, pond, river, stream or saltwater body it shall further have a minimum shore frontage as governed by the Harrington Shoreland Zoning and by deed, contain a minimum of 35,000 square feet and be set back at as governed by the Harrington Shoreland Zoning or deed whichever is greater.

SECTION: 4 SUBDIVISION

Plans for the subdivision of parcel of land into three or more lots shall be placed before the Planning Board at least 90 days before sale or construction as required by Title 30-A Section 4401 thru Section 4407 Revised Statutes of Maine. The proposed subdivision will be subject to the tests as required under such law.

SECTION: 5 MUTIPLE USE RESIDENTIAL UNITS

Multiple use housing, clustered unit housing, campgrounds, tenting grounds, trailer parks, and mobile home parks may be established provided:

- 5.1 That the lot have a minimum size that is greater than the requirements for single family residential use and is in proportion to the number persons accommodated the actual waste disposal requirements.
- 5.2 The service facilities provided will be maintained in a sanitary condition at all times.
- 5.3 That a safe and potable water supply, with toilet facilities meeting the State Plumbing Code be maintained.
- 5.4 That any structure, mobile home, or trailer, that is used as a dwelling, constructed, erected, or placed on a lot of land occupied by another dwelling shall:
 - 5.4.1 Not be located less than 25 feet from a property line
 - 5.4.2 Not be located less than 35 feet from another dwelling
 - 5.4.3 Not be located less than 20 feet from the limits of a public road
 - 5.4.4 Not be located less than 75 feet or greater as governed by the Harrington Shoreland Zoning or deed from a lake, pond, river, stream, or saltwater body.
- 5.5 That upon review by the Planning Board they find no injurious or detrimental effects will be created in the surrounding area and that such use will be in keeping with the purpose of this ordinance

SECTION: 6 SMALLER LOTS

A lot contained less than 20,000 square feet, but at least 10,000 square feet may be used for single family residential use provided:

- 6.1 That it is not within 250 feet or greater as governed by the Harrington Shoreland Zoning of a lake, pond, river, stream or saltwater body or by deed if greater.

6.2 That it is approved by the Department of Human Services on a basis of a soil survey and recommended by a State Registered engineer. The results of such tests and the engineering recommendation shall be submitted in a written report by the land owner to the Board of Environmental Protection for approval. The board shall issue a written notice of its decision.

SECTION: 7 PRIVATE SEWAGE

No privy, cesspool, septic tank, or sewage disposal shall be constructed or maintained less than 100 feet or greater as mandated by the State of Maine from a public water body, well, or from a dwelling other than that to which it is pertinent, or within 15 feet of a property line.

SECTION: 8 BUILDING PERMIT

When any building, camping vehicle, mobile home, trailer, tent or structure that is to be used as a dwelling, for business, industry or commerce is constructed, erected, remodeled or placed on a lot of land; the owner, lessee, builder, architect, or contractor employed by such owner or lessee shall obtain a permit approved by the Planning Board and signed by a minimum of three (3) members of the Planning Board at a public meeting.

8.1 EXCEPTION No permit will be required for a tent, trailer, or camping vehicle used for a period of 15 consecutive days or less. Moving said tent, trailer, or camping vehicle to subvert this exception shall be considered a violation.

8.2 EXCEPTION The following buildings are exempt from the provisions of this ordinance: dog houses, playhouses, tool sheds, and similar storage buildings; not greater than one hundred square feet in the floor area. Set back requirements as mandated by SECTION 5.4 must be followed

8.3 APPLICATION REQUIREMENTS Application for a building permit shall be made on a form which is available at the Town Office and shall include the following information:

8.3.1 Proof of ownership, registered deed with page and book number of property on which building permit is requested.

8.3.2 Map and Plan

8.3.2.1 A small map of the vicinity showing the location of building lot

8.3.2.2 A sketch map showing the site as it exists, locating trees, drainage ways, and other prominent feature.

8.3.2.3 A proposed site plan showing:

A. size of the lot in square feet or acres and the dimensions of the lot in feet

- B. location of the proposed and existing buildings on the lot as applicable and the distance from all property lines.
- C. size of building in square feet and ground level dimensions in feet.
- D. location of proposed water supply and sewage disposal facilities.
- E. estimated cost of project, for Assessors evaluation purposes.

8.4 Approved copies (2) by the Town of Harrington Plumber Inspector of the HHE 200 form for sewage disposal when applicable.

8.5 Impact Statement: The application shall prove that the proposal is in compliance with the impact standards of this ordinance, the Harrington Shoreland Zoning as applicable and the deed for the property with the most restrictive taking convince.

8.6 An impact assessment by the Town of Harrington Road Commissioner for properties located on town road for the need of a culvert or MDOT entrance permit if located on a State Road.

8.7 Approval: After the receipt of a complete application the Planning Board on their next scheduled meeting, except in emergencies, shall approve the application, or approve it with conditions if they make a positive finding based upon the information presented to them that the impact standards are met.

8.7.1 Permits granted under this ordinance may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this ordinance.

8.8 PUBLIC MEETINGS: The Planning Board will hold a public meeting at the next scheduled meeting of the Board after the filing of the completed application. The meeting will be published with the time, date, and place of the hearing at least twenty-four (24) hours prior to the hearing. Abutting land owners will be notified if deemed necessary by the Planning Board.

SECTION 9: IMPACT STANDARDS

9.1 SEWAGE DISPOSAL: There will be adequate provision for sewage waste disposal. For buildings requiring septic systems, a report (HHE 200) by a licensed State of Maine Soils Evaluator must be submitted showing septic system design and approved by the Town of Harrington Plumbing Inspector.

9.2 AIR POLLUTION: The proposal will meet all Department of Environmental Protection requirements regarding air quality.

9.3 NOISE: The proposal will not result in undue noise pollution. If it is likely that the proposal will result in noise in excess of that which is normal for the area, it shall be designed and landscaped to minimize noise interference with neighboring uses. Excessive noise at reasonable hours shall be required to be muffled so as not to be objectionable beyond property lines. The following uses and activities shall be exempt from noise level regulations: 1. Noise created by construction and temporary maintenance activities between 5:30 am and 8:00 pm or per Town of Harrington noise ordinance. 2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity, 3. Traffic noise on public roads.

9.4 SURFACE WATER DRAINAGE: There will be adequate provisions for surface water drainage so that removal of water will not adversely affect neighboring properties. Whenever possible and necessary, on site absorption of run-off waters shall be utilized to minimize off-site discharge.

9.5 EXTERIOR LIGHTING: There will be no flashing lights or signs or strong lights shining beyond the lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town or state way.

9.6 PRESERVE AND ENHANCE THE LANDSCAPE: During construction the landscape will be preserved in its natural state in so far as practicable by minimizing tree removal, disturbance of soil and retaining natural vegetation in order to minimize the impact of the proposed use on neighboring land uses.

9.7 ROAD ACCESS: The building will be placed on a lot which is either on a state, town or private road, or has deeded access. Lots on town or private roads shall have a minimum of 100 feet road frontage. All lots on town roads will require an impact assessment by the Town of Harrington Road Commissioner for installation of a culvert.

9.8 LOT SIZE, BUILDINGS, SETBACK AND HEIGHT: All dwellings shall be on lots sized by Sections 3, 4 or 5 as applicable. All dwellings shall have a minimum front yard set-back from side and rear lots of at least 20 feet from the edge of the road right of way and set-backs from side and rear lots of at least 25 feet, and no building shall exceed 35 feet in height from the top of the foundation.

9.10 VEHICULAR ACCESS: The proposed site layout will provide for safe access and egress from public and private roads. Provisions shall also be made for providing convenient and safe emergency vehicle access to all buildings and structures.

9.11 PARKING: Off-street parking will be provided in accordance with the following standards:

- Dwellings-2 spaces per unit
- Hotels, Motels, Boarding Homes -1 space per guest room
- Restaurants, Churches, Clubs, Recreational Facilities - 1 space per 4 seats
- Stores and Offices - 1 space per 300 square feet or floor area
- Buildings not listed - spaces shall be provided as for the most similar building which is listed.

9.12 OTHER LAWS AND ORDINANCE: In addition to complying with this ordinance, any building erected, remodeled, or altered under permission granted by this permit must conform to all State and Town laws and ordinances, including, but not limited to, the State of Maine Subsurface Waste Disposal Rules, National Electrical Code, and Maine State Plumbing Code in effect on the date the permit is issued.

SECTION 10. AUTOMOBILE GRAVEYARD OR JUNKYARD

The establishment or operation of an automobile graveyard, automobile recycling business, or junkyard will be in accordance with Harrington Land Use and the Department of Transportation, Bureau of Highways Title 30-A, MRSA, Section 3751-3760.

SECTION 11. RIGHT OF APPEAL AND VARIANCE

11.1 The right to appeal the decision of the Planning Board may be made according to the provisions of Sec. 2691 of the Title 30-A, MRSA.

11.2 A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection. The Board of Appeals may, upon written application of the effected land owner, grant a variance from the strict application of the ordinance under the following conditions:

11.2.1 That the strict application of this ordinance would result in undue hardship to the applicant.

11.2.2 That the hardship is not the result of action taken by the applicant or prior owner.

11.2.3 That the Board of Appeals, based on clear and convincing evidence presented to it, make a finding that the proposal will not result in unsafe and unhealthful conditions and will avoid problems associated with flood plain development and use.

11.3 A variance may be authorized only for a lot size (area), lot coverage by structures, and set-back. A variance may not be granted to permit use or structure otherwise prohibited.

SECTION 12. VIOLATIONS

12.1 Any violation of the ordinance shall be deemed a civil violation under Title 17-A, MRSA, Section 4-8. Such violation shall be enforced by the Code Enforcement Office of the Town of Harrington.

12.2 Any person who continues to violate any provision of this ordinance after receiving due notice of such violation, shall be guilty of a misdemeanor subject to a minimum fine of \$100.00 per day for every day each violation continues. Nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations.

SECTION 13: FEES

A fee in accordance with the following schedule is to accompany each building permit application to help defray the costs of processing said application and enforcement of applicable codes:

13.1 Residential and Commercial Buildings - \$20.00

13.2 Subdivisions: \$250.00 per lot for the first five (5) lots, \$100.00 each subsequent lot following.

SECTION 14: LIFE OF PERMIT

If construction is not begun within 6 months and thirty percent (30%) completed within 12 months of permit approval, the permit shall expire.

SECTION 15: SHORELINE CLEAR CUTTING

In order to preserve and enhance the natural beauty and aesthetic features of the shoreline, to prevent the erosion of the land bordering the shore, and to protect private investment in such land, it is in the public interest to restrict shoreline clear cutting practices.

15.1 It is unlawful for any person, firm, corporation or other legal entity to cut down trees on land within a distance of 100 feet or greater as governed by the Harrington Shoreland Zoning of the high water mark of any lake, pond, river, or high water as determined by the USGS for saltwater bodies except:

15.2 No accumulations of slash shall be left within 100 feet of high-water mark.

15.3 Penalty-Whoever violates this section shall, on conviction, be subject to a fine of not more than \$1,000.00 per each occurrence.

SECTION 16: NONCONFORMING USES

Nonconforming use of land or a building may continue in their present use except that:

16.1 It shall not be changed to another nonconforming use without a Planning Board permit.

16.2 It shall not be re-established after discontinuance for a period of one year or more except to that of a use conforming to the regulations of the district in which it is without a Planning Board permit.

16.3 It may not be extended or enlarged without a Planning Board permit.

16.4 If it be obnoxious, injurious, or hazardous to the comfort, peace, health, or safety of the community, by reason of the production of odor, smoke, dust, refuse matter, fumes or noise, it is prohibited.

SECTION 17: LAND USE STANDARDS

All land use activities shall conform to the following applicable land use standards, Harrington Shoreland Zoning and deed restrictions:

17.1 Agriculture: There shall be no tilling of the land within 50 feet of the normal high water mark of any lake, pond or seashore or greater based on Harrington Shoreland Zoning.

17.2 Beach construction: Beach construction on a great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream or brook capable of floating watercraft shall require approval from the commissioner of the Department of Inland Fish and Game as required by law and Harrington Shoreland Zoning.

17.3 Campgrounds and trailer parks: Campgrounds shall conform to minimum requirements imposed under Sec. 4 of the rules and regulations of the Department of Health and Welfare and if the campground is situated within the Shoreland Area each camping area shall conform to the Harrington Shoreland Zoning.

17.4 Erosion and Sedimentation Control: Filling, dredging, grading, lagooning, earth moving activities, and other land use activities shall be conducted in such a manner to prevent, to the maximum extents, erosion and sedimentation of surface water.

17.5 Mineral exploration: Mineral exploration shall be accomplished by hand sampling, test boring or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

17.6 Pier, docks, etc.: Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies shall require a Planning Board permit as well as a permit from the Board of Environmental Protection.

17.7 Sanitary standards: any land use requiring the discharge of any treated or untreated or inadequately treated liquid, gaseous, or solid material or the disposal of such matter shall require a Planning Board permit. No permit shall be granted for any structure or land use requiring such disposal or discharge without a copy of the recommendations and approval of a registered engineer and approved by the Town of Harrington Plumbing Inspector.

17.8 Privies: Privies will be permitted provided they are built and maintained according to the requirements of the State Plumbing Code Part II Sec. 9.12 and 9.13.

17.9 Other systems: Other systems of sanitary disposal may be permitted after approval by the Department of Health and Human Services and the Town of Harrington Plumbing Inspector.

17.10 Signs:

17.10.1 Signs and billboards in Shoreline areas are governed by the Harrington Shoreland Zoning.

17.10.2 A resident may display a single sign not over three square feet in an area relating to the sale, rental, or lease of the premises.

17.10.3 Signs relating to hunting and fishing shall be permitted without restriction as to number provided that no sign exceeds two (2) square feet in area.

17.10.4 No sign shall extend higher than 20 feet above the ground.

17.10.5 There will be no flashing lights or signs or strong lights shining beyond the lot lines onto neighboring properties, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway.

SECTION 18: STRUCTURES

18.1 No residential dwelling unit, commercial or industrial facility shall be located in wetland areas, steep slopes over 25% or in flood plain areas as defined by the 100-year flood, or if this is not known, by soil tests identified as flood plain soils, without approval by the Planning Board.

18.2 All structures in the Shoreline District shall follow the Harrington Shoreland Zoning and deed

SECTION 19.: BUSINESS AND INDUSTRY

Any non-polluting business or industry may be established in either district on land suitable for such a business or industry after approval by the Planning Board following all rules and regulations of The Town of Harrington, State of Maine and US Federal Government and not violating any deed restrictions.

SECTION 20: DEFINITIONS

Terms not defined here shall have the customary dictionary meaning. As used in this ordinance, the following shall apply:

WATER RELATED TERMS:

Pond: Any inland body of water which has a surface of more than 10 acres in area. .

River: Any free flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Normal High Water Mark of Coastal Waters: The line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or vegetation due to the prolonged action of the water. In places where the shore or bank is of such character

that the high water mark cannot be easily determined by the above method it shall be estimated by rock slides, ledges, or rapidly eroding banks.

Coastal Wetlands: Areas enclosed by normal high water above extreme low water such as any swamp, marsh, bog, beach, or flat.

Inland Wetlands: Areas enclosed by the normal high water mark on inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes, and bogs, larger than two (2) acres.

Structures: Anything built for the support, shelter, or enclosure of person, animals, goods or property of any kind.

Residential dwelling: A room or a group of rooms designed and equipped exclusively for the use of a permanent, seasonal, or temporary living quarters for one or more families including any structures regardless of its composition.

Non-Conforming Use: A structure or the use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district in which it is situated.

Trailer Park: A land area designed for the temporary occupancy by two or more trailers, camping vehicles, or movable dwelling.

Mobile Home Park: A land area designed for the temporary occupancy of more or less permanent Mobile Homes.

Campground: A land area designed for the temporary occupancy by camping equipment of any kind including tents and trailers, but not limited to such.

SECTION 21: PLANNING BOARD

21.1 The intent of the Planning Board shall be the smooth economic, cultural, and ecological development of the Town by the regulation and control of the development, through the use of property; considering its physical characteristics, the facilities available services and economics.

21.2 The municipality may appropriate funds for specific projects proposed by the Planning Board.

21.3 Planning Board members shall NOT receive a salary or other compensation for their efforts but shall receive reimbursement for expenses in the performance of their duties. After approval by the Planning Board they may be submitted to the Selectmen for payment.

SECTION 22: GENERAL

Validity: Should any section of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section of the Ordinance.