

Town of Porter

Land Use Ordinance Amendment - Summary

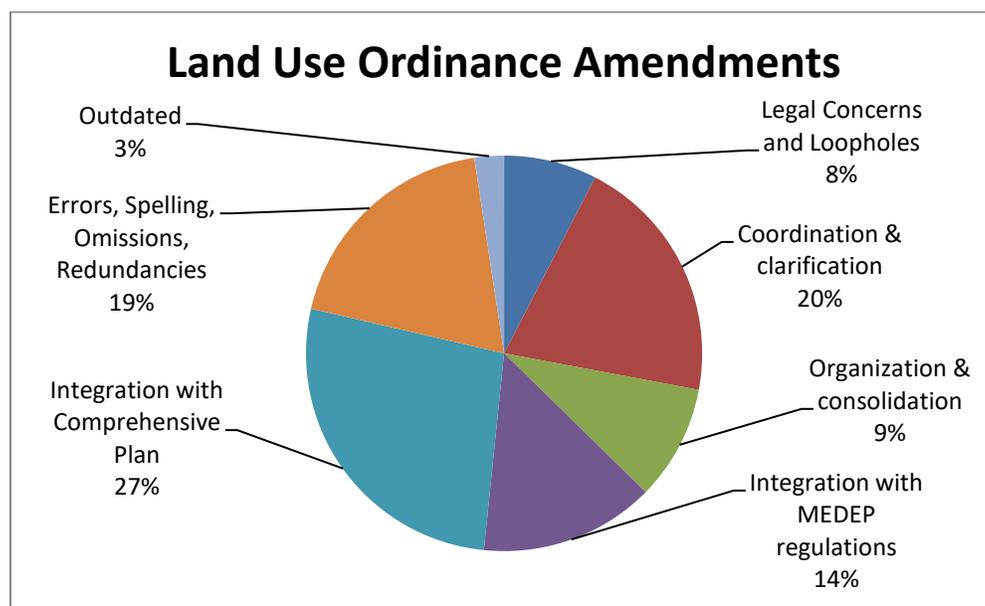
PUBLIC HEARING February 20, 2019 7:00 pm – 8:00 pm

As the Town is reviewing its Comprehensive Plan and incorporating the 2015 Chapter 1000 MEDEP regulation changes, a number of coordination and clarification actions are needed to reduce challenges in administration, enforcement, information access, landowner rights, environmental concerns, and tax efficiency.

A Land Use Ordinance is very similar to the plans and specifications given to a contractor that they have to build by. If it is unclear, gives conflicting information, or is missing sections of needed information, the project will be ground to a halt, and there will likely be embarrassing mistakes and costly claims.

The Ordinance is required to compliment and take instruction from the townspeople-approved long term goals for their community (*Comprehensive Plan*) and be updated periodically to acknowledge the ever-changing laws, court rulings, business models, inflationary pressures, and socioeconomic challenges that occur.

Below is an approximate snapshot of what types of adjustments were made to propose a more reasonable, efficient, and functional ordinance amendment for the townspeople to discuss and vote on.



Here are several examples of issues and regulations that were addressed:

- **Heritage:** The region's historical strengths related to orchards, pastures, and woodworking are not expressed in the current ordinance.
- **Heritage:** It is cost prohibitive (*not economically feasible*) to renovate historically notable buildings in the villages or to pursue home-based or cottage industry uses within the town as it is currently regulated.
- **Planning & Local Activity:** The rules require taxpayers to expend more time and money than is necessary (*administration, engineering, materials, etc.*) in order to use their land toward providing a number of community-based services and products that are complimentary to the Long Term Comprehensive Plan approved by the townspeople. It is reasonable to make these adjustments, as over 30 businesses have left

the town over the past 25 years, younger generations are leaving, and further economic strains are anticipated.

- **Local Activity:** Businesses such as Kezar Falls Market (*former, has since left*), Village Variety, Krista's, even the municipal services (*ie. Town Hall and library*) are currently defined in the Ordinance as High-Impact Commercial/Industrial Uses. There are a significant number of different uses that need more reasonable definition than this.
- **Cost:** The regulations reference laws and books that are very outdated, a number of them are even obsolete.
- **Cost:** Language and guidance that does not give a clear or succinct answer or provide a reasonable path to completion costs everyone time and money, and negatively impacts the efficiency of administering or enforcing uses in this town.
- **Planning:** The regulations have not addressed a number of current-era business models and inventions that have evolved over the past 25 years (Airbnb, VRBO, resource speculation, extreme thrift corporate leases, home-based telecommuting, etc).
- **Planning:** The following are several examples of allowed uses in the town that warrant review: The rules do not allow sawmills, cabinetry/woodworking shops, auto repair, or junkyard facilities in a General Development Zone that was designed for heavy commercial and industry, but it does allow residential there. The rules do not allow convenience or grocery stores, Garden Nursery, Garden Supply, and/or Grain and Feed Stores or small farmstands in the villages, but allows boarding and breeding kennels (*without any fencing, screening, or buffering*) or high impact industrial uses in these villages.
- **Good Neighbor Standards:** There is no buffer depth provided between a resident and an adjacent kennel or an industrial livestock production operation (*Animal Husbandry*).
- **Environmental/Sense of Place:** Lifecycle Plans, Traffic Impact Studies, Conservation Plans, Hydrologic Surveys, High Intensity Soil Surveys, impervious to pervious parcel ratios, and effective screening and buffering have been right-sized to the uses.
- **Cost and Local Activity:** Taxpayer funding of the administration and enforcement of this Ordinance is insufficient for regulating the amount of minor activity that occurs throughout the town (*accessory structures < 100 SF, certain signs, minor earthwork, home businesses, farmstands <100 SF, garage-yard sales, etc.*). A notification to check with the CEO to verify setbacks and intent should be sufficient. If the CEO determines the size and scale of the intent will cause impact to the community, then a more thorough review and associated fees will apply.
- **Environmental:** Dead-Hazard Storm, Excavation certification, Re-vegetation, Stabilization standards have been added. Functionally water dependent uses, height of structure, non-conforming, and other definitions were added, Timber Harvesting oversight deferred to the State of Maine, provision for allowing cupolas introduced, and the 30% Rule was substantially modified to utilize footprint (*rather than floor area and volume, previously*)

- **Organization and Removing duplications:** Duplicate statements (*redundancies make up nearly 20% of the ordinance*) and rules that are out of order take more time to interpret, sometimes causing mistakes, confusing the readers (*whether it is the applicant or municipal volunteer or officer*), and creating a perception of mistrust.
- **Commissioning:** The ordinance is now over 35 years old and has had numerous sections added onto it (18 times) over that same period for largely necessary reasons, but it has not been fully evaluated holistically (*how it performs as a whole rather than the sum of its individual pieces and parts*).
- **Grounding requirements in solid engineering and science:** *Example:* Landowners are asked to provide sight distances for speeds that are not supported by our local roads and are only allowed to put up a sign that a driver can't see or mentally register until they are 400 feet past the business. (*Other examples include sound, trip generation, etc.*)
- **Business Models:** There are currently three (3) distinctive types of Day Care Centers in accordance with the DHHS, of varying capacities, ages, and permitting needs, but the Ordinance is restrictive with only one generalized type of Day Care Center. Another example is that small scale organic and subsistence or hobby farming is not acknowledged in the town regulations, although it has been supported by the Porter Comprehensive Plan since its inception in 1991.

Overview of Porter Land Use Ordinance Draft Amendments, by Article

Table of Contents: Re-ordered to consolidate, adjust for MEDEP additions and amendment deletions, and provide a more efficient flow for interpretation, administration, and enforcement.

Article I: Correction of language to Maine DEP standards and Maine DEP Chapter 1000 2015 changes to Timber Harvesting, court Rulings on Shoreland and Land Use situations, providing missing time limits in the amendment process, updating legal authority references, re-iterating Porter Comprehensive Planning intent of the Ordinances

Article II: Clarification of the administrative process, re-iteration of the Porter Comprehensive Plan, additions and deletions required by 2015 Chapter 1000 DEP changes, Maine DEP Shoreland regulations clarified, village preservation intent coordinated.

Article III: Coordination of the Porter Land Use Ordinance Articles, the Porter Comprehensive Plan, Porter Building Code, Porter Subdivision Regulations, and the Maine DEP. Simplification, consolidation, and coordination of Land Uses, amendments to errors and omissions, relocation of various Article IV and VIII sections, Maine DEP regulation additions, clarification of Article IV and V intent, consolidation and coordination of dimensional standards, and removal of redundant and duplicate text.

Article IV: Maine DEP 2015 Chapter 1000 additions and deletions, coordination of language with the Maine DEP, reference updates, preservation coordination with Comprehensive Plan, clarified environmental reporting, clarification and consolidation of signage regulations, clarification and consolidation of screening & buffering, reduced overhead taxpayer costs, clarification and consolidation of tables, errors and omissions

amended, sanitary standards clarified and consolidated, refuse disposal clarified and consolidated with Porter Land Use Ordinance, parking/access/traffic coordinated and clarified, noise-dust-glare-lights clarified to remove inconsistencies, meet legal standards, and reduce overhead costs, and re-iteration of Porter Comprehensive Plan intent of Ordinances.

Article V: Updated references, clarified and organized specific use requirements, Coordination of Article IV requirements with specific uses, coordinated with the Land Use Ordinance Articles, Comprehensive Plan, Article IV, the Porter Building Code, Maine DEP regulations, Porter Subdivision Regulations, and existing laws, and differentiated and consolidated definitions.

Note: The proposed adjustments reduce difficulties in regulating set-backs, waste water systems, refuse/junkyards, development sprawl, town risks, environmental impacts, nuisances, animals, garage-yard sales, temporary living situations, while more effectively implementing the Porter Comprehensive Plan.

Article VI: Definitions, enforcement, requirements, obligations, and fees consolidated and clarified. Maine DEP regulations and authorization procedures added, overhead taxpayer costs reduced, incorrect references amended, permit requirements clarified, missing time limits on permit application procedure added.

Article VII: Coordinated with the intent of the Porter Land Use Ordinance and processing sequence and capabilities of the town volunteers, and fees were also consolidated and clarified.

Article VIII (Definitions): Maine DEP Chapter 1000 (2015) added and deleted definitions, missing general definitions added, definitions coordinated and clarified with Porter Comprehensive Plan, Porter Building Code, and Porter Subdivision Regulations, redundant and unnecessary definitions

The board believes this draft is a comprehensive acknowledgement of the townspeople's vision for their regulations (*more reasonable, efficient, and functional*) and that it effectively incorporates current laws, other town regulations (*Building Code and Subdivision*), and our Comprehensive Plan.

If the Ordinance is approved by the townspeople, hyperlinks to websites helpful for completing an application, contact numbers to reach out and ask questions, and links between regulation references within the document itself are intended to be implemented to further help improve the navigation speed of the document and to reduce the overall time and effort it takes for residents, municipal officers, and town volunteers to follow our local rules.