

2024 DRAFT PORTER LAND USE ORDINANCE proposed changes – For STM:

ARTICLE IV. PERFORMANCE STANDARDS - GENERAL REQUIREMENTS

4.2.J Explosive Materials/Blasting Materials

ARTICLE V. PERFORMANCE STANDARDS ~~—~~ SPECIFIC ACTIVITIES AND LAND USES

5.0 Accessory Dwelling Units

5.4 Automobile Graveyard, Junkyard, ~~or~~ Recycling, or Motor Vehicle Repossession Company/Business

5.16 Mobile Home Parks/Manufactured Housing Community

5.19 Multifamily Dwelling ~~Units/Development~~

ARTICLE 1. GENERAL PROVISIONS

1.2 Purpose.

This ordinance is known as the PORTER Land Use Ordinance and is referred to herein as “this 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 freshwater 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 waters; to conserve natural beauty and open space; to anticipate and respond to the impacts of development in all districts and zones, as well as to ~~maintain the present rural character~~ regulate and allow the size of land use operations that are within the capacity and capability of the town to administer and manage, balance the rights of land owners to use their land with the rights of abutting land owners and the general public, to protect the public health, safety, and welfare, and to implement the town’s *comprehensive plan*, including, but not limited to: municipal operational efficiency, encouraging depressed ~~village~~ areas and abandoned structures to be economically viable, promoting an environment that supports local employment and economic well-being for the community, facilitating the use of greenhouses, farm stands, farmer’s markets, solar access, and community gardens, and allowing the retention and restoration of farmlands, old growth forests, and rural character in public right-of-ways.

ARTICLE III. DISTRICTS AND DIMENSIONAL REQUIREMENTS

3.1. Designation of Districts*.

The town is divided into the following districts shown on the official PORTER Zoning Map.

E. Great Pond District – Tax Maps U10, U11, U15, U16, U19, and U20

Great Pond District: Includes prior subdivisions Lakedale, Colcord Lake Terrace, and Main Stay Shores, located in the Rural District, and as identified at the Oxford County Registry of Deeds.

Footnotes to Table of Dimensional Standards to Table 3.2 Dimensional Standards.

- A. No portion of any lot created after the effective date of adoption or amendment of this ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated. ~~Where a residential structure is in existence on the effective date of adoption or amendment of this ordinance, a lot containing such structure may not be created which does not contain a minimum of 88,000 (2.02 acres) square feet. New lots created containing a structure or that are vacant are prohibited from creating a length to width ratio greater than three to one (3:1), or flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements.~~
- C. ~~Within PORTER Town Tax Maps U-1, U-2, U-4, U-5, U-7, U-8, wW~~here a proposed structure is abutted on both sides by existing structures whose setbacks from the right-of-way centerline are less than **fifty (50)** feet, the setback of the proposed structure may be reduced to that of the abutting structures.

H. Minimum frontage on a street for residential or by a low impact use in the Village is 75 feet. Minimum frontage for residential or a by low impact use within 250 feet of the Ossipee River is 100 feet. Minimum frontage for governmental, institutional, or high impact uses within 250 feet of the Ossipee River is 150 feet.

~~H. One detached or attached accessory dwelling unit is permitted on a parcel with a minimum of 2.5 acres and four hundred (450) feet in road frontage (or meets the conditions of footnote E above) in the rural district, between 300 SF and 400 SF in ground floor footprint, with a compliant subsurface wastewater disposal system approved by the LPI. The accessory dwelling unit shall provide for only one bedroom, provide one additional parking space to the primary dwelling parcel, and have a maximum occupancy of one person. The dwelling unit may be detached if it is secured to a foundation and has a compliant subsurface wastewater disposal system (HHE-200) approved by the LPI. If it is attached to the primary dwelling, it must consist of less than 400 SF of ground floor footprint or 35% of the primary dwelling ground floor, whichever is less. The septic design for the primary dwelling shall be adequate to support an attached accessory dwelling by a site evaluator and be approved by the LPI. Any accessory dwelling unit under 400 SF shall be built to current State building codes for Tiny Homes. 60 feet of fire separation is required between a dedicated detached accessory dwelling and any other dwelling. To apply for a side or rear setback variance of a structure solely intended for use as a detached accessory dwelling, a licensed surveyor in the State of Maine shall perform a survey of the property, and the survey is to be registered at the Oxford County Registry of Deeds and provided to the municipality.~~

I. U02 & U08 through-lots with frontage on 2 parallel streets may apply for a small lot septic variance.

3.2. (TABLE) - Dimensional Standards	Village District	Rural District	Shoreland Zones			General Development
			Shoreland Limited Residential	Stream Protection	Resource Protection	
Minimum Lot Area (SQ FT) - (Note A)				Select Appropriate District		
Without sanitary sewers (per family- Residential or by Use)	20000 (.459 acre)	88000 (Note H) (2.02 acre)	Select Appropriate District	NA	(Note A)	88000 (2.02 acre)
<u>Additional Dwelling Unit</u>	<u>20000 (.459 acre)</u>	<u>88000 (2.02 acre)</u>	<u>Select Appropriate District</u>	<u>-</u>	<u>-</u>	<u>88000 (2.02 acre)</u>
On waterbodies or wetlands (if applicable):				Select Appropriate District		
Residential per dwelling unit and Other Uses (not high impact) (Note B)	200	200	200	NA	(Note A)	NA

Notes and Exceptions in Calculating and Measuring Dimensional Standards

5. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils, or up to three (3) feet above elevation, whichever is greater.

3.3 General Requirements. The following general requirements apply to all Districts:

B. Multiple Principal Buildings.

If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is to be constructed or established on a single parcel of land, dimensional requirements shall be met for ~~each additional dwelling unit~~dwelling type, principal structure, or use, as indicated in this Ordinance.

~~Exception: Reference Article III Section 3.2 Dimensional Standards – Footnote “H” for accessory dwellings.~~

- G. Unless specified otherwise, Subdivision Regulations (**Article 10 Performance and Design Standards**) are to be referenced for all road construction of subdivided parcels within the municipality, regardless of type ~~(Exempt, multi-family dwellings, Minor, or Major).~~

3.4 Uses Permitted.

Type of Use ¹	Notes	Villages	Rural	Shoreland Limited Residential Other ¹	Shoreland Limited Residential Great Ponds ¹	Shoreland District-Stream Protection ¹	Resource Protection ¹	General Development
Accessory Dwelling Unit	Secondary to Primary Use	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	<u>C</u>
Automobile graveyard, junkyard, or recycling, or motor vehicle repossession company/business.		-	-	-	-	-	-	P
Cluster Development (See Subdivision Law)		<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-
Day care centers		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>
Mineral Extraction (e.g. Gravel Pit)		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>
Multi unit residential (>3)	Principal Structure & Uses	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>P</u>
Multi-unit residential Subdivision (3 or greater)	Principle Structure & Uses	<u>P</u>	-	-	-	-	-	-
Mobile home park/ Modular Housing Community		<u>P</u>	-	-	-	-	-	<u>P</u>
One to three <u>two</u> family residential units	Principal Structure & Uses	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>
Rental Storage Facilities		-	-	-	-	-	-	<u>P</u>

ARTICLE IV. PERFORMANCE STANDARDS ~~—~~ GENERAL REQUIREMENTS

4.2 Standards.

A. Access Control and Traffic Impacts.

9. Sight distance.

b. The Planning Board, CEO, or its designee may reduce the required sight distance up to a maximum of **50%** if it can be determined safe access can be achieved. The criteria used may include, but not be limited to, road surface condition, pavement and shoulder width, alignment (*grade & superelevation at horizontal curves*), cross-slope traffic volume, and distances to intersections.

NOTE: The performance variance in **10.b** above does not apply to *Article V High Impact Uses, Minor & Major Subdivisions, Campgrounds, Mobile Home Parks, Modular Housing Communities, Hotels/Motels/Inns, ~~Cluster Developments~~, or Multi-Family*

Dwellings Residential. These uses must provide sight distances based on the State minimum road speed to accommodate for significant future development growth. **Driveways serving three (3) or more dwelling units built within a 5-year period requires a new driveway permit to convert to access to a private way, regardless of length.**

B. Off-Street Parking and Loading Requirements.

6. Typical parking space (outside of the **two hundred fifty (250) feet of Shoreland buffer**) ~~is approximately **nine (9) feet wide and twenty (20) feet long,** may range from seven (7) to nine (9) feet in width, and between sixteen (16) to twenty (20) feet in length, depending on the type of use. See subsection 8 footnote 'A' below.~~

8. Schedule of Minimum Off-Street Parking Requirements:

LAND USE	REQUIRED NUMBER OF SPACES
Apartments <u>(1 to 2 max)</u>	1.5 per dwelling, plus 1 manager or owner
Automobile graveyard, junkyard, or recycling, <u>or motor vehicle repossession company/business.</u>	1 for every 500 SF of gross use area
Home Occupation	<u>1 for the dwelling, plus 2 Dwelling type, plus one for each home occupation</u>
Multi- family unit residential <u>Subdivision (3 or greater dwelling units) — Cluster Development, Minor, and Major Subdivisions similar</u>	<u>1.5 per dwelling See single Family Dwelling spaces, plus 2 for every three units</u>
<u>Multi-unit residential (maximum 3 dwelling units)</u>	<u>See single Family Dwelling spaces, plus 1 for each additional dwelling unit</u>
Single family residential	<u>2 (See Note A) 3</u>
Two-family residential	2 per dwelling

Note A: ~~Where permitted and when dimensional standards are met for accessory dwellings, one additional parking space shall be provided to the primary dwelling unit parcel. An applicant may provide the reviewing authority independent traffic generation modeling indicating adequate parking for a proposed low impact use. Sufficient parking shall be provided to meet the parking needs of the development and be based on parking generation rates determined in accordance with standard engineering practices.~~

E. Noise.

6. Blasting for commercial or industrial land uses requires providing proof of compliance with M.R.S.A. 38 Section 490-Z subsection 14 to the local reviewing authority.

H. Sanitary Standards.

4. ~~Subsurface Wastewater Disposal System and Internal Plumbing Permits expire two (2) years after issuance if work has not begun. The municipality shall review and either approve, approve with conditions, or deny all HHE-236 or central subsurface wastewater disposal system submissions.~~

5. Additional inspection fees may also be required as determined by the municipality, when work requires a variance, is found to be incomplete, in non-compliance, or when access cannot be obtained at a prearranged date and time.

6. Non-owner-occupied transient rental platforms and principal use multi-family structures may be required by the Local Plumbing Inspector to provide a functional remote highwater alarm notification system, installed on an electrical circuit independent from any pumping operation.

J. Explosive Materials/Blasting Materials.

Blasting for commercial or industrial land uses requires providing proof of compliance with M.R.S.A. 38 Section 490-Z subsection 14 to the local reviewing authority.

K. Landscape Buffers and Screening.

Use (By Type)	Review & Approval Authority	Required Undeveloped or Safety/ Security Buffer (excludes driveways)	Buffer around Interior Lots, Structures, or between structures/ roads on the Parcel	Continuous Exterior Buffer and/ or fence (Yes/No)	Visual Landscape Buffer Depth at lot/ROW perimeter (Feet)	Visual Buffer Height (Feet)	Central Waste Collection Screen	Height of Central Waste Collection Screen (Feet)	Types of Approved Screening
Automobile Graveyard, Junkyard, Recycling, or Motor Vehicle Repossession Company/Business	P	Yes (See General Note)	NA	Yes	100	6 (min)	Masonry	6	Stockade fence AND a dense evergreen hedge
General Note: 300 feet from any school or dwelling (other than that of the owner or operator of the Automobile Graveyard). No site boundary shall lie closer than three hundred (300) feet from any water body, to include intermittent streams, or private wells. No site boundary shall lie closer than 1000 feet of a public water source. Comply with M.R.S.A. 30-A Section 3754-A.									
Cluster Developments	P	Yes (See General Note)	Yes—50 Feet (See General Note)	Yes	25	6 (Minimum)	Wooded or Masonry	6	Evergreen shrubs, trees, fences, walls, landscape d-earth berms, OR any combination

	<p>General Notes: The area of the lots in the cluster development shall be designed as a continuous landscaped buffer area not less than 50 feet in width which may contain no structures or streets. Buffers for Wildlife & Rare Natural Habitat (11.3), Phosphorous vegetative buffer from great ponds (10.17 & 11.11), and shoreland buffers (11.5) are outlined in the subdivision application review for this use.</p>								
<p>Mobile Home Parks (2x Density of existing development, what is permitted in the zoning district, or neighboring land is undeveloped)</p>	P	Yes - 50 FT	15-FT (See General Note)	Yes	25	-6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	<p>General Notes: Structures may not be located less than 15 feet from any boundary lines of an individual interior lot</p>								
<p>Mobile Home Parks/Modular Housing Community (All other conditions)</p>	P	Yes - 50 FT	15-FT (See General Note)	Yes	20-25	6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	<p>General Notes: Structures may not be located less than 15 30 feet from any boundary lines of an individual interior lot, and a minimum of 60 feet between detached dedicated dwelling units.</p>								
<p>Multi-Family Dwelling & Multi-family Subdivisions (3 or greater)</p>	P	Yes	50 (lotlines and roads) / 60 between dedicated detached dwellings	Yes (See General Notes)	10 (See General Notes)	6 (Min)	Masonry	6	Stockade fence AND a dense evergreen hedge
	<p>General Notes: Developed Village District front setbacks (Within Porter Town Tax Maps U01, U02, U03, U04, U05, U06, U07, U08) where an existing structure is abutted on both sides by an existing structures with setbacks from the ROW of less than ten (10) feet, a frontline visual landscape buffer is not required.</p>								

P. Signs.

SIGNAGE REFERENCE CHART (Sign Type-Use)	MAX # of signs permitted	Allowed	Permit Req'd	Max face SF (side)	Max SF (Within Shoreland Zone)	Days up Prior to Event/Sale	Days up After Event/Sale	Maximum Sign is Up (Days)	Mounted or Freestanding	# of Times Per Year	Height to Top of Sign (FT)
Cluster Development or Major/Minor Subdivisions	1	Yes	Yes - PB	32	6	-	-	-	SM of FS	-	5.5 (FS)*

ARTICLE V. PERFORMANCE STANDARDS - SPECIFIC ACTIVITIES AND LAND USES

5.0 Accessory Dwelling Units.

- A. Three (3) dwelling units or more, regardless of type, developed within a five (5) year period on a single parcel are to be evaluated under the Subdivision Regulations, as well as this Land Use Ordinance.**

B. Density.

1. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage takes into account the minimum lot size required in the District for a single-family dwelling and each added dwelling type.
2. A survey, registered at the Registry of Deeds, performed by a licensed Maine surveyor and provided to the municipality is required prior to any request for a residential density variance.
3. Shoreland zoning. Accessory dwelling units and/or housing structures comprising a multi-family land use must comply with shoreland zoning and Resource Protection requirements established by the Department of Environmental Protection under Title 38, Chapter 3 and municipal shoreland zoning regulations.

C. Water and Wastewater.

1. The owner of a multi-family dwelling land use comprised of housing structures, *units*, accessory dwelling units, or a combination thereof must provide written verification to the municipality that the structures or accessory dwelling units are connected to adequate water and wastewater services before the municipality may approve the land use and certify the structures or accessory dwelling units for occupancy. Written verification under this subsection must include:

- a. If a housing structure, *unit*, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure or accessory dwelling unit and proof of payment for the connection to the sewer system,
- b. If a housing structure, *unit*, or accessory dwelling unit associated with a multi-family dwelling land use is 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, in accordance with State law. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the State of Maine Subsurface Wastewater Disposal Rules,
- c. If a housing "structure", *unit*, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure or accessory dwelling unit; and
- d. If a housing "structure", *unit*, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable, and acceptable for domestic use.

2. Remote alarm notifications may be required by the Local Plumbing Inspector for non-owner-occupied transient rental platforms.

D. Community Protection.

1. The owner of the parcel and structure will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.

2. Continuous Buffer and Visual Screening are required (excluding driveway entrance(s)), see Article VI 4.2 (Landscape Buffer and Screening).

3. There shall be at least sixty (60) feet between principal or dedicated detached accessory dwellings located on a single lot.

4. Violations of any section of the Town of Porter Land Use Ordinance initiated through a transient rental platform is the responsibility of the property owner.

5. Transient rental platforms that are advertised and promoted as mass-gathering opportunities or do not restrict the use of alcohol may be required to apply for a *Special Amusement Permit* from the Town of Porter.

6. Multi-family dwellings consisting of three (3) or more units sharing the same walls within a structure are required to be certified by a Third-Party Inspector (TPI).

7. Transient Rental Platforms exceeding the maximum occupancy of a dwelling or the capacity of the subsurface wastewater system is prohibited, and is the responsibility of the property owner.

8. This use is subject to Article VI inspections.

E. General Requirements

1. Size requirements. A detached accessory dwelling unit must meet a minimum size of 190 square feet and not exceed 400 square feet in ground floor footprint (excluding open decks and access to stairs and/or ramps outside of the Shoreland Buffer). If it is attached to the existing dwelling, it must consist of less than 400 SF of footprint or 30% of the primary dwelling ground floor (excluding open decks and access stairs or ramps outside of the Shoreland Buffer), whichever is less.

2. Restrictive covenants. Any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section must be provided to the municipality prior to permit issuance.

5.4 Automobile Graveyard, Junkyard, ~~or~~ Recycling, or Motor Vehicle Repossession Company/Business

A. Prior to issuance of the municipal permit (*whether an automobile graveyard, automobile junkyard, ~~or~~ automobile recycling operation, or motor vehicle repossession/custody/storage*), the applicant shall present either a permit from the **Maine Department of Environmental Protection (MEDEP)** or a letter from the DEP stating that a permit is not required.

C. Site Considerations:

3. A visual buffer capable of completely screening from view all portions of the automobile graveyard, junkyard, ~~or~~ recycling, or motor vehicle repossession/custody/storage operation shall be established and maintained along all property lines (Reference **Article IV Section 4.2 Landscaping Buffer and Screening** for 'Specific Uses', excluding driveway entrance(s)).
4. No motor vehicles or material may be stored within **three hundred (300)** feet of any school, or any dwelling other than that of the owner or operator of the Automobile Graveyard, Junkyard, ~~or~~ recycling, or motor vehicle repossession/custody/storage operation.

5.5 Bed & Breakfast, Boarding, or Renting Rooms.

- C. Each rental room shall have at least ~~one hundred twenty (120)~~ seventy (70) square feet in floor area.

~~F. There may be no new external construction to increase the size of the structure to accommodate the accessory use, except as may be required by safety codes; however, there may be construction within the home to accommodate the accessory use.~~

~~G.F.~~ Violations of any section of the Town of PORTER Land Use Ordinance initiated through ~~an Airbnb or VRBO enterprise~~ a transient rental platform is-are the responsibility of the property owner. The owner of the parcel and structures will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.

~~H. Airbnb or VRBO enterprises exceeding the maximum occupancy of a dwelling is not permitted, unless a Land Use Application is submitted and approved through the PORTER Planning Board.~~

~~I.G.~~ Airbnb or VRBO enterprises Transient rental platforms that are advertised and promoted as mass-gatherings opportunities ~~and-or~~ that do not restrict the use of alcohol are may be required to apply for a **Special Amusement Permit** from the Town of Porter.

~~J.H.~~ This use is subject to Article VI Inspections.

I. Owners of transient rental platforms must be full-time residents of the property or reside on a contiguous parcel, or are required to meet the standards listed under Article 5.11 (Hotels, Motels, Inns.)

J. Non-owner occupied multi-family dwellings consisting of three (3) or more units sharing the same walls within a structure are required to be certified by a Third Party Inspector (TPI).

5.6 Campgrounds.

- A. Density.

3. The overall density of any park served by any subsurface wastewater disposal system may not exceed one dwelling unit per ~~twelve thousand (12,000) square feet (.275 acre)~~ twenty-thousand (20,000) square feet (.459 acre) of total park area.

B. Performance Requirements.

~~21.~~ The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back at least **one hundred (100) feet****, horizontal distance, from the normal high-water line of any great pond or a river; **seventy-five (75) feet**, horizontal distance, from the normal high-water line of other water body, tributary streams, or the upland edge of a wetland; and shall be set back at least **one-hundred (100) feet** from the exterior lot lines of the campground. Every water front site shall have at least **twenty (20) feet** of frontage on the water.

~~32.~~ At least **two hundred (200)** square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.

~~43.~~ Within the Saco River Corridor, a campground shall contain a minimum of **ten (10)** contiguous acres of land, some portion of which may be outside the Saco River Corridor. The SRCC performance standards shall only apply to those portions of the campground within the Saco River Corridor.

~~54.~~ Subdivision Regulations are to be applied for all road construction related to this use.

~~65.~~ Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and fireplace. A trash receptacle can either be located at each site, or a shared collection point provided for the campground.

C. Violations of any section of the Town of PORTER Land Use Ordinance initiated through ~~an Airbnb or VRBO enterprise~~ transient rental platforms ~~are~~ is the responsibility of the property owner. The owner of the parcel and structures will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.

~~D. Airbnb or VRBO enterprises exceeding the maximum occupancy of a dwelling is not permitted, unless a Land Use Application is submitted and approved through the PORTER Planning Board.~~

~~E-D~~ Airbnb or VRBO enterprises Transient rental platforms that are advertised and promoted as mass-gatherings opportunities ~~and or~~ that do not restrict the use of alcohol ~~are may be~~ required to apply for a **Special Amusement Permit** from the Town of PORTER.

E. Rental of the entire property as a transient rental platform that is not owner occupied, has no contiguous owner residency, or has no full-time management presence is prohibited in the Town of PORTER.

F. This use is subject to Article VI Inspections.

G. The permanent use of temporary dwelling places on Campgrounds is prohibited.

5.10 High Impact Uses

A. High Impact ~~Commercial or Industrial~~: An ~~commercial~~ activity meeting any **one (1)** of the following:

1. Having greater than **five thousand (5,000)** square feet of gross floor area,
2. Having more than **ten thousand (10,000)** square feet of total impervious surfaces (includes structures and pavement),
4. Employing **twenty (20)** or more full-time employees, contractors, or equivalents thereof.

J. Large-scale retail developments are subject to submitting a Comprehensive Economic Impact Study in conformance with 30-A M.R.S.A. Sections 4365-4372, as determined by the Reviewing Authority.

5.11 Hotels, Motels, or Inns.

D. For buildings evaluated by the reviewing authority under this section, an applicant is required to show that the -construction plans ~~shall behave been~~ reviewed and approved by the *State Fire Marshall's Office*.

J. Violations of any section of the Town of PORTER Land Use Ordinance initiated through a transient rental platform is the responsibility of the property owner. The owner of the parcel and structures will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee

K. Transient rental platforms that are advertised and promoted as mass-gathering opportunities or that do not restrict the use of alcohol may be required to apply for an annual Special Amusement Permit from the Town of Porter.

L. Calculation of proposed building coverage and proposed impervious surface shall be submitted. In no event shall building coverage exceed 30% of the property area, nor shall impervious coverage exceed 60% of the property area for watershed protection, stormwater runoff, and access to direct sunlight.

5.12 Individual Private Campsites.

H. Violations of any section of the Town of PORTER Land Use Ordinance initiated through ~~an Airbnb or VRBO enterprise~~ a transient rental platform is ~~are~~ the responsibility of the property owner. The owner of the parcel and structures will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee

~~I. Airbnb or VRBO enterprises exceeding the maximum occupancy of a dwelling is not permitted, unless a Land Use Application is submitted and approved through the PORTER Planning Board.~~

~~J. Airbnb or VRBO enterprises~~ Transient rental platforms that are advertised and promoted as mass-gatherings ~~s~~ opportunities ~~and or~~ do not restrict the use of alcohol ~~are~~ may be required to apply for a **Special Amusement Permit** from the Town of PORTER.

~~K.J.~~ This use is subject to Article VI inspections.

~~L.K.~~ The Use must comply with Article IV Section 4.2.F – Refuse Disposal.

L. Rental of the entire property as a transient rental platform that is not owner occupied, does not have contiguous owner residency, or has no full-time management present is prohibited in the Town of Porter.

M. The individual campsite must comply with all local, state, and federal open fire permitting and regulations.

N. The permanent use of temporary dwelling places is prohibited.

O. This use is subject to Article VI Inspections.

5.14 Mineral Exploration and Extraction.

A. Mineral Exploration.

A.1 Industrial metal mineral mining extraction of 10,000 tons or more per year in bulk sampling during exploration is prohibited in the Town of Porter.

B. Mineral Extraction. (e.g. Gravel Pits, *metal mineral mining*)

B.1 Open pit industrial metal mineral mining that exceeds three (3) acres or produces 10,000 tons or more of mine waste per year is prohibited in the Town of Porter.

C. Submission Requirements for Mineral Extraction.

Applications to the Planning Board for a permit for the excavation, screening, or storage of top soil, loam, peat, sand, gravel, rock, or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein:

1. Plans for the proposed extraction site shall include:

h. **MEDEP Notice of Intent to Comply** submission for **gravel** pits greater than 5 acres, if applicable.

i. A letter from the applicant stating they will comply with **M.S.R.A 38 Section 490-M** for **any** pits less than five (5) acres.

D. Performance Standards.

12. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or building erected for such operations and equipment used in connection therewith shall be removed within **thirty (30)** days following completion of active extraction operations. **Mines that would require treatment of toxic wastewater in perpetuity or ponds storing wet mine wastes or tailings specific to metallic minerals are prohibited within the Town of PORTER.**

~~18. Open pit mines of more than three (3) acres or mines that would require treatment of toxic wastewater in perpetuity or ponds storing wet mine wastes specific to metallic minerals are prohibited within the municipality.~~

5.16 Mobile Home Parks/Manufactured Housing Community.

- A. Except as stipulated below, mobile home parks or manufactured housing community shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the PORTER Subdivision Regulations, the provisions of this section prevail. More than two (2) mobile homes or manufactured housing units placed on a single lot within a 5-year period requires both a Land Use Permit and a Subdivision Review.
- B. The applicant for a Land Use Permit under this specific use shall submit a fully scaled site plan prepared by a surveyor or engineer licensed in the State of Maine. For structures proposed to be erected, structures to be moved or removed, structural modifications to the interior of existing structures, and exterior additions to existing structures, the plan must reflect:

7. Provide to the Reviewing Authority a copy of all valid and enforceable easements, covenants, deed restrictions or other agreements or instruments between private parties that imposes density and structure type restrictions on the property intended to cover all or part of the lots or dwellings in the mobile home park or manufactured housing community subdivision.

8. The number of acres within the mobile home park or manufactured housing community subdivision.

C. Lot Area and Lot Width Requirements.

1. Lots served by individual or central subsurface wastewater disposal systems, as follows:

a. Minimum lot area: **Twenty thousand (20,000)** square feet (.459 acre)

b. Minimum lot width: ~~One Two~~ hundred (~~100~~200) feet

~~2. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services, as follows:~~

~~a. Minimum lot area: Twelve thousand (12,000) square feet (.275 acre)~~

~~b. Minimum lot width: Seventy five (75) feet~~

D. Unit Setback Requirements / Community Protection.

~~Continuous Buffer and Visual Screening are required (excluding driveway entrance(s)), see Article VI 4.2 (Landscape Buffer and Screening).~~

1. Continuous Buffer and Visual Screening are required (excluding driveway entrance(s)), see Article VI 4.2 (Landscape Buffer and Screening).

2. The owner of the parcel and structure will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.

3. There shall be at least sixty (60) feet between principal or dedicated detached accessory dwellings located on a single lot.

4. Violations of any section of the Town of PORTER Land Use Ordinance initiated through a transient rental platform is the responsibility of the property owner.

5. Transient rental platforms that are advertised and promoted as mass-gathering opportunities or do not restrict the use of alcohol may be required to apply for a *Special Amusement Permit* from the Town of PORTER.

6. Rental of the entire property as a transient rental platform that is not owner occupied or contiguous in residency, or has no full-time management presence is prohibited in the Town of PORTER.

7. This use is subject to Article VI Inspections.

E. **Density.**

5. The overall density of any park **or community** served by any subsurface wastewater disposal system may not exceed one dwelling unit per **twenty-thousand (20,000)** square feet of total park area.

6. Shoreland zoning. Accessory dwelling units or housing structures in the mobile home park or manufactured housing community must comply with shoreland zoning and Resource Protection requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

7. A survey, registered at the Registry of Deeds, performed by a licensed Maine surveyor and provided to the municipality is required prior to any request of residential density variance.

F. **Road Design, Circulation and Traffic Impacts.**

1. Streets within a park **or community** shall be designed by a professional engineer, registered in the State of Maine.

3. The intersection of any street within a park **or community** and an existing public street shall meet *Article 10 Section 10.15 Performance and Design Standards of the Town of Porter Subdivision Regulations*:

4. The application shall contain an estimate of the average daily traffic projected to be generated by the park **or community**. Estimates of traffic generation shall be based on the *Trip Generation Manual*, published by the Institute of Transportation Engineers. Traffic impact analysis and stormwater management plan engineering, if required, are in accordance with the *Town of Porter Subdivision Regulations Article 10 Section 10.15*.

5. When a street is proposed for Mobile Home Parks, Manufactured Housing Communities, or when more than three (3) units exist on one lot, the right-of-ways must be a minimum of 40 feet in width and be paved a minimum of 24 feet in width. Parallel parking spaces that are a minimum of nine (9) feet in width by twenty-three (23) feet in length shall be provided along one side of the paved way. Applicants must comply with Sections 9.1.G

and 10.14.E.1 of the Town of Porter Subdivision Regulations regarding maintenance and ownership of common facilities, including roads.

G. Water and wastewater. The owner of a mobile home park or manufactured housing community allowing housing structures, units, or accessory dwelling units must provide written verification to the municipality that the structures or accessory dwelling units will be connected to adequate water and wastewater services before the municipality may issue a land use permit and certify the mobile home park or manufactured housing community for occupancy. Written verification under this subsection must include:

1. If housing structures, units, or accessory dwelling units in the mobile home park or manufactured housing community are to be connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structures or accessory dwelling units and proof of payment for the connection to the sewer system;

2. If housing structures, units, or accessory dwelling units in the mobile home park or manufactured housing community are to be 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, in accordance with State law. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the State of Maine Subsurface Wastewater Disposal Rules;

3. If housing "structures", units, or accessory dwelling units in the mobile home park or manufactured housing community are connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structures, proof of payment for the connection and the volume and supply of water required for the structures or accessory dwelling units; and

4. If housing "structures", units, or accessory dwelling units in the mobile home park or manufactured housing community are connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable, and acceptable for domestic use.

GH. Ground Water Impacts.

1. Assessment Submitted.

Accompanying the application for approval of any mobile home park **or manufactured housing community** which is not served by public sewer shall be an analysis of the impact of the proposed mobile home park **or manufactured housing community** on ground water quality. The hydro geologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology and **licensed in the State of Maine and the assessment** shall contain at least the following information:

- b. The depth to the water table at representative points throughout the mobile home park or manufactured housing community.
- c. Drainage conditions throughout the mobile home park or manufactured housing community
- d. Data on the existing ground water quality, either from test wells in the mobile home park, or manufactured housing community or from existing wells on neighboring properties.
- e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park or manufactured housing community boundaries and at a distance of **one thousand (1,000)** feet from potential contamination sources, whichever is a shorter distance. For mobile home parks or manufactured housing community within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
- f. A map showing any subsurface wastewater disposal systems and drinking water wells within the mobile home park or manufactured housing community and existing systems, drinking wells, and other water sources that are within **two hundred fifty (250)** feet of the mobile home park or manufactured housing community boundaries.

2. Standards for Acceptable Ground Water Impact.

- b. No mobile home park or manufactured housing community may increase any contaminant concentration in the ground water to more than one half of the ***Primary Drinking Water Standards***. No mobile home or manufactured housing community may increase any contaminant concentration in the ground water to more than the ***Secondary Drinking Water Standards***.
 - c. If the ground water contains contaminants in excess of the primary standards, and the mobile home park or manufactured housing community is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - d. If the ground water contains contaminants in excess of the secondary standards, the mobile home park or manufactured housing community may not cause the concentration of the parameters in questions to exceed **150%** of the ambient concentration.
- H.I.** No development or subdivision which is approved under this Section as a mobile home park or manufactured housing community may be converted to another use or expanded without the approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback, and other requirements of this Ordinance. The mobile home park or manufactured housing community plan shall be recorded at the ***Registry of Deeds*** and filed with the town and shall include the following restrictions as well as any other notes or conditions of approval:

4. Establishing any accessory dwelling units or increasing density within a pre-existing approved Mobile Home Park or Manufactured Housing Community requires re-application for a local Land Use Permit, compliance with Subdivision law, and approved variances.

5. This use is subject to Article VI Inspections.

5.17 Modular Housing and Mobile Homes.

C. All new or used relocated mobile homes and modular homes being moved from lot to lot within the town or moved into town from another locale shall be:

7. Subject to Article VI inspections;~~and be,~~

8. Be fully tied down and secured to the foundation with approved tie-down straps, blocking, and load distribution caps.

9. With overflow and condensation drainage piping extending outside of the face of the structure and rodent proofed; and

10. Have complete air-vapor barriers and piping insulation underneath.

5.19 Multifamily Dwelling ~~Units/~~Development.

Multifamily dwellings ~~units or developments~~ (*consisting of three (3) dwelling units or more*) shall meet all of the Ordinance requirements for an authorized land use permit, including the following criteria:

~~A.F.~~ A. Four (4) Three (3) dwelling units or more developed within a five (5) year period are to be evaluated under the Subdivision Regulations, as well as this Land Use Ordinance.

~~B.G.~~ B. Density.

2. In order to determine the maximum number of dwelling units permitted on a tract of land for this use, the net residential acreage ~~is divided by the~~ takes into account the minimum lot size required in the District for a single-family dwelling and each added dwelling unit and unit type.

5. Shoreland zoning. Accessory dwelling units and/or housing structures comprising a multi-family land use must comply with shoreland zoning and Resource Protection requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

6. In no event shall building coverage exceed 30% of the property area, nor shall impervious coverage exceed 60% of the property area for watershed protection, stormwater runoff, and access to direct sunlight.

7. A survey, registered at the Registry of Deeds, performed by a licensed Maine surveyor and provided to the municipality is required prior to any request of residential density variances (including, but not limited to: setbacks, multiple detached dedicated dwellings, and lot size/frontage).

C.H. **C. Water Supply and Wastewater.**

3. The owner of a multi-family dwelling land use comprised of housing structures, units, accessory dwelling units, or a combination thereof must provide written verification to the municipality that the structures or accessory dwelling units are connected to adequate water and wastewater services before the municipality may approve the land use and certify the structures or accessory dwelling units for occupancy. Written verification under this subsection must include:

a. If a housing structure, unit, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure or accessory dwelling unit and proof of payment for the connection to the sewer system,

b. If a housing structure, unit, or accessory dwelling unit associated with a multi-family dwelling land use is 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 in accordance with State law. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the State of Maine subsurface wastewater disposal rules,

c. If a housing "structure", unit, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure or accessory dwelling unit; and

d. If a housing "structure", unit, or accessory dwelling unit associated with a multi-family dwelling land use is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable, and acceptable for domestic use.

D. Community Protection.

D-I. 1. The owner of the parcel and structure will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, **nuisances**, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.

E-J. 2. Continuous Buffer and Visual Screening are required (*excluding driveway entrance(s)*), see **Article VI 4.2 (Landscape Buffer and Screening)**.

F-K. 3. There shall be at least **fifty (50) sixty (60)** feet between principal **or dedicated detached buildings-dwellings** located on a single lot.

4. Violations of any section of the Town of PORTER Land Use Ordinance initiated through a transient rental platform is the responsibility of the property owner.

5. Transient rental platforms that are advertised and promoted as mass-gathering opportunities or do not restrict the use of alcohol may be required to apply for a *Special Amusement Permit* from the Town of PORTER.

6. Non-owner occupied multi-family dwellings consisting of three (3) or more units sharing the same walls within a structure are required to be certified by a Third Party Inspector (TPI).

G.E. Subdivision Regulations are to be applied for all road construction related to this use.

H.F. **Scaled Drawing Submission:**

The applicant for a Land Use Permit under this specific use for a multi-family dwelling or development containing more than three dwelling units shall submit a fully scaled site plan prepared by a surveyor or engineer licensed in the State of Maine. For structures proposed to be erected, structures to be moved or removed, structural modifications to the interior of existing structures, and exterior additions to existing structures, the plan must reflect:

5. Provide to the Reviewing Authority a copy of all valid and enforceable easements, covenants, deed restrictions or other agreements or instruments between private parties that imposes density and structure type restrictions on the property intended to cover all or part of the lots or dwellings in the multi-dwelling subdivision.
6. The number of acres within the multi-dwelling subdivision.
7. Calculations of the proposed building coverage and proposed impervious surface shall be submitted.

G. Accessory Dwelling Units. Multi-Unit Residential Dwelling land uses consisting of a combination of primary and accessory dwelling units, must also comply with the Accessory Dwelling Unit requirements per Article V Section 5.0 of this Ordinance.

- ~~E. Violations of any section of the Town of PORTER Land Use Ordinance initiated through an Airbnb or VRBO enterprise is the responsibility of the property owner.~~
- ~~F. Airbnb or VRBO enterprises exceeding the maximum occupancy of a dwelling is not permitted, unless a Land Use Application is submitted and approved through the PORTER Planning Board.~~
- ~~G. Airbnb or VRBO enterprises that are advertised and promoted as mass gatherings opportunities and do not restrict the use of alcohol are required to apply for a Special Amusement Permit from the Town of PORTER.~~
- ~~H. This use is subject to Article VI inspections.~~

5.21 Renting Apartments.

- A. Applies to **two (2)** dwelling units ~~within a single family dwelling on a property~~ that each contain cooking, sleeping, and toilet facilities, regardless of the time-period rented or owner-occupied.
- C. Any apartment created under this section exceeding **two (2)** independent dwelling units on a property must meet the requirements for multifamily ~~housing developments~~ contained in Article V of this ordinance, and the Town of PORTER Subdivision Regulations if **three (3) or more** independent dwelling units on the property are ~~exceeded~~ created in a 5-year period.

- D. Violations of any section of the Town of PORTER Land Use Ordinance initiated through ~~an Airbnb or VRBO enterprise~~ a transient rental platform ~~is-are~~ the responsibility of the property owner. The owner of the parcel and structures will be held responsible by the town for Ordinance violations related to rubbish disposal, snow removal, nuisances, and site-safety maintenance, regardless of contractual lease obligations between lessor and lessee.
- E. ~~Airbnb or VRBO enterprises exceeding the maximum occupancy of a dwelling is not permitted, unless a Land Use Application is submitted and approved through the PORTER Planning Board.~~
- FE. ~~Airbnb or VRBO enterprises~~ Transient rental platforms that are advertised and promoted as mass-gatherings opportunities ~~and-or~~ do not restrict the use of alcohol ~~are-may be~~ required to apply for a Special Amusement Permit from the Town of PORTER.
- G. Owners of transient rental platforms must be full-time or contiguous residents of the property or contiguous lot, or are required to meet the standards listed under Article 5.11 (Hotels, Motels, Inns.)
- H. Non-owner occupied properties consisting of three (3) or more units sharing the same walls within a structure are required to be certified by a Third Party Inspector (TPI).

5.26 Wireless Communication Facilities Communications Towers, and Antennas

L.1. As a requirement of approval, the applicant shall provide, in writing, proof that:

1. There are no Local taxes and fees owed by the lessor and lessees; and
2. That bonding and Insurance for both the lessor and lessees are current to the year of application submission.

ARTICLE VI: ADMINISTRATION, ENFORCEMENT AND PENALTIES

6.1 Administering Bodies and Agents

A. **Code Enforcement Officer.** The Select Board shall appoint a Code Enforcement Officer (CEO) annually by July 1st.

A.1 Deputy Code Enforcement Officer. A Deputy Code Enforcement Officer is established pursuant to 30-A M.R.S.A. section 3001, for temporary application when there is a conflict of interest or when the acting CEO is incapacitated.

B. **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of **30-A M.R.S.A. section 2691.**

C. **Planning Board.** A Planning Board shall be created in accordance with the provisions of State Law.

D. **Local Health Officer.** A Local Health Officer created in accordance with Title 22, Chapter 153.

6.8 Land Use Permit Review Procedure by the Planning Board.

~~K. EXCEPTION: In addition to the criteria specified in Article VI, Section 6.8 H.6 (above), excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District located within Tax Maps U-1, U-2, U-4, U-5, U-7, U-8, provided the applicant demonstrates that all of the following conditions are met:~~

- ~~1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.~~
- ~~2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.~~
- ~~3. All proposed buildings, sewage disposal systems and other improvements are:
 - ~~a. Located on natural ground slopes of less than 20%; and~~
 - ~~b. Located outside the floodway of the 100-year flood plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood plain elevation; and the development is otherwise in compliance with any applicable municipal flood plain ordinance.~~
 - ~~— If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood plain.~~~~
- ~~4. The total ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 768 square feet (24x32). This limitation shall not be altered by variance.~~
- ~~5. All structures, except functionally water dependent structures, are set back from the normal high water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than seventy five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood plain, and its proximity to moderate value and high value wetlands.~~
- ~~6. Photographic record required. An applicant for permit(s) for development within the Shoreland zone is to provide the municipal permitting authority preconstruction photographs and, no later than twenty (20) days after completion of development, post construction photographs of the shoreline vegetation and development site.~~

6.11 Installation or Relocation of Public Utility Services.

Utility provider *Certification of Electrical Inspection for Single Family Dwellings* and/or *Certification of Shoreland Zoning and Subdivision Compliance* is required in accordance with *M.R.S.A. 38 Section 444*, *M.R.S.A. Title 30-A Section 4406*, and *M.R.S.A 32 Section 1102-D subsection D-3*.

ARTICLE VII. BOARD OF APPEALS

7.4 Variances.

Variances may be granted only under the following conditions in accordance with *M.R.S.A. 30-A Section 4353 subsections 4*, *4-A subsection B*, *4-B*, and *4-BC*:

- A. Variances may be granted only from dimensional requirements: **lot frontage, structure height, lot coverage, and setback requirements.**

The Appeals Board may grant a variance exceeding 20% of the setback requirement for single-family dwellings (4-B) if the petitioner has obtained the written consent of an affected abutting landowner, except for a variance that would cause the maximum permissible lot coverage to be exceeded, and/or conflict with minimum setbacks from a wetland or water body required within shoreland zones.

- B. Establishment or expansion of uses otherwise prohibited are not allowed by variance. A variance may not be granted simply because of the presence of non-conformities in the district or uses in adjoining districts.
- C. Except as provided in *M.R.S.A 30-A Section 4353 subsections 4-A*, *4-B*, *4-C* and *Section 4353-A*, the board may grant a variance only when the strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:
1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and
 4. That the hardship is not the result of action taken by the applicant or a prior owner.

ARTICLE VIII. DEFINITIONS AND WORD USAGE - 8.2 Definitions

Accessory Dwelling Unit: “Accessory Dwelling Unit” means 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 must be a minimum of 190 square feet and municipalities may impose a maximum size. ~~dwelling unit located within a detached single family dwelling unit, either as a portion of the primary dwelling unit or as a separate dwelling unit on a single parcel. See Small Homes.~~

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of

the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered part of the principal structure. Semitrailers used as an accessory storage structure on a property or that remain idle for more than eighteen (18) months are considered accessory structures which require a building permit. An ADU (Accessory Dwelling Unit) is not considered an Accessory Use or Structure for the purposes of this Ordinance.

Additional Dwelling Unit(s) – For the purpose of this Ordinance, this unit exceeds 400 SF of footprint or 30% of the existing dwelling footprint, whichever is less. See Dwelling Unit.

Affirmatively Further - For the purpose of this Ordinance, it is within the context of serving a necessary role of promoting safe, decent, and accessible housing that is proportionate to the scale of local resources, within the capacity and capability of the community, and complimentary to the overall long term comprehensive plan of the community.

Affordable Housing: Refer to the Town of Porter Subdivision Regulation definition section.

~~Airbnb: An online community marketplace that connects people looking to rent their homes with people who are looking for accommodations. Airbnb users include hosts and travelers: hosts list and rent out their unused spaces, and travelers search for and book accommodations in 192 countries worldwide.~~

Apartment: A group of habitable rooms designed and equipped exclusively for use by one family or individual at a time as permanent, seasonal, or temporary living quarters and which contains independent living, cooking, eating, sleeping, bathing, and sanitary facilities. The term includes rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented.

Applicant: Refer to the Town of Porter Subdivision Regulation definition section.

~~Area of Special Flood Hazard: The land in the flood plain having one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance studies conducted by the Federal Emergency Management Agency.~~

Automobile recycling business: (Title 30-A Section 3752 Subsection 1-A): "Automobile recycling business" means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations. The recycling business includes collecting, dismantling, and recycling of batteries used in motorized vehicles.

Building: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or property of any kind-; See Structure

Building Height: See, Height of Structure.

Campground: Any area or tract of land to accommodate more than **four (4)** parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters, for a temporary period. A campground, regardless of temporary dwelling places utilized, is considered temporary, and is not habitable for permanent living when the temperature is below 60 degrees (F) and a heating

system cannot sustain 65 degrees (F) between October 1 and May 1 A campground shall also be occupied by the resident manager or owner.

Certificate of Occupancy: "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to State Law (25 M.R.S. § 2357-A) or the Maine Uniform Building and Energy Code adopted pursuant to State Law (10 M.R.S. Chapter 1103). Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with similar intents.

Certified Soil Scientist: Refer to the Town of Porter Subdivision Regulation definitions.

Character - For the purpose of this Ordinance, it is within the context of serving a necessary role that is proportionate to the scale of local resources, within the capacity and capability of the community, and complimentary to the overall long term comprehensive plan of the community.

~~Cluster Development: A development approach in which building lots are reduced in size and buildings sited closer together than is allowed under non-clustered requirements, provided that the total development density does not exceed that which could be constructed on the site under conventional, non-clustered requirements, and there is a provision for permanent open space. The cluster development shall be developed in accordance with this ordinance, the *Subdivision Regulations*, and *State Law*.~~

Complete Application: An application shall be considered complete upon submission of the required fee(s) and all information required by local regulations and ordinances, or by a vote by the Board to waive the submission of required information. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

~~Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies that are to be supported by municipal regulations. Refer to the Town of Porter Subdivision Regulation definitions.~~

~~Densely developed area. A "Densely developed area" means any commercial, industrial or compact residential area of ten (10) or more acres with an existing density of at least one principal structure per two (2) acres. Refer to the Town of Porter Subdivision Regulation definitions.~~

Density - The required maximum number of dwelling units per acre of land, that is proportionate to the scale of local resources, within the capacity and capability of the community, and complimentary to and at the growth pace of the overall long term comprehensive plan created by the community.

Dimensional requirements: Numerical standards relating to spatial relationships including but not limited to: setback, lot area, road frontage, shore frontage, and height. "Dimensional requirements" mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: setback, lot area, road frontage, shore frontage, height, lot depth, and the length to width ratio of new lots.

~~Driveway: A vehicular access way less than five hundred (500) feet in length serving two single family dwellings or one two family dwelling, or less. Refer to the Town of Porter Subdivision Regulation definitions.~~

Dwelling: Dwelling is any fixed structure which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes, human habitation purposes, and that each "unit" has a room or group of rooms that form a single independent habitable unit, and facilities with permanent provisions for living, sleeping, eating, cooking and sanitation, including common areas and appurtenant structures. To be considered a dwelling it must be a place of residency, habitable, and intended for permanent occupation.

Dwelling, Single-Family: A habitable building containing only **one (1)** dwelling unit for occupation by not more than **one (1)** family.

Dwelling, Two-Family: A building containing only **two (2)** dwelling units, habitable for occupation by not more than **two (2)** families living independently of one another.

~~**Dwelling, Multi-Family:** A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. NOTE: Four or more independent dwelling units in a primary structure is considered a subdivision and requires both a land use permit and subdivision review.~~

~~**Dwelling, Two-Family:** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.~~

Dwelling Unit: A room or group of rooms (*suite*) designed and equipped exclusively for use by one family at a time as permanent, seasonal, or temporary living quarters and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term includes manufactured housing, small homes, and rental units (such as condominiums, time-share units, apartments, single-family and single, two-family, or multi-family housing) that contain independent living, cooking, sleeping, bathing, and toilet facilities regardless of the time-period rented but not recreational vehicles, motel units, or park "model" mobile homes.

Shore Frontage (Shore): The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Habitable: A residence that is fit for human occupation and is free of serious defects that might pose a risk to one's health and safety is considered habitable.

Height of a structure: "Height" means:

A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and

B. The vertical distance between the mean original (*prior to construction*) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, cupolas, antennas, roof mounted in-plane solar energy panels, and similar appurtenances that have no floor area. **See Article III Section 3.3**

Home Occupation: An occupation or profession that does not employ more than **three (3)** full-time people or equivalent thereof who are unrelated, by blood or marriage, to the business owner, or who does not reside on the premises, an occupation or profession (*excluding Medical, dental, and other health professional offices*) which is carried on or in a dwelling unit or structure accessories to a dwelling unit and clearly incidental, is secondary to the use of the dwelling unit for residential purposes, and meets the Performance & Specific Use Standards of this Ordinance. Permitted home occupations include, but are not necessarily limited to the following: *artists, authors, architectural services, advertising, barber and beauty shops, alternative medicine, consulting services, homesteading, dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, direct sales distribution, desktop publishing, data processing, computer programming and service, family day care (limit six (6) children), janitorial services, insurance sales or broker, interior design, mail order, real estate sales, broker, or appraiser, sales representative, and trade contractors (provided there is no outside storage of equipment, and no more than one (1) company vehicle stored)*

Housing: Refer to the Town of Porter Subdivision Regulation definitions.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only **one (1)** group not to exceed **ten (10)** individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fireplaces, or tent platforms. Individual private campsites, regardless of dwelling place, is considered temporary, and not habitable for permanent living when the temperature is below 60 degrees (F) and the heating system cannot sustain 65 degrees (F) between October 1 and May 1

Large-scale Retail Development: "Large-scale retail development" means any retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings at the same location, and any expansion of an existing building or buildings that results in a retail business establishment's having a gross floor area of 75,000 square feet or more in one or more buildings except when the expansion of an existing retail business establishment is less than 20,000 square feet. Other retail business establishments on the same site as the large-scale retail business establishment are not included in this definition unless they share a common check stand, management, controlling ownership or storage areas.

Lot: ~~An area of land in one (1) ownership, or one (1) leasehold, A single parcel of developed or undeveloped land~~ with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Oxford County Registry of Deeds.

Lot, Coverage: The percentage of the lot covered by buildings, structures, parking lots, and other non-vegetated surfaces. Also referred to as "building coverage" and/or "impervious coverage", lot coverage is established for the purpose of assuring that development is proportionate to the scale of local resources, within the capacity and capability of the community, complimentary to and at the

growth pace of the overall long term comprehensive plan created by the community, and protects and environment and access to direct sunlight.

~~Lot Lines: The lines bounding a lot defined below:~~

~~Front Lot Line (Front):~~ On an interior lot, the line bounding the lot separating the lot from the street right-of-way. On a corner or through lot, the line separating the lot from either street right-of-way.

~~Rear Lot Line (Rear):~~ The lot line bounding a lot opposite the front lot line. On a corner lot, the rear lot line is opposite the front lot line of least dimension.

~~Side Lot Line (Side):~~ Any lot line bounding the lot other than the front lot line or rear lot line.

~~Lot Width: On lots which do not have frontage on a public road or a road that meets road standards in the Subdivision Regulations or this Ordinance, the horizontal distance between the side lot lines, measured at the minimum setback line as established by this Ordinance.~~

Manufactured Housing Unit: Mobile homes and modular homes.

Manufactured housing community: "Manufactured housing community" means a parcel or adjoining parcel of land, under single ownership, that has been planned and improved for the placement of 3 or more manufactured homes, but does not include a construction camp; Similar to mobile home park.

Manufactured housing or home: Manufactured housing or home. "Manufactured housing" means a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. For purposes of this Act, 3 types of manufactured housing are included. They are:

A. HUD-code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq;

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with this Act and rules, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein. "Manufactured housing" does not include

modular homes constructed at an educational facility by students pursuant to rules adopted by the board;

C. Pre-HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Minimum Lot Width (Minimum): The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home: "Mobile home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and 32 body feet or more in length, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

Mobile Home Park: "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes. A mobile home park with three (3) or more independent dwelling units created on a single lot within a 5-year period is considered a subdivision and requires both a land use permit and subdivision review. A parcel of land under unified ownership designed and/or used to accommodate three (3) or more mobile housing units.

Motel/Hotel/Inn: A building or group of buildings in which over-night lodging ~~(for a maximum stay of one week)~~ is offered to the general public for compensation. A Motel/Hotel/Inn shall also be occupied by the resident manager or owner. A Motel/Hotel may contain such accessory services as newsstands, personal grooming facilities, and restaurants.

Motor Vehicle Repossession Company/Business: A repossession company is a business that offers repossession debt collection services like collateral recovery to lenders and collection agencies. They use repossession agents to conduct their business, much of which involves auto recovery, transport, and temporary storage while engaging in the enforcement of security interests securing debts.

Multi-Family Development/Dwelling: ~~Any structure containing three (3) dwelling units for occupation by three (3) families living independently of one another, with the number of families not exceeding the number of dwelling units. Four or more independent dwelling units in a primary structure is considered a subdivision and requires both a land use permit and subdivision review. Refer to the Town of Porter Subdivision Regulation definitions; multi-family residential.~~

Net Residential Acreage: Refer to the Town of Porter Subdivision Regulation definitions.

Net Residential Density: Refer to the Town of Porter Subdivision Regulation definitions.

Principal Structure: "Principal structure" means a building or structure in which the main or primary use of the structure is conducted. A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Rental Storage Facilities – A commercial land use consisting of the rental of space for the storage of personal property (mini-warehouse) and/or the storage of recreational vehicles, and is considered a high impact land use for the purposes of this Ordinance; self-storage; commercial storage.

Subsurface Wastewater Disposal System Replacement System: A subsurface sewage disposal system intended to replace: (1) an existing subsurface wastewater disposal system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or (2) any existing overboard wastewater discharge. Refer to definitions in the State of Maine Subsurface Wastewater Disposal Rules.

Restrictive Covenant: Refer to the Town of Porter Subdivision Regulation definitions.

Setback requirements: The minimum horizontal distance between the lot line/boundary, shoreline, or road and the nearest part of a structure.

~~Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.~~

~~Single Family Dwelling: Any structure containing only one dwelling unit for occupation by not more than one family.~~

Small Homes: For buildings constructed (not manufactured), every dwelling is to have at least one habitable room not less than 120 SF of gross floor area. All other habitable rooms, other than kitchens, shall be at least 70 SF, with the minimum horizontal dimension not less than 7'. Bathroom size shall be designed per plumbing code fixture clearance requirements. The building must meet or exceed 190 square feet in footprint, not exceed 400 square feet in footprint (excluding open decks and stairs within the Shoreland Buffer), and either needs to be site-built and secured to a foundation, frost wall or slab and skirted, or meet the State Manufactured Housing Act and both are to be secured to a foundation, frost wall or slab and skirted; also referred to as *Tiny Homes, Micro Homes, Mini Homes, THOWS. "Tiny Home" does not include a trailer, semi-trailer, camp trailer, recreational vehicle, or manufactured housing, and must comply 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.*

~~**Street:** A public or private way over which the public has an easement of travel (such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways), providing frontage to a lot, which meets the standards of Porter Subdivision Review Standards, or if legally nonconforming, is recorded on a plan of a subdivision at the Registry of Deeds, or has been accepted by the municipal legislative body; travelled way. Refer to the Town of Porter Subdivision Regulation definitions.~~

Structure: Anything temporarily or permanently located, built, constructed or erected for the habitable support, shelter, enclosure of persons, animals, goods, or property of any kind, or anything constructed or erected on or in the ground. The Term includes structures temporarily or permanently located, such as decks, patios, solar energy systems, solar arrays, 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 *Title 30-A, Section 4201,*

subsection 5; geothermal heat exchange wells as defined in *Title 32, Section 4700-E, subsection 3-C*; or wells or water wells as defined in *Title 32, Section 4700-E, subsection 8*.

Subdivision: ~~“Subdivision” as defined in M.R.S.A., Title 30-A, Section 4401, or;~~

~~The division of a tract or parcel of land into three (3) or more lots within any 5-year period, that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a 5-year period, the construction or placement of three (3) or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.~~

~~A. In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of the tract or parcel is considered to create the first two (2) lots and the next dividing of either of these first two (2) lots, by whomever accomplished, is considered to create a third lot, unless:~~

~~1. Both dividings are accomplished by a subdivider who has retained one (1) of the lots for the subdivider’s own use as a single family residence that has been the subdivider’s principal residence for a period of at least five (5) years immediately preceding the 2nd division; or~~

~~—2. The division of the tract or parcel is otherwise exempt under this subchapter.~~

~~B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.~~

~~C. A lot of forty (40) or more acres must be counted as a lot.~~

~~D-1. A division accomplished by *devise* does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.~~

~~—D-2. A division accomplished by *condemnation* does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.~~

~~—D-3. A division accomplished by *order of court* does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.~~

~~—D-4. A division accomplished by *gift* to a person related to the donor of an interest in property held by the donor for a continuous period of five (5) years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. “Person related to the donor,” means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than half (½) the assessed value of the real estate.~~

~~—D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the~~

~~objectives of this subchapter.~~

~~D.6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within five (5) years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.~~

~~E. The division of a tract or parcel of land into three (3) or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.~~

~~F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.~~

~~G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.~~

~~H. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:~~

~~1. Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or~~

~~2. Otherwise regulates land use activities.~~

~~A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph is not a recording in the books of records at the registry of deeds; it is a posting for public availability as tax maps are held and made available for public inspection.~~

~~I.F. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D 1 to D 6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. Refer to Town of Porter Subdivision Regulation definitions.~~

Subdivision, Major: Refer to Town of Porter Subdivision Regulation definitions. ~~Any subdivision containing more than four (4) lots or dwelling units, or any subdivision containing a proposed street. Four (4) or more dwellings require a land use permit (similar to multi-family dwelling) in addition to a subdivision review.~~

Subdivision, Minor: Refer to Town of Porter Subdivision Regulation definitions. ~~Any subdivision containing four (4) lots or less or four (4) dwelling units, and in which no street is proposed to be constructed. Four (4) dwellings require a land use permit (similar to multi-family dwelling) in addition to a subdivision review.~~

Substantial Expansion: Floor space increase of ~~25~~30% or new materials or processes not normally associated with the existing use.

Substantial Start: Completion of **30%** of a permitted structure or use measured as a percentage of estimated total cost. (Complete Substantial Construction – See Subdivision Regulation definition).

Subsurface ~~Sewage~~ Subsurface Disposal System: ~~Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under **38 M.R.S.A. Section 414**, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. Refer to definitions in the State of Maine Subsurface Wastewater Disposal Rules~~

Transient rental platform: “Transient rental platform” means an electronic or other system, including an Internet-based system, that allows the owner or occupant of living quarters in this State to offer the living quarters for rental and that provides a mechanism by which a person may arrange for the rental of the living quarters in exchange for payment to either the owner or occupant, to the operator of the system or to another person on behalf of the owner, occupant or operator; VRBO; AirBnB; Hipcamp; Short-Term Rental Unit (STR).

~~**Two Family Dwelling:** Any structure containing only two (2) dwelling units for occupation by not more than two (2) families living independently of one another.~~

~~**VRBO:** Vacation Rentals By Owner.~~