

OVERVIEW of the April 20, 2022 proposed amendments to the Town of Porter Land Use Ordinance:

The Porter Planning Board and Code Enforcement Officer/Licensed Plumbing Inspector have continued evaluating the current local ordinance and providing recommendations since April 2021.

Major Areas of Concentration

Solar, Animal Care Facilities, Mobile Homes, Mineral Exploration and Extraction, Special and/or Hazardous Waste, Automobile Recycling Operation, Junkyards, and Rentals.

Reasons for these Proposed Amendments

To continue annual maintenance of our town regulations (*as is required by law*), addressing errors, acknowledging new laws, removing conflicts, and making the corrections needed in order to assure it follows the community's long term comprehensive plan.

The recommended amendments (*below*) work to encourage the overall economic health of the community and lower individual cost-of-living burdens without compromising Porter's comprehensive planning goals:

Table of Contents proposed amendments:

- Section 5.13 changes from Kennels and Veterinary Hospitals to Animal Care Facilities (*New State Definition*)

Article I proposed amendments:

- **References to existing laws regarding authority, administration, and enforcement regarding public health nuisances.**

Article II proposed amendments:

- Depending on the type of Land Use, it may be evaluated by either the Planning Board or the Code Officer (*clarified to state reviewing authority*), and nuisances, largely regulated, were previously omitted when evaluating non-conformity.

Article III proposed amendments:

- Section H was removed, as the ordinance does not define 'yard', and the language was a duplication to 3.3.B.
- Section P was amended to refer to property heights as it relates to surrounding tree line, and the no-fly limitations of drone use without the property owner's consent.
- The dated reference in Section M was removed.
- Parks were removed, and Kennel (Boarding or Breeding) and Veterinary Hospitals were combined under the new State definition – Animal Care Facilities,
- Small -scale Animal Care Facilities were re-introduced in the Village, Rural, and Shoreland Limited Residential areas (excluding great ponds),
- The remote solar system size that determines reviewing authority was adjusted from 10 KW to 16 KW, based on existing state regulations and the capacity of current solar components,
- Automobile Recycling, Junkyards were added to Automobile Graveyards as restricted uses within 500 feet of water,
- **Multi-family Units over 3 dwellings are zoned for the villages, to access community services and highways,**
- **Fire separation distance is established, between detached accessory structures and other primary or accessory dwellings (IBC 705.8)**

Article IV proposed amendments:

- Parks were removed from Section B (*parking*), as this is defined as a public land use, not regulated by this ordinance,
- Screening and Buffering for Animal Care Facilities and Remote Solar Systems were amended, by district, and to provide more flexibility,
- General vegetated buffering, maximum system size, proper siting, ridgeline protection, and intent of solar considerations in Article IV Section Q were clarified.

Article V proposed amendments:

- Section 5.13 – Breeding or Boarding Kennels and Veterinary Hospitals was change to the State Definition of Animal Care Facilities, and square foot space minimums and a maximum number of companion animals for an animal care facility were added,
- Ridgeline setbacks were established for **Section 5.14 Mineral Exploration and Extraction**, and a prohibition on perpetual wet mine waste ponds and restriction of open-pit metallic mineral mining to 3 acres was established.
- Section 5.17 - Inspection certification requirements were added to mobile homes imported into the municipality or relocated within the municipality that were built prior to June 15, 2976.
- PFAS and RCRA-8 monitored metal reporting and limitations were added to section **5.23 – Special and/or Hazardous Waste Facilities**.

Article VI proposed amendments:

- Added a clarification of state plumbing regulations and required permitting,
- Clarification that safe egress and interior repairs and maintenance do not require a local permit,
- Clarified that a Certificate of Occupancy review is required when the property changes ownership, and the process for evaluating health and safety violations related to rentals.
- **Reference to an existing Local Health Officer was provided**

Article VII proposed amendments:

- Recommendations from the Board of Appeals, to coordinate the land use ordinance with the local appeals by-laws, state law, and our regional media capacity.
- **Appeals Board composition clarified, which has historically included 3 alternate positions for participation.**

Article VIII proposed amendments:

- Definitions from State statutes were added for “Animal Care Facility” and “Automobile Recycling Business”,
- Definitions were added to describe PFAS, RCRA-8 monitored metals, and for a previously omitted land use - ***private recreational areas involving minimal structural development of facilities.***