

PORTER LAND USE ORDINANCE

horizontal distance, of the normal high-water line of a great pond, or river, or within **two hundred and fifty (250) feet**, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated Shoreland area are located within **two hundred and fifty (250) feet**, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Key:

A = Use is allowed without a fee but shall notify the CEO in writing and comply with all applicable land use standards

C = Use requires a permit authorized by the Code Enforcement Officer

LPI = Use requires a permit authorized by the Plumbing Inspector

P = Use requires a permit authorized by the Planning Board

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	See Footnote H Section 3.2	-	C	-	-	-	-	-
Adult Business		P	-	-	-	-	-	-
Agriculture (>10 acres developed)		P	P	P	P	P	P	P
Animal Husbandry		-	-	-	-	-	-	P
Antique stores		P	P	P	-	-	-	-
Aquaculture		P	P	P	P	P	P	P
Assisted Living Facility		P ²	P ²	P ²	P ²	-	-	-
Auto repair shops		P	-	-	-	-	-	P
Automobile graveyard, junkyard, or recycling		-	-	-	-	-	-	P
Bed and breakfast, Boarding, or Renting Rooms (>3 rooms let excluding owner room)		P	P	P	P	-	-	-
Building, Renovation, Expansion, Demolition, or Relocation of Structures		C	C	C	C	C	C	C
Cabinetry and woodworking shops		P	P	P	P	-	-	P
Campgrounds		P	P	P	P	-	-	-
Carpentry-Building-Trade Contractors		P	P	P	P	-	-	P
Civic and Social Service		P	-	P	-	-	-	-

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Clearing or removal of vegetation for activities other than timber harvesting		A	A	A ⁹	A ⁹	C ³	C ³	A
Cluster Development (<i>See Subdivision Law</i>)		P	P	P	-	-	-	-
High impact not otherwise listed	Principal Structure & Uses	P	-	-	-	-	-	P
Low Impact not otherwise listed	Principal Structure & Uses	P	P	P	P	-	-	P
Conversions of seasonal residences to year round residences		LPI	LPI	LPI	LPI	LPI	LPI	LPI
Day care centers		P	P	P	P	-	-	-
Driveway Access to Public or Private Street		C	C	C	C	C ⁷	C ⁷	C
Educational Facility		P	-	P	P	-	-	-
Emergency operations		A	A	A	A	A	A	A
Farm produce stands (<120 SF)		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Farming and farm related ventures		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Farming and farm related ventures involving medical marijuana		C	C	C	C	-	P	C
Fire Prevention Activities		A	A	A	A	A	A	A
Garage and yard sales		A	A	A	A	A	A	A
Garden Nursery, Garden Supply, and/or Grain & Feed Store		P	P	-	-	-	-	P
Governmental and Institutional	Principal Structure & Uses	P	-	P	-	-	-	-
Ground and Spring Water Extraction (2k-10 GPD)		C	C	-	-	-	-	C
Ground and Spring Water Extraction (10k-20k GPD)		P	P	-	-	-	-	P
Health Care Facility		P ²	-	P ²	-	-	-	-
Home Occupations		A ⁹	A ⁹	A ⁹	A ⁹	P	P	A ⁹
Hotels/Motels/Inns		P	-	-	-	-	-	-
Individual, private campsites		C	C	C	C	C	C	C
Animal Care Facilities		P	P	P	-	-	-	P
Marinas		-	-	P	P	-	-	-
Mineral Exploration (<100SF)		A	A	A ⁴	A ⁴	-	A ⁴	A ⁴
Mineral Extraction (<i>e.g. Gravel Pit</i>)		P	P	P	P	-	P	P
Minor earthmoving activities		A ⁹	A ⁹	A ⁹	A ⁹	P	P	A ⁹

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Mobile home park		P	-	-	-	-	-	-
Motorized Vehicle Racing Facility		-	-	-	-	-	-	P
Motorized vehicular traffic on existing roads and trails		A	A	A	A	A	A	A
Multi unit residential (>3)	Principal Structure & Uses	P	-	-	-	-	-	-
Neighborhood grocery and convenience stores		P	P	P		-	-	-
Non roadside or cross-country distribution lines involving eleven (11) or more poles in the Shoreland	Essential Services	P	P	P	P	p ⁶	p ⁶	P
Non roadside or cross-country distribution lines involving ten (10) or less poles in the Shoreland	Essential Services	C	C	C	C	C ⁶	C ⁶	C
Non-intensive recreational uses not requiring permanent structures such as hunting, fishing, and hiking		A	A	A	A	A	A	A
Nursing Home		p ²	p ²	p ²	p ²	-	-	-
One to three family residential	Principal Structure & Uses	C	C	C	C	P	P	-
Other Essential Services	Essential Services	A	A	P	P	p ⁶	p ⁶	A
Parking facilities (<i>Independent of Other Use Applications or Municipal Efforts</i>)	Principal Structure & Uses	P	-	-	-	-	-	P
Permanent Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland		P	P	P	P	P	P	-
Places of worship		P	P	P	P	-	-	-
Private club		P	P	P	P	-	-	-
Private recreational areas involving minimal structural development or facilities		P	P	P	P	-	P	P
Private sewage disposal systems for allowed uses		LPI	LPI	LPI ⁵	LPI ⁵	LPI ⁵	LPI ⁵	LPI ⁵
Remote or roofmount Solar systems (>16KW <i>Commercial/High Impact</i>)	Principal Structure and Uses	P	P	P	P	P	P	P
Remote of roofmount Solar systems (<16KW <i>residential or low-impact</i>)		C	C	C	C	-	-	C

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Restaurants (e.g. Café-Tea Shoppe-Bakery)		P	P	-	-	-	-	P
Road construction, not in a subdivision		C	C	C	C	C	-	C
Road construction, subdivisions		P	P	P	P	P	-	P
Roadside distribution lines (34.5kV and lower)	Essential Services	A ⁹	A ⁹	A ⁹	A ⁹	A ⁶	A ⁶	A ⁹
Sawmills/Timber Processing		-	P	-	-	-	-	P
Service drops, as defined, to allowed uses		A	A	A	A	A	A	A
Signs		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Small non-residential private facilities for educational, scientific, or nature interpretation purposes	Principal Structures & Uses	P	P	P	P	P	P	P
Soil and water conservation practices		A	A	A	A	A	A	A
Special and/or hazardous waste facility		P	-	-	-	-	-	-
Structures accessory to allowed uses (< 120SF)		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Structure accessory to allowed uses (> 120 SF, excluding Article VI Section 6.5.D.6 and 6.5.D.9)		C	C	C	C	C	C	C
Surveying and resource analysis		A	A	A	A	A	A	A
Temporary Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland		C	C	C ⁸	C ⁸	C ⁸	C ⁸	-
Uses similar to allowed 'A' uses (DEP)		A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹
Uses similar to allowed uses requiring a CEO permit		C	C	C	C	C	C	C
Uses similar to allowed uses requiring a PB permit		P	P	P	P	P	P	P
Wildlife management practices		A	A	A	A	A	A	A
Wireless Communication Facilities, Communications Towers, and Antennas		-	-	-	-	-	-	P

Footnotes to Section 3.4 above:

1. In all Districts the following commercial or industrial uses are prohibited within **five hundred (500)** feet of the normal highwater line of a great pond or river, and streams which flow to great ponds or rivers:

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- Auto washing facilities
- Auto or other vehicle service and/or repair operations, including body shops
- Automobile Graveyards, Automobile Recycling Operation, Junkyards
- Chemical and bacteriological laboratories
- Storage of chemicals, including herbicides, pesticides, or fertilizers other than amounts normally associated with individual households or farms
- Commercial painting, wood preserving, and furniture stripping
- Dry cleaning establishments
- Electronic circuit assembly
- Laundromats, unless connected to a sanitary sewer
- Metal plating, finishing, or polishing
- Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas, photographic processing, and printing.
- Photographic processing
- Printing

2. The following uses shall only be permitted on properties with frontage or direct driveway access to arterial & collector streets and in accordance with **Article III Section 3.4**:

Assisted Living Facility

Nursing Home

Health Care Facility

3. In Resource Protection not allowed within **seventy-five (75)** feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

4. Requires permit from the Code Enforcement Officer if more than **one hundred (100)** square feet of surface area, in total, is disturbed.

5. In Resource Protection not allowed in areas so designated because of wildlife.

6. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use, or except where the applicant demonstrates that no reasonable alternative exists. Allowable structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources.

7. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

8. Excluding bridges and other crossing not involving earthwork, in which case no permit is required.

9. Permit fees are not required but shall file a written “notice of intent to construct” with the CEO to verify that the ordinance is being followed.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to **38 M.R.S.A. section 480-C**, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials,
- b. Draining or otherwise dewatering,
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.