

## PART II CODE OF ORDINANCES

### CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

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FOOTNOTE(S):

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**Editor's note**— The zoning, flood prevention and protection and site plan regulations of the town are not printed in this Code, but are on file in the town clerk's office.

**Editor's note**— At the city's instruction, Ord. of Sept. 24, 2007, Arts. I—XV, set out provisions intended for inclusion with Ch. II-19. For purposes of clarity, and at the editor's discretion, these provisions have been included as Art. II-19-2.

**Cross reference**— Boundaries of the town, § 2-2; provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; board of appeals, § 2-60 et seq.; parks and community programs advisory committee, § 2-85 et seq.; planning board, § 2-95 et seq.; waterfront and harbor committee, § 2-115 et seq.; division of planning, § 2-246; division of code administration functions, § 2-248; animals, Ch. II-3; buildings and building regulations, Ch. II-4; condominium conversion regulations, § 4-100 et seq.; land subdivision, Ch. II-7; licenses, permits and business regulations, Ch. II-8; marine activities, structures and ways, Ch. II-9; junked and abandoned motor vehicles prohibited on public and private property, § 12-3; solid waste regulations, Ch. II-13; swimming pools, Ch. II-15; traffic and motor vehicles, Ch. II-17; utilities, Ch. II-18; certain discharges into the public sewer system prohibited, § 18-190 et seq.

#### ART. II-19-1. IN GENERAL

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##### Div. II-19-1-5. SPECIFIC REQUIREMENTS

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The following specific requirements shall apply to uses in all districts except as noted:

**Sec. 19-69 Rate of Residential Growth [Adopted 7/24/00] [Amended 5/24/04; 12/19/06; 5/13/13; 07/11/2016]**

- a. **Applicability** - A development permit is required for the construction of new dwelling units as required below.
- b. **Legal authority** - This section is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, 30-A M.R.S.A. §2101 et seq., and 30-A M.R.S.A. §4360. [Amended 4/28/03]

- c. **Purpose** - The purpose of this section is to:
1. Provide for the local housing needs of the Town's existing residents;
  2. Plan for continued residential population growth of the Town at a rate that is compatible with the orderly and gradual expansion of community services, including education, fire and police protection, road maintenance, waste disposal, health services, etc;
  3. Avoid a situation in which the rapid completion of major subdivisions, housing many families with school-age children, could outstrip the towns capability to expand its schools and other services soon enough to avoid serious overcrowding; and
  4. Ensure fairness in the allocation of building permits.
- d. **Exemptions** - The following are exempt from the provisions of this section:
1. The repair, replacement, reconstruction or alteration of any existing building or structure.
  2. The repair, replacement, reconstruction, construction or alteration of a nonresidential building or structure.
  3. The repair, replacement, reconstruction, construction or alteration of congregate housing, elderly boarding homes, and dwelling units located in a RCOD.[Amended 5/09/16]
  4. The repair, replacement, reconstruction, construction or alteration of any dwelling unit meeting the definition of affordable housing.
  5. The repair, replacement, reconstruction, construction or alteration of any dwelling unit in the VC Districts. [Adopted 5/13/13]
  6. The repair, replacement, reconstruction, construction or alteration of any dwelling unit meeting the definition of housing for older persons. [Adopted 05/09/16]
- e. **Maximum rate of residential growth:**
1. Town Wide Growth Cap. The maximum number of development permits issued in any calendar year shall be limited in the manner prescribed below. For the calendar year 2016, the number of permits shall be half of the total listed.
    - a) No more than 65 development permits total for new single family detached dwelling units, two-family dwelling units or manufactured housing dwelling units combined.
    - b) No more than 24 development permits for new multi-family dwelling units.
    - c) No more than 20 development permits for new accessory dwelling units.
  2. Growth Cap applicable to Farm and Forest (FF) and Highland Lake (HL) Districts only. The maximum number of development permits issued in any calendar year shall be limited in the manner prescribed below. For the calendar year 2016, the number of permits shall be half of the total listed.
    - a) No more than 26 development permits total for new single family detached dwelling units, two-family dwelling units or manufactured housing dwelling units combined.
    - b) No more than 8 development permits for new accessory dwelling units.
- f. **Periodic review** -This section shall be reviewed by the Town Council periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital improvement capability to establish or enlarge needed public facilities and services, and to be in compliance with Title 30-A M.R.S.A §4360.

- g. **Issuance procedure** - Development permits shall be issued in conjunction with a building permit.
- h. **Transferability** - A development permit shall be valid for construction of the associated dwelling unit at the time the permit is issued. The development permit may be transferred to new owners of the unit if conveyed.

Effective on: 7/11/2016