

TOWN OF ELIOT
1333 STATE ROAD
ELIOT, MAINE 03903
(207) 439-1813

PUBLIC HEARING

AUTHORITY: ELIOT, MAINE PLANNING BOARD
DATE: Tuesday, March 3, 2015
TIME: 7:00PM
PLACE: ELIOT TOWN HALL

Public hearing – and continued review of a proposed amendment entitled "*Amendments to Chapter 29, Growth Management, of the Municipal Code of Ordinances of the Town of Eliot, Maine,*" to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

Copies of proposed amendment are available at the Eliot Town Hall or at www.eliotmaine.org.

ARTICLE ____ Shall an ordinance entitled “Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units,” dated ____ be enacted? The Amendment will:

- Amend the process for determining the maximum number of new dwelling units that may be constructed each year by:
 - Eliminating the formulaic approach, which strictly limited growth to 5% per year (based on an average of the number of new dwelling units constructed during the 10 years immediately prior), and establishing a more holistic approach that engages all Town departments in monitoring the rate of growth, on a yearly basis, to ensure it has not outpaced the Town’s ability to provide necessary services and facilities to the increased population;
 - Requiring the Planning Board to evaluate the rate of growth annually based on this review and prepare findings for the public regarding the following year’s projected growth and recommendations to increase, decrease, or make no change to the number of growth permits to allocate;
 - Allowing citizens to vote on any change to the prior year’s number and adding provisions that safeguard against falling below the minimum number required by State law.¹
- Establish a \$500.00 fee for growth permits to offset the costs of administering the ordinance. \$400.00 of this fee will be applied to future building permit fees.
- Ensure the equitable distribution of growth permits between subdivision lots and non-subdivision lots by limiting all individuals, corporations, and other entities to a maximum of 8 growth permits per year, whether for subdivision or non-subdivision lots.
- Address the demand for growth permits for non-subdivision lots. The former ordinance provisions required that one half of the annual allocation of growth permits be dedicated to subdivision lots and one half be dedicated to non-subdivision lots. The amended provisions will allow the code enforcement officer to issue growth permits to either category until such time 50% have been issued to subdivision lots.
- Establish a rolling waiting list for applicants when no growth permits are available so that applicants will no longer be required to wait in line at the Town Hall when the new allocation of growth permits becomes available the first day of business in January.
- Define *Growth permit* and amend definitions of *Manufactured housing*, *Mobile home*, and *Modular home* to be consistent with State law.
- Amend notice requirements for public hearings associated with this chapter to be consistent with State law.
- Clarify application requirements and administrative procedures.

NOTE: The actual number of growth permits to be issued for new residential dwelling units is not contained within this article and will be voted on as a separate warrant article.

¹ In the event the voters do not approve the Planning Board’s recommended number of growth permits, the number will revert back to the minimum prescribed by State law – 105% of the of the mean number of permits issued for new dwellings in the 10 years immediately prior.

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

AMEND CHAPTER 29 (GROWTH MANAGEMENT) AS FOLLOWS:

CHAPTER 29

GROWTH MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 29-1. Definitions.

Sec. 29-2. Purpose.

Sec. 29-3. Exemption.

Sec. 29-4. Compliance required.

Sec. 29-5. ~~Sec. 29-5. Determining the maximum number of new dwelling units per calendar year~~ Maximum rate of housebuilding; exemptions.

Sec. 29-6. Legal authority.

~~Sec. 29-7. Periodic review.~~

Sec. 29-~~7~~8. Amendments.

Sec. 29-8. Appeals.

Sec. 29-9. Violations.

Sec. 29-~~10~~. Enforcement and penalty.

Sec. 29-11. Effective date

Secs. 29-12—29-40. Reserved.

Sec. 29-1. Definitions.

(See section 1-2).

Sec. 29-2. Purpose.

The purpose of this chapter is to:

~~(1) Provide for the local housing needs of the town's existing residents.~~

(1) Provide for the local housing needs of the Town's existing residents while accommodating Eliot's fair share of population growth in York County and the immediate sub-region.

(2) Plan for continued residential population growth of the town at a rate which would be compatible with the orderly and gradual expansion of community services, including education, fire and police

NEW TEXT UNDERLINED

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

protection, road maintenance, waste disposal, health services, etc. and consistent with the town's comprehensive plan.

- (3) Avoid a situation in which the rapid completion of major subdivisions, housing many families with school-age children, could outstrip the town's capability to expand its schools and other services soon enough to avoid serious overcrowding.
- (4) Provide the rules by which the Town of Eliot can react to changing budgetary conditions within the town and financial forces outside the town.
- (5) Ensure fairness in the allocation of building permits for new residential dwelling units by establishing a growth permitting system.

(T.M. of 12-2-78; T.M. of 3-21-87, (§§ 1.1—1.5); T.M. of 3-28-98, §§ 2, 3)

Sec. 29-3. Exemption.

- (a) The repair, expansion, replacement reconstruction or alteration of any existing building or structuredwelling unit is exempt from the provisions of this chapter.
- (b) The replacement of any dwelling unit having been previously issued a valid growth and building permit beginning on or after December 2, 1978, regardless of when the previously permitted dwelling unit was removed or destroyed, provided the owner can supply the original growth and building permits, or other such equivalent evidence acceptable to the code enforcement officer. A dwelling unit constructed prior to December 2, 1978 may be replaced without a growth permit provided the applicant can supply evidence acceptable to the enforcement officer that the previously existing dwelling unit was not removed or destroyed prior to April 1, 1996. Except as provided in Article V (Nonconformance) of Chapter 45 (Zoning), all new dwelling units shall be constructed in conformity with the provisions of Chapter 45 and all applicable codes.
- (c) The construction or alteration of a non-residential building or structure.
- ~~(e)~~(d) Elderly housing dwelling units, as defined in section-45-1-2 of this Code, shall be exempt from the provisions of this chapter.
- ~~(d)~~(e) Dwelling units in a Assisted living facility dwelling units, as defined in section 45-1-2 of this Code, shall be exempt from the provisions of this chapter.
- ~~(e)~~(f) Accessory dwelling units (ADUs), which are defined, controlled, and limited in number per year, by Section 45-459 of this code.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 1.6); T.M. of 3-28-98, § 4; T.M. of 6-19-01(art. 8))

Sec. 29-4. Compliance required.

Unless otherwise exempted under the provisions of section 29-3 above, A-all new dwelling units, including new mobile-manufactured, homes within the town, whether permanent or seasonal shall conform with-to the provisions of this chapter. No new dwelling unit which fails to meet the requirements of this chapter shall be constructed or placed within the town.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.1))

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

Sec. 29-5. Determining the maximum number of new dwelling units per calendar year annual growth permits Maximum rate of housebuilding; exemptions.

~~(a) — The planning board shall publish in the annual report of the municipal officers of the town the specific number of new dwelling units, not including permits for affordable housing, at 105 percent of the mean number of permits issued in Eliot during the ten years immediately prior to the year in which the number is calculated. If the number is determined to be an odd number increase to the next even number. The mean is determined by adding together the total number of growth permits issued for each year in the prior ten years and dividing by ten. This annual total shall be subject to the review procedure in section 29-7~~

~~(b) — In addition, the planning board shall publish in the annual report of the municipal officers of the town, the specific number of new dwelling units for affordable housing at an additional ten percent of the number of growth permits set forth in subsection (a). This annual total shall be subject to the review procedure in section 29-7~~

(a) In accordance with M.R.S. Title 30-A, § 4360, the number of building permits allocated each calendar year for new residential dwelling units must be 105% or more of the mean number of permits issued for new residential dwellings, not including permits for affordable housing, during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of building permits issued, excluding permits issued for affordable housing, for new dwelling units for each year in the prior 10 years and then dividing by 10. In addition, the minimum number of building permits allocated annually for new dwelling units meeting the definition of affordable housing shall be no less than ten percent (10%) of the number set forth above. If either number is a decimal, it shall be rounded to the nearest whole number. For the purposes of this ordinance, 105% of the 10-year mean shall be the floor, or minimum number of building growth permits which must be allocated annually.

(b) The ceiling, or maximum number, will be determined using the following process:

(1) Not later than June 30th of each year, the Planning Board shall solicit, via the town manager, input from the public works director, planning assistant, code enforcement officer, town clerk, fire chief, chief of police, community services director, school district or other department to ensure that the rate of growth has not outpaced or otherwise become inconsistent with the comprehensive plan or the town's capital improvement capability to establish or enlarge public facilities and services to accommodate growth. The Planning Board may also consult with independent experts or agencies for the same purpose.

(2) By July 30th of each year, the planning board shall prepare and make available to the public findings regarding the following year's projected growth and recommendations regarding the number of growth permits building permits for new dwelling units to be allocated for the following calendar year, but in no case shall the number be less than the floor established by subsection (a) above.

(3) If different from the prior year's allocation number of growth permits, the planning board shall prepare and present to the board of selectmen a warrant article for the next annual or special town meeting vote. The warrant article shall include the planning board's recommended number of growth building permits for new dwelling units, expressed both as a percentage based on the last 10 years of growth, as set forth in subsection (a), and as a total number of growth permits for the calendar year. The warrant article shall also include and the number of growth building permits issued for new dwelling units compared to the number of growth building permits allocated over the previous 3 years as a point of reference for voters.

(4) The planning board shall hold a public hearing on the proposed article at least 45 days prior to the town meeting at which it will be voted upon. Notice of the hearing shall be posted in the municipal office at least 13 days before the public hearing and shall be published two times in a newspaper of

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general circulation in the area. The first publication must be at least 12 days before the hearing and the second publication must be at least 7 days before the hearing.

- (5) If the warrant article is voted on the floor of an annual or special town meeting, the town shall be able to amend the number of growth permits up or down by majority vote, but in no case shall the number be less than the floor established by subsection (a) above.
- (6) If the warrant article is voted on via referendum, the town shall approve or disapprove the recommendation of the planning board. If disapproved, the number of growth permits to be allocated the following calendar year shall be the minimum number established by subsection (a) above.
- (c) The code enforcement officer shall allocate an additional ten percent (10%) of the total number of building permits allocated annually, to new dwelling units meeting the definition of affordable housing.
- (d) Any unissued building permits remaining at the end of the calendar year shall not be carried over to the next year

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.2); T.M. of 3-28-98, § 5; T.M. of 6-16-07)

Sec. 29-6. Legal authority.

This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A, Part Second of the Maine Constitution, and 30-A M.R.S.A. § 2101 et seq. (Home Rule), 30-A M.R.S.A. Section 3001 (Ordinance Power), 30-A M.R.S.A. Section 4323 (Local Authority for Growth Management), and 30-A M.R.S.A. Section 4360 (Rate of Growth Ordinances).

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.2))

Sec. 29-7. Periodic review.

~~The operation of this chapter shall be reviewed by the planning board 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. Based on its review the planning board may recommend amending this chapter as provided in section 29-8.~~

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.3); T.M. of 3-28-98, § 6)

Sec. 29-78. Amendments.

- (a) An amendment to this chapter may be initiated by one of the following:
 - (1) The planning board, either independently or via input from municipal officers, provided a majority of the board has so voted.
 - ~~(2) Request of the municipal officers to the planning board.~~
 - (3) Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the town at the last gubernatorial election.
- (b) An amendment to this chapter shall be adopted by majority vote of registered voters present and voting at an annual or special town meeting.
- (c) The planning board shall hold a public hearing on the proposed amendment at least 45 ~~30~~-days prior to the town meeting at which it will be voted upon. Notice of the hearing shall be posted in the municipal office at

NEW TEXT UNDERLINED

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least 13 days before the public hearing and shall be published two times in a newspaper of general circulation in the area. The first publication must be at least 12 days before the hearing and the second publication must be at least 7 days before the hearing. at least ten days in advance in two newspapers of general circulation in the area.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.8))

Sec. 29-~~89~~. Appeals.

- (a) An applicant for a growth permit who is adversely affected by a decision or action ~~An appeal may be taken from any decision of the code enforcement officer may appeal~~ to the board of appeals in accordance with zoning chapter (section 45-50) and from the board of appeals to the superior court as provided by state statute. The board of appeals may reverse the decision of the code enforcement officer only upon a finding that the decision is clearly contrary to the specific provisions of this ordinance.
- (b) Decisions of the code enforcement officer to approve a growth permit application as complete or to issue a growth permit are not appealable.
- (c) The provisions of sec. 29-5 of this chapter are not appealable.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.9); T.M. of 3-28-98, § 7)

Cross reference— Board of appeals, § 45-46 et seq.

Sec. 29-~~910~~. Violations.

- (a) It shall be a violation of this chapter for any person to build or place a dwelling unit within the town, without first having obtained a building permit in accordance with the zoning chapter from the code enforcement officer, unless such construction or placement constitutes an exception under this chapter.
- (b) If a dwelling has been constructed or placed without a building permit in accordance with the zoning chapter, it shall also be a violation for any person to convey such dwelling.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.10))

Sec. 29-~~104~~. Enforcement and Ppenalty.

- ~~(a) Any person owning or controlling the use of any residence being constructed in violation of this chapter shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$50.00 for each day such a violation (construction activity) continues after notification by the code enforcement officer.~~
- ~~(b) If a dwelling unit has been built in violation of this chapter and then conveyed for residential use, the conveyer shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$5,000.00.~~
- ~~(c) If a dwelling unit has been built in violation of this chapter and is then occupied by the builder or his family, for residential use, the builder shall be guilty of a misdemeanor, and on conviction shall be fined as provided in 17-A.M.R.S.A.~~
- (a) Enforcement:
- (1) It shall be the duty of the code enforcement officer to enforce the provisions of this chapter and investigate all complaints of alleged violations of this chapter.

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

- (2) If the code enforcement officer finds that any provision of this chapter is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (3) The code enforcement officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(b) Penalty

- (1) Any conduct made unlawful by this article and any violation of this article shall be punishable by a civil penalty of not less than \$100.00 and not more than \$2,500.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town of Eliot. Each day that such unlawful act or violation continues shall be considered a separate violation.
- (2) In addition to any other penalty provided by law, the commission of acts prohibited by this article shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violations.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.11))

Sec. 29-11. Effective date.

Upon adoption by the voters of the town of Eliot at town meeting, this chapter shall be retroactive to January 1, 2015. Any valid growth permits having been issued since January 1, 2015 under the provisions of the previous code, shall be deducted from the total allocation of building permits for new dwelling units for the 2015 calendar year, as calculated under Sec. 29-5.

Secs. 29-12—29-40. Reserved.

ARTICLE II. GROWTH MANAGEMENT PERMIT ^[2]

Sec. 29-41. Growth permit application.

Sec. 29-42. Growth permit issuance procedure.

Sec. 29-43. System for ranking applications and permits.

Sec. 29-44. Submitting false information; reconsideration of disapproved applications.

Sec. 29-45. Reserved.

Sec. 29-46. Replacement of growth permit with building permit and expiration.

Sec. 29-47. Nontransferability.

Sec. 29-48. Conflict with other provisions.

Sec. 29-49. Expiration of growth management ordinance.

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

Sec. 29-41. Growth permit Application.

- (a) ~~A growth permit application must be completed by the lot owner of record, including all endorsements and certifications.~~ Applications shall be on forms provided by the town and shall be signed by the owner(s) or individual(s) who can show evidence acceptable to the code enforcement officer of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with written authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (b) A separate application shall be required for each dwelling unit
- (c) Applications shall be accompanied by a basic plot plan, showing in approximate dimensions all property lines, existing and proposed structures and their distance to property lines.
- (d) The Code Enforcement Officer may request additional information and shall have the authority to require that the application be revised or supplemented in order to meet State statutes and town ordinances ~~or local requirements.~~

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.3))

Sec. 29-42. Growth permit issuance procedure.

- (a) Growth permit applications shall be submitted to the code enforcement officer who shall endorse each with the date and time of receipt. In the event two or more growth permit applications are received simultaneously, the code enforcement officer shall determine their order by random selection. The code enforcement officer shall review growth permit applications in the same order as they are received. The code enforcement officer shall review all growth permit applications for completeness and accuracy. When the code enforcement officer finds an application to be complete, they shall approve it, endorsing the date and time of approval on the application.
- (b) A nonrefundable application fee in the amount specified in Sec. 1-25 (Fee schedule) shall be paid within five (5) business days of the date of issuance of the growth permit. Nonpayment of fees shall nullify the permit and a new application must be resubmitted for consideration.
- (c) Growth permit applications approved by the code enforcement officer may be replaced by building permits according to their rankings in accordance with section 29-43. ~~Growth permit applications approved by the code enforcement officer shall be separated into two groups, one group for dwelling units within a subdivision and another group for dwelling units not in a subdivision.~~
- (d) For lots within subdivisions, Beginning on January first of each year and continuing until (but not including) the third Monday in December of each year, up to one-half of the approved growth permit applications for dwelling units within a subdivision may be replaced by building permits and up to one-half of the approved growth permit applications for dwelling units not within a subdivision may be replaced by building permits, according to their rankings within each group, not more than eight (8) building permits shall be issued for dwelling units within a single subdivision prior to (but not including) the third first Monday in December of each year, after which additional building permits for such subdivision may be issued in accordance with subsection paragraph (1) (f), and not more than 50% of the total allocation of building permits shall be issued to lots within subdivisions. Growth permits designated specifically for affordable housing shall not count toward these limits. For the purposes of this ordinance, a subdivision shall include any subdivision approved as such by the Eliot planning board. Applications for new apartments and other new multi-family dwelling units shall be classified as dwelling units within a subdivision for the purposes of this article.

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

- (e) For non-subdivision lots, not more than eight (8) building permits shall be issued to any individual, corporation, trust, estate, partnership, association, or other legal entity prior to (but not including) the first Monday in December of each year, after which additional permits may be issued in accordance with subsection (f). Growth permits designated specifically for affordable housing shall not count toward these limits.
- (f) Beginning on the ~~third~~ first Monday in December, any remaining approved growth permit applications may be replaced by building permits according to their rankings without regard to the provisions of subsection (d) and (e) above, distinction between subdivision and non-subdivision dwelling units until the total number of growth permits allowed for new dwelling units (published in the annual report of the municipal officers of the town) have been issued. This subsection shall not apply to remaining growth permits designated specifically for affordable housing.
- (g) If no growth permits are available under Sec. 29-5 on the date the code enforcement officer approves the application as complete, the application shall remain pending and shall be placed on a waiting list until such time a growth permit subsequently becomes available.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.4 A.—F.); T.M. of 3-28-98, § 8; T.M. of 6-16-07)

Sec. 29-43. System for ranking applications and permits.

The system for ranking growth permit applications and for ranking growth permits shall be as follows:

- (1) ~~Time: First come, first served based on when the application is approved and signed by the code enforcement officer. Each growth permit application shall be date-and-time stamped upon receipt of all required information and shall be reviewed on a "first come, first served" basis.~~
- (2) Growth permits will be issued in the order in which full approvals are reached, not necessarily in the order that applications are received.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.4 G.); T.M. of 3-28-98, § 9)

Sec. 29-44. Submitting false information; reconsideration of disapproved applications.

- (a) Any person submitting false (vs. erroneous, in the opinion of the CEO) information on an application shall be subject to the penalties provided by law and shall not be eligible to apply for a growth permit application for a period of ~~one~~ two years.
- (b) Growth permit applications which are not approved by the code enforcement officer because of incomplete or inaccurate information shall be automatically reranked and reconsidered upon resubmission following corrections.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.4 G.); T.M. of 3-28-98, § 10)

Sec. 29-45. Reserved.

Sec. 29-46. Replacement of growth permit with building permit and expiration.

- (a) An approved growth permit application shall be replaced by a building permit for a dwelling on the specific site rated and approved as in sections 29-42 through 29-44. A growth permit which has not been replaced

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with a building permit within 90 days of growth permit approval by code enforcement officer shall be considered expired and must be resubmitted for consideration. Ranking of resubmitted growth permits will be based on new code enforcement officer approval dates. The expiration of the building permit shall be in conformity with section 45-128 of the zoning chapter.

- (b) Upon application written request to the code enforcement officer made prior to expiration of a growth permit, the code enforcement officer may extend the 90-day limit of subsection (a) by up to 60 additional days, if the code enforcement officer determines, in his or her sole and exclusive judgment, that weather conditions prevented the applicant from conducting the on-site testing necessary to design a subsurface wastewater disposal system.
- (c) Expired or relinquished growth permits shall be available for reissue during the same calendar year.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 2.5); T.M. of 3-28-98, § 12; T.M. of 11-4-03)

Sec. 29-47. Nontransferability.

Growth permit applications and approved growth permits shall be site-specific, and shall be valid for construction only on the lot specified on the application. However, such applications and such approved growth permits shall be transferable to new owners of the lot, should the property change hands. ~~Transfer of ownership of the site shall cause the application to be rerated according to section 29-43(4), but not by section 29-43(8).~~ The Code Enforcement Officer shall be notified and approve such a transfer. An application or permit which is transferred not in accordance with this article shall be nullified and revoked by the code enforcement officer. (T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.4))

Sec. 29-48. Conflict with other provisions.

This article shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this article imposes a greater restriction upon the use of land, buildings or structures, the provisions of this article shall prevail.

(T.M. of 12-2-78; T.M. of 3-21-87, (§ 3.5))

Sec. 29-49. Expiration of growth management ordinance.

This growth management ordinance, chapter 29 shall expire in its entirety upon approval of ordinance changes needed to comply with a revised comprehensive plan.

- (a) ~~Approval of a revision to the 1978 supplemented comprehensive plan; and~~
(b) ~~Approval of ordinance changes needed to comply with revised comprehensive plan.~~
- (T.M. of 3-28-98, § 13)

AMEND CHAPTER 1 (GENERAL PROVISIONS) AS FOLLOWS:

➤ **ADD THE FOLLOWING DEFINITIONS TO SEC. 1-2 (DEFINITIONS AND RULES OF CONSTRUCTION):**

Growth permit means a permit issued in accordance with the provisions of this chapter, which allows the issuance of a building permit within 90 days of approval for the construction or placement of one new dwelling unit within the Town of Eliot.

NEW TEXT UNDERLINED

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➤ **AMEND THE FOLLOWING DEFINITIONS WITHIN SEC. 1-2:**

~~*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.~~

~~*Mobile home* means a detached, totally self-contained and nonsectional residential dwelling unit as originally constructed or designed for transportation by a motor vehicle upon a public way. It is designed, equipped and used primarily for sleeping, eating and living quarters or as intended to be so used after arriving at a site where it is to be occupied as a dwelling and includes any additions, attachment annexes, foundations and appurtenances. It shall not include similarly prefabricated modular or unitized dwellings placed on permanent foundations nor shall it include travel trailers, campers or similar units designed for recreation or other short-term uses.~~

Manufactured housing means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

- (1) *Mobile home* means a unit constructed after June 15, 1976, commonly called a "newer mobile home," that the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards, meaning a structures transportable in one or more sections, that in the traveling mode is 14 body feet or more in width and is 750 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph 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, United States Code, Title 42, Section 5401, et seq.;
- (2) *Modular home* means a unit that the manufacturer certifies is constructed in compliance with Title

CODE ENFORCEMENT	
PURPOSE	FEE
<u>Growth Permit (Sec. 29-42(b))</u>	<u>\$500.00 (Upon replacement with a building permit to construct new dwelling unit, \$400.00 shall be credited toward building permit fees)</u>

chapter 951, and rules adopted under that chapter, meaning a structure, transportable in one or more sections, that is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

ADD THE FOLLOWING FEE TO SEC. 1-25 (FEE SCHEDULE)

NEW TEXT UNDERLINED

Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled *“Amendments to Chapter 29, Growth Management and Chapter 1, General Provisions, of the Municipal Code of Ordinances of the Town of Eliot, Maine, to require the annual review of the rate of residential housebuilding and allow for greater citizen control over the number of growth permits allocated annually for new residential dwelling units”*, which is to be presented to the voters for their consideration on _____.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: _____

Town of Eliot Board of Selectmen