Articles: 3 and 4

Proposed Changes

March 11, 2023
Town Meeting

§ 105-18 Dimensional requirements.

Land Uses	Resource Protection District	Shoreland District	General Purpose District	Floodplain District	Stream Protection District
Front setback from ~~right-of-way~~ front property line (feet)	N/A	50(D, F)	50(D, F)	2	50(D, F)
~~Front setback from road center line (feet)~~	~~N/A~~	~~75(D, F)~~	~~75(D, F)~~	~~2~~	~~75(D, F)~~

§ 105-19 Notes to Table on Dimensional Requirements.

D. Front yards. ~~Whichever of the two methods for determining front yard setbacks (specified in the table in § 105-18) yields the greater distance shall apply.~~ When a lot fronts on the shore and on a road or right-of-way, both the shoreland setback of 100 feet and the front setback as defined in § 105-18 shall be met, except on nonconforming lots of record, in which case the setback may be no less than 25 feet from the property line or road. This reduction shall require a conditional use permit from the Planning Board. All conditional uses approved relating to setbacks shall require confirmation, in writing, by a licensed surveyor that the placement of the structure is correct and the plan shall be recorded in the York County Registry of Deeds within 90 days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.

E. N/C

F. Corner lot setbacks and visibility. Corner lot yards abutting roads shall have a minimum depth of 50 feet from each right-of-way or ~~75 feet from each center line whichever distance is greater~~ <u>as outlined in 105-19 D. above</u>. All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

RESIDENTIAL GROWTH ORDINANCE
TOWN OF SHAPLEIGH

1.1 Title

This ordinance shall be known as the "Residential Growth Ordinance of the town of Shapleigh, Maine" and will be referred to herein as the "ordinance".

1.2 Legal Authority

This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, **Title 30-A M.R.S.A. §2101 et seq., and Title 30-A, M.R.S.A. §4360**.

1.3 Definitions

Growth Permit: a permit to create a new dwelling, issued by the Shapleigh Planning Board after ascertaining that the proposed dwelling would meet all of the relevant requirements of this ordinance.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include manufactured dwelling units but shall not include trailers or recreational vehicles.

Family: one or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel. Such unit shall not exceed five persons not related by blood or marriage.

Manufactured Housing Unit: structures, transportable in one or two sections, which are constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

1.4 Purpose

(a) To maintain the predominately rural character of the town.

(b) To provide for the local housing needs of Shapleigh's existing residents, while accommodating Shapleigh's "fair share" of population growth in York County and in the immediate sub-region.

(c) To ensure fairness in the allocation of Growth Permits.

(d) To ensure that the Growth Permit issuance system does not unduly increase construction costs by preventing builders from erecting a moderate number of houses at the same time.

(e) To ensure that the Growth Permit issuance system is not abused by individuals who would obtain Growth Permits when they are otherwise (perhaps financially) not able to commence construction within several months.

(f) To allow growth of the residential population of the town at a rate which would not impose an undue burden upon the provision of community services (including education, fire protection, road maintenance, waste disposal, health services and welfare) and which would be compatible with the orderly and gradual expansion of said services.

(1) During the most current review of the tax base for **2022,** the Education system accounts for **57.69%** of the cost to taxpayers. **Shapleigh represents 10.1% of the total district enrollment, and the portion of the budget for year 2021-2022 was 15.10% of the local tax assessment.** Although the number of children enrolled in the school system is not expected to rise dramatically in the next several years, the cost to Shapleigh taxpayers continues to have a slight increase each year. **The most recent figures of cost increase to taxpayers for the school year 2021-2022 is 2.09%, which is a cost per child of $15,326.** With this figure it is apparent that any household with even one child would be an impact since there are not enough property taxes derived from the average house to generate enough money to pay for one child's education. Therefore, the Growth Ordinance system must calculate growth in such a way as to assure the town can fund education at the current levels and those of the future.

(g) To guide Shapleigh's expansion so that the annual increase in population and dwelling units shall not exceed the average rate of population and housing growth which occurred within the sub-region**. During this time period, 2010 thru 2020, the census data shows an annual increase in population of .80% which is below the State average of 2.6%. According to the census data, the number of housing units reported increased in the past 10 years by 205. Additionally, the number of Growth Permits given out since the last review has steadily increased from 16 permits in 2018 to 30 permits in 2022. Based on the moderate annual increase in school cost and the fact there is an increase in the number of permitted dwelling units, the current number of Growth Permits of 34 dwelling units should remain unchanged.**

(h) To guide Shapleigh's expansion so that the increases in education costs are predictable and manageable.

1.5 Existing Structures

This ordinance shall not apply to the repair, replacement, reconstruction or alteration of any existing building structure as long as no additional dwelling units are created by such construction.

Seasonal conversions are additional dwelling units.

1.6 Exemption

Accessory Dwelling Units are exempt from the Growth Permit requirement, per Title 30-A M.R.S.A. 4364-B 'Accessory Dwelling Units'.

1.7 General Requirements

All new dwelling units within the Town of Shapleigh, whether permanent or seasonal, shall be in conformity with the provisions of this ordinance and the Zoning Ordinance, no new dwelling unit shall be constructed which fails to meet the requirements of this ordinance and the Zoning Ordinance.

1.8 Administration

The procedure for applicants shall be as follows:

(a) The Planning Board shall administer the "Growth Permit Selection System" as described in paragraph 1.8 below in the case of <u>all</u> Growth Permit applications.

(b) The Code Enforcement Officer shall ensure that all of the endorsements on the Growth Permit application form have been completed before issuing any Building Permit.

~~(c) Every Growth Permit shall be displayed with the Building Permit in a conspicuous place on the premises under construction, and shall not be removed until all work covered by the permit has been approved.~~

1.9 Growth Permit Selection System

(a) There will be a $200 non-refundable application fee for each Growth Permit Application submitted.

(b) No more than two applications may be submitted per individual, corporation or any other legal entity per month.

(c) No more than two Growth Permits shall be issued to any one individual, corporation or any other legal entity in one month.

(d) A maximum number of 34 dwelling units shall be granted Growth Permits in each calendar year, plus 2 additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity.

(e) A notarized copy of a signed sales contract, or other evidence acceptable to the Planning Board, shall be required.

(f) Applications may be submitted, beginning in August 2005, in person, or by certified mail on each day the town office is normally open. Growth Permits will be issued as received at the first Planning Board meeting in January of each year. Applications will be reviewed at each Planning Board meeting thereafter until all permits have been issued for the calendar year. Applications not issued after the yearly quota has been filled and before the new administrative year begins shall be added to a waiting list.

(g) Applications placed on the waiting list will be reviewed according to the date received on the first-come first-served basis. Applicants who are on the waiting list will be notified December 1st that they have 30 days in which to tell the Planning Board whether or not they wish to remain on the waiting list for the following year. If they do not notify the Planning Board by January 1st of the following year stating they wish to remain on the list, they will be removed from the list.

(h) All applicants that wish to remain on the waiting list must mail a non-refundable $50 administration fee for the next calendar year. It must be received by January 1st. If the administration fee is not received by January 1st the application will be removed from the waiting list.

1.10 Appeals

Appeals procedure for this ordinance shall be the same as specified in Section 6.8 of the Town of Shapleigh Zoning ordinance, as revised.

1.11 Expiry of Permits

Growth Permits selected and issued in accordance with this ordinance shall expire after 90 days, unless a building permit has been issued. This time period may be extended by the Code Enforcement Officer if issuance of a building permit is delayed due to a technical problem.

1.12 Non-Transferability

Growth Permits shall be site-specific, and shall be valid for construction only on the lot specified on the application. However, said permits shall be transferable to new owners of the lot, should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

1.13 Conflict with Other Ordinances

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

1.14 Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

1.15 Effective Date

The effective date of this ordinance is the date of adoption by Town vote.

1.16 Review Procedure

The ordinance shall be reviewed every three (3) years by a committee comprised of the Board of Selectmen, the Planning Board and the Code Enforcement Officer, **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.**

1.17 Amendment Procedure

An amendment to this ordinance may be initiated by:
(a) the Planning Board, provided a majority of the Board has so voted,
(b) request of the municipal officers to the Planning Board, or
(c) written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

An amendment to this ordinance may be adopted by:
(a) a majority vote of registered voters present and voting if the proposed amendment is recommended by the Planning Board, or
(b) a majority vote of registered voters present and voting if the proposed amendment is not recommended by the Planning Board.

1.18 Violations

(a) A violation of this ordinance shall be deemed to exist when any person, firm or corporation engages in any construction activity directly related to the erection or placement of a dwelling unit upon any land within the Town of Shapleigh without having first obtained a Growth Permit from the Planning Board.

(b) If a dwelling has been constructed or placed without a Growth Permit, it shall also be deemed a violation for any person, firm or corporation to sell, lease, rent or convey such dwelling, or for any person or family to occupy such dwelling until such permit has been duly issued.

1.19 Penalties

(a) Any person, firm or corporation being the owner or having control or use of any residential building constructed in violation of any of the provisions of this ordinance, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars ($50.00) for each day such a violation (construction activity) continues after notification by the town or its agents.

(b) If a dwelling unit has been constructed contrary to the provisions of this ordinance and then sold, leased, rented or conveyed for the residential use, the vendor, lessor, landlord or conveyor shall be guilty of a misdemeanor, and on conviction shall be fined not less than five thousand dollars ($5,000).

(c) If a dwelling unit has been constructed contrary to the provisions of this ordinance 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 not less than five thousand dollars ($5,000).

Signature Page:

AMENDED AND ADOPTED:

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Town Clerk