

sDate: _____

Application number: _____

Residential Growth Permit Application Falmouth, Maine

I hereby apply for a residential Growth Permit for the construction of a dwelling unit in accordance with Section 5.36 of the Zoning and Site Plan Review Ordinance. I certify that I am the owner of the property described below and that the information provided in this application is true and correct to the best of my knowledge.

Signed: _____ Date: _____

1. Name and Mailing address of applicant: _____

2. Location for Growth Permit requested¹: Map _____ Lot _____

3. Evidence of ownership – Attach a copy of deed or proposed deed and Purchase & Sale agreement:
Book & Page Number: _____ Date of Filing: _____

4. Description of building²: General Style: _____
Height of building: _____ feet
Area of the Footprint: _____ square feet
Gross Floor Area: _____ square feet

5. Attach completed building permit application, including plot plan and 2 sets of plans.

Building Permit number: _____ (to be fill in by codes office).

Application received by Administrative Assistant: _____ date: _____

Application approved by CEO: _____ date: _____

¹ The Growth Permit covered by this application will be issued only for the lot identified above. The application and/or resulting Growth Permit may not be transferred to another lot (5.36, m)

² The building permit issued in conjunction with this Growth Permit is not transferable to another lot. The Residential Growth Permit provisions require that the building actually constructed by substantially similar to the building described in the application (see section 5.36, l). Substantial changes in the design, location, height, or size of the building will void the Growth Permit and related building permit and require reapplication for the Residential Growth Permit.

See attached, 5.36 as adopted 12.19.06

5.36 Residential Growth Permit [Adopted 7/24/00] [Amended 5/24/04; 12/19/06]

- a. Applicability** - A building permit for the construction of a new single family detached dwelling, Accessory Cottage, or Diverse Housing unit in the Route 1 Village Center District shall be issued by the Code Enforcement Office only if the application includes a valid residential growth permit issued in accordance with the provisions of this section.
- b. Purpose** - The purpose of this section is to:
- (1) Provide for the local housing needs of the Towns 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.
 - (4) Ensure fairness in the allocation of building permits.
- c. Exemption** - The following are exempt from the provisions of this section and the requirement to obtain a residential growth permit.
- (1) The repair, replacement, reconstruction or alteration of any existing building or structure
 - (2) The construction or alteration of a nonresidential building or structure
 - (3) The construction or alteration of congregate housing, elderly boarding homes, housing units that are part of a retirement community, elderly boarding care facilities, and accessory apartments in an existing single family detached dwelling. [Amended 12/19/06]
 - (4) The construction of any dwelling unit meeting the definition of affordable housing. [Adopted 12/19/06]
- d. Maximum rate of residential construction:**
- (1) The Town shall issue no more than 65 residential growth permits for new single family detached dwelling units or manufactured housing units to be built/placed every calendar year. This annual total shall be subject to the review procedure set forth below and shall commence in calendar year 2003. [Amended 4/28/03; 12/19/06]
 - (2) The Town shall issue no more than 10 residential growth permits for new Accessory Cottages in each calendar year. This annual total shall be subject to the review procedure set forth below. [Adopted 5/24/04] [Amended 3/27/06; 12/19/06]
 - (3) The Town shall issue no more than 35 residential growth permits for new Diverse Housing units to be built every calendar year. This annual total shall be subject to the review procedure set forth below. [Adopted 5/24/04] [Amended 12/19/06]

- (4) The Town shall issue no more than 65 residential growth permits for new duplex or multiplex dwelling units to be built every calendar year. This annual total shall be subject to the review procedure set forth below. [Adopted 12/19/06]
- e. **Legal authority** - This section is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A M.R.S.A. §2101 et seq., and as provided for in Title 30-A M.R.S.A. §4360. [Amended 4/28/03]
- f. **Periodic review** -The operation of this section shall be reviewed by the Comprehensive Plan Advisory Committee (CPAC) 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. Based on its review, CPAC may recommend amending this section as provided in Section 11. [Amended 12/19/06]
- g. **Violations** - It shall be a violation of this section for any person to build or place a single family detached dwelling unit within the Town, without first having obtained a residential growth permit and building permit in accordance with this section from the Code Enforcement Officer, unless such construction or placement constitutes an exception under this section.
- h. **Application** -
- (1) A growth permit application must be completed by the lot owner of record, including all endorsements and certifications.
 - (2) Application shall be on forms provided by the town. 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 or local requirements.
 - (3) The application for a residential growth permit shall be accompanied by a non-refundable application fee of one hundred dollars (\$100) to cover the Town's administrative costs.
 - (4) The growth permit application shall be accompanied by a complete application for a building permit.
- i. **Issuance procedure** - 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, he shall approve it, endorsing the date and time of approval on the application.
- j. **System for ranking application** - The system for ranking growth permit applications shall be first come, first served based on when the application is approved and signed by the Code Enforcement Officer.
- k. **Submitting false information; reconsideration of disapproved applications** -

- (1) Any person submitting false information on an application shall be subject to the penalties provided by law and shall not be eligible to apply for a growth permit for a period of one year.
- (2) 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.

l. Amendment of the building permit - The single family home for which the building permit is issued shall be constructed substantially as specified on the growth permit and building permit applications. Minor changes shall be permitted to accommodate field and design changes during construction but the home shall substantially conform to the design submitted for the permit including:

- (1) There shall be no substantial change in the architectural style or height of the building. The location of the home on the lot shall not be substantially changed except for minor changes to adjust for on-site conditions.
- (2) The area of the building footprint shall not be changed by more than +/- ten percent (10%) of the total area of the footprint.
- (3) The gross floor area of the home shall not be changed by more than +/- ten percent (10%) of the gross floor area of the building.

Changes to the building of a greater magnitude shall require that the applicant re-apply for a residential growth permit. This resubmission shall be treated as a new application and shall be ranked in accordance with section j. based upon the date the resubmittal is approved.

m. Nontransferability - A residential growth permit application and the resulting growth permit shall be site-specific, and shall be valid for construction only on the lot specified in the application. However, the growth permit shall be transferable to new owners of the lot, if the property is sold or otherwise legally transferred.

n. Conflict with other provisions - This section shall not repeal, annul or in way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law.

