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TOWN OF HOLLIS

RESIDENTIAL GROWTH ORDINANCE

1.1 Title

This ordinance shall be known as the " Town of Hollis Residential Growth Ordinance " and shall be hereinafter referred to as The Ordinance.

1.2 Legal Authority

a. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 1917.

b. Appeals

1. Appeals shall be based upon a written decision of the Code Enforcement Officer.

2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

3. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.

4. No appeals will be heard in regards to the controlled number of permits allotted.

1.3 Definitions

Applicant: A person, firm or corporation, who is submitting an application for a RESIDENTIAL GROWTH PERMIT.

Day: A twenty four (24) hour period, beginning at midnight on one day and ending at midnight the next day.

Dwelling Unit: A room or group of rooms designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, eating and cooking. Mobile homes shall be considered dwelling units.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Workday: A regularly scheduled workday for the Code Enforcement Office.

Non-Speculative Unit: A dwelling unit (built or placed) for a known customer who will reside therein. A notarized photocopy of a signed sales contract, or other evidence acceptable to the Code Enforcement Officer, shall be required to prove that the dwelling unit is in fact a non-speculative unit.

Residential Growth Permit: A Permit issued by the Code Enforcement Officer in accordance with the Hollis Building Code and this ordinance, to build or place an additional dwelling unit within the Town of Hollis.

Speculative Unit: A dwelling unit (built or placed) for sale to the general public, and not as part of a contractual arrangement with a known buyer who will reside therein.

1.4 Purpose

a. To protect the town against indiscriminate, uncontrolled and/or poorly planned development by establishing the constant, predictable rate of growth needed for effective capital improvement programming.

b. To provide for the current and future housing needs of existing Hollis residents and their families while accommodating Hollis' fair share of population growth in York County and the immediate sub-region. (Which has a current annual growth rate of approximately 4.9%)

c. To ensure fairness in the allocation of Residential Growth permits.

d. To ensure the continued Residential Growth of Hollis at a rate compatible with the orderly and gradual expansion of community services (including education, fire and police protection, road maintenance, waste disposal, health services, water quality and availability, etc.). And to maintain a "growth policy which will not require any further expenditures for municipal sewerage and water systems." (Planning Policy Statement, Hollis, Maine, adopted March 1979.)

1.5 Existing Structures

This ordinance shall not apply to the repair, replacement, reconstruction, or alteration of any existing structures so long as no new dwelling units are created therein.

1.6 General Requirements

a. Hollis's Residential Growth shall be such that the annual increase in dwelling units shall not exceed the average rate of expansion of the total year-round housing stock within the sub-region. Between the years of 1970 and 1980 this rate was 3.9%. During the years 1980 and 1985 this rate was increased to 4.9%. Taking into consideration this increase and the desire to have controlled growth in Hollis, the number of dwelling units allowed in Hollis in one calendar year is set at 50.

b. All proposed dwelling units within the Town of Hollis, permanent or seasonal, shall be built or placed in accordance with the provisions of this ordinance. No dwelling unit shall be built or placed which fails to meet the requirements of this ordinance.

c. Any proposed structures containing multiple dwelling units shall require one (1) Residential Growth permit for each dwelling unit in the structure.

1.7 Administration

The Code Enforcement Officer shall administer the Residential Growth Permit selection process (see sec. 1.8 of this ordinance), and shall be responsible for issuing permits only to those applicants who have satisfied the requirements of this and other Town Ordinances (building code, zoning regulations, etc.). A Residential Growth permit must be obtained before a building permit for a dwelling unit will be issued. The Code Enforcement Officer (hereinafter referred to as the CEO) shall ensure that the number of RESIDENTIAL GROWTH Permits issued during any calendar year shall not exceed 50 permits. No more than 14 of which shall be for speculative units. No more than 36 of which shall be for non-speculative units.

1.8 Selection Process

- a. All applications will be filed and recorded by date and time received.
- b. In the event that no growth permits are available for applications received, they will remain on file until the next issuance of growth permits and issued on a first-come, first-served basis according to date and time received. Applications will remain on file until a Growth Permit is issued, or until withdrawn by the applicant.
- c. Half of the speculative and half of the non-speculative RESIDENTIAL GROWTH permits shall be available the first workday in January at 8 AM. The remaining permits will become available the first workday in July at 8 AM and shall be issued according to the provisions set down in this Ordinance. Unissued RESIDENTIAL GROWTH permits shall not carry over to a new calendar year.
- d. No more than two Speculative Residential Growth permits shall be issued in any single calendar month to any person, firm or corporation, or combination thereof.
- e. Beginning the third Monday of December at 8 AM, the CEO shall issue any remaining permits in the order in which applications were received, irrespective of speculative or non-speculative designations, as long as no more than 50 Residential Growth permits are issued during the calendar year.
 - f. A **non-refundable** fee as set by the Board of Selectmen, shall accompany the application. This fee will be applied toward the building permit fee when approved.
 - g. Issued Growth Permits must be claimed within ten (10) workdays.

1.9 Expiry of Permits

- a. Growth Permits issued shall expire within sixty (60) days from the date issued, unless a building permit has been approved for that growth permit. Expired permits will be reissued.
 - b. Applicants applying under sub-paragraph 1.10.a, shall be allowed two (2) sixty (60) day extensions, upon providing evidence of a purchase and sales agreement for a buildable lot, or other evidence of a good faith effort to search for or negotiate for a lot. No extension shall be granted beyond the 1st day of December.

1.10 Transferability

a. A non-speculative growth permit issued to an individual shall be valid on any lot, which the individual may purchase subsequent to the issuance of the Residential Growth Permit.

A permit issued under this sub-section shall not be transferable.

b. A non-speculative growth permit may be transferred to a subsequent owner of the lot for which it was issued, provided it remains a legal non-speculative permit.

c. A speculative growth permit issued for a lot in a particular development shall be valid on any lot in that development under the same ownership as the applicant to whom it was issued.

1.11 Conflict with Other Ordinances

This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any other Maine or Hollis regulation, by-law, ordinance, or law. Where this ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this ordinance shall prevail.

1.12 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid or illegal, such decision shall not affect any other section or provision of this ordinance either singly or collectively.

1.13 Effective Date

The effective date of this ordinance shall be the date upon which it is enacted or amended.

1.14 Review By Planning Board

The Planning Board shall annually review this ordinance, and shall take recommendations (if any) for the improvement of the aforesaid procedures to the town at its next town meeting. Said review shall include at least one (1) public hearing.

1.15 Amendments

a. Amendments to the Ordinance may be initiated by:

1. The Selectmen, or
2. A majority vote of the Planning Board, or
3. The written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the

town for the last gubernatorial election.

b. Amendments to the ordinance may be adopted only at a town meeting by majority vote of the registered voters present and voting.

c. For any amendments to be placed on the warrant for a town meeting, a public hearing shall be held with-in thirty (30) days of to the town meeting, for the purpose of discussing the proposed amendment. This public meeting must be posted according to town statutes.

1.16 Violations

a. Any construction or placement of any dwelling unit within the town, without benefit of a Residential Growth permit issued by the Code Enforcement Officer, shall constitute a violation of this Ordinance.

b. Any dwelling unit in violation of this ordinance may not be sold, leased, rented, occupied, or utilized in any fashion until such time as a Residential Growth permit is issued for said dwelling unit as per Section 1.8 of this ordinance, and all fines have been discharged to the satisfaction of the Town.

1.17 Penalties

a. Any person, firm or corporation owning or controlling the use of any dwelling unit being built or placed in violation of this ordinance, shall be guilty of a civil infraction and may be fined not less than \$100.00 for each day said violation continues after notification by the Code Enforcement Officer.

b. If a dwelling unit has been built or placed in violation of this ordinance and is then occupied, the owner shall be guilty of a civil infraction, and shall be fined an amount equal to twenty (20) percent of the fair market value of the completed unit, including land value.