



# Rate of Growth Ordinance

April 5, 2023



# Process and Next Steps

- ▶ Order No. 22-100. Act on the request to authorize Councilor's McGee and Anderson to facilitate a comprehensive review of Chapter 413: Scarborough Growth Management Ordinance. Utilizing Town Staff and Committees to advise on potential amendments for the Council to consider, with frequent progress updates to the full Council and a final recommendation no later than April 5, 2023.
- ▶ **Process to date:**
  - ▶ Survey input requested from Town Boards, Committees and Staff – November 29-December 31, 2022
  - ▶ Developer Input Meeting – January 10, 2023
  - ▶ Town Council Workshop – February 15, 2023
  - ▶ Council Corner Live – March 2, 2023
- ▶ **Next Steps:**
  - ▶ Target 2<sup>nd</sup> Reading no later than June 21<sup>st</sup>, 2023 – Allow for prolonged public comment period to help with communication, education and public input.



# Problem Statement

The existing GMO has been in place for over a year with learnings that need to be addressed:

- **Residents** concerned the pace of growth has been **too fast**
- Too much **uncertainty on the pace of growth** with the **number of exempted use cases** and the introduction of the **Council exemption process**
- **Lack of predictability** with the development community and the ability to plan and finance **multi-family development projects**
- **Not aligned** with our **planning process**
- **Restricts pace of development in CPD zone**, without having to go through a Council Exemption process
- **Subjectivity** with “**public benefit**”
- Ability to **amend the ordinance with a majority vote** with a Council exemption process that requires a supermajority – essentially makes **Council exemption process obsolete**
- **Too complex**

# What We Heard - Principles Applied to Recommendations

2021 Survey

General Public Input

Committee Input

Staff Input

Developer Feedback

- Slow the pace of growth, especially compared to the last few years
- Protect character of existing neighborhoods
- Protect rural areas
- Conserve green space
- Plan for service expansion – particular for the schools, public safety and infrastructure to absorb the growth
- Address Traffic concerns
- Provide developer flexibility given the building cycle
- Provide clear expectations to developers
- Take politics out of the equation
- Simplicity
- Better define an Exemption process if one exists
- Easy to administer by Town staff

# Historical Permit Numbers

Calendar Year	Single Family Units	Duplex (Units)	Multi-Family Units	<u>Total Units</u>	Total Growth Permits	Affordable Units (MF & SF)
	Includes Affordable Units					
2010	55	6	0	61	54	0
2011	49	0	0	49	45	0
2012	61	10	8	79	69	0
2013	75	2	0	77	77	0
2014	68	2	0	70	70	0
2015	91	6	32	129	113	3
2016	80	6	6	92	92	3
2017	76	4	182	262	191.72	41
2018	61	6	313	380	218	41
2019	87	26	151	264	210.12	0
2020	67	8	139	214	150.74	79
2021	94	22	221	337	251.2	39
2022	71	10	225	306	126	91

# Historical Permit Averages

Calendar Year	Single Family Units	Duplex (Units)	Multi-Family Units	Total Units	Total Growth Permits	Affordable Units (MF & SF)
	Includes Affordable Units					
10 Year Average 2019	70.3	6.8	69.2	146.3	<b>113.984</b>	8.8
10 Year Averages 2020	71.5	7	83.1	161.6	<b>123.658</b>	16.7
10 Year Averages 2021	<b>76.00</b>	<b>9.20</b>	<b>105.20</b>	<b>190.40</b>	<b>144.28</b>	<b>20.60</b>
10 Year Averages 2022	<b>77.00</b>	<b>9.20</b>	<b>126.90</b>	<b>213.10</b>	<b>149.98</b>	<b>29.70</b>
10 Year Average Plus 5%				<b>223.76</b>	<b>157.48</b>	



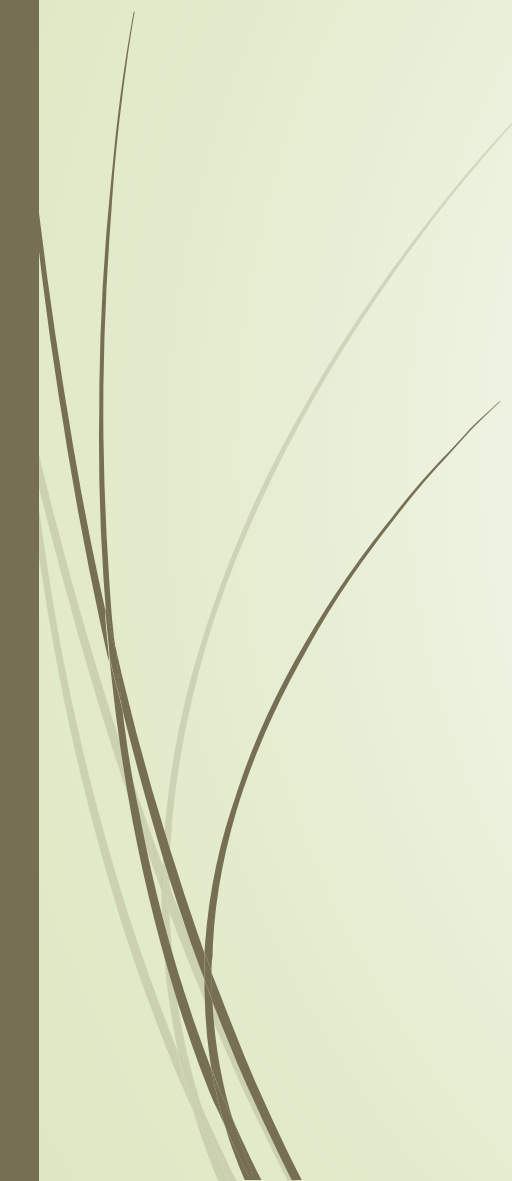
# Current GMO Summary

\*Areas added for comparison with proposal

Calendar Year	Current GMO Exemptions				AREA 1 - Rural and SF Districts & Running Hill	AREA 2 - Growth Areas	AREA 3 - CPD		Total Units (plus exemptions) 851+
	Affordable	Manufactured Housing	Workforce	100 - One Bedroom Units	Up to 30 per year	Up to 144 per year	(SF) existing GMO	CPD (MU & MF) existing GMO	
								289	
2023	open	open	10	50	30	71	43	97	<b>301+</b>
2024	open	open	10	50	30	71	43	96	<b>300+</b>
2025	open	open	10		30	71	43	96	<b>250+</b>

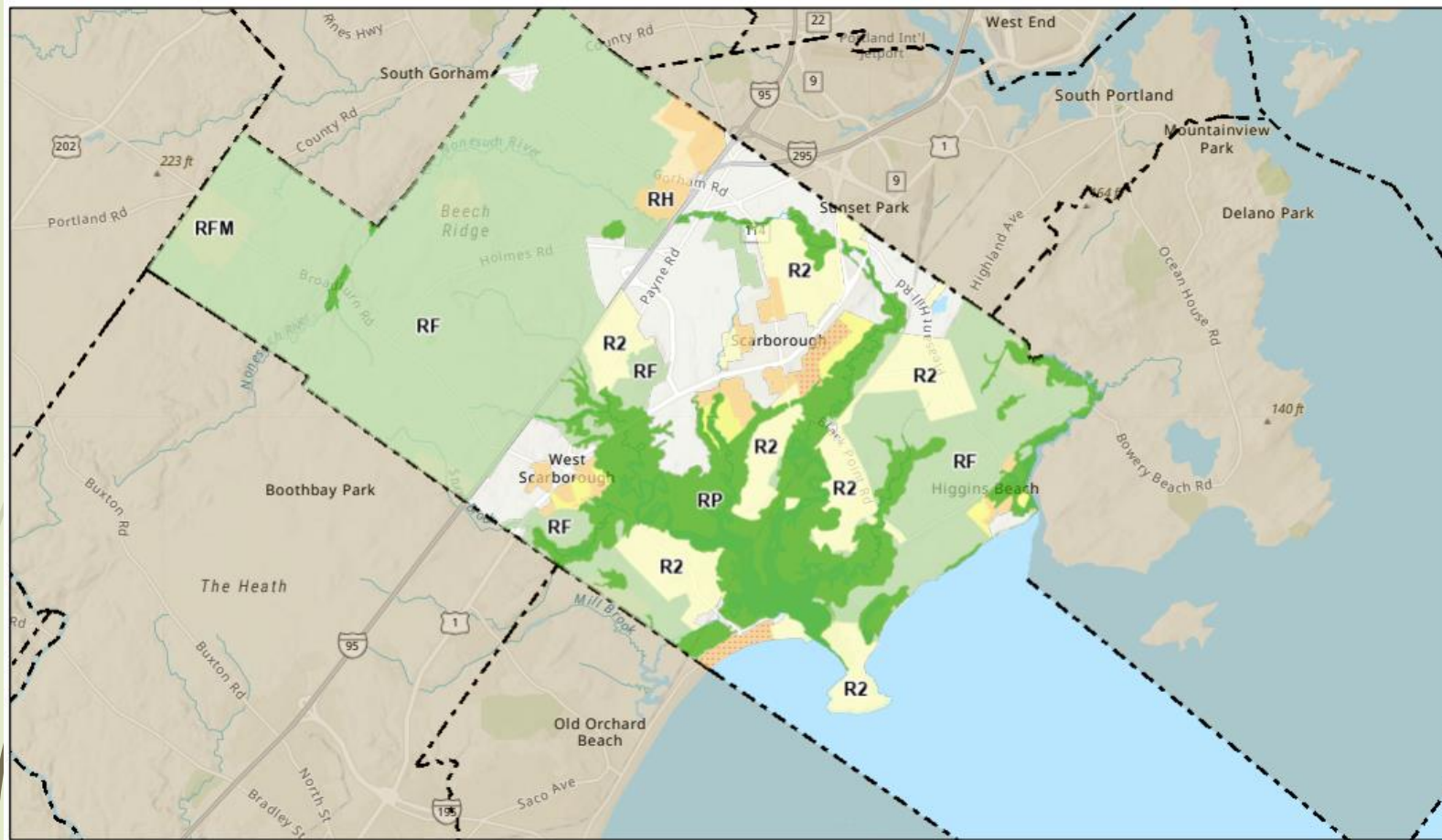


# Rate of Growth Proposal: Summary

- ▶ Effective July 1, 2023 – June 30, 2026
  - ▶ Defines 3 distinct areas for allocation of permits
  - ▶ Creates Affordable and Workforce housing pool
  - ▶ Provides limited exemptions
  - ▶ Establishes administration procedures
  - ▶ Establishes reporting procedures
  - ▶ Establishes periodic review requirements
- 



# AREA 1 - Rural & Limited Growth Areas

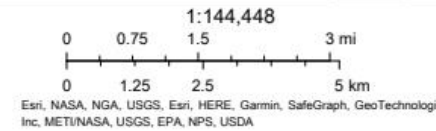


Zoning Includes:

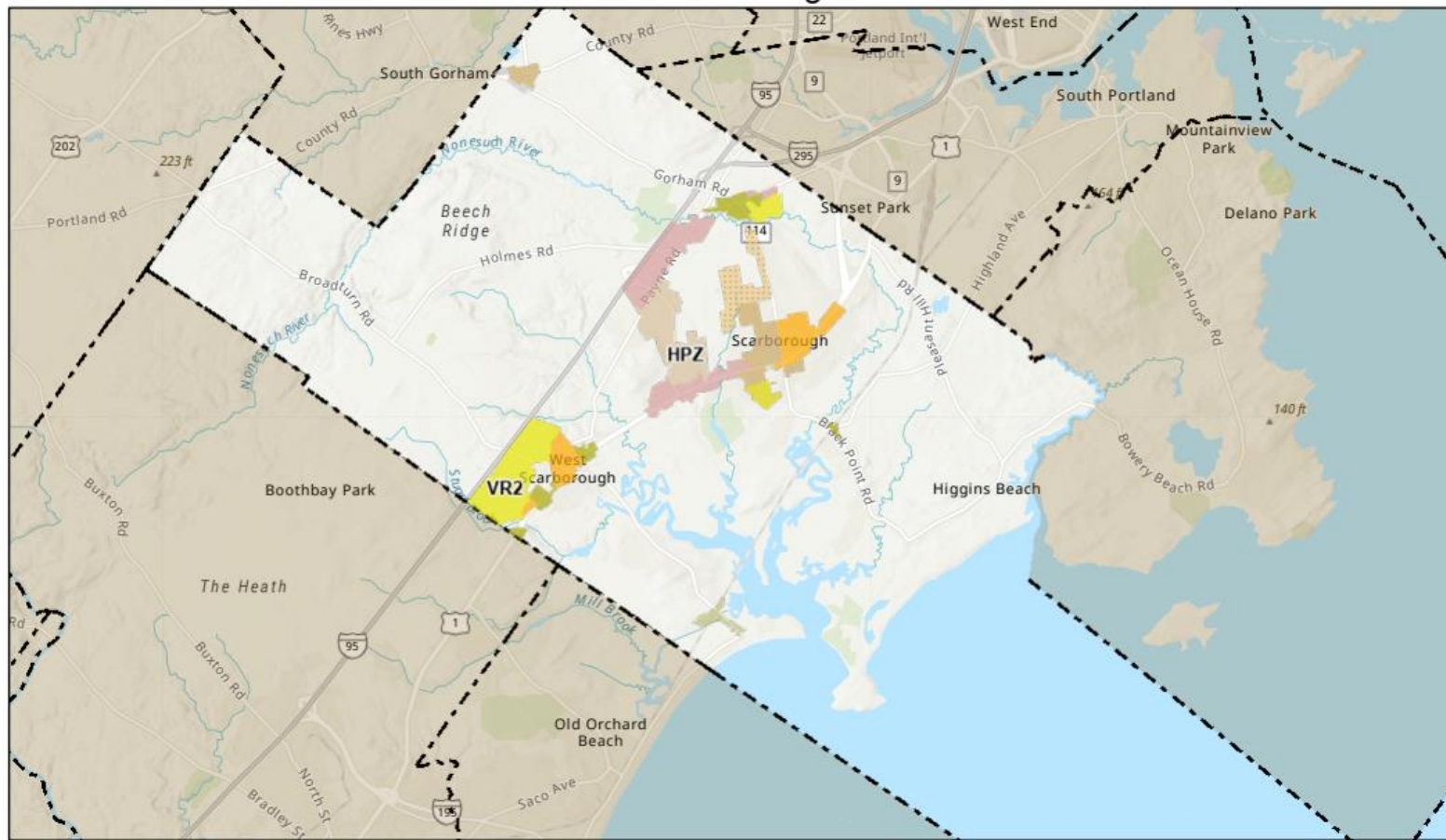
- ▶ RF, RFM, R2, R3, R4, R4A and Running Hill Districts
- ▶ **25 Per Year**
- ▶ No bedroom limitations

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Roads	R3 - Residential 3
RP - Resource Protection	R2 - Residential 2
R4A - Residential 4A	RH2 - Running Hill Transition
R4 - Residential 4	RH - Running Hill Mixed Use



# AREA 2 - Growth Areas – Residential Zones

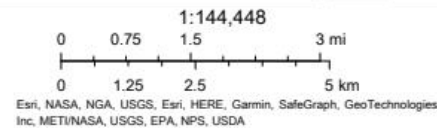


Residential Zoning Includes:

- ▶ TVC, TVC2, TVC3, TVC4, VR-2, VR-4, B-3, HP, RPO, TND
- ▶ **210 every three years**
- ▶ Maximum 20% three-bedrooms or greater

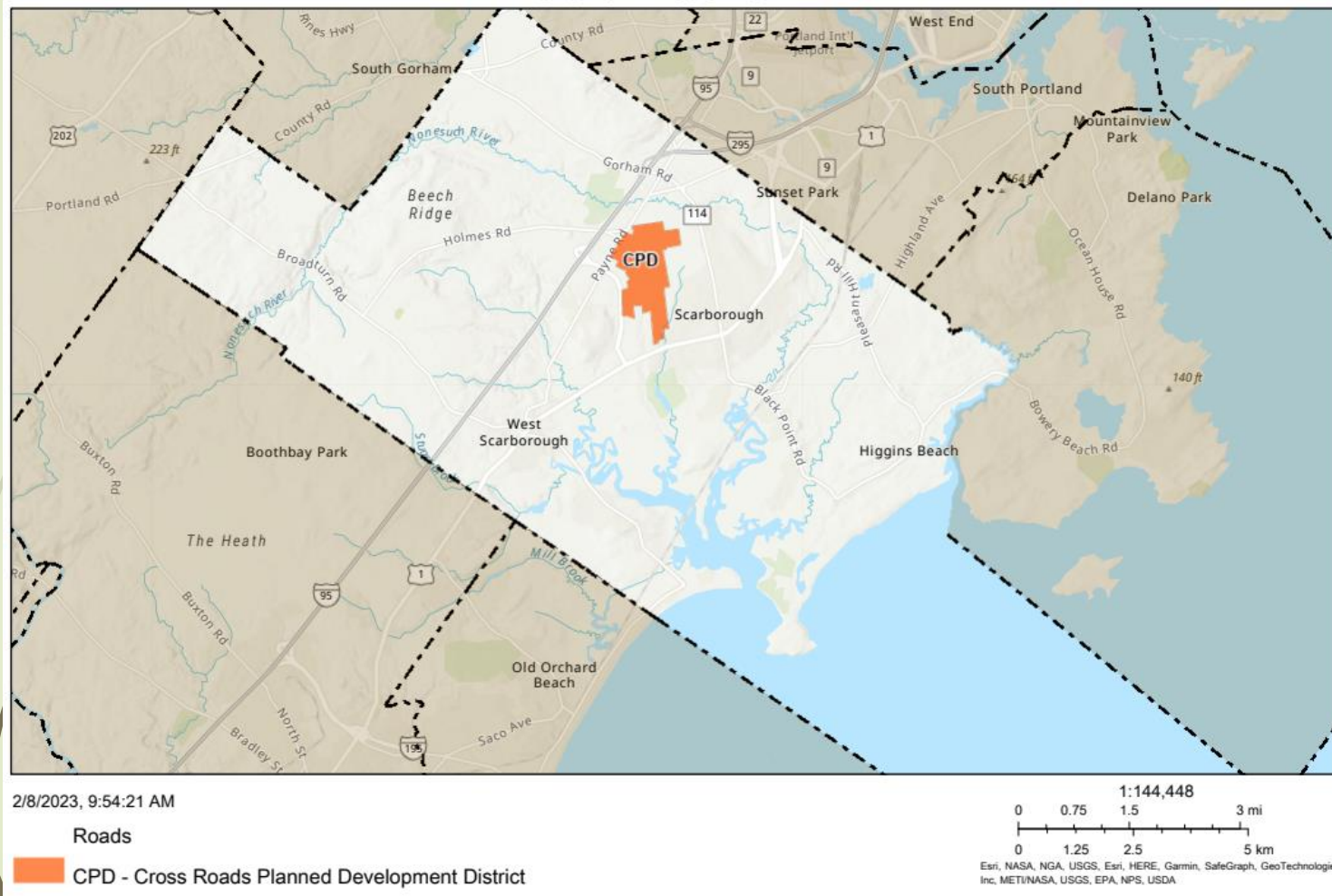
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Roads	B3 - General Business	TVC2 - Town and Village Centers Transition
TND - Traditional Neighborhood	HPZ - Haigis Parkway	TVC - Town and Village Centers Transition
VR4 - Village Residential 4	TVC4 - Town and Village Centers 4 District	RPO - Residential Professional Office
VR2 - Village Residential 2	TVC3 - Town and Village Centers 3 District	





# AREA 3 - CPD Zoning



Zoning Includes:

- CPD
- **400 every three years**
- Maximum 20% three-bedrooms or greater



# Rate of Growth Proposal: Exemptions

1. Accessory dwelling units as defined in the Zoning Ordinance.
2. Repair, replacement, reconstruction or alteration of an existing dwelling unit.
3. Family gift lots
4. Dwelling unit(s) that are part of a contract zone (if approved as exempt)
5. Dwelling units within a licensed manufactured housing community and/or mobile home park
6. Code Enforcement Officer may issue up to five (5) building permits each calendar year for detached single family dwellings located on lots that are not part of a subdivision
7. NO exemption request process included

# Rate of Growth Proposal: Permit Allocation Summary

Calendar Year July - June	EXEMPTIONS			AREA 1	AREA 2	AREA 3	TOWN WIDE AFFORDABLE & WORKFORCE HOUSING	Totals 800+
	ADU Gift Lots Repair & Replace	Manufactured Housing	CEO Single Family	25 per year	210 every 3 years	400 every 3 years	100 every 3 years	
3 Bedroom Max	NA	NA	NA	NA	20%	20%	20%	
Total per 3 year period	open	open	15	75	42	85	20	237 + 79 per year
2023 - 2024	open	open	5	25	70	133	33	266+
2024 - 2025	open	open	5	25	70	133	33	266+
2025 - 2026	open	open	5	25	70	134	34	268+

- ~79, 3 bedroom+ units on average per year
- 11% lower rate of growth compared to current plan (301)
- 30% lower than highest growth year in past 10 years (380)



# Rate of Growth Proposal: Affordable & Workforce Housing

- ▶ 100 Affordable and Workforce Housing growth permits in the three-year period
- ▶ Must be deed restricted for 30 years
- ▶ Town wide, except Area 3 (CPD) may only access for Workforce Housing
- ▶ Town staff will report when the permits fall under 50% threshold
- ▶ Town Council may act to replenish the number of permits available



# Rate of Growth Proposal: Administration

- ▶ Growth permits issued with building permits or with site plan approval (if required)
  - ▶ If growth permits are not available at the time of site plan submittal and subsequent approval, growth permits will not be issued with approval
  - ▶ The project will request growth permits with subsequent building permits and will be placed in order of request
- ▶ Applications will be reviewed in the order in which they were received
- ▶ Growth Permits expire with the building permit or site plan approval expiration date, whichever occurs first





# Rate of Growth Proposal: Reporting

- ▶ Code Enforcement Officer will maintain a listing of all permits issued and exemptions granted
- ▶ Planning and Codes Department will prepare a semiannual report to the Town Council as to the status of growth permits issued and remaining in the three areas.
- ▶ Semiannual reports shall also include performance metrics relating to impacts of growth as defined by Town Council



# Rate of Growth Proposal: Periodic Review

- ▶ Town Council will conduct a biennial review of the Ordinance – June 2025
- ▶ During its review the Council shall set the number of growth permits at 105% or more of the mean number of growth permits issued during the ten (10) years immediately prior to the year in which the number is calculated



# Public Comment

