

Town of Windham

Planning Department
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Windham, ME 04062

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MEMO

DATE: July 3, 2014

TO: Windham Town Council
THROUGH: Tony Plante, Town Manager
FROM: Ben Smith, Planning Director *BWS*
Cc: Amanda Lessard, Planner
Land Use Ordinance Committee (LUOC)

RE: LUOC recommended ordinance changes to Section 900 –
Removal of Section 915 – Building Permit Limits in Subdivisions

At the Town Council meeting on April 8, 2014, the Town Council confirmed the list of priority ordinance revisions for the LUOC to work on. Among the other ordinance priorities that staff would be reviewing was the removal of Section 915 from the Subdivision Ordinance, which limits the number of building permits that can be issued each year for subdivisions with 21 or more lots.

This section was reviewed by the Town Council in 2010, but a separate Rate of Growth Ordinance was not drafted to replace Section 915 of the Subdivision Ordinance. Please see the attached information regarding the Council vote in 2010.

This item will have a public hearing at the Planning Board meeting on July 14, and will then be forwarded to the Council for review and action. I anticipate a discussion at that time on whether or not the Town should proceed with the work to draft and adopt a Rate of Growth Ordinance that meets the State requirements.

Please feel free to contact Planning staff with any questions on the attached.

Town of Windham
Council Agenda Article Cover Sheet

I. Council Action Requested.

To direct the Land Use Ordinance Committee to develop proposed ordinance amendments to replace the provisions of the Land Use Ordinance, Windham Code Chapter 140, Section 915, "Building Permit Limits for Subdivisions," consistent with items 2 through 5 listed on a memorandum from Brooks More, Planning Director, dated March 3, 2010.

II. Basis for Council Action.

Council approval of this item is required because;

- a.) Article II, Section 3(D) authorizes the Town Council to "create by ordinance, change and abolish offices, departments and agencies"
- b.) This article contemplates assigning duties to a Council-appointed committee.

III. Issue Summary.

Please refer to the attached memorandum from Brook More, planning director, dated March 3, 2010.

**BWS note 7/3/2014 -
This item was voted on by the Windham Town Council on May 11, 2010
Vote - 7-0 in favor**

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MEMO

DATE: March 3, 2010

TO: Windham Planning Board
FROM: Brooks More, Dir. of Planning on behalf of the Land Use Ordinance Committee
Cc: Windham Town Council
Tony Plante, Town Manager
Land Use Ordinance Committee
RE: Section 915 Building Permit Limits for Subdivisions

At its meeting on March 3rd, 2010, the Land Use Ordinance Committee (LUOC) made the following recommendation to the Windham Planning Board:

“Recommend removal of Land Use Ordinance Section 915 Building Permit Limits for Subdivisions.”

Motion: P. Busque
2nd: P. Gilman
Vote: 5-0 in favor

Background: The LUOC recognized that the current building permit limits on subdivisions does not meet State of Maine law for Rate of Growth Ordinances. Chapter 30-A Sec. 4360 stipulates that rate of growth ordinances must:

1. be consistent with a comprehensive plan approved by the State of Maine,
2. be applicable to all new residential building permits,
3. set a building permit limit at 105% of more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated, not included permits for affordable housing.
4. add additional building permits for affordable housing.
5. recalculate the number of allowable building permits every 3 years.