

## OUTLINE

### Proposed Amendments to Growth Management Ordinance (Chapter 101)

8.8.24

1. Address inconsistencies throughout Chapter 101 regarding the use of “structure” versus “dwelling unit,” which creates ambiguity as to whether a growth permit is needed for each structure built or each dwelling unit created. Examples:
  - a. § 101-7(A)(3) (“The creation of each new multifamily dwelling **structure** shall require one growth permit.”); § 101-7(C)(1)(c) (“No more than three growth permits [from the annual allocation] shall be issued for new multifamily dwelling **structures**.”); § 101-7(C)(2) (“During each calendar year, no more than 45 growth permits shall be issued from the annual allocation to dwelling **structures** located in the Farm District....”).
  - b. § 101-7(C)(3) (“During each calendar year, no more than 20 of the growth permits available from the annual allocation shall be issued for **dwelling units** within any one subdivision or other development.); § 101-7(G)(7) (“If the Town Council determines a project to be eligible to receive growth permits from the reserve pool, the record owner of the property shall apply for a growth permit for each **dwelling unit** in accordance with Subsection D above.”); § 101-9 (Enforcement) (“Any person who constructs, creates or places a **dwelling unit** within the Town of Windham without a growth permit required by this chapter or who owns or occupies a **dwelling unit** constructed, created or placed within the Town of Windham without a growth permit....”)

ACTION: To make the ordinance reflect current practices (growth permits issued for structures, not dwelling units), change the references from “dwelling unit” to “structure.”

2. Create a tiered approach for issuing growth permits for multi-family dwelling structures:
  - a. For multi-family structures with up to 20 dwelling units – one growth permit from annual allocation is needed.
  - b. For multi-family structures with 20 or more dwelling units – one growth permit from annual allocation, then one growth permit is needed for each 10 additional dwelling units.
  - c. For any multi-family structures described either in (a) or (b) above, if the structures contain dwelling units with three or more bedrooms, one growth permit is needed for every five such dwelling units.
    - i. Example: A 10-unit multi-family structure containing six (6) three-bedroom units and four (4) two-bedroom units would need three growth permits – one permit because it is a multi-family structure up to 20 dwelling units and two permits to account for the six (6) three-bedroom units.

ACTION: Modify the language in § 101-7(A)(3) and add subparagraphs under that section.

3. Add new language to provide that growth permits expire 5 years after they are added to the pool.

ACTION: Amend § 101-7(F)(2), which currently provides: “The growth permits in the reserve pool shall remain available until used, and unissued growth permits shall carry over from year to year.”).

4. Add new provision that developer of a multi-family dwelling structure (20 or more dwelling units) who requests for growth permits from the reserve pool may include conceptual rendering of proposed structure(s).
  - a. Currently, § 101-7(G)(3) provides: “This request shall be in writing on forms provided by the Code Enforcement Officer and shall demonstrate how the project conforms to the requirements of this subsection.

ACTION: Amend § 101-7(G)(3) to add provision that the written request may include a conceptual rendering of the proposed structure(s) that need the growth permits from the reserve pool.