

# Rate of Growth Ordinance

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## Growth in Scarborough

Scarborough is a desirable community to live and work, sought after for its proximity to Portland, quality schools and services, access to nature and coastal ecosystems, and pristine beaches. This attractiveness to new residents is nothing new—Scarborough's population and housing trends have been among the State's fast growing for more than five decades.

Scarborough experienced rapid single-family housing development in the late 1990s and early 2000s. A Growth Management Ordinance (GMO) was first adopted in 2001 in response to this growth and its impact on our school facilities and municipal services.

Approximately two decades later, recent diversification in housing construction led to complexities surrounding the GMO. The increase in development of multi-family choices was not the focus or the expected pattern of development during the adoption of the 2001 GMO. Recent multi-family developments, when coupled with the traditional single-family growth, created pressure on the school system and a need for significant modifications to the GMO. The Town Council approved a new Chapter 413 Growth Management Ordinance in 2021. Finally, further work through 2022 and early 2023 led to the replacement of the GMO with what is **now referred to as the Rate of Growth Ordinance**, effective July 1, 2023.

[2023 Revisions](#)

## Rate of Growth Ordinance

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English

The Rate of Growth Ordinance is a tool to manage the pace of development within our community. The ordinance regulates how much of the allowable growth in an area can occur in a designated time period, within the framework of the following criteria:

1. To provide for the housing needs of Town of Scarborough residents.
2. To ensure fairness in the allocation of building permits.
3. To plan for continued residential population growth in Scarborough which will be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.
4. To avoid circumstances in which the rapid development of new residences, potentially housing many families with school age children, would outpace the Town's capability to expand its schools and other necessary services soon enough to avoid serious school overcrowding and a significant reduction in the level and quality of other municipal services.

Under State statute, the ordinance is used to manage the pace of growth, not total growth within the community. It cannot, on its own, determine how much ultimate growth is allowed in an area of town. Other tools, such as the zoning ordinance regulate total growth through density and development standards.

The current Rate of Growth Ordinance is effective from July 1, 2023 to June 30, 2026.

**VIEW ORDINANCE**

(<https://resources.finalsuite.net/images/v1634831471/scarboroughmaineorg/y7pahxmaxdpjxbf3nddh/413-Growth-Management-Ordinance.pdf>)

*View all Scarborough Town Ordinances (/fs/pages/385). The Growth Management Ordinance is listed as 413.*

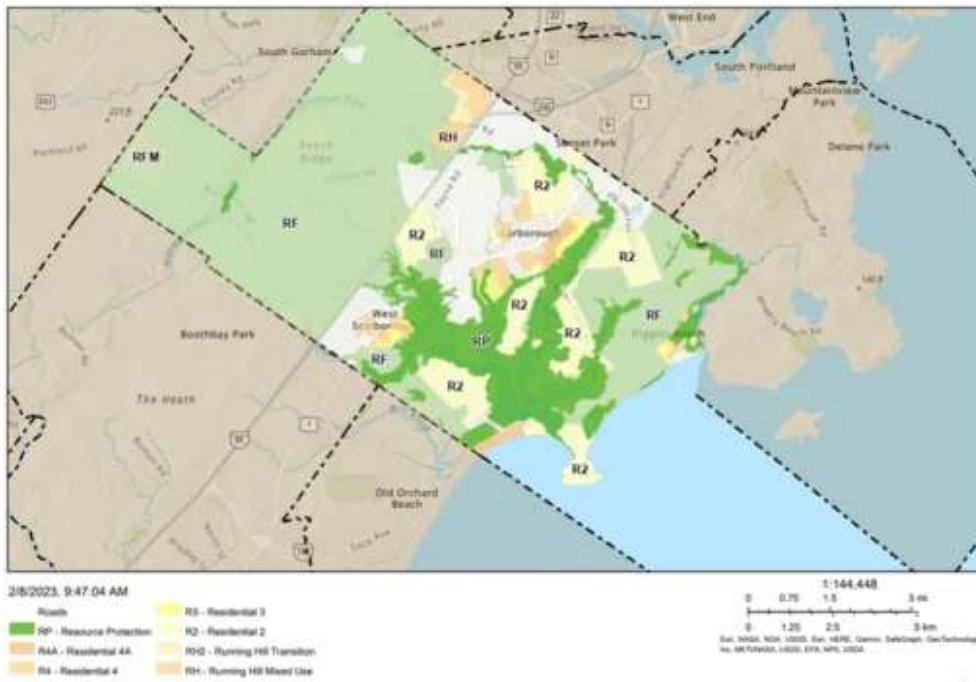
## **Key Features**

### **Designated Areas for Permit Allocation**

Notably updated from previous versions, the ordinance defines 3 distinct areas for allocation of permits based on zoning and Comprehensive Plan designation. Each area has a designated number of growth permits allotted annually (Area 1) or for a three-year period (Areas 2 and 3):

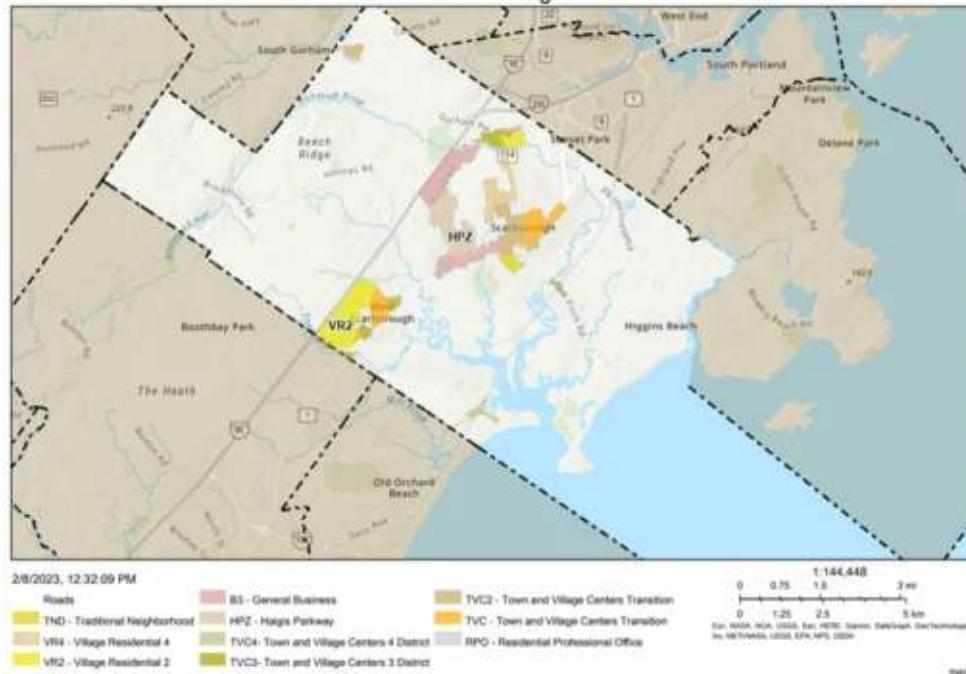
### Area 1: Rural & Limited Growth Areas

- Zoning includes RF, RFM, R2, R3, R4, R4A, and Running Hill Districts
- Permits are limited to 25 per year with no bedroom limitations



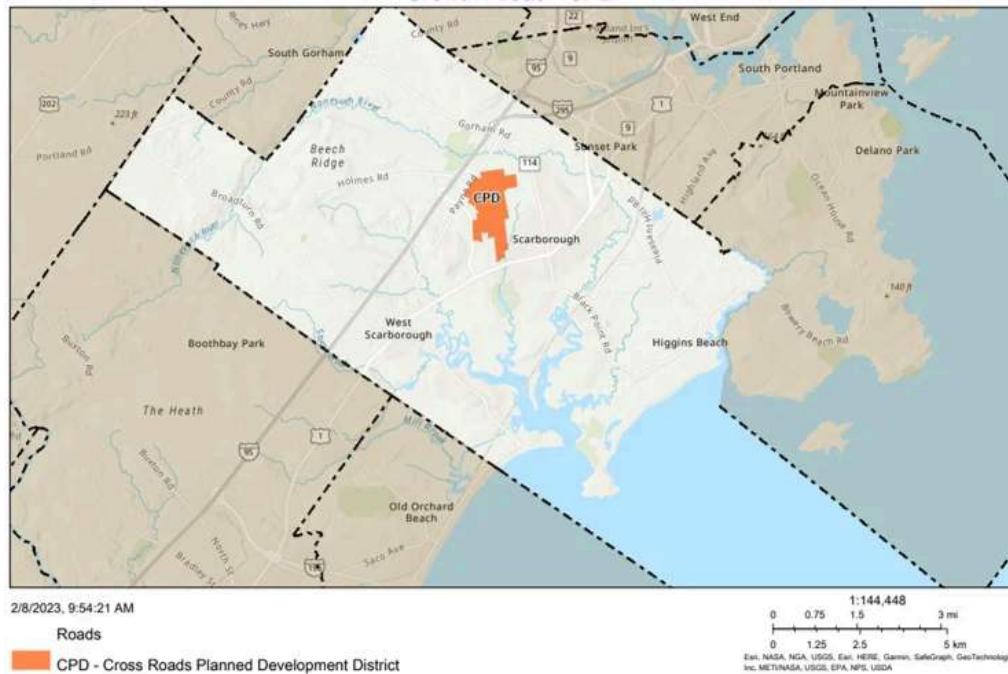
### Area 2: Growth Areas – Residential Zones

- Residential zoning includes TVC, TVC2, TVC3, TVC4, VR-2, VR-4, B-3, HP, RPO, TND
- Permits are limited to 210 every three years with a maximum of 35% of three-bedrooms or greater



### Area 3: CPD Zoning

- Zoning includes CPD
- Permits are limited to 400 every three years with a maximum of 35% of three-bedrooms or greater



## Discontinues Exemption Request Process

- With the restructuring into designated allocation areas, there is no longer an exemption request process included in the 2023 ordinance. However, there are limited exemptions to the Rate of Growth Ordinance, including:
- Accessory dwelling units as defined in the Zoning Ordinance.
- Repair, replacement, reconstruction or alteration of an existing dwelling unit.
- Family gift lots
- Dwelling unit(s) that are part of a contract zone (if approved as exempt)
- 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

## Affordable and Workforce Housing Pool

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English

The Rate of Growth Ordinance allocates 100 Affordable and Workforce Housing growth permits in the 3-year period that the ordinance is effective. There are specifications included, such as that it must be deed restricted for 30 years and is available town-wide. Please contact the Planning Department for more information.

## **Administration & Reporting Procedures**

Growth permits will be issued with building permits or with site plan approval (if required). Growth permits expire with the building permit or site plan approval expiration date, whichever occurs first. All permits issued and exemptions granted are tracked and report annually to the Town Council for review. The Town Council will also conduct a biennial review of the Ordinance (set for June 2025).

### GMO 2024 Archived Report

([https://docs.google.com/spreadsheets/d/1fYm6\\_TIpvyAX6bHkbGGWg29FZivIhgBk1\\_j9XBYgIQ/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1fYm6_TIpvyAX6bHkbGGWg29FZivIhgBk1_j9XBYgIQ/edit?usp=sharing)).

### GMO 2023 Archived Report

(<https://docs.google.com/spreadsheets/d/1Q8TtzDQKTfeXQLncYVAvqGSDeX1G05N7qM0adOB2igU/edit?usp=sharing>).

### GMO 2022 Archived Report

(<https://docs.google.com/spreadsheets/d/1wAgmNSQECA9ioPMKZib7HWUo0dlf3Z9gm0XsFPAoUo8/edit?usp=sharing>).

### GMO 2021 Archived Report (<https://docs.google.com/spreadsheets/d/1Zz680bu-7SEEvob579CrKdl0RlqCUWmLZhFvhFJxotE/edit?usp=sharing>)

**VIEW PERMIT REPORT**

([https://docs.google.com/spreadsheets/d/1LbmRnjM9FBJN3uZ2ChpeYcez\\_Uj4x6NBVX6JMdNzNhc/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1LbmRnjM9FBJN3uZ2ChpeYcez_Uj4x6NBVX6JMdNzNhc/edit?usp=sharing))

## **Principles**

The transition process from the 2021 Growth Management Ordinance to the 2023 Rate of Growth Ordinance was a collaborative effort among multiple stakeholders. Input was received through the 2021 Community Survey and the general public, along with the Town Council, developers, and committees. Recommendations from the process aligned with the following principles and contributed to the current ordinance:

- 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

## Background: 2023 Revision Process

After the GMO was amended in 2021, the first application for an exemption process was submitted in 2022. The new exemption process brought a complexity for both the Town Council and developer to navigate. This experience exposed the need to revisit the GMO for another round of revisions to more effectively meet the needs of the community.

In January 2023, the Town Council set a Residential Growth Management goal for the year: "To update our ordinances to better manage the pace and impacts of growth on the community." Councilors Jon Anderson and Nick McGee volunteered to lead this effort with staff support.

Work began in the Fall of 2022 and included solicitation of input from all pertinent Town Advisory Committees, staff and the development community.

### **Developer's Focus Group on Growth Management Ordinance**

Scarborough Economic Development Corporation (SEDCO) along with select town staff and council members invited developers to a brainstorming session on the use and implications of the current GMO. Their suggestions will contribute to the review and revision process in Spring 2023 as prioritized by the Town Council.

A Town Council workshop is scheduled for February 15, 2023 for preliminary ideas to be shared with the Town Council and the public in an effort to further shape the final recommendation for modification to GMO.

## **Town Council Workshop on GMO**

[YouTube Recording](https://www.youtube.com/watch?v=v1WqrFj-vaE) (<https://www.youtube.com/watch?v=v1WqrFj-vaE>) | (February 15, 2023)

[Presentation Slides](/fs/resource-manager/view/9ba12ad4-d91f-481d-9a9c-1ae1694aff80) (</fs/resource-manager/view/9ba12ad4-d91f-481d-9a9c-1ae1694aff80>).

Councilors Nick McGee and Jon Anderson shared preliminary ideas with the full Town Council and the public in an effort to further shape the final recommendation for modification to GMO.

## **Council Corner Live on GMO**

[YouTube Recording](https://www.youtube.com/watch?v=Rd1peU6JEPI&) (<https://www.youtube.com/watch?v=Rd1peU6JEPI&>) | (March 2, 2023)

*6:00pm, Public Safety Building*

Councilors Nick McGee and Jon Anderson facilitate an informal, two-way conversation with residents to hear more public input on the GMO and potential revisions.

## **Revision Process Materials**

[Red-Lined Recommendations to the GMO](/fs/resource-manager/view/017a6018-25ab-4575-9e24-59e454df00ae) (</fs/resource-manager/view/017a6018-25ab-4575-9e24-59e454df00ae>).

[Presentation of Recommendations](/fs/resource-manager/view/1e612848-99b8-4372-b928-c5bda5d2cd09) (</fs/resource-manager/view/1e612848-99b8-4372-b928-c5bda5d2cd09>).

[Measuring Growth in Scarborough](/fs/resource-manager/view/74f808e0-da46-449d-9232-02682854b19c) (</fs/resource-manager/view/74f808e0-da46-449d-9232-02682854b19c>).

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