

MEMORANDUM

TO: Ordinance Committee
FROM: Maureen O'Meara, Town Planner
DATE: January 25, 2023
SUBJECT: LD 2003 Supplemental information

Introduction

At the January 18, 2023 workshop, the Town Council reviewed the LD 2003 amendments. The information below provides additional information related to the questions asked.

Questions and comments

1. How does the Multiplex Housing standards in Sec. 19-7-2, Open Space Zoning, apply to 3-4 unit buildings in the RA District?

Sec. 19-7-2, Open Space Zoning, is a provision that requires subdivisions be designed as clustered developments in order to maximize open space preservation. Subdivisions in the RB District must comply with these provisions. Subdivisions in the RC and RA Districts may opt to comply with Open Space Zoning.

LD 2003 generally requires that, where a single family home can be built, a 2-unit must also be allowed *outside of growth areas*. The result in the RA District is that a 2-unit building can be built. Subdivision review is triggered with a division of 3 or more. If a 3 or 4 unit building is proposed in the RA District, it would currently be permitted as multiplex housing.

How do the Multiplex Housing provisions apply in the RA District? Both Site Plan Review and the Multiplex Housing provisions apply. The draft provisions lift the Multiplex Housing provisions for a single 3-4 unit building. In the RA District, the draft can be revised so that the Multiplex Housing provisions apply to a 3-4 unit building in the RA, and a building of more than 4 units in the RB, RC, TC and BA.

2. What is the ADU maximum size that should be allowed?

Current requirement: 600 sq. ft. or 25% of the primary dwelling, whichever is less.

Gorham: 800 sq. ft.

South Portland: Lots less than $\frac{1}{4}$ acre in size – 800 sq. ft. or 90% of the primary dwelling, whichever is less.

Lots $\frac{1}{4}$ acre or more in size – 1,200 sq. ft. or 90% of the primary dwelling or 10% of the parcel size, whichever is less

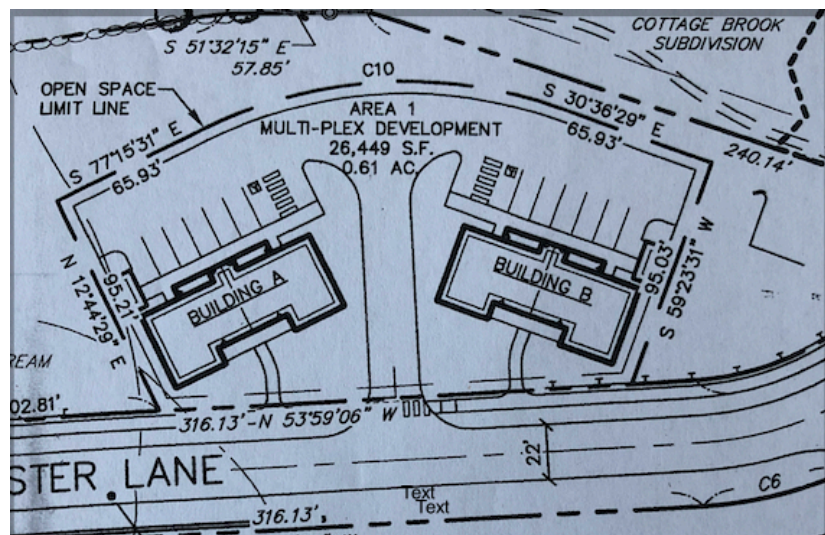
Discussion points from the Town Council workshop:

- Maximum size should consider 2-person occupancy
- Total area of 1-2 ADUs should not exceed the size of the primary dwelling
- 650 sq. ft. is tight with a kitchen
- Consider 1,000 sq. ft. or 50% of the primary dwelling unit
- Consider exempting existing accessory structures to be converted from maximum size limit
- More user friendly to put a maximum numerical size than a percentage in the ordinance.

Also note that the current definition to measure living area is from exterior walls, which is an objective, equitable and user friendly method.

3. There were concerns about the impact of multifamily housing on neighborhoods, including adjacent property values.

In 2017, the Cape Elizabeth Planning Board approved 2 apartment buildings as a component of the Maxwell Woods development. (The development was reviewed under the Multiplex Housing Requirements.) In addition, the 2 apartment buildings received site plan review. Each building has 4 3-bedroom apartments. Each building has a 2,600 sq. ft. building footprint, 2-story, less than 35' in height.



The apartment buildings are adjacent to 2 of the condominiums in the spreadsheet below, which are comparably valued to the same sized condos not adjacent to the apartment buildings.

<i>Year Built</i>	<i>Story Height</i>	<i>Base Sqft</i>	<i>Slab Sqft</i>	<i>Slab Amount</i>	<i>Basement Sqft</i>	<i>Finished Sqft</i>	<i>Finished Amount</i>	<i>Assessed Value</i>
2,017	1.00	1,814	0	0	1,814	1,814	73,470	340,600
2,019	1.00	1,814	0	0	1,814	1,814	73,470	334,000
2,018	1.00	1,814	0	0	1,814	1,814	73,470	336,300
2,019	1.00	1,814	0	0	1,814	1,814	73,470	335,400

Source: Cape Elizabeth Town Assessor

4. How should the density be set for multifamily in compliance with LD 2003?

LD 2003 requires that up to a 4 unit building be allowed where single family housing is a permitted use in growth areas. The amount of land that is required for each unit can be up to the amount of land required for each single family lot. Requiring an amount equivalent to a single family lot is more of a barrier for multifamily housing than requiring no additional land per unit to a smaller amount of for each unit. Below are some sample scenarios in the RC District assuming a 4-unit building.

Sample Option A lowers the barriers the greatest for multifamily housing. A building with 2-4 units must have the same minimum land area as a single family dwelling.

RC District Multifamily Density - 4 unit building					
	Existing Regulations: Single family	Existing Regulations : Multifamily	Sample Option A	Sample Option B	Sample Option C
Minimum Lot Size	20,000 sq. ft. (plus nonconforming lots*)	5 acres	Same as Single family lot	Same as Single family lot	Same as Single family lot
sq ft per lot/unit	20,000 sq. ft.	15,000 sq. ft.	5,000 sq. ft.	20,000 sq. ft. plus 15,000 sq. ft. for each unit after the first unit	20,000 sq. ft. plus 5,000 sq. ft. for each unit after the first unit
*A nonconforming lot is buildable with at least 10,000 sq. ft. served by public sewer					

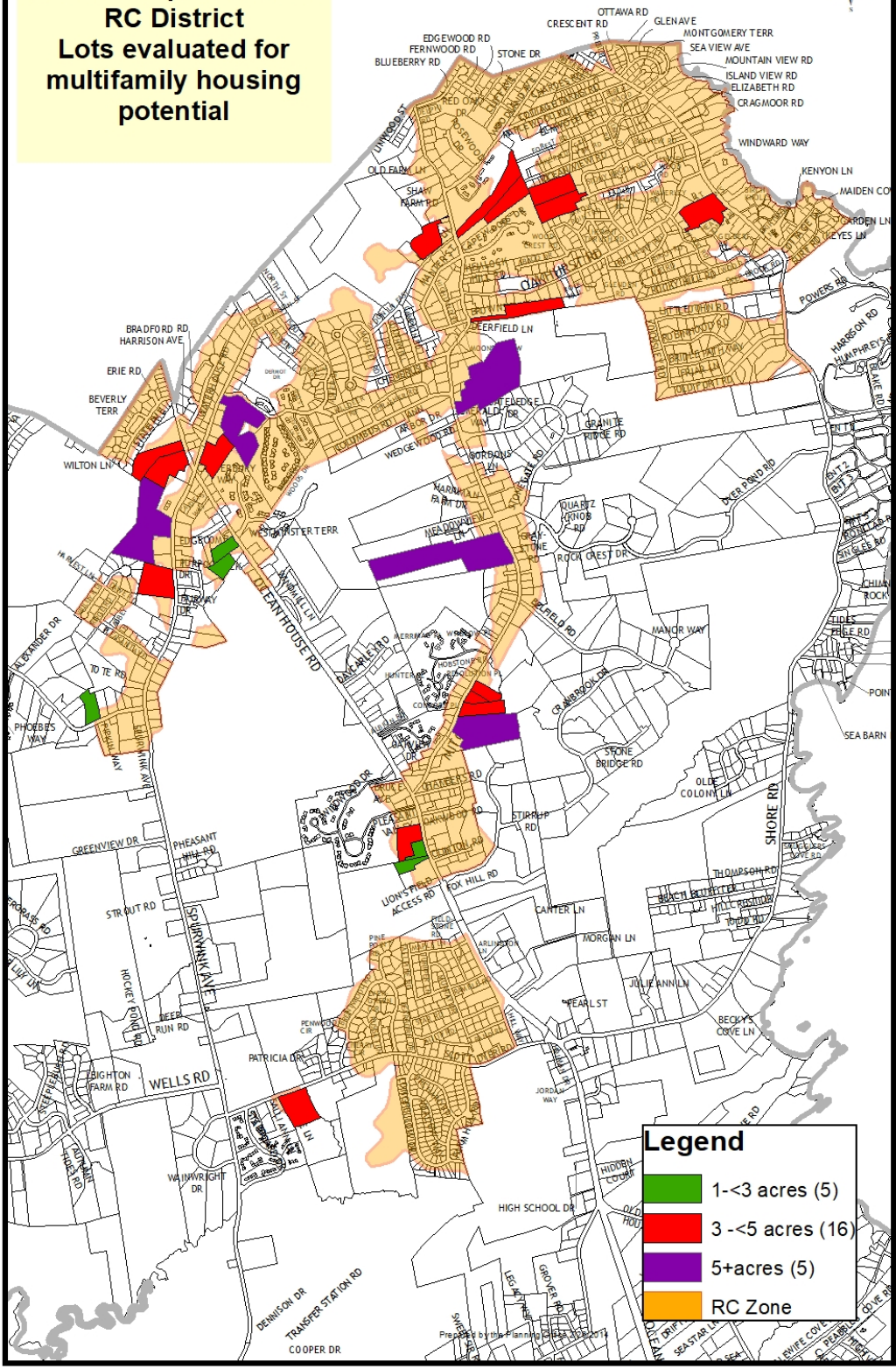
Sample Option B lowers the barriers the least by requiring that each unit after the first would require an additional 15,000 sq. ft. For a four unit building, the minimum lot size would be

20,000 sq. ft. plus (3 x 15,000 sq. ft.) for total of 65,000 sq. ft. (1.5 acres). [Note: the current Zoning regulations requires 15,000 sq. ft. for each multifamily unit.]

Sample Option C is a medium range option where some additional land area is required for each additional unit. This is a typical density treatment in towns that allow duplexes. For a four unit building, the minimum lot size would be 20,000 sq. ft. plus (3 x 5,000 sq. ft) for total of 35,000 sq. ft (a bit over $\frac{3}{4}$ acre).

The attached map is a 2021 analysis of lot sizes in the RC District.

**Town of Cape Elizabeth
RC District
Lots evaluated for
multifamily housing
potential**



Prepared by the Planning Office 3-24-2021