

DRAFT FUTURE LAND USE

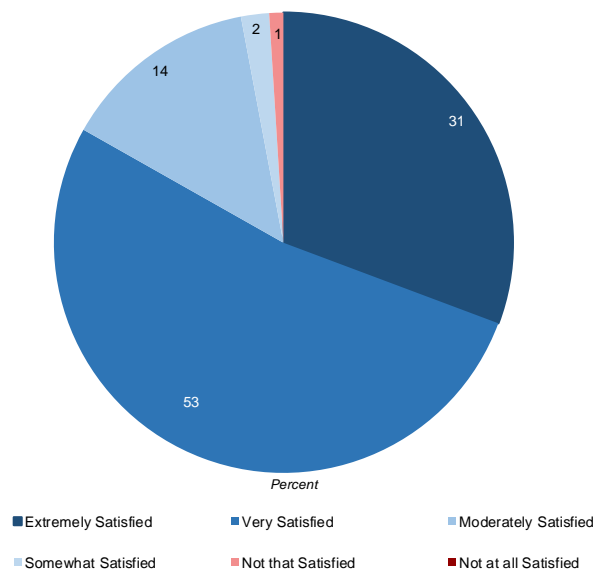
Key Trends

- New construction of residential housing will continue to decrease.
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Community Vision

The community vision for Cape Elizabeth is to preserve Cape Elizabeth as a highly desirable community in which to live by the following: expanding open spaces and accessible trails; encouraging the preservation of working farms; managing the current slow pace and pattern of development; maintaining excellent educational and municipal services; cultivating the Town Center as a mixed use commercial area; supporting high levels of citizen involvement in town activities and balancing services and costs.

The 2017 Comprehensive Plan public opinion survey asked residents to rate their overall level of satisfaction living in Cape Elizabeth. Respondents indicated high levels of satisfaction (84% are extremely or very satisfied).



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In an open ended question asking about other reasons for moving out of town, 69% of survey participants provided a response. Popular responses included development, taxes, lack of diversity, and local politics.

Future Land Use Plan

The state goal for a community future land use plan is "to encourage orderly growth and development in appropriate areas, while protecting rural character, making efficient use of public services, and preventing development sprawl." Not all development is considered "sprawl." "Development sprawl" can be described as low-density development located some distance from existing development and infrastructure.

Cape Elizabeth's comprehensive plan and ordinances are intended to protect critical natural resources, preserve open space and preserve private property rights while managing a modest pace of development. When development occurs, impacts on natural resources are minimized, and open space preservation opportunities are maximized. Land use policy guides new development toward growth areas, and directs growth to occur in a compact manner. Some growth is expected to occur outside growth areas. Natural resource protections continue to apply and open space preservation is required.

The future land use plan divides the town into growth areas, rural areas and critical natural resource areas, as described further below.

Growth Areas

The town designates the Residence C, Residence B, Town Center and Business A Districts as growth areas. The growth area includes the majority of developed neighborhoods, transportation network, and infrastructure.

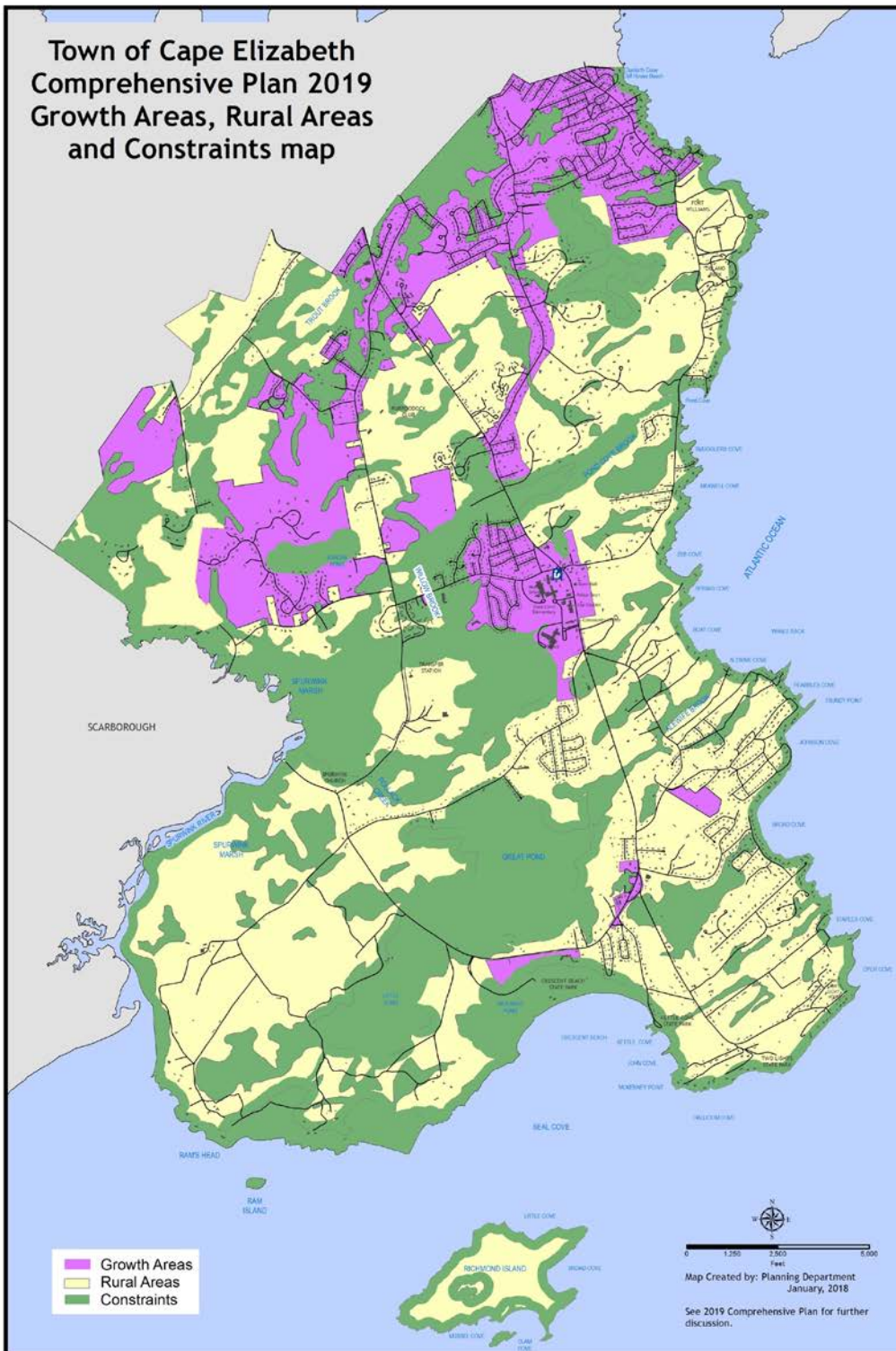
The RC district represents the bulk of developed residential neighborhoods. Public water is available throughout the district and public sewer is available for almost all of the district. The RC District includes most of the oldest neighborhoods. Critical natural resources, predominantly wetlands, are in designated Resource Protection Districts and are therefore not included in the RC District.

The RB District represents the principal area for new residential development to be located. The RB districts were created in 1997 to implement the growth area recommendations of the 1993 Comprehensive Plan. The growth areas retained sufficient capacity to absorb expected growth when the 2007 Comprehensive

Plan was adopted. The build-out analysis conducted for this comprehensive plan indicates that there remains sufficient capacity in the existing RB districts to absorb anticipated growth through 2028. (tentative pending completion of build-out analysis)

The Town Center and BA Districts are the principal commercial development areas, and may also host multi-family residential development. The Town Center

**Town of Cape Elizabeth
Comprehensive Plan 2019
Growth Areas, Rural Areas
and Constraints map**



includes 4 vacant parcels, plus existing development that may be suitable for redevelopment. The BA Districts, neighborhood business districts, have only 1 vacant parcel, but there are redevelopment opportunities. These business districts are included in the sewer service area and most of the districts currently have public sewer infrastructure. The Town Center and BA district regulations have also been updated to manage growth consistent with community character.

Rural Areas

The designated rural areas of the town are the RA District, all natural resource Districts and specialty districts. The RA District includes some developed neighborhoods, but most areas have limited or no public sewer. Consequently, minimum lot sizes are larger in the RA District, both for traditional and cluster developments. The RA District includes many farms, and much of the town's permanently protected open space.

The Resource Protection Districts strictly limit any new development. When new development is proposed near a resource protection district, regulations work to push development away from natural resources. For example, the RP1 buffer may be reduced from 250' to 100' if the proposed development is in a "densely developed area." To qualify as "densely developed," the new structure must be within 250' of 6 or more existing principal structures. This incentive encourages new development to locate closer to existing development, rather than closer to critical natural resources.

Transitional areas

The town designates areas adjacent to developed areas, which are otherwise not located in a growth area, as a transitional area. In these areas, some development may be absorbed while minimizing impacts on community character. No significant working farms, wood lots, properties in state tree growth and farm and open space tax programs, prime agricultural soils and forestry soils, unfragmented habitat or marine resources shall be considered transitional areas. Development in transitional areas must comply with land use regulations that include buffering requirements.

Critical Natural Resources

The town's depiction and protection of natural areas are discussed in the Natural Resources, Water Resources and Marine Resources Chapters.

Municipal Growth-Related Capital Investment

When defining growth areas, the state requires that "the Future Land Use Plan must designate as growth area those lands into which the community intends to direct a minimum of 75% of dollars for municipal growth-related capital investments made during the planning period." Investments are defined as follows:

Municipal growth-related capital investment: "Municipal growth-related capital investment" means investment by the municipality in the following projects, even if privately-owned, using municipal, county, state, federal, or other public funds, in the form of a purchase, lease, grant, loan, loan guarantee, credit, tax credit, or other financial assistance:

(1) Construction of new transportation infrastructure or capacity;

(2) Construction or acquisition of newly constructed multifamily rental or affordable housing;

(3) Development of industrial or business parks;

(4) Construction or extension of sewer, water, or other utility lines;

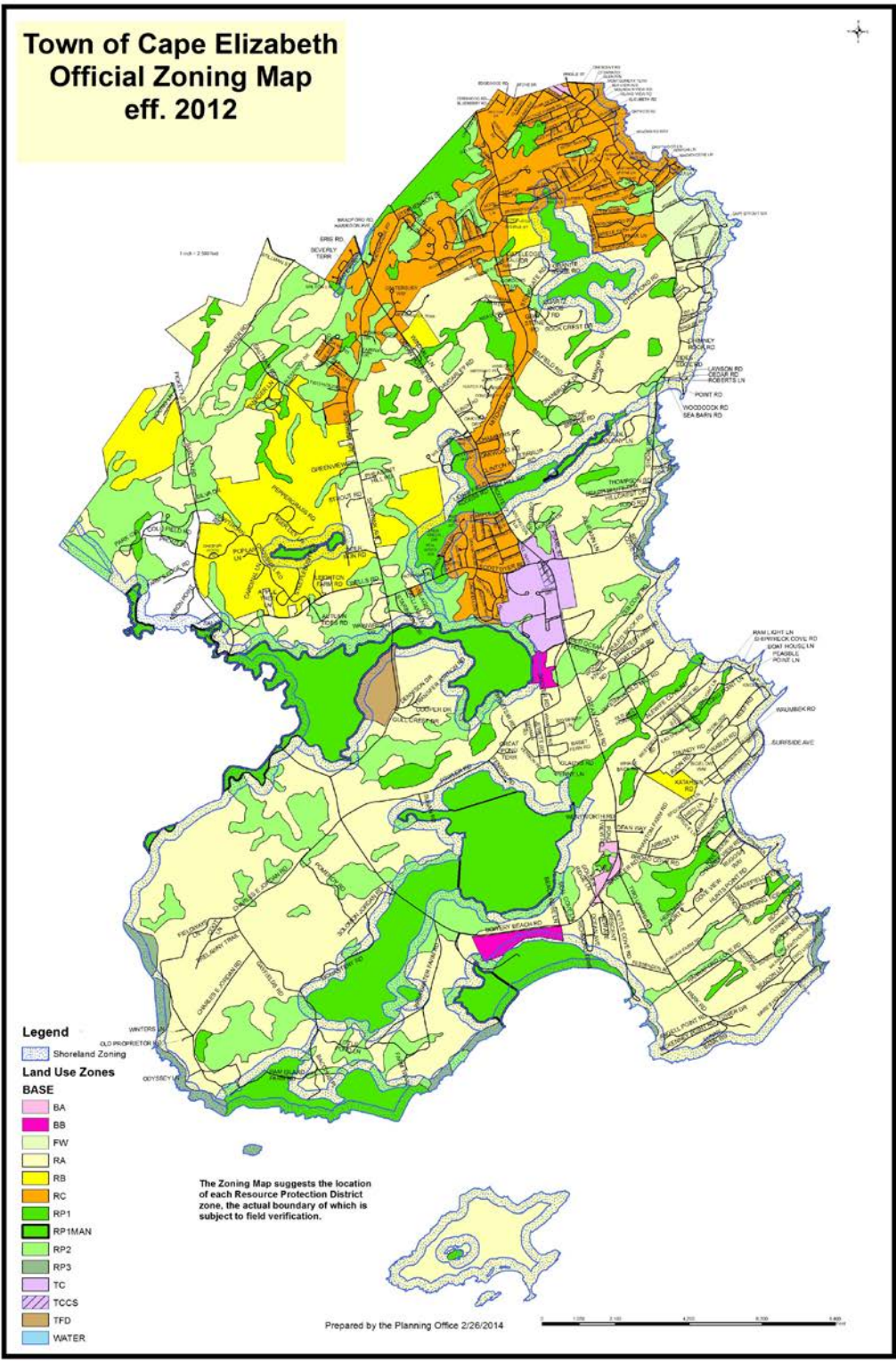
(5) Construction of public, quasi-public, or private service infrastructure, facilities, and community buildings; or

(6) Construction or expansion of municipal office buildings, municipal educational facilities, and other quasi-public facilities and other civic buildings that serve public clients and customers.

Municipal growth-related capital investment does not include investment in the following: mobile equipment, the operation or maintenance of a municipal facility or program; maintenance of existing transportation infrastructure without significantly expanding capacity; or municipal revenue sharing.

Almost all of the town's capital improvement investments are replacement of existing, aging infrastructure. Because the growth areas are also the bulk of the developed areas of town, most capital improvements are located in the designated growth areas.

Town of Cape Elizabeth Official Zoning Map eff. 2012



Land Use Districts

Below is a summary of the existing zoning districts. Since the adoption of the 2007 Comprehensive Plan, the town has substantially updated the land use regulations through implementation of comprehensive plan recommendations. Five major packages of amendments have been adopted, including the Shoreland Zoning update, Business A Districts Overhaul, Agricultural Amendments, Subdivision Ordinance Overhaul and the Land Use Amendments Package. With the existing growth rate expected to continue to decline, combined with an existing package of rigorous land use regulations, no major changes to the zoning districts is proposed. Some adjustments are included in the Goals and Recommendation section at the end of this chapter.

Residence A District

How the district relates to the community vision: The Residence A District includes lands that are outside of the built-up areas of Cape Elizabeth, lands to which public sewer lines are not expected to be extended in the near future, and large tracts suitable for farming, woodland production, and wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character, scenic value, and traditional uses of rural lands and that does not impose an undue burden on the provision of municipal services.

Natural opportunities and constraints: Comprising 50% of the town, the RA District incorporates most of the land areas that lend the town its rural character. Preservation of these open spaces goes hand in hand with the town's community values. Conversely, new development in some portions of the RA District, such as upland of the Spurwink Marsh, can have an outsized impact on community character.

Types and intensity of proposed land uses: The minimum lot size for a single family house lot is 80,000 sq. ft. Lots within Open Space Zoning Subdivisions may be a minimum of 36,500 sq. ft. Manufactured housing, multiplex housing and eldercare facilities may also be located in the RA District.

Resource related uses include any use permitted in a resource protection district, agriculture, keeping of livestock, removal of topsoil and timber harvesting.

Nonresidential uses may include home day care, farm and fish market, boat repair facility golf course and related activities, wind energy systems, bed and breakfasts, short term rentals and day camps.

Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the RA District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: Proposed uses are very compatible with current uses.

Capital investments needed to support proposed land uses: The proposed uses closely track existing uses, so no new capital investments are identified, other than replacement of aging infrastructure.

Residence B District

How the district relates to the community vision: The Residence B District is differentiated from the Residence A District in that subdivisions and multiplex housing in Residence B are required to be laid out according to the principles of open space zoning, as described in Sec. 19-7-2, Open Space Zoning. The Residence B District includes lands outside of the build-up parts of Town where the Comprehensive Plan indicates growth can and should be accommodated as a result of soils suitable for individual or common septic systems or the extension of public sewer lines. The purpose of this district is to allow a significant portion of the Town's anticipated residential growth to occur in these areas, in a manner that preserves the character of rural lands, promotes healthy neighborhoods, offers flexibility in design, and minimizes the costs of municipal services.

Natural opportunities and constraints: The RB District includes some of the land with the best capacity for development. Comprising just 7% of the town, the RB District is able to absorb most residential development on compact lots, relieving pressure to develop the RA District. New development has taken advantage of opportunities to extend public sewer, making development in the RB as efficient as possible.

Types and intensity of proposed land uses: The minimum lot size for a single family house lot is 80,000 sq. ft. If subdivision review is triggered, new developments must be designed in accordance with the Open Space Zoning provisions. These provisions mandate clustering and preservation of 40%-45% open space. Higher density is allowed if public sewer is provided. Manufactured housing, multiplex housing and eldercare facilities may also be located in the RB District.

Resource related uses include any use permitted in a resource protection district, agriculture, keeping of livestock, removal of topsoil and timber harvesting.

Nonresidential uses may include home day care, farm and fish market, boat repair facility golf course and related activities, wind energy systems, bed and breakfasts, short term rentals and day camps.

Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the RA District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: The RB District includes 10+ acre parcels suitable for development. The Cross Hill neighborhood was the first development constructed in an open space zoning design.

Capital investments needed to support proposed land uses: Extension of public sewer has been a significant and important infrastructure investment. Per the town Sewer Ordinance, sewer extensions have been funded by the developer.

Residence C District

How the district relates to the community vision: The Residence C District includes lands that are within the built-up areas of Cape Elizabeth, are sewerred or can be easily served by public sewer, are identified in the Comprehensive Plan as part of the Town's growth areas, are not presently in agricultural or woodland uses, and are not considered to be valuable, large-scale open space with valued scenery or wildlife habitat. The purpose of the district is to provide for areas of compact development that can foster cohesive neighborhoods that are close to community services.

Natural opportunities and constraints: The RC District includes infill lots with frontage on roads that have both public sewer and public water. The compact neighborhoods in the RC District have made possible the large open areas in the RA District as town population grew.

Types and intensity of proposed land uses: The minimum lot size for a single family house lot is 20,000 sq. ft. Lots within Open Space Zoning Subdivisions may be a minimum of 7,500 sq. ft. Manufactured housing, manufactured housing parks, multiplex housing, eldercare facilities and rooming or boarding homes may also be located in the RC District.

Resource related uses include any use permitted in a resource protection district, agriculture, keeping of livestock, removal of topsoil and timber harvesting.

Nonresidential uses may include home day care, farm and fish market, boat repair facility golf course and related activities, wind energy systems, bed and breakfasts, short term rentals and day camps.

Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the RA District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: The RC District is a mix of single family and multiplex housing which has been compatible, often due to the creation of open space and greenbelt trail networks with unlimited public access.

Capital investments needed to support proposed land uses: The proposed uses closely track existing uses, so no new capital investments are identified, other than replacement of aging infrastructure.

Town Center District

How the district relates to the community vision: The purpose of this district is to encourage an identifiable Town Center that includes a village feeling, mixed retail and residential uses to serve residents, an environment inviting to pedestrians, a common meeting place, visual cohesiveness and enrichment and linkages to the Town's open space and nearby school campus. The Town Center district boundaries reflect the prevalence of public buildings and commercial uses and the historic compactness of development. The Town Center District requirements are tailored to the unique characteristics of the Cape Elizabeth Town Center.

In the center of the Town Center District, there exists a unique compactness of development exemplified by smaller lot sizes and existing structures with compatible space and bulk massing and requirements of the Town Center District shall apply in the core subdistrict, except where standards specific to the Town Center Core Subdistrict are established

Natural opportunities and constraints: The Town Center is constrained by its small size and lack of vacant parcels. At the same time, this constraint supports development of a compact commercial area rather than strip commercial development. The town has adopted design standards that require new development to be consistent with the pedestrian friendly village vision for the town center. The town also adopted a tax increment financing district in 2014 that will partially fund stormwater and sidewalk improvements. The lack of vacant parcels also may encourage redevelopment of existing properties which have become dated and would benefit from reinvestment.

Types and intensity of proposed land uses: Permitted uses are organized to preserve commercial space in the town center. Single family home lots are allowed, but at a minimum size of 80,000 sq. ft., the largest minimum lot size required elsewhere in town. Multi-family units are encouraged, but only on the upper floors of mixed use buildings. A lot with multi-family units must be a minimum of 7,500 sq. ft. and the maximum density allowed is 1 unit/3,000 sq. ft. Rooming or boarding homes are also allowed.

Commercial uses consistent with a town village are allowed as follows: banking, professional and business office, personal service, village retail shop, veterinarian (not including boarding of animals), medical clinic, restaurant with up to 75 seats, gas station with not more than 2 fueling islands, repair garage, institutional use, day care facility, cottage industry manufacturing, wind energy system, and short term rental. Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the Town Center District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: Current uses are generally compatible with proposed uses. For more information on the Town Center Plan, see the Economy Chapter.

Capital investments needed to support proposed land uses: A principal goal of the Town Center District is to create a pedestrian-friendly village feel. Sidewalks are proposed throughout the Town Center and capital improvements are planned, including federal transportation grant funding to be available in 2020, to expand the sidewalk network.

Business A District

How the district relates to the community vision: The Business A District is comprised of neighborhood business districts in which the business uses are geared to the needs of nearby residents rather than a large scale, regional destination center. The district requirements seek to promote (i) business vitality, (ii) pedestrian connectivity between the business district and the adjacent residential areas, (iii) a mix of commercial and housing uses, (iv) high quality design that is pedestrian friendly, compatible with, and protects the integrity of the adjacent residential neighborhood, and (v) an efficient use of the land within the district for business uses. The Business A district regulations recognize that the BA District in the Shore Road area and the BA District in the Ocean House Road area are individually distinctive and may require different treatments, which are specified herein.

Natural opportunities and constraints: Both Business A Districts are constrained by their small size. At the same time, this constraint supports a compact business district that connects to the adjacent residential neighborhoods.

Types and intensity of proposed land uses: Permitted uses are organized to preserve commercial space. Only existing single family homes are allowed. Multi-family units are encouraged, but only on the upper floors of mixed use buildings. A lot with multi-family units must be a minimum of 15,000 sq. ft. and the maximum density allowed is 1 unit/7,500 sq. ft. Rooming or boarding homes and bed and breakfasts are also allowed.

Commercial uses consistent with a neighborhood business district are allowed as follows: banking, professional and business office, personal service, village retail shop, veterinarian (not including boarding of animals), medical clinic, restaurant with up to 100 seats, gas station with not more than 2 fuel dispensers, repair garage (limited to 2 bays), institutional use, day care facility, cottage industry manufacturing, bed and breakfast, boat repair facility, wind energy system, and short term rental. Limitations on the hours of operation for restaurants are established to promote compatibility with adjacent neighborhoods. Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the Town Center District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: Current uses are generally compatible with proposed uses.

Capital investments needed to support proposed land uses: Both BA Districts promote pedestrian connectivity and site plan regulations require that sidewalks or pedestrian pathways be constructed along the road frontage of new development. Funding to complete pedestrian networks may be needed. In addition, public sewer is only partially available in the Ocean House Rd BA District. Extending the sewer to the southern end of the district should be considered.

Business B District

How the district relates to the community vision: The purpose of the Business District B is to recognize locations where moderate intensity, non-retail commercial uses have developed in close proximity to residential areas. The district both regulates the commercial uses and restricts new commercial uses from expanding into residential areas.

Natural opportunities and constraints: The Business B district is limited to the area of the Inn by the Sea, a decades old seaside resort, the adjacent field and an earthworks facility adjacent to the Town Center. These districts are constrained by their limited area and abutting residential neighborhoods. The BB District provides the town with a way to accommodate non-village type business uses, if desired.

Types and intensity of proposed land uses: Only existing single family homes are allowed, and eldercare facilities. Resource related uses are allowed.

Nonresidential uses include fish and farm markets, athletic or recreational facility, earthwork contractor, wind energy system and day camp. Uses accessory to principal uses and principal uses similar to allowed uses or otherwise compatible with the BB District's relationship to the community vision may also be appropriate.

Compatibility of proposed uses to current uses: Current uses are generally compatible with proposed uses.

Capital investments needed to support proposed land uses: The Inn by the Sea operates on a private subsurface wastewater disposal system and is located immediately upland of Crescent Beach State Park. Ongoing water quality monitoring indicates the system is functioning. Nevertheless, the Inn is not far from the southern end of the Ocean House Rd BA District. If public sewer is extended in the BA District, further extension to the Inn should be considered. A recently abandoned water line located in this area of Route 77 may be repurposed to provide a public sewer connection.

Significant truck traffic originates from the BB District next to the Town Center. Extension of a sidewalk on Fowler Rd may be appropriate to provide safe pedestrian movement between the Town Center/School campus and the neighborhoods located to the south of the BB District.

Business C District

How the district relates to the community vision: The purpose of the Business District C is to provide a flexible mechanism for locating nonpolluting, job-creating enterprises within the Town. It is intended that this mechanism will allow for the location of proposed enterprises on sites that have the capacity to support them, and that are tailored to their needs in a manner that promotes the public welfare.

Natural opportunities and constraints: The BC District has been created in the Zoning Ordinance but no area has been zoned at this time.

Types and intensity of proposed land uses: Only nonresidential uses are allowed, specifically business or professional office, government office, research laboratory, and light manufacturing.

Compatibility of proposed uses to current uses: Not applicable at this time.

Capital investments needed to support proposed land uses: Not applicable at this time.

Fort Williams Park District

How the district relates to the community vision: The Fort Williams Park District (FWP) consists of the ninety-six (96) acre municipally owned tract known as Fort Williams Park and Portland Head Light. Fort Williams is a unique community resource which has irreplaceable scenic, natural, and historical qualities. The purpose of the FWP District is to assure that this resource is dedicated primarily to park, recreational and cultural uses which preserve, enhance, and are fully compatible with its unique qualities and are within the financial resources of the Town. The district is intended to carry out the policies of the Town as expressed in The Master Plan of Fort Williams Park dated November 1990, as it may be amended by the Town Council from time to time.

Natural opportunities and constraints: The Fort Williams Park District is one of multiple tools the Town of Cape Elizabeth uses to manage the park and provide predictability for park users. The FWP District excludes many uses that would be incompatible with a public park.

Types and intensity of proposed land uses: The proposed uses are identified in the Fort Williams Master Plan, a living document which is periodically revised and updated by the town. The park includes historic buildings which are preserved in part by renting space in them to compatible uses. The park is also a popular venue for special events.

Compatibility of proposed uses to current uses: Because uses in the park are periodically "reset" by the master plan process, and the park is owned by the Town of Cape Elizabeth, compatible and conflicting uses may be adjusted through management.

Capital investments needed to support proposed land uses: The master plan process identifies needed improvements. The town is completing the most recent plan's capital improvement recommendations. The town has also implemented revenue generating policies that are funding needed improvements.

Resource Protection Districts

How the district relates to the community vision: The wetlands and floodplains of the Town are fragile natural resources which provide wildlife habitat, pollution control, storage and passage of flood waters, aquifer recharge, erosion control, education, scientific study, recreation, and open space. Nationally, considerable wetland acreage has been lost or impaired by drainage, dredging, filling, excavating, building, pollution, and other activities inconsistent with the natural uses of such areas. Therefore, it is the policy of the Town to ensure that wetlands and floodplains are protected from detrimental impacts and that wetland and floodplain alteration activities do not threaten public safety, welfare or cause nuisances, or negatively alter natural wetland ecology. To protect these natural resources, four (4) Resource Protection Districts are designated based upon their natural resource value and vulnerability.

Resource Protection 1 – Critical Wetland District (RP1-CW) includes areas that deserve the highest protection from filling, draining and other adverse activities due to their particular environmental or hydrological importance, sensitivity to alterations or special characteristics.

Resource Protection 1 – Critical Wetland Buffer Overlay District (RP1-CW Buffer Overlay) includes areas that require regulation due to their proximity to Resource Protection 1 – Critical Wetland Districts, and function to protect wetland values including but not limited to wildlife habitat, pollution abatement, and erosion control are designated Resource Protection 1 – Critical Wetland Buffer Overlay District (RP1-CW Buffer Overlay). The RP1-CW Buffer Overlay District is an overlay zone and is located adjacent to Resource Protection 1 – Critical Wetland Districts.

Resource Protection 2 – Wetland Protection District (RP2-WP) includes areas that require regulation due to the sensitivity to development or to their general wetland qualities.

Resource Protection 3 – Floodplain District (RP3-F) includes areas that require regulation due to their sensitivity to development that would adversely affect water quality, productive habitat, biological ecosystems or natural values.

Natural opportunities and constraints: The resource protection districts have constrained development by vigorously promoting a policy of resource alteration avoidance and minimization. The resource areas also complement and integrate with the town's preservation of open space.

Types and intensity of proposed land uses: Within the RP1 District, most alterations are prohibited. Alterations are allowed with a permit for aquaculture, fences, wildlife management shelters, observation decks and shelters, minor recreational structures, catwalks and footbridges, public utilities, existing road reconstruction, official vegetated playing fields, damming, and agriculture. Uses permitted without a permit include limited expansions of nonconforming structures, forest management activities, timber harvesting, conservation of soil, water, vegetation, fish, shellfish, and wildlife, wilderness area, wildlife preserve and refuges, education and scientific research and nature trails, shellfishing and trapping, non-intensive recreational activities, maintenance of existing golf course, waterholes, municipal skating ponds and existing agricultural ponds, maintenance of stormwater detention basins, grooming of existing residential lawns, fire prevention activities, replacement septic systems, service drop to allowed use, individual campsite, home occupation and home business.

Within the RP2 District, most activities allowed in the RP1 District are allowed with or without a permit. Activities not allowed include parking facility, commercial structure, industrial structure, governmental/institutional structure, conversion to year-round, private septic disposal system, campground and polluting.

Within the RP3 District, most activities allowed in the above RP districts are allowed with or without a permit. Activities not allowed include damming, filling, draining, excavating, mining or drilling, one and two family dwellings, multiplex housing or multi-family dwelling unit, commercial structure, industrial structure, governmental/institutional structure, conversion to year-round, private septic disposal system, campground and polluting.

Compatibility of proposed uses to current uses: The RP districts were adopted in their basic current form in 1990. There are many structures which are nonconforming to the setbacks and special nonconforming provisions that allow limited expansions are in place.

Capital investments needed to support proposed land uses: The purpose of the RP districts is to preserve the estimated 30% of the town which are wetlands. Capital improvements to further wetland protection goals are ongoing and include stormwater improvements, and separation of combined sewer overflows.

Some neighborhoods should be transitioned from private subsurface wastewater disposal systems to public sewer to protect adjacent wetlands.

Town Farm District

How the district relates to the community vision: The Town Farm District (TF) includes the area west of Spurwink Avenue formerly known as the “Poor Farm” and an area extending from Spurwink Ave 100’ to the east. The Town Farm District is intended to preserve the upland portion of the Town Farm. The historic boundaries of the Town Poor Farm also include the Spurwink Marsh, extending to Sawyer Rd.

The land is undeveloped open space comprised of rolling fields, treed ridge lines, and the Spurwink River and Spurwink Marsh. The purpose of this district is to recognize and protect the special nature of the Town Farm as an area representing historic, cultural, scenic, natural, and open space qualities which should continue. The Town Farm embodies rural character and is integral and essential to the Town and the Greenbelt. The scenic significance of the Town Farm is discussed in more detail in a town report entitled an Assessment of the Visual Resources of Cape Elizabeth, Maine, dated February 1989. The Town Farm District is created to preserve these features for the benefit of the public.

Natural opportunities and constraints: The Town Farm District is one of the tools the Town of Cape Elizabeth uses to manage this public open space and provide predictability for the public. The TF District excludes many uses that would be incompatible with a public open space.

Types and intensity of proposed land uses: Permitted uses include agriculture, vegetation management, mowing, tree maintenance, brush clearing, and nonresidential uses such as informal recreation, education and scientific research, nature trails, catwalks and footbridges and snowmobile touring.

Compatibility of proposed uses to current uses: The current use of the Town Farm is consistent with the district.

Capital investments needed to support proposed land uses: Managed as a natural landscape, no capital needs are identified.

Shoreland Performance Overlay District

How the district relates to the community vision: In order to maintain safe and healthful conditions; to prevent and control water pollution; to protect spawning grounds of fish, aquatic life, bird and other wildlife habitat; to protect

archaeological and historic resources; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover; to protect visual, as well as actual, points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impact of development in Shoreland areas, all land use activities within the Shoreland Performance Overlay District shall conform to the applicable land use standards in Sec. 19-8-2, Shoreland Performance Standards. This district is established in accordance with the provisions of 38 M.R.S.A. §435 et seq.

Natural opportunities and constraints: The Shoreland Performance Overlay District is required by state law. It has been used by the town to improve resilience when the normal high water line definition was revised in 2015 to add 3 vertical feet to shoreline setbacks.

Types and intensity of proposed land uses: The Shoreland Performance Overlay District is an overlay zone. As such, any use that is permitted in the underlying zoning district is permitted in the Shoreland Performance Overlay District, except as specifically provided in Sec. 19-6-11.D, Prohibited Uses. Any permitted use shall comply with the standards of Sec. 19-8-2, Shoreland Performance Standards. New single family home construction is allowed, on a minimum 30,000 sq. ft. lot. The following uses are prohibited: auto washing facility, auto or other land vehicle service and/or repair operation, including body shop, chemical and bacteriological laboratory, storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms, commercial painting, wood preserving and furniture stripping, dry cleaning establishment, electronic circuit assembly, laundromat, unless connected to a sanitary sewer, metal plating, finishing or polishing, petroleum or petroleum product storage and/or sale, except storage on the same property as use occurs and except for storage and sales associated with marinas, photographic processing, and printing.

Compatibility of proposed uses to current uses: Much of the Cape Elizabeth coastline was developed before mandatory state shoreland zoning was adopted in 1972. The lack of commercial activities within the community minimizes nonconforming activities in the shoreland zone. The most common nonconforming activities are residential structures located within the 75' setback and tilled agricultural fields.

Capital investments needed to support proposed land uses: Similar to the Resource Protection Districts, the town invests in infrastructure replacement that reduces discharges to water bodies.

Great Pond Watershed Overlay District

How the district relates to the community vision: The Great Pond Watershed Overlay District is created to protect and improve the water quality of Great Pond by limiting the runoff of nutrients such as phosphorous.

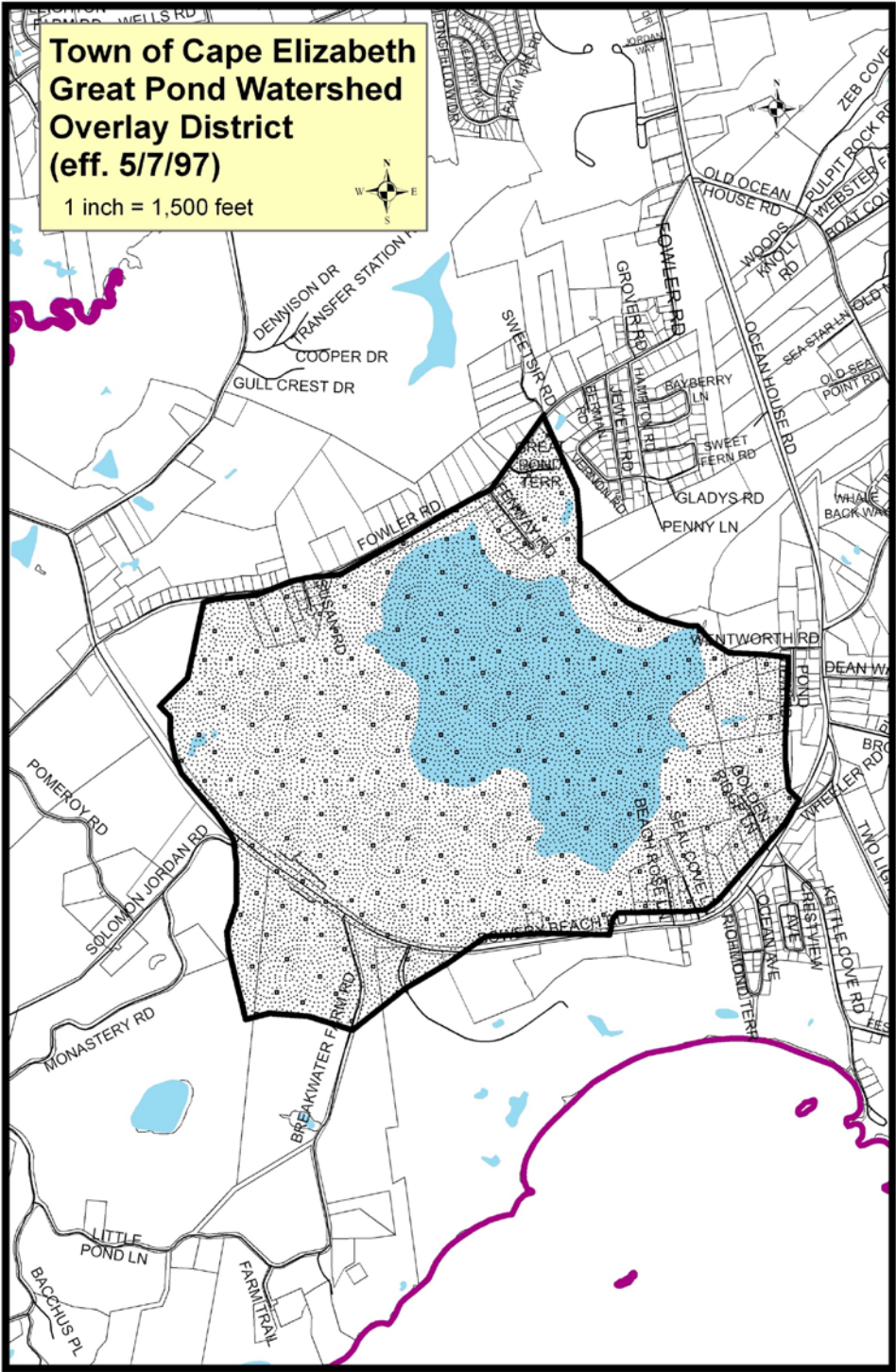
The Great Pond Watershed Overlay District applies to all land within the watershed of Great Pond being all of the land area that drains to Great Pond as depicted on the Great Pond Watershed Map.

Natural opportunities and constraints: The district provides an opportunity to reduce or eliminate water quality impacts to Great Pond.

Types and intensity of proposed land uses: The Great Pond Watershed Overlay District is an overlay zone. As such, any use that is permitted in the underlying zoning district is permitted in the Great Pond Watershed Overlay District. Any permitted use shall comply with the standards of Sec. 19-8-7, Great Pond Watershed Performance Standards.

Compatibility of proposed uses to current uses: The performance standards of the district are achievable for the uses, which are almost exclusively residential housing.

Capital investments needed to support proposed land uses: The Resource Protection Districts establish buffers that, coupled with the overlay district performance standards, should avoid the need for capital improvements to protect the water quality of Great Pond. Nevertheless, there are residential neighborhoods upland of Great Pond that should be evaluated for transition from subsurface wastewater disposal systems to public sewer.



Prepared by the Planning Office 6/2/09

Tower Overlay District

How the district relates to the community vision: The purpose of this district is to respond to the communication policies embodied in the 1996 Federal Telecommunications Act by establishing predictable and balanced regulations, within the confines of permissible local regulation, for the siting and screening of towers and antennas in order to accommodate the growth of telecommunications within the Town while protecting the public against any adverse impacts on the Town's public health, safety and welfare.

Natural opportunities and constraints: This district provides the town the opportunity to customize tower locations to both provide a necessary utility to residents and minimize impacts to community character. Establishing tower overlay districts in some topographically high locations has been problematic when there is adjacent residential development.

Types and intensity of proposed land uses: The Tower Overlay District is an overlay zone. As such, any use that is permitted in the underlying zoning district is permitted in the Tower Overlay District. In addition, notwithstanding the underlying zone, the following uses are also permitted:

Towers providing commercial, amateur and governmental wireless telecommunication services.

Antennas providing commercial, amateur, and governmental wireless telecommunication services.

Compatibility of proposed uses to current uses: The town has struggled to locate tower overlay districts in areas near residential development. Towers by nature should be located at topographical high points to maximize function and minimize the number of towers needed.

Capital investments needed to support proposed land uses: Tower construction has been privately funded.

Tower Overlay Districts Effective 9/9/04



Tower Overlay District

1" = 1,500'

Prepared by the Planning Office 10/22/04

Special Event Facility Overlay District

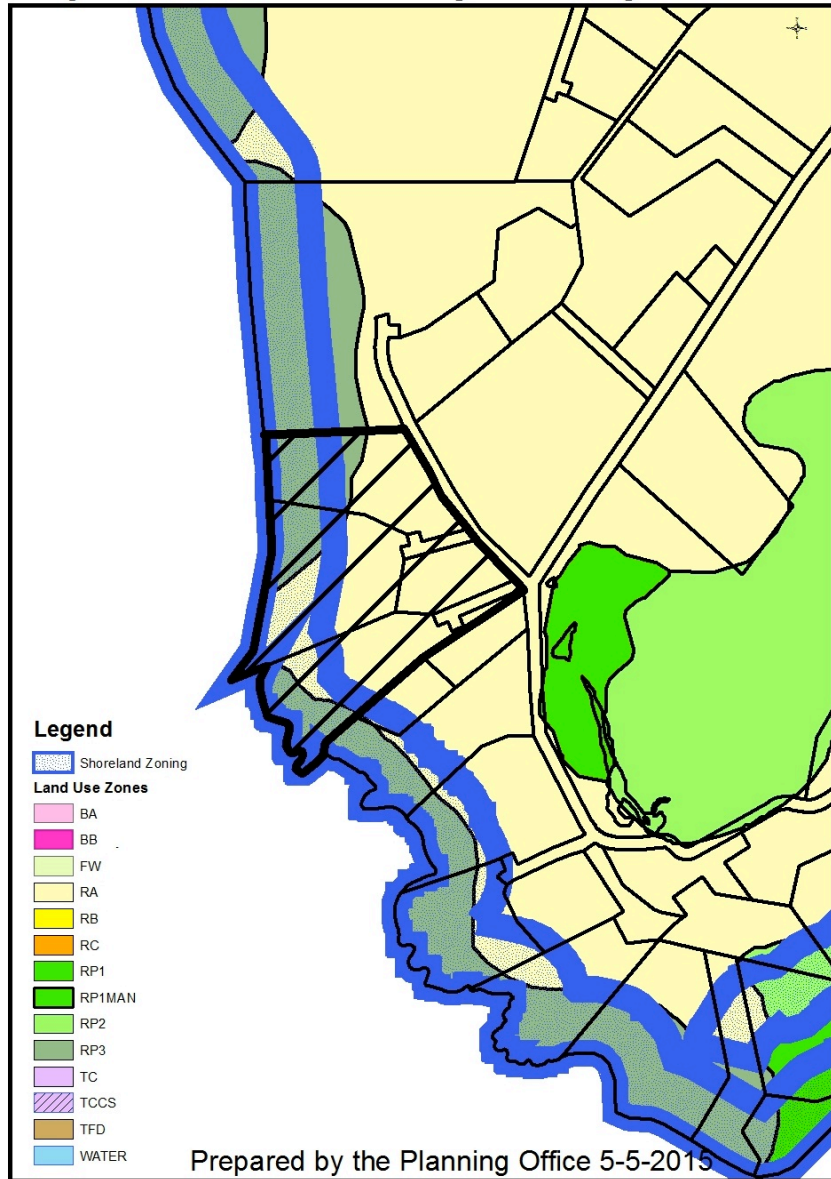
How the district relates to the community vision: The purpose of this district is to allow small scale, hospitality venues on large properties in the residential zoning districts (RA, RB, RC) where there is a buffer from abutting neighbors. Cape Elizabeth has historically been an attractive destination for visitors. Landowners have made their property available seasonally for private special events both to share the picturesque beauty of the Cape Elizabeth coast and to generate revenue. When relatively isolated, these events are consistent with the town's residential character, but must also be managed to protect the public health, safety and welfare of town residents and event guests and staff.

Natural opportunities and constraints: This district allows the town to recognize traditional tourism activities and incorporate them into modern regulation.

Types and intensity of proposed land uses: The Special Event Facility Overlay District is an overlay zone that may be applied over the Residence A, Residence B, and Residence C base zoning districts. As such, any use that is permitted in the underlying zoning district is permitted in the Special Event Overlay District. In addition, notwithstanding the underlying zone, the following use is also permitted: Special Event Facility

Compatibility of proposed uses to current uses: The overlay district tool allows the town to locate facilities so that conflicts with current uses is minimized.

Capital investments needed to support proposed land uses: No capital investments are identified.



Big Ideas

The following describe the overarching conclusions and challenges identified in this comprehensive plan:

Residential/Commercial/Natural Resource and Open Space

Future Development Trends

The Existing Land Use chapter includes an analysis of growth trends and concludes that the amount of new development in Cape Elizabeth will continue to decline. This is due primarily to the large quantity of land (30%+) unsuitable for development due to critical natural resource constraints and the relatively small amount of land remaining that may be suitable for development. (Land considered "suitable for development" is generally land that is not a critical natural resource, is not already developed, and not restricted from development due to conservation restrictions or unique ownership structure.)

Assuming that development in the next 10 years will decline by 50% from the last ten year period (see Existing Land Use chapter), a gross estimate of 120 new dwelling units may be constructed in Cape Elizabeth over the next 10 years.

The Future Land Use Plan is consistent with this trend of declining growth. The growth area has adequate capacity to absorb the expected growth. Some residential growth may occur in the upper floors of new construction in the commercial districts, further reducing development pressure in the residential areas of town. The town remains committed to stringent critical natural resource protection and open space preservation, which are represented in the existing land use regulations.

Low Growth Impacts

As growth declines to a trickle, the town may need to prepare for the potential impacts. Below are three issues to consider.

Affordable Housing

With the decreasing amount of new housing expected, the supply of housing will be only minimally increased. This will exacerbate the existing lack of affordable housing. The town assessor reports that the average home sale price for Cape Elizabeth in 2017 is \$500,000. The lack of affordable housing is impacting a significant portion of resident seniors, who cannot transition out of single family homes because there are no affordable options within the town. Young families,

most of whom cannot afford a new home, also do not have available to them existing family homes owned by seniors. A major consequence is the decrease in school age children, resulting in falling enrollment in the highly rated Cape Elizabeth schools. A lack of affordable workforce housing will also impact municipal workforce hiring and volunteer based services.

Demographics

A low growth rate will depress the opportunity for new people to join the community. The percentage of the population age 65 and older continues grow and this trend will likely intensify with fewer new residents. A result will be a change in the character of the community. This may be reflected not only in falling school enrollment, but also a greater swing in seasonal population, and housing owned by non-residents.

Municipal Costs

Each year, a small amount of new value (from development) is added and mitigates the rise in the tax rate. With less new value added, funding the same level of services will require higher tax rates. At some point, pressure may build to curb budget growth to mitigate increases in the tax rate. Demographic changes described above may also create pressure to shift municipal services.

Future Land Use Plan Goals

Goal 1: The town shall continue to administer and update a comprehensive Zoning Ordinance, Site Plan Regulations, Subdivision Ordinance, Floodplain regulations and other related provisions that manage development consistent with the Future Land Use Plan community character.

Recommendations:

1. Continue to administer and amend~~and adjust~~ land use regulations in accordance with the Future Land Use Plan~~to adapt to community desires while retaining community character.~~
2. Manage an efficient development review and permit procedure process and consider streamlined procedures for development located in growth areas.
3. Review the regulation of existing, nonconforming lots (infill lots) and recommend ordinance revisions that allow nonconforming lots a reasonable opportunity to be built upon and/or buildings expanded to meet the needs of modern households while also protecting the character of neighborhoods.
4. Undertake a Housing Diversity Study that evaluates current housing costs, needs, impacts on services and other relevant elements and recommends actions to create more affordable opportunities for seniors to downsize, and for young adults and young families to move to Cape Elizabeth. At a minimum, options to evaluate should include incentives to create permanently affordable housing and municipal purchase of land for construction of affordable housing.
5. Initiate a charter change to require either a super majority or a unanimous vote of the town council to dispose of municipal property.
6. Ensure adequate training and support for the Code Enforcement Officer.
7. Continue to track new development in the community by type and location.

~~Goal 2: The town shall coordinate with other communities in the region to enhance services, maximize efficiencies, and coordinate joint efforts.~~

Recommendations:

~~5. Meet with neighboring communities to coordinate land use regulatory and non-regulatory strategies.~~

Goal 23: The town should incorporate the future land use plan ~~land use goals~~ into capital improvement funding decisions.

Recommendations:

8. Conduct a sewer extension study and fund capital improvements to extend public sewer to existing neighborhoods. Neighborhoods to be evaluated, but are not limited to, are the Hampton Rd neighborhood north of Great Pond, the Richmond Terrace area (including the Inn by the Sea), and the southern end of the BA District on Ocean House Rd. [This recommendation is now in the Public Facilities and Services Chapter]

9. Sidewalk extension recommendation [This is currently a goal in the Transportation chapter].

10. Incorporate renewable energy into town facility capital investments and educate the public about the benefits of renewable energy.

11. Install an electric vehicle charging station.