

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: April 6, 2010  
SUBJECT: Land Use Amendments Package

### Introduction

At the January 9, 2008 Town Council workshop, the Town Council agreed to delegate 5 packages of ordinance amendments to the Planning Board. These packages originate from recommendations in the Comprehensive Plan. One of the Town Council's goals for the year is to implement the recommendations of the Comprehensive Plan. The Planning Board has completed the Shoreland Zoning, BA Overhaul and Agriculture Amendments package. At this year's training workshop, the Planning Board indicated that the next package to be developed would be the "Land Use Amendments" package.

### Land Use Amendments Package

While any adjustment to the Zoning Ordinance impacts land use, this next package of amendments implement recommendations from the Land Use Chapter of the Comprehensive Plan. They are the most far-reaching in continuing the town's effort to promote compact rather than sprawl development. The Board may want to begin the process of developing this package by having a policy discussion of each recommendations, which are listed below:

9. Designate BB Districts as Sewer Service Areas.  
**Short Term - Town Council**
14. Review the minimum lot size and setback requirements for multi-family and attached single family dwellings (condominiums) to determine if they are creating obstacles to developing a variety of housing types.  
**Short Term - Planning Board**
15. Evaluate establishing a density bonus for 55 and older restricted developments.  
**Short Term - Planning Board**
82. Increase the density of the RB District, which includes 7% of the acreage of the town, with Open Space zoning, where public sewer is available, from

30,000 sq. ft. to 20,000 sq. ft per lot, and increase the Open Space Zoning open space requirement from 40% to 45% in the RB District.

**Short Term - Planning Board**

83. Review the design of open space in the Open Space Zoning provisions to maximize the amount of open space in a single contiguous parcel and discourage narrow strips, except when strips are necessary for trail connections.

**Short Term - Planning Board**

84. Make the Open Space Impact Fee not applicable when a subdivision is designed in compliance with the Open Space Zoning Regulations, which include a separate open space requirement.

**Short Term - Planning Board**

85. Eliminate the cap on the number of units per building allowed for multiplex developments located in the RC and RB Districts. Create design standards for buildings exceeding 5 units and a maximum height limit that is greater than the current 35' height limit. This will be available only in conjunction with the Agricultural TDR (# 85), developments targeted to 55 and older (# 15) or an affordable housing overlay district (#19).

**Short Term - Planning Board**

86. Reduce the minimum lot size required for multiplex housing in the RC District from 5 acres to 3 acres and eliminate the minimum lot size for multiplex housing in the RB District.

**Short Term - Planning Board**

90. Designate the RB Districts as Sewer Service Areas.

**Short Term - Town Council**

91. Require new subdivision development in the RB District to be served by public sewer.

**Short Term - Planning Board**