**DRAFT**

**MEMORANDUM**

TO: Cape Elizabeth Planning Board

FROM: Maureen O’Meara, Town Planner

DATE: February 16, 2011

SUBJECT: Rooster Amendments

Introduction

On August 9, 2010, the Cape Elizabeth Town Council referred to the Planning Board a request to consider the status of roosters in Cape Elizabeth. The Cape Farm Alliance has provided a recommendation, and some residents have also submitted comments.

Background

The Planning Board held 3 workshops on roosters and also a public hearing on December 21, 2010. The Planning Board received a recommendation and comments from the Cape Farm Alliance and interested residents. The Planning Board reviewed rooster regulations in other communities and received comments from the Police Chief in response to a request regarding the applicability of other town ordinances.

The Planning Board developed a recommendation that would require a minimum lot size of 40,000 sq. ft. to keep a rooster. This recommendation would have generally protected the most compact neighborhoods from disruption by a rooster. For lots greater than 40,000 sq. ft., however, no restrictions would apply. No setbacks from the property line were proposed and no requirement that roosters be confined, as was requested by some members of the public. The Planning Board reconsidered this recommendation.

The Planning Board supports local agriculture and is reluctant to suggest any regulations of roosters that might discourage the locally produced food movement. At the same time, the Planning Board recognizes that roosters can disrupt the peaceful quiet and enjoyment of abutting residents. The Planning Board supports regulation that would address noise, but believes that the disruption of the peace is more appropriately regulated in another ordinance and not in the Zoning Ordinance.

Recommendation

The Planning Board recommends that the Zoning Ordinance is not the appropriate location to place amendments to regulate roosters. The Planning Board recommends that the disruption of the peaceful quiet and enjoyment of property that may be caused by roosters may be more appropriately addressed with amendments to the Animal Control or other ordinance.