**MEMORANDUM**

 TO: Cape Elizabeth Planning Board

 FROM: Maureen O’Meara, Town Planner

 DATE: March 17, 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 4 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 has developed a recommendation that requires a minimum lot size of 40,000 sq. ft. to keep a rooster. This recommendation will generally protect 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 and no requirement that roosters be confined are proposed.

The Planning Board supports local agriculture and is reluctant to suggest 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.

Motions for the Board to Consider

BE IT ORDERED that, based on the materials submitted and the facts presented, the attached amendments to the Zoning Ordinance establishing a minimum 40,000 sq. ft. lot size to keep a rooster, be recommended to the Town Council for adoption.

BE IT FURTHER ORDERED that 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 Sec. 12-1-1, Disturbing the Peace, and Sec. 7-1-4, Dog Ordinance.