

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: April 22, 2013  
SUBJECT: Day Camp Amendment

### Introduction

The Town Council has referred to the Planning Board a request to amend the Zoning Ordinance to allow summer day camps. The draft amendment creates a definition of day camp and makes it a permitted use in residential and business districts. The amendment will be reviewed in compliance with Sec. 19-7-3, Zoning Amendments.

### Procedure

- The Board should begin with a summary of the amendment by the town planner.
- The Board should then open the public hearing advertised for this evening.
- At the close of the hearing, the Board has the option to recommend or not recommend the amendment to the Town Council, or to table the item to another Planning Board meeting.

### Current Ordinance Provisions

The Zoning Ordinance provides for two types of day care establishments:

**Home Day Care:** A facility which provides a regular program of care and protection in the operator's residence for up to six (6) children under the age of sixteen (16) or up to two (2) adults for any part of the day.

**Day Care Facility:** A facility which provides a regular program of care and protection during any part of the day for either (i) three (3) or more adults or seven (7) or more children under the age of sixteen (16) in the operator's residence or (ii) any number of children or adults in a building other than the operator's residence.

Sec. 19-8-8, Home Day Care and Day Care Facility Standards, establishes standards for day cares.

The smaller facility, the day care home, is a conditional use. A permit is required from the Code Enforcement Officer. The CEO sends a notice to neighbors and if there are objections, the applicant must appear before the Zoning Board of Appeals to request a conditional use permit.

The Day Care Facility is larger and requires Site Plan Review from the Planning Board.

Both types of facilities must provide a fenced, outdoor play area and a vehicle pick-up and drop-off area.

Ordinance amendment

The draft amendment creates the following day camp definition:

**Day Camp:** A program of care and instruction for no more than six (6) children at the operator's residence, and may also include the operator's yard and off-site field trips. The program shall be limited to no more than four (4) hours a day and limited to school vacation periods, and further limited to no more than four (4) weeks per summer and no more than six (6) weeks in a calendar year.

The amendment also adds day camps as a permitted nonresidential use in the RA, RB, RC, TC, BA, and BB districts.

Motion for the Board to Consider

BE IT ORDERED that, based on the information presented and the comments received, the Planning Board (recommends/does not recommend) the day camp amendments to the Town Council for consideration.