

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: May 7, 2013
SUBJECT: FOSP Recommendations

Introduction

At the February 11, 2013 meeting, the Town Council referred recommendations from the Future Open Space Preservation Committee (FOSP) to the Planning Board for implementation. Many of the recommendations restart work to implement the Comprehensive Plan.

Background

Most of the recommendations below were included in the Comprehensive Plan. The Planning Board began working on the "Land Use" Package of amendments in 2009, following successful completion of 3 earlier packages of comp plan inspired ordinance amendments. In the Fall 2010, the Town Council told the Planning Board to cease work on the amendments until a new committee, the Future Open Space Preservation Committee (FOSP) could implement the Open Space and Recreation Chapter recommendations in the comp plan. The FOSP Committee has now completed its work and some of its recommendations have been referred to the Planning Board. The Planning Board will need to restart its earlier efforts and blend them into the FOSP recommendations. Below, I have created a "blended" workplan for Planning Board discussion.

Draft Workplan

Below is a list of the FOSP recommendations, annotated with Comprehensive Plan recommendations as appropriate, with recommendations for next steps.

1. **Land Use Chapter Recommendations.** The town council requests the planning board should restart its implementation of the Land Use Chapter recommendations in the 2007 Comprehensive Plan, with emphasis on the [above] recommendation (which follows).

FOSP recommended that the current regulations promoting clustering be retained. More work should be done to investigate the potential for increasing the amount of open space that is preserved while maintaining the density allowed that makes this a desirable option for property owners. More emphasis should also be put on preserving contiguous open space and connectors and less on open space as buffer strips.

- 9. Designate BB Districts as Sewer Service Areas.

Status: Changes have been prepared to the Sewer Service area map to include the BB Districts.

- 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.

Status: applicable sections of the Zoning Ordinance and ordinances from other communities have been reviewed. No draft of ordinance provisions yet. Staff should be directed to:

- draft a vision statement for this type of development.
 - develop replacement ordinance provisions that treat multiunits in the business districts and multifamily development in the residential zones differently
 - provide for coordination with accessory dwelling units.
- 15. Evaluate establishing a density bonus for 55 and older restricted developments.

Status: no work has been done on this item.

- 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.

Status: amendments have been drafted.

- 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.

Status: amendments have been drafted.

- 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.

Status: No draft has been prepared awaiting updating of the Subdivision Ordinance.

- 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).

Status: Staff recommends that an RFP be prepared to conduct a Multiunit Development study. The purpose of the study would be to describe the regulatory parameters needed to make larger multiplex buildings combined with increased open space preservation feasible. The study should include:

- An estimated market demand for market-rate multi-family units located in a multi-unit building in Cape Elizabeth.
 - The units should be on one floor in a building with an elevator and a building height in the range of 5-6 floors. Final building height should be determined based on the conclusions from other elements in this study, such as financial feasibility.
 - Financial analysis of unit density needed to make project viable, factoring in land cost, land development cost (including public sewer installation), purchase of open space TDR from agricultural lands, and other factors
 - Architectural Design standards for the building.
- 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.

Status: amendments have been drafted.

- 90. Designate the RB Districts as Sewer Service Areas.

Status: Draft amendments to the map have been prepared.

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

Status: amendments have been drafted.

2. **TDR.** *FOSP recommended that the town retain the current TDR regulations. The Planning Board should be tasked with reviewing the TDR sending areas map to align it with Open Space criteria priorities. The town council requests that the planning board include this recommendation in its comprehensive plan Land Use Chapter recommendations.*

Status: Staff recommends that the Planning Board review the TDR map and TDR ordinance provisions and proposed revisions as needed.

3. **Growth Areas.** *FOSP recommended that the review of growth areas be referred to the Planning Board as part of the resumption of the Planning Board's comprehensive plan implementation work. The Planning Board's comprehensive planning implementation work should include public outreach about the benefits of open space zoning. The Planning Board should also recommend ordinance amendments that make preservation of agricultural land a higher open space priority when preserving open space as part of new development. The town council requests the planning board to do so.*

Status: Staff recommends the following:

- The Planning Board reviews the Zoning Ordinance to affirm the appropriateness of growth areas.
 - Staff prepare an Open Space Zoning Public Information outreach program.
 - The Planning Board reviews the Open Space Zoning provisions and propose amendments to make preservation of agricultural land a higher priority for open space preservation.
4. **New Subdivision Ordinance consistency.** This is not a recommendation from the Town Council, but could be included in this amendment package. These amendments would be to the Zoning Ordinance to make it consistent with the changes to the Subdivision Ordinance, such as updating references to the public notice provisions.

Conclusion

The Planning Board may want to decide on next steps for each item.