

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: June 3, 2014
SUBJECT: Land Use Zoning Amendments

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 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 is a "blended" list of items referred to the Planning Board.

Referred to the Planning Board

Below is a list of the FOSP recommendations (#.), annotated with Comprehensive Plan recommendations(• #.) as appropriate.

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.

- 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.

- 15. Evaluate establishing a density bonus for 55 and older restricted developments.

- 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.

- 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.

- 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.

- 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).

- 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.

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

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

Conclusion

The Planning Board may want to direct staff to begin drafting amendments, and preparing analyses as needed, with the goal to provide a recommendation to the Town Council by December 31, 2014.