

**Draft  
MEMORANDUM**

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: January 18, 2017  
SUBJECT: Accessory Structures Amendments

Introduction

The Town Council referred the following to the Planning Board:

ORDERED, the Cape Elizabeth Town Council approves the technical amendments to the code of ordinances as presented and refers to the planning board for review an email from Jay Cox, owner of Old Farm Christmas Tree Place regarding uses of accessory buildings on farm properties.

Planning Board review

The Planning Board discussed accessory structures and housing on agricultural properties at 3 workshops and a regular meeting. The board reviewed correspondence from the Cape Farm Alliance, Jay Cox, and others and heard expert testimony from a representative of the Cape Farm Alliance. It also reviewed existing housing provisions in the Zoning Ordinance.

Information gathering

The Planning Board asked the Cape Farm Alliance to provide information about the scope and characteristics of seasonal farm worker housing and agricultural related uses that might require housing. Generally, there is not a lot of seasonal farm workers requiring on-site housing nor an expectation that there will be significant growth in demand for such housing. There also appears to be no applications that have been denied for temporary housing on farms.

Existing ordinance provisions

The current Zoning Ordinance has multiple options for creating housing that do not include accessory structures. Some of the possible options include:

- Adding a single family home to an oversized lot (Sec. 19-7- 11 Multiple Principal Buildings on a lot)

- Accessory Dwelling unit (Sec.19-7-5)
- Multiplex housing (Sec. 19-7-2)
- Short Term Rental (Sec. 19-8-14)
- Homestay (Sec. 19-6-1)

None of these options require special designation as seasonal farm worker housing.

### Conclusion

The Planning Board strongly supports farm-friendly policies and ordinances. The Planning Board also strongly supports public safety, which is best accomplished by continuing to require that any building used for human habitation obtain a building permit and comply with codes associated with human habitation.

After conferring with the Cape Farm Alliance, reviewing information on existing practices and future demand, and reviewing existing ordinance provisions, the Planning Board does not believe that the technical amendments as adopted create any particular impediment for agriculture or agricultural related uses, and therefore the Planning Board is not recommending any amendment to the Zoning Ordinance related to housing on agricultural land. If subsequent developments in land use in the farming community warrant a reconsideration of this issue, the Planning Board will certainly give further consideration based on specific facts and needs.

### Motion for the Board to Consider

BE IT ORDERED that, based on the information reviewed and the facts presented, the Planning Board (recommends/does not recommend) amendments to the Zoning Ordinance related to the use of accessory structures for overnight accommodations.