

MEMORANDUM

TO: Ordinance Committee
FROM: Maureen O'Meara, Town Planner
DATE: April 27, 2011
SUBJECT: Growth Area Recommendations

At the March 21, 2011 meeting, the Ordinance Committee reviewed a list of facts and opinions that the committee "believes in common." The following list should reflect the conclusions from the last meeting.

Statements of Agreement

1. Not all development is sprawl.
2. Compact growth, with clustering of homes and permanent open space preservation requirements, uses less land.
3. Cape Elizabeth is a suburb, with rural character in some areas, and a town center.
4. Some farmland and woodlands may be included in Growth Areas.
5. Providing municipal services to properly planned compact development usually costs less than providing municipal services to sprawl development.
6. The Town should be proactive in planning for development that may occur.
7. The current growth management/zoning structure has had generally good results, but needs fine-tuning in the current environment.
8. Town growth areas should include the RC (infill) and the Town Center.

9. In general, growth areas should not include the “signature” or premier areas that embody community character.
10. Growth areas should be designated based on the following factors:
 - a. Proximity to infrastructure such as but not limited to: public sewer, existing neighborhoods, public open space and pedestrian facilities
 - b. Generally should not include “prime farmland,” but may include farmland
 - c. Should not include significant natural resources such as but not limited to:
 - RP1 wetlands,
 - RP1 wetland buffers,
 - RP3 100-year floodplains,
 - moderate or high value wildlife habitats as mapped by the Maine Department of Inland Fisheries and Wildlife (these areas are already included in the RP1 and RP1 buffer)
 - Coastal high hazard areas (already included in the 75’ Shoreland Zoning no-build setback)
 - d. Growth areas may include RP2 wetlands, floodplain (as long as no new buildings are proposed in the floodplain), wildlife habitat areas where some disturbance still preserves wildlife habitat values.
11. The Town should not adopt agricultural zoning for farmland areas that restricts uses of the land to agriculture.

Areas of continuing discussion

3. Rural character are elements such as large swaths of open space unbroken by buildings, agricultural uses and naturally vegetated

landscapes, all of which may occur in a town that would otherwise be considered a suburb.

7. Neighborhoods with infill lots do not want development any more than neighborhoods adjacent to growth areas.
9. Planning incentivizes development
10. No planning incentivizes development

FOSP Charge

The Ordinance Committee will review the Town Council charge to the Future Open Space Preservation Committee. (See enclosed)

Review Open Space Zoning Provisions

The current Zoning Ordinance includes clustered development regulations in Sec. 19-7-2, Open Space Zoning. These provisions work in concert with the district regulations and also with the Subdivision Ordinance. A copy of Sec. 19-7-2 is enclosed.

Draft Recommendations

Below are 4 options for a recommendation from the Ordinance Committee to the Town Council. The options can be a starting point for discussion. A final recommendation from the Ordinance Committee may include parts of more than one option or elements not included below.

Option A: Referral to the Planning Board with direction

The Ordinance Committee overall recommends that the existing growth management strategy in the Comprehensive Plan be retained, but that specific elements be revised based on changed economic conditions, updated growth projections and changes in the land use, ownership restrictions, and new information of specific parcels. The Ordinance Committee recommends that the task of reviewing and adjusting growth areas (RB, RC, TC) be referred to the Planning Board, for a recommendation to the Town Council. In conducting its review, the

Planning Board should include the following:

1. Review the updated growth projections report. The Planning Board should take into consideration both the total number of lots/units anticipated during the growth period and demographic shifts in population (aging of residents).
2. Review growth area boundaries. The Planning Board should review all of the boundaries of the RB, RC, and TC districts to confirm they continue to comply with the overall growth management policies in the Comprehensive Plan. Growth areas should be designated based on the following factors:
 - a. Proximity to infrastructure such as but not limited to: public sewer, existing neighborhoods, public open space and pedestrian facilities
 - b. Generally should not include “prime farmland,” but may include farmland
 - c. Should not include significant natural resources such as but not limited to:
 - RP1 wetlands,
 - RP1 wetland buffers,
 - RP3 100-year floodplains,
 - moderate or high value wildlife habitats as mapped by the Maine Department of Inland Fisheries and Wildlife (these areas are already included in the RP1 and RP1 buffer)
 - Coastal high hazard areas (already included in the 75’ Shoreland Zoning no-build setback)
 - d. Growth areas may include RP2 wetlands, floodplain (as long as no new buildings are proposed in the floodplain), wildlife habitat areas where some disturbance still preserves wildlife habitat values.

The growth areas review may include a recommendation to remove or add lands to the growth areas. Areas

recommended for specific focus by the Planning Board are:

- Loveitt Woods
- Turkey Hill Farm

3. Review growth area density. The Planning Board should review the proposed densities in growth areas and compare them to existing densities in Cape Elizabeth neighborhoods. Revisions to growth area density regulations should be recommended, if appropriate, consistent with the Comprehensive Plan.
4. Recommendation to the Town Council. The Planning Board shall provide a report including all the above information and recommendations for any changes to existing land use regulations.

Option B: Increase clustering of new development through Zoning Ordinance amendments

The Ordinance Committee recommends that the Open Space Zoning requirements, which require that 40% of the gross area of new development be set aside as permanently protected open space, be made mandatory for the RC and RA zoning districts. The changed economic conditions, updated growth projections and changes in the land use, ownership restrictions, and new information about specific parcels since the 2007 Comprehensive Plan was adopted still support the overall goals and implementation steps in the plan. Public comment supports more preservation of open space and the Open Space Zoning Provisions require more preservation of open space.

Option C: No change to Growth Areas

The Ordinance Committee recommends no changes to the location of existing growth areas. Growth areas are the RC district (infill), RB District and TC (town center) district. The changed economic conditions, updated growth projections and changes in the land use, ownership restrictions, and new information about specific parcels since the 2007 Comprehensive Plan was adopted still support the overall goals and implementation steps in the plan.

Option D: Eliminate Growth Areas

The Ordinance Committee recommends that the existing RB zoning districts be rezoned as either RA or RC District. The changed economic conditions, updated growth projections and changes in the land use, ownership restrictions, and new information about specific parcels indicate that little to no growth is expected during the planning period 2007-2020 covered by the 2007 Comprehensive Plan. The Town Council should revise the Comprehensive Plan to eliminate designated growth areas and submit to the State Planning Office comprehensive plan revisions that support an exemption from designating growth areas.