**MEMORANDUM**

 TO: Cape Elizabeth Town Council

 FROM: Planning Board

 DATE: November 26, 2012

 SUBJECT: Survey Zoning Amendment

At the November 20, 2012 meeting, the Cape Elizabeth Planning Board voted 5-1 in favor of the following motion:

BE IT ORDERED that, based on the draft amendment and the facts presented, the Planning Board recommends the Survey Zoning Amendments to the Cape Elizabeth Town Council for consideration.

The Planning Board held 1 workshop and 2 regular meetings, one of which was a public hearing, at which there was no public comment. The draft amendments are attached.

**SEC. 19-1-3. DEFINITIONS**

**Standard Boundary Survey:** A map of a quantity of real estate prepared by a professional land surveyor registered in the State of Maine and based on (1) adequate research to support a professional opinion of boundary location, (2) field work including an inspection of the real estate and (3) the preparation of a plan, drawn to scale and including property boundary lines, easements and rights-of-way and existing structures, suitable for recording.

**SEC. 19-3-3. BUILDING PERMITS**

**C. Applications for Permits**

All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. The application shall be accompanied by the following information:

 1. A site plan drawn to an indicated scale and showing the location and dimensions of all buildings to be erected, the sewage disposal system, driveways and turnarounds, and abutting lot and street lines. The site plan shall accurately represent the relationship between any proposed building or structure or addition to an existing building and all property lines to demonstrate compliance with the setback requirements of this Ordinance. The applicant shallprovide a Standard Boundary Survey if any of the following apply:.

a. The Code Enforcement Officer concludes that there is doubt as to the location of a property line on the ground;

b. The Code Enforcement Officer cannot confirm that all setback requirements are met from the information provided; or

c. The building permit is requested for a building, building addition or structure valued at over $10,000 and located less than five feet (5’) from the minimum setback distance.

The Code Enforcement Officer shall have the discretion to require a standard boundary survey quality plan of only the property line(s) within the area of the proposed construction instead of a standard boundary survey of the entire property boundary.

 2. Approval by the Local Plumbing Inspector of any private sewage disposal system proposal for the building, together with the plans for the approved system.

 3. Information required to determine compliance with the terms and conditions for building and development in flood hazard areas as set forth under Chapter 6, Article VI, Floodplain Management Ordinance if the building is located within a flood hazard area.

 4. All applications shall be signed by an owner or individual who can show evidence of right, title, or interest in the property or by an agent of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct**. (Effective October 15, 2009)**

 5. Such other information as the Code Enforcement Officer may require to determine compliance with this Ordinance or the Building Code.