

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: April 23, 2013  
SUBJECT: Day Camp Zoning Ordinance Amendment

### Introduction

The Town Council has referred to the Planning Board a request to amend the Zoning Ordinance to allow summer day camps. At the April 22, 2013 meeting, the Planning Board recommended, by a vote of 6-0, the attached amendment.

### Current Ordinance Provisions

The Zoning Ordinance provides for two types of day care establishments:

**Home Day Care:** A facility which provides a regular program of care and protection in the operator's residence for up to six (6) children under the age of sixteen (16) or up to two (2) adults for any part of the day.

**Day Care Facility:** A facility which provides a regular program of care and protection during any part of the day for either (i) three (3) or more adults or seven (7) or more children under the age of sixteen (16) in the operator's residence or (ii) any number of children or adults in a building other than the operator's residence.

Sec. 19-8-8, Home Day Care and Day Care Facility Standards, establishes standards for day cares.

The smaller facility, the day care home, is a conditional use. A permit is required from the Code Enforcement Officer. The CEO sends a notice to neighbors and if there are objections, the applicant must appear before the Zoning Board of Appeals to request a conditional use permit.

The Day Care Facility is larger and requires Site Plan Review from the Planning Board.

Both types of facilities must provide a fenced, outdoor play area and a vehicle pick-up and drop-off area.

### Ordinance amendment

The draft amendment creates the following day camp definition:

**Day Camp:** A program of care and instruction for no more than six (6) children, age sixteen (16) or younger, at the operator's residence, and may also include the operator's

yard and off-site field trips. The program shall be limited to no more than four (4) hours a day and limited to school vacation periods, and further limited to no more than four (4) weeks per summer and no more than six (6) weeks in a calendar year.

The amendment also adds day camps as a permitted nonresidential use in the RA, RB, RC, TC, BA, and BB districts.

### Conclusion

While the Planning Board discussed a range of issues, including traffic, noise, child safety and possible review as a conditional use, the draft amendments were recommended as a compromise. Limitations included in the definition such as number of children, hours of day and weeks per summer and per year substantially differentiate this use from the existing day care uses currently allowed only with greater review by town boards. The Planning Board remains available to meet with the Town Council as the amendment is considered.