

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: May 28, 2014  
SUBJECT: BA District Restaurant seat Amendment

### Introduction

The Town Council referred to the Planning Board a request to amend the Zoning Ordinance to allow restaurants in the BA District to have 100 seats.

### Review

The Planning Board held 2 workshops, a special meeting, and two regular meetings (including a public hearing) when the proposed amendment was discussed. The Planning Board agreed that a seating cap was appropriate to support the neighborhood character of restaurants in the BA District. The Board discussed the number of seats in other area restaurants. At the May 22, 2014 meeting, the Planning Board voted 5-1 to recommend the following amendment to increase the seat cap from 80 seats to 100 seats.

## **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

### **A. Purpose**

The Business A District is comprised of neighborhood business districts in which the business uses are geared to the needs of nearby residents rather than a large scale, regional destination center. The district requirements seek to promote (i) business vitality, (ii) pedestrian connectivity between the business district and the adjacent residential areas, (iii) a mix of commercial and housing uses, (iv) high quality design that is pedestrian friendly, compatible with, and protects the integrity of the adjacent residential neighborhood, and (v) an efficient use of the land within the district for business uses. The Business A district regulations recognize that the BA District in the Shore Road area and the BA District in the Ocean House Road area are individually distinctive and may require different treatments, which are specified herein. **(Effective July 8, 2009)**

### **D. Standards**

#### **1. Performance Standards**

- g. Restaurant, including delicatessen, ice cream parlor, and sit down restaurant, size shall be limited to no more than 10080 seats.  
**(Effective July 8, 2009)**