

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: June 21, 2021  
SUBJECT: Agricultural Amendment

### Introduction

At the May 10, 2021 meeting, the Town Council passed the following motion by a 5-0 vote:

ORDERED, the Cape Elizabeth Town Council refers to the planning board for review and report back to the town council a request to increase the size of high tunnel/greenhouse agricultural buildings, Sec. 19-9-2.

The Planning Board discussed the amendment at the June 1, 2021 workshop, at which time they voted to schedule a public hearing on June 15<sup>th</sup>.

### Summary

The William H. Jordan farm has requested that the maximum size of agricultural buildings that do not require site plan review be increased from 2,000 sq. ft. to 3,000 sq. ft. Under the United States Department of Agriculture (USDA) NRCS EQUIP program, a high tunnel of at least 2,100 sq. ft. in size is eligible for reimbursement. The current ordinance would require Site Plan review for a high tunnel of more than 2,000 sq. ft.

The proposed revision increases the site plan exemption cap to 3,000 sq. ft. for barns, greenhouses and storage sheds used for agriculture. The Planning Board discussed expanding the cap for greenhouses alone, but noted that non-agricultural buildings like a single family home garage would not require site plan review. The Comprehensive Plan supports "farm friendly" policies.

### Recommendation

The Planning Board approved the following motion by a vote of 4-2.

BE IT ORDERED that, based on the draft amendment and the facts presented, the Planning Board recommends the agricultural Amendment to the Town Council for consideration.

**DRAFT**  
**Agricultural/Site Plan Amendment**  
**Zoning Ordinance**

**ARTICLE IX. SITE PLAN REVIEW**

**SEC. 19-9-2. APPLICABILITY**

**B. Activities Not Requiring Site Plan Review**

The following activities shall **not** require site plan approval (certain of these activities may, however, require the owner to obtain a building permit, plumbing permit, or other State and local approvals):

1. The construction, alteration or enlargement of a single family or two-family dwelling unit, including accessory buildings and structures, except as required in the Town Center Core Subdistrict. (Effective June 10, 2010)
2. The placement of manufactured housing or mobile home on individual lots.
3. Agricultural buildings as follows: (Effective June 10, 2010)
  - a. Any temporary agricultural building, where temporary shall mean that the structure remains in place no more than 3 months in any 12-month period.
  - b. If sales shall be conducted from the building, the structure must be a temporary structure and sales shall not be conducted from the building for more than 3 months in any 12-month period.
  - c. Any barn, greenhouse, or storage shed with a building footprint that does not exceed ~~2,000~~ 3,000 sq. ft. in size.
  - d. Any structure that shall provide housing, other than a single family home, shall require Site Plan Review under Sec. 19-2-2.(A).(4), above.
  - e. Any structure which does not comply with subparagraphs a., b., and c. above shall require Site Plan Review.
4. Temporary structures such as construction trailers or equipment storage sheds.