

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Maureen O'Meara, Town Planner
DATE: March 26, 2021
SUBJECT: Evolution of the Town Center Zone

Introduction

As part of the consideration of the Town Center Affordable Housing amendments, I've been asked to provide a "high-level" summary of how the Town Center Zoning District requirements were developed and how the comprehensive plan and town center plan interact.

Pre-Town Center Zone

Most of the Town Center area was previously zoned Business A District. In October, 1991, a height limit of 35' was established as part of a "Business A Health club" amendment. Prior to that amendment, all height limits in the town, both residential and commercial, originated from the Building Code, which generally limits wood frame structures to 35', and allows additional height if the structure is reinforced with steel.

1991: Why create a Town Center Plan Committee?

The Town Council created a Town Center Plan Committee in 1991, on the heels of completing the 1990 Comprehensive Plan (later updated to 1993). Why? There were several catalysts. The Town had created a Main Street 90 committee as part of a state program to revitalize downtowns. The committee's work included beautification recommendations. The town was updating its Sign Ordinance and there was recognition this area needed a different treatment for sign regulation from the residential areas. The state made available to the town a comprehensive planning grant, and since the town had just completed a comp plan update, received permission to apply the grant to a focused planning effort on the town center.

1993 Town Center Plan

The Town Center Plan Committee was composed of 9 members, including representation from the Town Council, Planning Board, Main Street 90 Committee, School Board, residents and business owners.

A fundamental decision for the committee was to create a vision. Fortuitously, a regional planning conference was held in Portland shortly after the committee was assembled and the Cape Elizabeth Town Center was the featured 3-hour charrette, where 125+ professional planners, committee members, town councilors and town employees broke into groups to draw up plans. Committee members used this session and subsequent meeting materials to create a vision of

a village center, a deliberate choice to turn away from the existing zoning regulations which promoted a Route One, commercial strip type of development.

The committee's work was substantially guided by two publications: (1) "Reinventing the Village" by Suzanne Sutro, American Planning Association Planning Advisory Service Report Number 430, 1990; and (2) "Village Planning Handbook" by the Bucks County, Pennsylvania Planning Commission, 1988. Both references include examples of land use regulations that produce a village style, mixed use commercial area. The committee reviewed many examples of village zoning, and adapted selected requirements to "fit" a Cape Elizabeth Town Center. The Town Center Plan was completed in 1993. It includes 37 recommendations and a draft Town Center Zone.

The Town Council adopted the vision and goals in 1993 and referred the zone recommendation to the Planning Board. The Planning Board added the design requirements and the Town Center Zone and map changes were adopted by the Town Council in 1995. Following adoption, the area began to be called the "Town Center."

The Town Center Zone as originally adopted limited multi-family dwelling units to no more than 50% of a mixed use building. (This was revised in 2010 to allow 2 floors of residential in a three story building as long as the first floor remained non-residential)

1995 - 2012 Amendments to the Town Center Zone

Sec. 19-10-3 Amendments, in the Zoning Ordinance, describes the process for considering ordinance amendments. The following are amendments/highlights to the Town Center Zone.

- 1997 New Zoning Ordinance adopted. Creates Town Center subdistrict for reduced single family home lot sizes.
- 1998 Referendum to reduce Town Center Zone height from 35' to 25' is rejected 3:1.
- 2000 Telecommunication Tower amendments town-wide provisions.
- 2008 Wind energy system town-wide provisions.
- 2009 Bed and Breakfast amendments town-wide provisions.
- 2010 Town Center multi-family amendments to clarify definition, allow more than 50% of a mixed use building to be residential as long as the first floor is non-residential.
- 2012 Short Term Rental town-wide provisions.

2014 Town Center Plan

The Town Council created a Town Center Plan Committee in 2013 to "revisit the [1993 plan] and take a fresh look at the Town Center with the goal to support a vibrant, business and pedestrian friendly town center." The committee's tasks included a review of the town center vision, town center boundaries and Town Center Zone requirements. The committee also considered and ultimately declined to retain a consultant to perform a market analysis study of the town center.

To enhance implementation, the plan has a pared down 7 recommendations, which are listed below with their current implementation status.

Recommendation	Status
1. Pedestrian and bike safety	Segment 6 sidewalk constructed 2018. Segment 1 sidewalk grant funded and constructed 2020; Segment 4 (partial) constructed 2020; Segment 7 and 8 sidewalks grant funded, construction expected in 2023.
2. Route 77 as "main street."	Request to reduce speed limit sent to MDOT, denied
3. Stormwater Management study	Study grant funded and completed 2015, construction incremental with other construction
4. Town Green	Zoning amendment adopted 2016, green constructed 2020.
5. Design Standards: Retain current and consider changes as appropriate	Village green amendment adopted 2016; STR amendments pending
6. Technical standards manual	Not done
7. TIF District	TIF created 2015, revenues designated as cash match for Segment 7 and 8 sidewalk project

Village Green Zoning Amendment

One of the most significant outcomes from the 2014 Town Center Plan was the village green amendment. Both the 1993 and 2014 Town Center Plans recommended creation of a village green in the town center. At the October 17, 2013 public forum, a town center property owner offered to create the village green if the maximum front setback could be adjusted. The committee met with the property owner and reviewed a concept plan. They recommended the village green amendment, which allowed a building to be set back further than the maximum setback if the building was constructed as part of a development that created a village green.

2019 Comprehensive Plan and the 2014 Town Center Plan

The comprehensive plan is the guiding document for land use and land use regulations must be in *overall alignment* with the comprehensive plan. Preparing a comp plan is a significant effort, and must include a large quantity of information required under state rules. For this reason, it is common practice for the comprehensive plan to incorporate special focus planning documents by reference. For example, in the 2019 Comprehensive Plan references the 2014 Town Center Plan, Management of Greenbelt and Open Space Plan (2012), Greenbelt Plan (2013), 2018 Harbors Committee Report, Trout Brook Watershed Assessment (2003), Trout Brook Watershed Management Plan (2012).

The 2019 Comprehensive Plan includes 17 chapters covering a wide range of areas with goals and recommendations, and some of those recommendations may not perfectly mesh together. That may also be true for reports included by reference. It is normal for there to be some tension when implementing goals and it is ultimately the responsibility of the Town Council to make policy decisions.

