

MEMORANDUM

TO: Ordinance Committee
FROM: Maureen O'Meara, Town Planner
DATE: April 27, 2020
SUBJECT: Comprehensive Plan Implementation
Recommendations #30, #82

Introduction

The Town Council has referred recommendations in the 2019 Comprehensive Plan to the Ordinance Committee for implementation. The data below is intended to support the committee's initial discussion.

Minimum Lot Size

Recommendation #30

Evaluate reducing the minimum lot size for existing, vacant, nonconforming lots to allow construction on infill lots of between 5,000 sq. ft. and 10,000 sq. ft. in size that will be served by public sewer and water and will comply with the Mandatory Affordable Housing provisions for low-income housing.

Current zoning requires that a lot of record must be at least 10,000 sq. ft. in size. Below is a summary of current zoning dimensional standards.

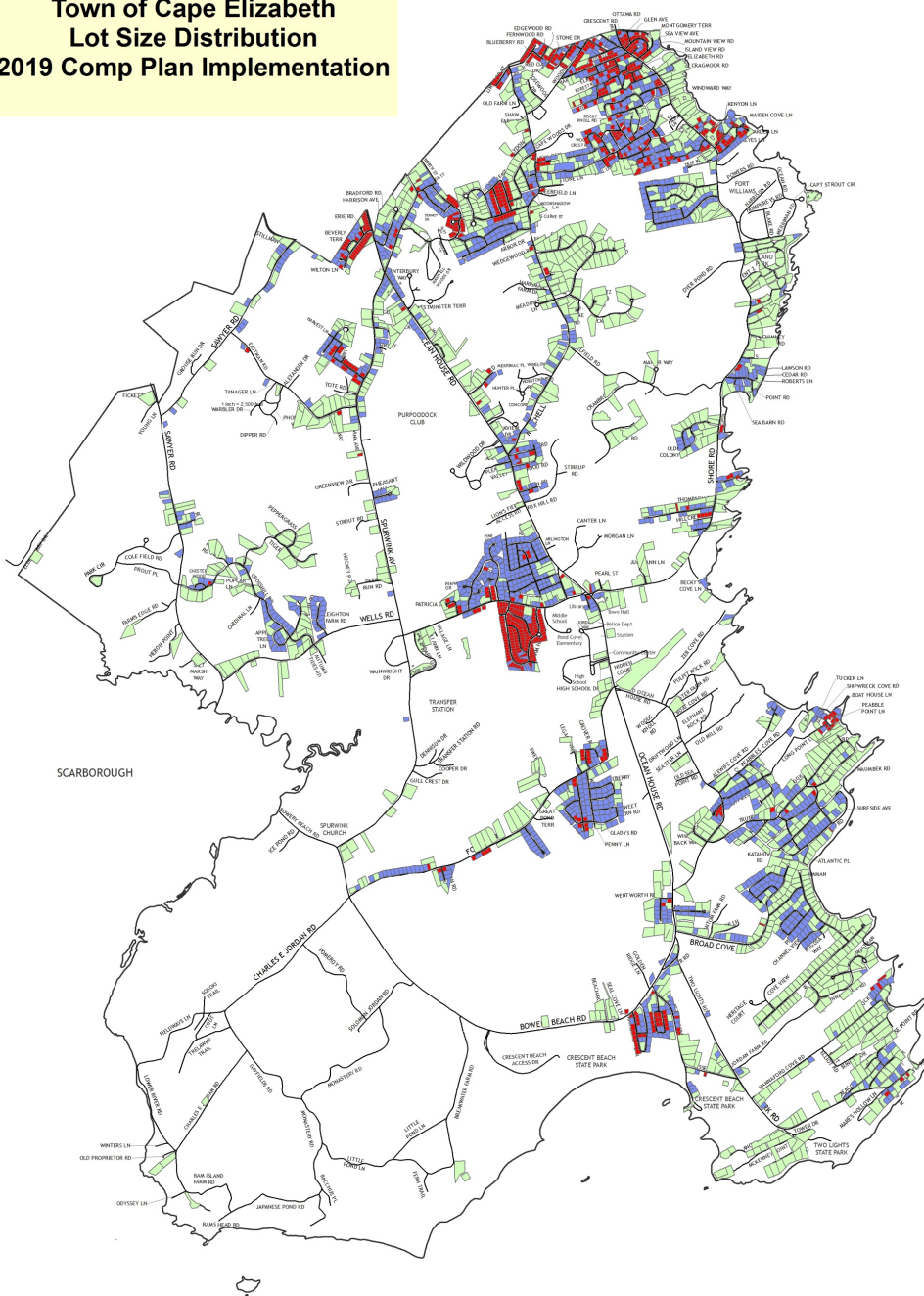
| Dimensional requirements in Zoning Districts for residential uses | | | | | | | |
|---|----------------|-------------|--------------|--------------|----------------------------|------------------------------------|--|
| Zoning District | Min lot size | Rd frontage | Side Setback | Rear Setback | Clustered Minimum Lot Size | Clustered/sewered Minimum lot size | |
| RA | 80,000 sq. ft. | 125' | 30' | 30' | 30,000 sq. ft. | 30,000 sq. ft. | |
| RB | 80,000 sq. ft. | 125' | 30' | 30' | 20,000 sq. ft. | 10,000 sq. ft. | |
| RC | 20,000 sq. ft. | 100' | 20' | 20' | n/a | 7,500 sq. ft. | |
| Town Center | 7,500 sq. ft. | 50' | 15' | 15' | | | |
| BA | 15,000 sq. ft. | 0' | 25' | 25' | | | |

The following table summarizes existing lot sizes:

| Town of Cape Elizabeth Existing Lot Size | | | | |
|--|----------------|-----------------|---------|--|
| Lot Size (sq. ft.) | Number of Lots | % of total lots | Vacant• | |
| 0-4,999 sf | 64 | 2% | 22 | |
| 5,000-9,999 sf | 685 | 17% | 24 | |
| 10,000-19,999 sf | 1315 | 33% | 39 | |
| 20,000-79,000 sf | 1221 | 30% | 80 | |
| 80,000 + sf | 747 | 19% | 156 | |
| | | | | |
| TOTAL | 4032 | 100% | 321 | |
| | | | 8% | |
| | | | | |
| | | | | |
| *Vacant has been determined by a lot having a building assessment of less than \$10,000. Lots owned by local/state/fed/private conserved land have been removed. | | | | |

The maps on the following page depicts the distribution of lots and the distribution in relation to current zoning. Note that the RC District is colored orange and the RA District pale yellow. North, central and south Cape map inserts are provided for better viewing.

Town of Cape Elizabeth Lot Size Distribution 2019 Comp Plan Implementation



Legend

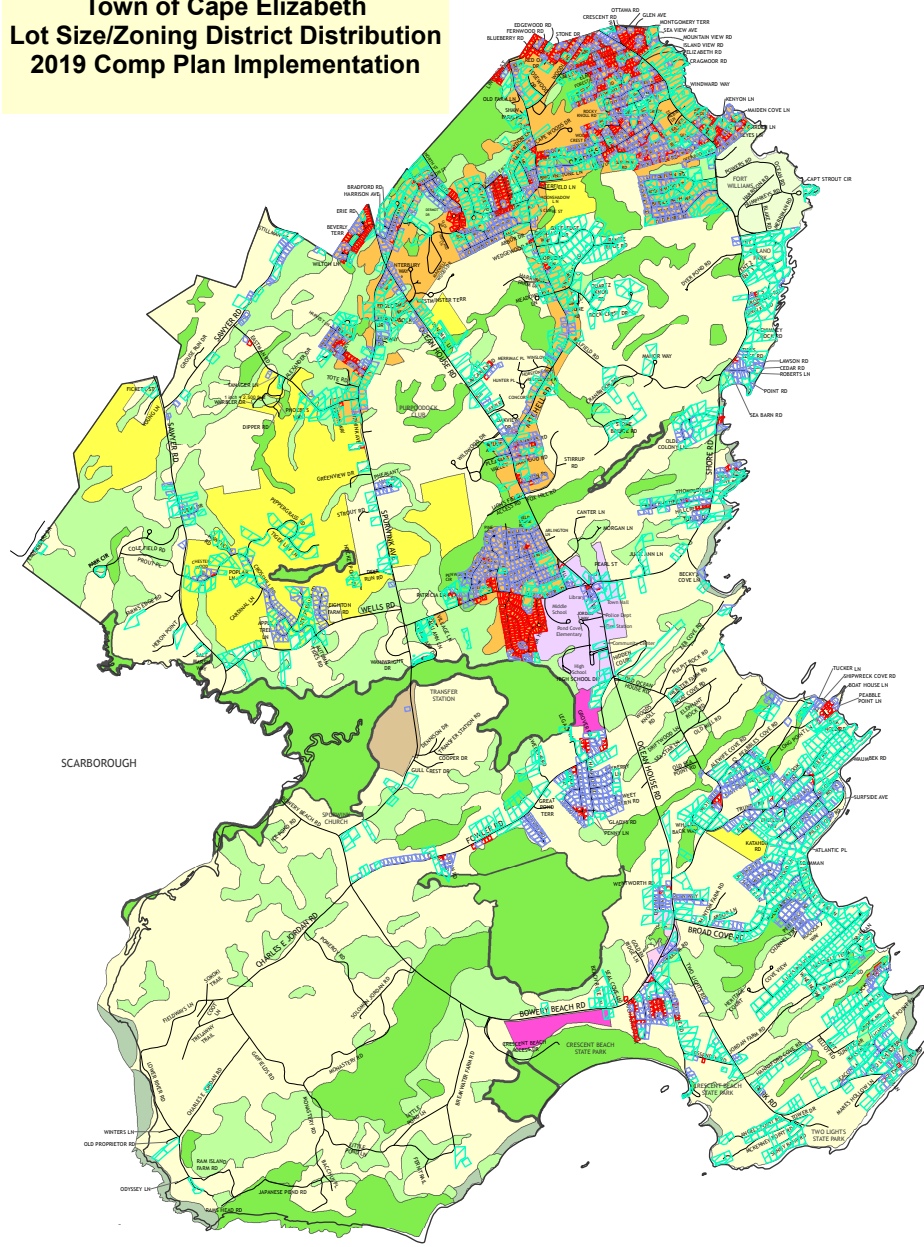
- Lot Size 20,000-79,000 sf
- Lot Size 10,000-19,999 sf
- Lot Size 5,000-9,999 sf
- Lot Size <5,000 sf



0 1,000 2,000 4,000 Feet

Prepared by the Planning Office 4/27/2020

Town of Cape Elizabeth **Lot Size/Zoning District Distribution** **2019 Comp Plan Implementation**



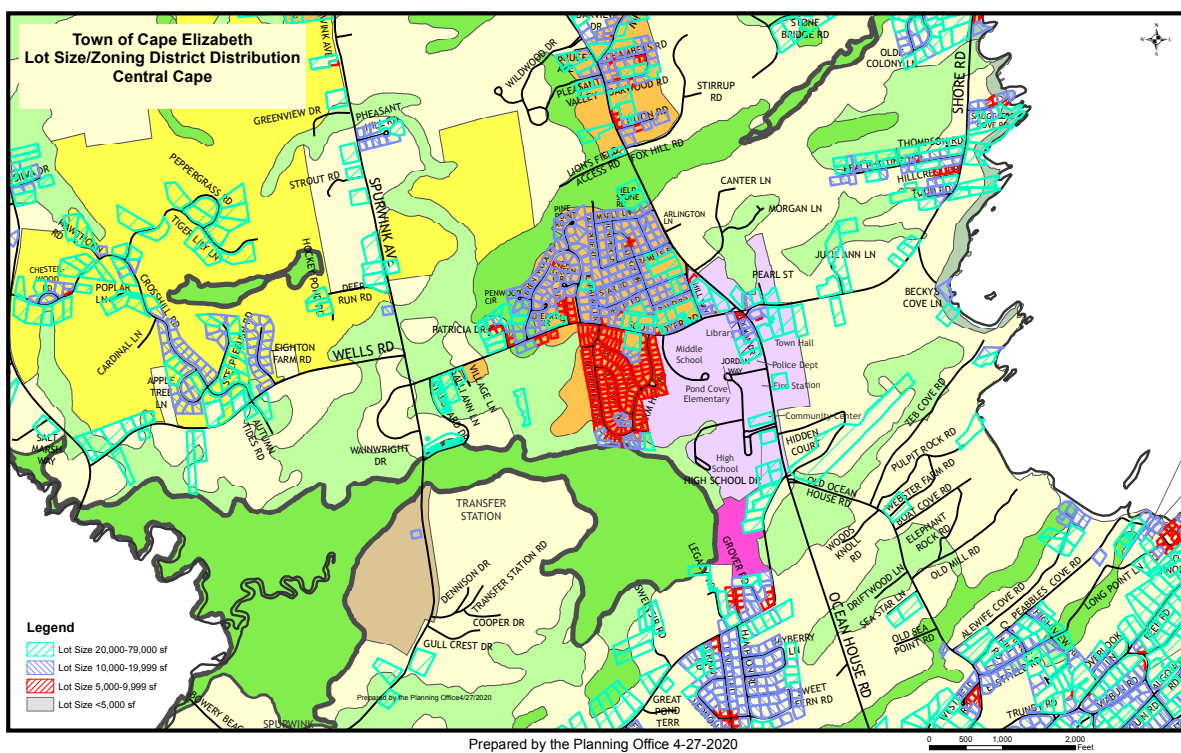
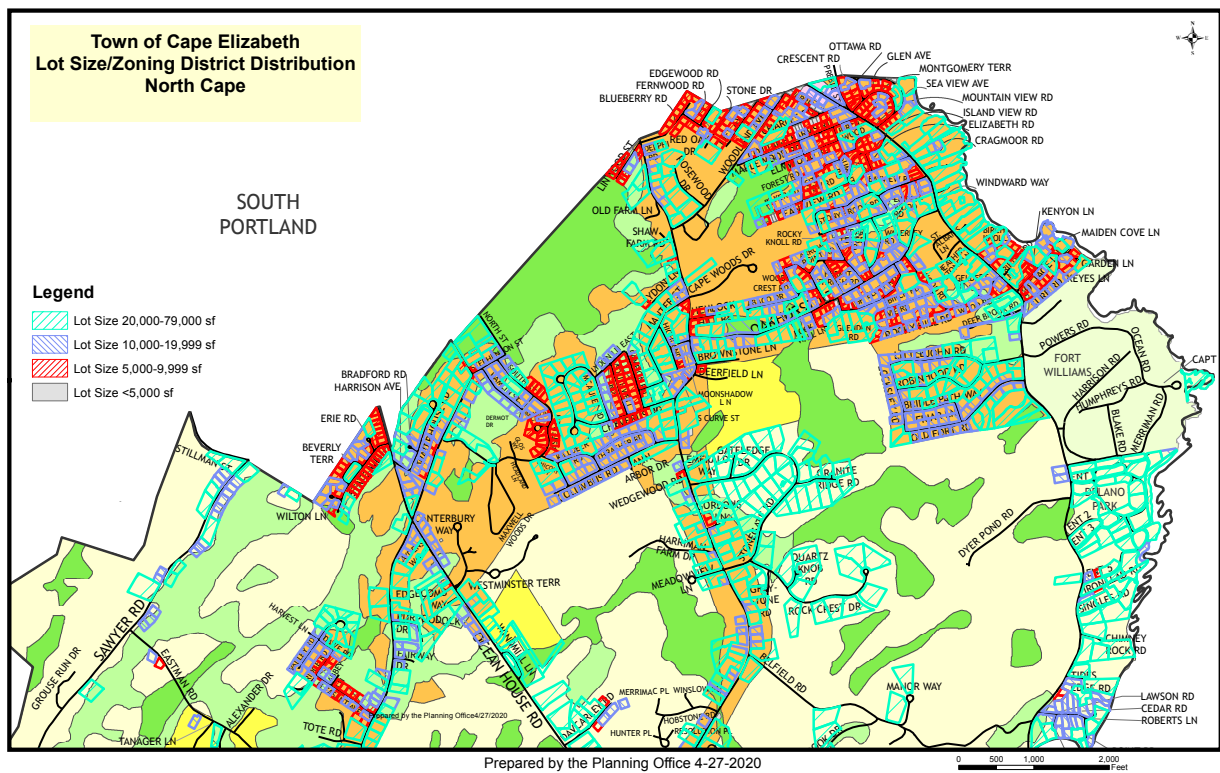
Legend

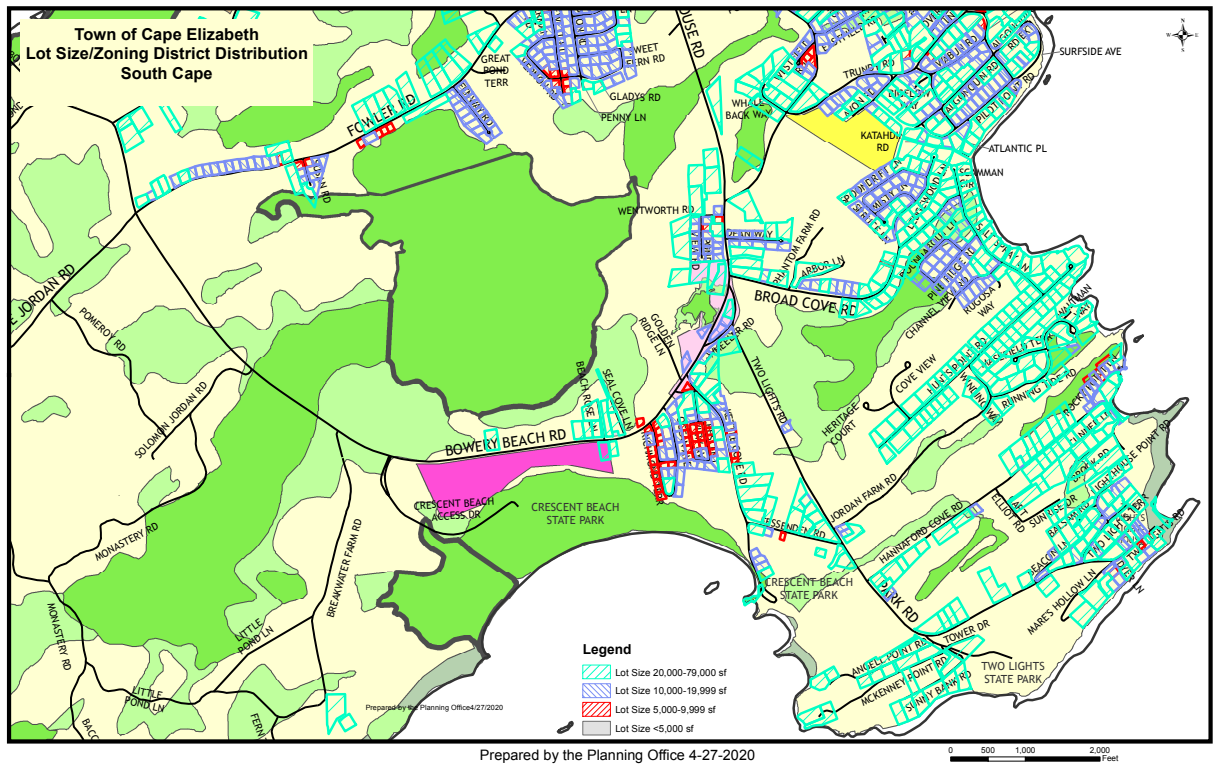
- Lot Size 20,000-79,000 sf
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0 1,000 2,000 3,000

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Nonconforming lots setbacks

Recommendation #82

Review the regulation of existing, nonconforming lots (infill lots) and recommend ordinance revisions that allow nonconforming lots a reasonable opportunity to be built upon and/or buildings expanded to meet the needs of modern households while also protecting the character of neighborhoods.

The following table compares the current side and rear setbacks for conforming and nonconforming lots. Front yard setbacks are based on the type of road that the lot fronts on and are essentially the same.

| Zoning District | Min lot size | Side Setback | Nonconforming lot Side Setback | Rear Setback | Nonconforming lot Rear Setback |
|-----------------|----------------|--------------|--------------------------------|--------------|--------------------------------|
| RA | 80,000 sq. ft. | 30' | 25' | 30' | 20' |
| RC | 20,000 sq. ft. | 20' | 10' | 20' | 15' |

The following chart shows the number of lots in the RA and RC districts, and then the number of those lots that are not conforming to current minimum lot size requirements.

| Nonconforming lots in the RA, RC* | | | | | | | |
|---|------------------|----------------------|--------------------------|--|---|--|-------------------------------------|
| Zoning District | Minimum Lot Size | Total number of lots | Lots less than 10,000 sf | Lots less than 20,000 sf (cumulative) ** | Lots less than 80,000 sf (cumulative) *** | Percentage nonconforming of total lots | Number of vacant Nonconforming lots |
| RC | 20,000 sf | 1540 | 560 | 1115 | | 72% | 35 |
| RA | 80,000 sf | 1800 | 140 | | 1260 | 70% | 96 |
| *Lot counts are approximate | | | | | | | |
| **46 Open Space Subdivision lots were deducted. | | | | | | | |
| *** 50 Open Space Subdivision lots were deducted. | | | | | | | |

As depicted below, 50% of the town is in the RA District, while the RC District makes up 9%.

