

**Town of Cape Elizabeth
Ordinance Committee Minutes**

August 10, 2022

7:00 p.m.

Remote

Members Present: Penny Jordan, Chair
Caitlin Jordan
Gretchen Noonan

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order at 7:00 p.m.

The minutes of the July 18, 2022 meeting were approved 2-0.

Public comment

No members of the public were in attendance.

LD 2003 amendments

Chair Penny Jordan asked if the accessory dwelling units enabled by the LD2003 amendments can be required to be affordable? Ms. O'Meara referenced the ADU implementation webinar summary provided in the materials for the last meeting. ADU implementation experience is that they are financed by property owner equity or cash savings, so more ADUs are created in affluent communities. In the interest of social equity, some communities offer financing support and/or "off the shelf" ADU building plans that can save on costs. ADUs tend to be affordable, but are not required to meet the standard affordability requirements.

Chair Penny Jordan asked about the 2 and 4 unit multifamily unit requirements. Ms. O'Meara reviewed the zoning map, specifically the residential zones.

The committee resumed review of the Gap Analysis matrix starting on row 12. Ms. O'Meara explained that LD 2003 requires that multifamily buildings be allowed in residential zones and they are already allowed in residential zones in Cape Elizabeth. LD 2003 allows municipalities to require a per unit density equal or less than required for single family home. Ms. O'Meara explained that allowing more units within the same single family lot size would be more progressive in promoting multifamily units and affordable housing.

The committee discussed the scope of the amendments. Councilor Noonan stated that the referral from the Town Council was to implement LD 2003 policies. The committee agreed to produce amendments that aligned with LD 2003. Amendment ideas that would go further to promote affordable housing will be collected on a list, for use by the Ad Hoc Housing Diversity

Study Committee (HDSC). Councilor Caitlin Jordan summarized that the HDSC can then determine if the town will consider more amendments to promote affordable housing.

The committee supports making a 2-unit a permitted use, noting the new 2-unit construction next to Tamaro Landscaping that replaced two existing single family dwellings.

The committee agreed that allowing potentially up to 4 multifamily units on a single family lot with no additional land area should be put on the list for HDSC review.

Row 15, the committee discussed the option to not allow additional units when a single family home is torn down and rebuilt. The committee agreed not to add a prohibition as tear downs are a choice by the private property owner.

Row 18, the committee agreed that the existing building permit process is adequate, and that there are already provisions for violations.

Row 22, the committee discussed the existing accessory dwelling unit (ADU) provisions. Ms. O'Meara reviewed that the existing provisions, when they were adopted in the 1990's, were progressive for the time. They include provisions to address concerns with preserving single family neighborhood character needed for adoption. The provisions made it possible for someone to request approval of an ADU as part of their new home construction.

Most of the ADU section will need to be replaced with the LD2003 ADU provisions. Even before LD2003 was passed, the Code Enforcement Officer suggested a review of the ADU provisions due to the number of residents who wanted to build a detached ADU for their adult children. The committee would like to revisit the maximum size cap of 600 sq. ft, noting that it is a small size. The committee also confirmed that existing single family home setback requirements remain in place. The committee may also want to look at the capacity of the more compact neighborhoods to take advantage of the ADU option.

Row 44, the committee discussed the fair housing and nondiscrimination requirements. Generally, adoption of LD 2003 compliant amendments should demonstrate alignment with fair housing goals. The HDSC may also make recommendations that promote fair housing goals.

Row 45, the committee wants to clearly state that an ADU cannot be a Short Term Rental (STR).

The committee would like to see draft text amendments for the next meeting.

Next Meeting

The committee scheduled the next meeting for Wednesday, September 14th, beginning at 7:00 p.m. The meeting adjourned at 8:25 p.m.