**SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

**A. Purpose**

The Residence A District includes lands that are outside of the built-up areas of Cape Elizabeth, lands to which public sewer lines are not expected to be extended in the near future, and large tracts suitable for farming, woodland production, and wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character, scenic value, and traditional uses of rural lands and that does not impose an undue burden on the provision of municipal services.

**B. Permitted Uses**

The following uses are permitted in the Residence A District:

***1. The following resource-related uses:***

a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in Resource Protection 2-Wetland Protection District, or in Resource Protection 3-Floodplain District, as shown on Table 19-6-9

b. Agriculture, provided that no animal or fowl shall be raised for commercial purposes on any lot containing less than one hundred thousand (100,000) square feet

c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal, provided that such activity occurs only on a lot containing at least one hundred thousand (100,000) square feet

d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards

e. Timber harvesting

**E. Standards**

***2. The following Space and Bulk Standards shall apply:***

|  |  |
| --- | --- |
| **MINIMUM LOT AREA** | |
| ***(1) Boat repair facility for commercial purposes*** | 200,000 sq. ft. (4.6 acres) |
| ***(2) Multiplex housing*** | 10 acres |
| ***(3) Eldercare facilities*** | 10 acres |
| ***(4) Golf Course* (Effective February 12, 2003*)*** | 150 acres  **(Effective February 12, 2003*)*** |
| ***(5) Wind energy systems***  **(Effective. October 8, 2008)**  ***(6) Keeping of Roosters***  ***(7) Other uses*** | 20,000sq. ft.  40,000 sq. ft.  80,000 sq. ft. |
| **MINIMUM SETBACKS** | |
| ***(1) All uses unless otherwise specified*** |  |
| (a) Side yard setback | 30 ft.  The side yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** |
| (b) Rear yard setback | 30 ft.  The rear yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** |
| © Front yard setback | The front yard setbacks set forth below may be reduced, only on roads which are not classified arterial, to the average setback of the two principal structures fronting on the same road in closest proximity to the site of the proposed structure, but any structure must be at least 20 feet from the right-of-way. |
| - Arterial street | 50 ft. |
| - Collector, rural connector, and feeder streets | 40 ft. |
| - Local and private streets | 30 ft. |
| ***(2) Multiplex housing and eldercare facilities*** |  |
| (a) From property line | 75 ft. |
| ***(3) Accessory structures with floor area not greater than 100 square feet and a height not greater than 8-1/2 feet from average grade*** |  |
| (a) Side yard setback | 10 ft. |
| (b) Rear yard setback | 5 ft. |
| ***(4) Reserved* (Effective June 10, 2010)** |  |
| ***(5) Antennas extending from 15’ to 25’ measured from the highest point of the alternative tower structure*** |  |
| (a) Property line setback | 125% of the distance from the ground to the top of the antenna  **(Effective April 15, 2000)** |
| ***(6) Towers which are freestanding, and towers which are attached or braced against a structure and exceed 15’ in height measured from the highest point of the roof of the structure*** |  |
| (a) Property line setback | 125% of the distance from the ground  to the top of the antenna  **(Effective April 15, 2000)** |
| (b) Front yard setback  ***(7) Open Space Zoning Subdivisions***  ***(See Sec. 19-7-2)***  (a) Side yard setback  (b) Rear yard setback  (c) Front yard setback  ***(8) Deck with a height of less than ten (10)***  ***feet above average grade***  (a) Side yard setback  (b) Rear yard setback  ***(9) Accessory building having less than one***  ***hundred fifty (150) square feet of floor area***  (a) Side yard setback  (b) Rear yard setback  ***(10) Outdoor recreational facilities such as***  ***swimming pools, tennis courts, and***  ***basketball courts that are accessory to a***  ***single family residential use***  (a) Side yard setback  (b) Rear yard setback  ***(11) Wind energy system*** | 125% of the distance from the ground  to the top of the antenna or the distance from the street right of way to the front of the existing structure plus 5’, whichever is more  **(Effective April 15, 2000)**  20 ft.  20 ft.  20 ft.  15 ft.  15 ft.  15 ft.  15 ft.  15 ft.  15 ft.  **(Effective December 10, 2003)**  110% of the distance from the ground to the center of the turbine  **(Effective October 8, 2008)** |
| ***(12) Antenna attached to a structure*** | 25’ measured from the highest point of the roof of the structure  **(Effective April 15, 2000)** |
| ***(13) Freestanding amateur or governmental wireless telecommunication tower*** | 50’ measured from average original grade  **(Effective April 15, 2000)** |

**SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

**A. Purpose**

The Residence B District is differentiated from the Residence A District in that subdivisions in Residence B are required to be laid out according to the principles of open space zoning, as described in Sec. 19-7-2, Open Space Zoning. The Residence B District includes lands outside of the built-up parts of Town where the Comprehensive Plan indicates growth can and should be accommodated as a result of soils suitable for individual or common septic systems or the extension of public sewer lines. The purpose of this district is to allow a significant portion of the Town’s anticipated residential growth to occur in these areas, in a manner that preserves the character of rural lands, promotes healthy neighborhoods, offers flexibility in design, and minimizes the costs of municipal services.

**B. Permitted Uses**

The following uses are permitted in the Residence B District:

***1. The following resource-related uses:***

a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in Resource Protection 2-Wetland Protection District, or in Resource Protection 3-Floodplain District, as shown on Table 19-6-9

b. Agriculture, provided that no animal or fowl shall be raised for commercial purposes on any lot containing less than one hundred thousand (100,000) square feet

c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal, provided that such activity occurs only on a lot containing at least one hundred thousand (100,000) square feet

d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards

e. Timber harvesting

**E. Standards**

***2. The following Space and Bulk Standards shall apply:***

|  |  |
| --- | --- |
| **MINIMUM LOT AREA** | |
| ***(1) Eldercare facilities*** | 5 acres | |
| ***(2) Wind energy systems*** | 20,000 sq. ft.  **(Effective October 8, 2008)** | |
| ***(3) Keeping of Roosters***  ***(4) Other uses*** | 40,000 sq. ft.  80,000 sq. ft. | |
| **MINIMUM SETBACKS** | |
| ***(1) All uses unless otherwise specified*** |  | |
| (a) Side yard setback | 30 ft.  The side yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** | |
| (b) Rear yard setback | 30 ft.  The rear yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** | |
| (c) Front yard setback | The front yard setbacks set forth below may be reduced, only on roads which are not classified arterial, to the average setback of the two principal structures fronting on the same road in closest proximity to the site of the proposed structure, but any structure must be at least 20 feet from the right-of-way. | |
| - Arterial street | 50 ft. | |
| - Collector, rural connector, and feeder  streets | 40 ft. | |
| - Local and private streets | 30 ft. | |
| (d) Limit on parking within the front yard | A nonresidential use shall not locate its required off-street parking within the front yard setback | |
| ***(2) Multiplex housing and eldercare facilities*** |  | |
| (a) From property line | 75 ft. | |
| ***(3) Accessory structures with floor area not greater than 100 square feet and a height not greater than 8-1/2 feet from average grade*** |  | |
| (b) Rear yard setback | 5 ft. | |
| ***(4) Reserved* (Effective June 10, 2010*)*** |  | |
| (***5) Antennas extending from 15’ to 25’ measured from the highest point of the alternative tower structure*** |  | |
| (a) Property line setback | 125% of the distance from the ground to the top of the antenna  **(Effective April 15, 2000)** | |
| ***(6) Towers which are freestanding, and towers which are attached or braced against a structure and exceed 15’ in height measured from the highest point of the roof of the structure*** |  | |
| (a) Property line setback | 125% of the distance from the ground  to the top of the antenna  **(Effective April 15, 2000)** | |
| (b) Front yard setback  ***(7) Deck with a height of less than ten (10)***  ***feet above average grade***  (a) Side yard setback  (b) Rear yard setback  ***(8) Accessory building having less than one***  ***hundred fifty (150) square feet of floor area***  (a) Side yard setback  (b) Rear yard setback  ***(9) Outdoor recreational facilities such as***  ***swimming pools, tennis courts, and***  ***basketball courts that are accessory to a***  ***single family residential use***  (a) Side yard setback  (b) Rear yard setback    ***(10) Wind energy system*** | 125% of the distance from the ground  to the top of the antenna or the distance from the street right of way to the front  of the existing structure plus 5’, whichever is more  **(Effective April 15, 2000)**  15 ft.  15 ft.  15 ft.  15 ft.  15 ft.  15 ft.  **(Effective. 12/10/03)**  110% of the distance from the ground to the center of the turbine  **(Effective October 8, 2008)** | |

**SEC. 19-6-3. RESIDENCE C DISTRICT (RC)**

# A. Purpose

The Residence C District includes lands that are within the built-up areas of Cape Elizabeth, are sewered or can be easily served by public sewer, are identified in the Comprehensive Plan as part of the Town’s growth areas, are not presently in agricultural or woodland uses, and are not considered to be valuable, large-scale open space with valued scenery or wildlife habitat. The purpose of the district is to provide for areas of compact development that can foster cohesive neighborhoods that are close to community services.

**B. Permitted Uses**

The following uses are permitted in the Residence C District:

***1. The following resource-related uses:***

a. Any use listed in Resource Protection 1-Critical Wetlands District, or in Resource Protection 2-Wetland Protection District, or in Resource Protection 3-Floodplain District, as shown on Table 19-6-9

b. Agriculture, provided that no animal or fowl shall be raised for commercial purposes on any lot containing less than one hundred thousand (100,000) square feet

c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal, provided that such activity occurs only on a lot containing at least one hundred thousand (100,000) square feet

d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards

e. Timber harvesting

**E. Standards**

***2. The following Space and Bulk Standards shall apply:***

|  |  |
| --- | --- |
| **MINIMUM LOT AREA** | |
| ***(1) Boat repair facility for commercial purposes*** | 200,000 sq. ft. (4.6 acres) |
| ***(2) Multiplex housing*** | 5 acres |
| ***(3) Eldercare facilities*** | 5 acres |
| ***(4) Wind energy systems*** | 20,000 sq. ft.  **(Effective October 8, 2008)** |
| ***(5) Keeping of Roosters***  ***(6) Others*** | 40,000 sq. ft.  20,000 sq. ft. |
| **MINIMUM SETBACKS** | |
| ***(1) All uses unless otherwise specified*** |  |
| (a) Side yard setback | 20 ft.  The side yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** |
| (b) Rear yard setback | 20 ft.  The rear yard setback may be reduced in accordance with Sec. 19-4-3.A.2, Developed Nonconforming Lots. **(Effective August 11, 1999)** |
| (c) Front yard setback | The front yard setbacks set forth below may be reduced, only on roads which are not classified arterial, to the average setback of the two principal structures fronting on the same road in closest proximity to the site of the proposed structure, but any structure must be at least 20 feet from the right-of-way. |
| - Arterial street  - Collector and rural connector streets  - Feeder street  - Local and private streets | 40 ft.  40 ft.  30 ft.  20 ft. |
| ***(2) Multiplex housing and eldercare facilities*** |  |
| (a) From property line | 75 ft. |
| ***(3) Accessory structures with floor area not greater than 100 square feet and a height not greater than 8-1/2 feet from average grade*** |  |
| (a) Side yard setback | 10 ft. |
| (b) Rear yard setback | 5 ft. |
| ***(4) Reserved* (Effective June 10, 2010)** |  |
| ***(5) Antennas extending from 15' to 25' measured from the highest point of the alternative tower structure*** |  |
| (a) Property line setback | 125% of the distance from the ground to the top of the antenna  **(Effective April 15, 2000)** |
| ***(6) Towers which are freestanding, and towers which are attached or braced against a structure and exceed 15' in height measured from the highest point of the roof of the structure*** |  |
| (a) Property line setback | 125% of the distance from the ground  to the top of the antenna  **(Effective April 15, 2000)** |
| (b) Front yard setback  ***(7) Open Space Zoning Subdivisions***  ***(See Sec. 19-7-2)***  (a) Side yard setback  (b) Rear yard setback  (c) Front yard setback  ***(8) Deck with a height of less than ten (10)***  ***feet above average grade***  (a) Side yard setback  (b) Rear yard setback  ***(9) Accessory building having less than one***  ***hundred fifty (150) square feet of floor area***  (a) Side yard setback  (b) Rear yard setback  ***(10) Outdoor recreational facilities such as***  ***swimming pools, tennis courts, and***  ***basketball courts that are accessory to a***  ***single family residential use***  (a) Side yard setback  (b) Rear yard setback    ***(11) Wind energy system*** | 125% of the distance from the ground  to the top of the antenna or the distance from the street right of way to the front of the existing structure plus 5', whichever is more  **(Effective April 15, 2000)**  15 ft.  15 ft.  20 ft.  10 ft.  10 ft.  10 ft.  10 ft.  10 ft.  10 ft.  **(Effective December 10, 2003)**  110% of the distance from the ground to the center of the turbine  **(Effective October 8, 2008)** |