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CHAPTER 19

ZONING ORDINANCE

SEC. 19-1-3. DEFINITIONS

Dwelling: A building containing one (1) or more dwelling units and used for human habitation.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. **(Effective October 15, 2009)**

Bed and Breakfast: A use that must be operated in conjunction with the use of a dwelling as a primary residence and that (1) provides up to nine (9) furnished bedrooms for rent to guests for 1 or more nights and having a total length of stay not to exceed 14 consecutive days, (2) is operated by the family or person residing permanently in the home; and (3) may serve 1 or more meals to guests only. **(Effective March 9, 2009)**

Homestay: A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to guests for 1 or more nights; (2) is operated by the family or person residing permanently in the home; (3) may serve 1 or more meals to guests only, and (4) provides all parking on-site. A maximum of one homestay is allowed per multifamily building. **(Effective March 9, 2009)**

Hotel: A building used primarily for occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms, and intended to be rented principally to transients on a short-term basis.

Motel: A building or group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and adjacent parking spaces and are intended to be rented principally to transients on a short-term basis.

Short Term Rental: A dwelling offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels and bed and breakfasts.

Short Term Rental Guest: A visitor of a Short Term Rental tenant who will not be sleeping overnight on the property.

Tenant: An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent. When applied to a Short Term Rental, anyone sleeping overnight shall be considered a tenant.

1 **Transient:** A person who obtains lodging for a period of less than 30 consecutive days.

2
3 **SEC. 19-3-1. CODE ENFORCEMENT OFFICER**

4
5 The Code Enforcement Officer of the Town shall interpret and enforce the provisions of this
6 Ordinance and shall require compliance with its requirements and restrictions. The Code
7 Enforcement Officer shall adopt procedures to facilitate the handling of all matters and questions
8 arising hereunder within the scope of the Code Enforcement Officer's authority and duties. Any
9 decision of the Code Enforcement Officer denying a permit shall be in writing, a copy of which
10 shall be given to the applicant. Appeals from decisions of the Code Enforcement Officer shall be
11 to the Zoning Board of Appeals in accordance with the provisions of Sec. 19-5-2.A,
12 Administrative Appeals.

13
14 **SEC. 19-3-6. VIOLATIONS**

15
16 **A. Notice**

17 If, upon investigation, the Code Enforcement Officer determines that activities are or have
18 occurred that are in violation of this Ordinance or any permits or approvals granted for a project,
19 the Code Enforcement Officer shall give written notice to the owner and/or occupant of the
20 premises. The notice shall specify the nature of the violation, actions necessary to abate the
21 violation, and the time frame within which these actions shall occur. In addition, the notice shall
22 advise the party of the right to appeal the Code Enforcement Officer's decision and/or to seek a
23 variance from the Zoning Board of Appeals, if appropriate.

24
25 **B. Enforcement Action**

26
27 If, after such notice and demand, the violation has not been abated within the time provided, the
28 Code Enforcement Officer and/or the Town Council shall institute appropriate action in the name
29 of the Town to prevent, correct, restrain, or abate the violation(s) of this Ordinance.

30
31 **C. Penalties**

32
33 Any owner or occupant of, or any person or entity having control or the use of, or any person or
34 entity engaged in the construction, alteration or repair of or receiving a permit for, any building
35 or land or part thereof, found to violate any of the provisions of this Ordinance, shall be guilty of
36 a misdemeanor, and upon conviction thereof, shall be punishable as provided in 30-A, M.R.S.A.
37 §4452, except as otherwise provided by State law. Each day such violation is permitted to exist
38 after written notification thereof by the Code Enforcement Officer shall constitute a separate
39 offense.

40
41 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

42
43 **A. Purpose**

44
45 The Residence A District includes lands that are outside of the built-up areas of Cape Elizabeth,
46 lands to which public sewer lines are not expected to be extended in the near future, and large

1 tracts suitable for farming, woodland production, and wildlife habitat. The purpose of this
 2 district is to allow residential development that is compatible with the character, scenic value,
 3 and traditional uses of rural lands and that does not impose an undue burden on the provision of
 4 municipal services.

5 6 **B. Permitted Uses**

7
8 The following uses are permitted in the Residence A District:

9 10 **1. *The following resource-related uses:***

- 11
12 a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in
13 Resource Protection 2-Wetland Protection District, or in Resource Protection 3-
14 Floodplain District, as shown on Table 19-6-9
- 15
16 b. Agriculture, provided that no animal or fowl shall be raised for commercial
17 purposes on any lot containing less than one hundred thousand (100,000) square
18 feet
- 19 c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal,
20 provided that such activity occurs only on a lot containing at least one hundred
21 thousand (100,000) square feet
- 22 d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials
23 Removal Standards
- 24 e. Timber harvesting

25 26 **2. *The following residential uses:***

- 27
28 a. Single family dwelling
- 29 b. Manufactured housing on an individual lot
- 30 c. Multiplex housing
- 31 d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standard

32 33 **3. *The following nonresidential uses:***

- 34
35 a. Home day care
- 36 b. Farm and fish market, with a maximum floor area of two thousand (2,000) square feet
37 for retail sales of products
- 38 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility
39 Standards
- 40 d. Golf Course and Golf Course Related Activities (**Effective February 12, 2003**)
- 41 e. Wind energy system (**Effective October 8, 2008**)
- 42 f. Bed and Breakfast, where the operator of the Bed and Breakfast owns the structure and
43 maintains it as his/her primary residence (**Effective March 9, 2009**)
- 44 g. Short Term Rental

45 46 **4. *The following accessory uses:***

- 1 a. Accessory building, structure or use
- 2 b. Outside athletic facility accessory to permitted use
- 3 c. Home occupation
- 4 d. Homestay (**Effective March 9, 2009**)
- 5 e. Amateur or governmental wireless telecommunication facility antenna (**Effective**
- 6 **April 15, 2000**)
- 7 f. Amateur or governmental wireless telecommunication facility tower (**Effective**
- 8 **April 15, 2000**)
- 9 g. Commercial wireless telecommunication service antenna which is attached to an
- 10 alternative tower structure in a manner which conceals the presence of an antenna.
- 11 (**Effective April 15, 2000**)
- 12 h. Agriculture related use (**Effective June 10, 2010**)

13
14 **E. Standards**

15
16 *1. Performance standards*

- 17
- 18 a. The standards of performance of Articles VII and VIII shall be observed.
- 19 b. Standards relating to permitted and conditional uses in the Residence A District
- 20 include:

- 21
- 22 Sec. 19-7-5 Creation of an Accessory Dwelling Unit
- 23 Sec. 19-7-6 Eldercare Facility Standards
- 24 Sec. 19-8-5 Earth Materials Removal Standards
- 25 Sec. 19-8-7 Great Pond Watershed Performance Standards
- 26 Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- 27 Sec. 19-8-9 Boat Repair Facility Standards
- 28 Sec. 19-8-14 Short Term Rental Standards
- 29

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

31
32 **A. Purpose**

33
34 The Residence B District is differentiated from the Residence A District in that subdivisions in
35 Residence B are required to be laid out according to the principles of open space zoning, as
36 described in Sec. 19-7-2, Open Space Zoning. The Residence B District includes lands outside
37 of the built-up parts of Town where the Comprehensive Plan indicates growth can and should be
38 accommodated as a result of soils suitable for individual or common septic systems or the
39 extension of public sewer lines. The purpose of this district is to allow a significant portion of
40 the Town's anticipated residential growth to occur in these areas, in a manner that preserves the
41 character of rural lands, promotes healthy neighborhoods, offers flexibility in design, and
42 minimizes the costs of municipal services.

43
44 **B. Permitted Uses**

45
46 The following uses are permitted in the Residence B District:

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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

2. The following residential uses:

- a. Single family dwelling
- b. Manufactured housing on an individual lot
- c. Multiplex housing
- d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards

3. The following nonresidential uses:

- a. Home day care
- b. Farm and fish market, with a maximum floor area of two thousand (2,000) square feet for retail sales of products
- c. Golf Course Related Activities, excluding restaurants, clubhouses and meeting halls. **(Effective February 12, 2003)**
- d. Wind energy system **(Effective October 8, 2008)**
- e. Short Term Rental

4. The following accessory uses:

- a. Accessory building, structure or use
- b. Outside athletic facility accessory to permitted use
- c. Home occupation
- d. The renting of not more than two (2) rooms within a single-family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.
- e. Amateur or governmental wireless telecommunication facility antenna **(Effective April 15, 2000)**
- f. Amateur or governmental wireless telecommunication facility tower **(Effective April 15, 2000)**
- g. Commercial wireless telecommunication service antenna which is attached to an

alternative tower structure in a manner which conceals the presence of an antenna.
(Effective April 15, 2000)

h. Agriculture related use (Effective June 10, 2010)

E. Standards

1. Performance standards

- a. The standards of performance of Articles VII and VIII shall be observed.
- b. Standards relating to permitted and conditional uses in the Residence B District include:

- Sec. 19-7-5 Creation of an Accessory Dwelling Unit
- Sec. 19-7-6 Eldercare Facility Standards
- Sec. 19-8-5 Earth Materials Removal Standards
- Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- Sec. 19-8-14 Short Term Rental Standards

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 sewerred 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

1 e. Timber harvesting

2

3 **2. *The following residential uses:***

4 a. Single family dwelling

5 b. Manufactured housing on an individual lot

6 c. Manufactured housing park, subject to the provisions of Sec. 19-7-7,
7 Manufactured Housing Parks

8 d. Multiplex housing

9 e. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility
10 Standards

11 f. Rooming or boarding home

12

13 **3. *The following nonresidential uses:***

14

15 a. Home day care

16 b. Farm and fish market, with a maximum floor area of two thousand (2,000) square
17 feet for retail sales of products

18 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility
19 Standards

20 d. Wind energy system (**Effective October 8, 2008**)

21 e. Bed and Breakfast, where the operator of the Bed and Breakfast owns the
22 structure and maintains it as his/her primary residence (**Effective March 9, 2009**)

23 f. Short Term Rental

24

25 **4. *The following accessory uses:***

26

27 a. Accessory building, structure or use

28 b. Outside athletic facility accessory to permitted use

29 c. Home occupation

30 d. Homestay (**Effective March 9, 2009**)

31 e. Amateur or governmental wireless telecommunication facility antenna (**Effective**
32 **April 15, 2000**)

33 f. Amateur or governmental wireless telecommunication facility tower (**Effective**
34 **April 15, 2000**)

35 g. Commercial wireless telecommunication service antenna which is attached to an
36 alternative tower structure in a manner which conceals the presence of an antenna.
37 (**Effective April 15, 2000**)

38 h. Agriculture related use (**Effective June 10, 2010**)

39

40 **E. Standards**

41

42 **1. *Performance Standards***

43

44 a. The standards of performance of Articles VII and VIII shall be observed.

45 b. Standards relating to permitted and conditional uses in the Residence C District
46 include:

- 1
- 2 Sec. 19-7-5 Creation of an Accessory Dwelling Unit
- 3 Sec. 19-7-6 Eldercare Facility Standards
- 4 Sec. 19-7-7 Manufactured Housing Parks
- 5 Sec. 19-8-5 Earth Materials Removal Standards
- 6 Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- 7 Sec. 19-8-9 Boat Repair Facility Standards
- 8 Sec. 19-8-14 Short Term Rental Standards
- 9

10 **SEC. 19-6-4. TOWN CENTER DISTRICT (TC)**

11 **A. Purpose**

12 The purpose of this district is to encourage an identifiable Town Center that includes a village
13 feeling, mixed retail and residential uses to serve residents, an environment inviting to
14 pedestrians, a common meeting place, visual cohesiveness and enrichment and linkages to the
15 Town's open space and nearby school campus. The Town Center District boundaries reflect the
16 prevalence of public buildings and commercial uses and the historic compactness of
17 development. The Town Center District requirements are tailored to the unique characteristics of
18 the Cape Elizabeth Town Center.

19 In the center of the Town Center District, there exists a unique compactness of development
20 exemplified by smaller lot sizes and existing structures with compatible space and bulk massing
21 and architectural features. This area shall be designated the Town Center Core Subdistrict. All
22 the requirements of the Town Center District shall apply in the core subdistrict, except where
23 standards specific to the Town Center Core Subdistrict are established.

24 **B. Permitted Uses**

25 The following uses are permitted in the Town Center District:

26 **3. *The following nonresidential uses:***

- 27
- 28 a. Banking, professional, and business office
- 29 b. Personal service
- 30 c. Village retail shop
- 31 d. Veterinarian office not including the boarding of animals but allowing presurgical
32 and/or postsurgical care.
- 33 e. Medical clinic
- 34 f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant with a
35 maximum of seventy-five (75) seats.
- 36 g. Gas station with not more than two (2) fueling islands with each island having not
37 more than four (4) "fueling points" from no more than two (2) gas dispensers. A
38 car wash is allowed only if accessory to a service station and if each car wash
39 bay's ingress and egress are not visible from a street.
- 40 h. Repair garage
- 41
- 42
- 43
- 44
- 45
- 46

- 1 i. Institutional use including, but not limited to, church, government use, and school
- 2 use
- 3 j. Day care facility
- 4 k. Cottage industry manufacturing
- 5 l. Wind energy system (**Effective October 8, 2008**)
- 6 m. Short Term Rental

7
8 **D. Standards**

9
10 **1. Performance Standards**

- 11 a. The standards of performance of Articles VII and VIII shall be observed.
- 12 b. Standards relating to permitted uses in the Town Center District include:
- 13
- 14
- 15
- 16 Sec. 19-7-6 Eldercare Facility Standards
- 17 Sec. 19-8-14 Short Term Rental Standards

18
19 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

20
21 **A. Purpose**

22
23 The Business A District is comprised of neighborhood business districts in which the business
24 uses are geared to the needs of nearby residents rather than a large scale, regional destination
25 center. The district requirements seek to promote (i) business vitality, (ii) pedestrian
26 connectivity between the business district and the adjacent residential areas, (iii) a mix of
27 commercial and housing uses, (iv) high quality design that is pedestrian friendly, compatible
28 with, and protects the integrity of the adjacent residential neighborhood, and (v) an efficient use
29 of the land within the district for business uses. The Business A district regulations recognize
30 that the BA District in the Shore Road area and the BA District in the Ocean House Road area
31 are individually distinctive and may require different treatments, which are specified herein.
32 **(Effective July 8, 2009)**

33
34 **B. Permitted Uses**

35
36 The following uses are permitted in the Business District A:

37
38 **3. The following nonresidential uses:**

- 39
- 40 a. Banking, professional, and business office
- 41 b. Personal Service
- 42 c. Village retail shop
- 43 d. Veterinarian office not including the boarding of animals but allowing pre-
- 44 surgical and/or postsurgical care. **(Effective July 8, 2009)**
- 45 e. Medical clinic **(Effective July 8, 2009)**
- 46 f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant

(Effective July 8, 2009)

- g. Gas station **(Effective July 8, 2009)**
- h. Repair garage **(Effective July 8, 2009)**
- i. Institutional use including, but not limited to, church, government use, and school use **(Effective July 8, 2009)**
- j. Day Care facility **(Effective July 8, 2009)**
- k. Cottage industry manufacturing **(Effective July 8, 2009)**
- l. Bed and Breakfast **(Effective July 8, 2009)**
- m. Boat repair Facility (in the Ocean House Road Business A District only), subject to the provisions of Sec. 19-8-9, Boat Repair Facility Standards **(Effective July 8, 2009)**
- n. Wind energy system **(Effective October 8, 2008)**
- o. Short Term Rental

D. Standards

1. Performance Standards

- a. The standards of performance of Articles VII and VIII shall be observed.
- b. Standards relating to permitted and conditional uses in the Business A District include:
 - Sec. 19-7-5 Creation of an Accessory Dwelling Unit
 - Sec. 19-7-6 Eldercare Facility Standards
 - Sec. 19-7-7 Earth Materials Removal Standards
 - Sec. 19-8-8 Home Day Care and Day Care Facility Standards
 - Sec. 19-8-9 Boat Repair Facility Standards
 - Sec. 19-8-14 Short Term Rental Standards

ARTICLE VIII. PERFORMANCE STANDARDS

SEC. 19-7-8. OFF-STREET PARKING (Effective May 12, 2002)

- a. Residential
 - (1) Single Family Dwellings, 2 spaces per dwelling unit including manufactured housing
 - (2) Two-Family Dwellings 2 spaces per dwelling unit
 - (3) Multiplex housing or multifamily dwellings 1.5 spaces per dwelling unit with one bedroom, 1.75 spaces for unit with two bedrooms, and 2 spaces per unit with three or more bedrooms

- 1 (4) Home Businesses 2 spaces in addition to
 2 required parking for residence (This
 3 requirement may be reduced by the
 4 Zoning Board of Appeals.)
 5
 6 (5) Eldercare facilities 1.25 spaces per unit or 1 space per 4
 7 beds plus 1 space per employee
 8
 9 b. Institutional
 10
 11 (1) Municipal Uses 1.25 spaces per employee plus 1
 12 space per 150 sq. ft. of public
 13 assembly and meeting area
 14
 15 (2) Places of Public Assembly,
 16 such as; Theaters/Cinemas/
 17 Auditoriums/Stadiums/
 18 Sports Arenas/Churches and
 19 Synagogues/Gymnasiums
 20
 21 (3) Schools:
 22
 23 Grades K-8 1 space per classroom plus 1 space
 24 for each employee plus parking in
 25 accordance with the places of public
 26 assembly for the largest assembly
 27 space
 28
 29 Secondary 8 spaces per classroom plus parking
 30 in accordance with the places of
 31 public assembly for the largest
 32 assembly space
 33
 34 Post Secondary 1 space for each 2 students plus 1
 35 space for each employee plus
 36 parking in accordance with the
 37 places of public assembly for the
 38 largest assembly space
 39
 40 Nursery Schools and 1 space per employee plus a
 41 safe off-
 42 Day Care Facilities street area for vehicle pickup and
 43 drop-off of students/children
 44
 45 Schools not listed above: 1 space per each 2 students at capacity plus 1 space for
 46 each employee plus parking in accordance with the places of public assembly for

1 the largest assembly space

2

3 c. Commercial

4

5 (1) Retail sales 3 spaces per use or 3 spaces per
6 1,000 sq. ft. (or 1 space per 333 sq.
7 ft. or portions thereof) plus 1 space
8 per employee, whichever is greater

9

10 (2) Gas and/or Service .25 space per fuel pump plus 1 space
11 Station; Auto Repair Garage per employee plus 4 spaces per
12 service bay

13

14 (For gas stations involving other uses [e.g., gas pumps with convenience stores],
15 the minimum number of required parking spaces shall be the total of the
16 requirements for each use, plus the standards listed above).

17

18 (3) Banks 4 spaces per use or 3 spaces per
19 1,000 sq.ft. (or 1 space per 333 sq.ft.
20 or portions thereof), whichever is
21 greater

22

23 (4) Personal Services and 3 spaces per use or 4 spaces
24 Business Services per 1,000 sq.ft. (or 1 space per 250
25 sq.ft. or portions thereof), whichever
26 is greater

27

28 (5) Business and Professional 3 spaces per use or 4 spaces per
29 Offices (non-medical) per 1,000 sq.ft. (or 1 space per 250
30 sq.ft. or portions thereof), whichever
31 is greater

32

33 (6) Professional 5 spaces per 1,000 sq. ft. (or 1 space
34 Office (medical) per 200 sq. ft. or portions thereof)

35

36 (7) Restaurants/Eating Places 1 space per 4 patrons at capacity plus
37 1 space per employee

38

39 (Measurement of standing and seating capacity shall be based upon the latest adopted
40 edition of the BOCA National Building Code and NFPA 101, whichever is more
41 stringent.)

42

43 (8) Motels, Hotels, Inns 1 space per guest room plus 1 space
44 per employee plus 4 spaces per 1,000
45 sq.ft. (or 1 space per 250 sq.ft. or
46 portions thereof) of public assembly

1		area
2		
3	(9a)	Bed and Breakfasts
4		and Homestays
5		(Effective March 9, 2009)
6		2 spaces plus 1 space per guest room
7	(9b)	Short Term Rental
8		1 space per 4 tenants, with a
9		minimum of 2 spaces
10	(10)	Veterinary Clinics
11		4 spaces/doctor plus 1 space/other
12		employee
13	(11)	Farm and Fish Markets
14		3 spaces per use or 3 spaces per
15		1,000 sq. ft. (or 1 space per 333 sq.
16		ft. or portions thereof. (Effective
17		June 10, 2010)
18	d.	Industrial
19		1 space per employee
20	e.	Golf Courses
21		4 spaces per hole plus parking for
22		any assembly, restaurant, or retail
23		space in accordance with the
24		appropriate requirements
25	f.	Other Uses
26		As determined by the Planning
27		Board based upon the ITE
28		Parking Generation Manual or
29		data of actual parking demand
30		of similar uses

SEC. 19-8-14. SHORT TERM RENTAL STANDARDS

A. Purpose

Cape Elizabeth residents prize the peace and quiet of their residential neighborhoods. Some property owners have capitalized on the desirability of their neighborhood by renting out their property to transient tenants, especially during the summer months and holidays. Neighborhood residents are concerned that these short-term rentals take on the character of a business operating in a residential neighborhood. The purpose of this section is to balance the desire of property owners to rent their properties to short-term tenants and the desire of residents to preserve the peaceful quiet and enjoyment of their single family neighborhoods.

[B. Applicability

The operation of a Short Term Rental for more than 14 days in a calendar year shall be permitted only after the issuance of a Short Term Rental Permit. The rental of 3 or more days within a 7

1 day period (one week) shall be considered 7 days when calculating if 14 days of rental has
2 occurred. (subsequent sections relettered in sequence)
3

4 **B. Review Procedure**

5
6 1. Any property owner who wants to operate a Short Term Rental must first obtain a Short
7 Term Rental Permit from the Code Enforcement Officer. [A Short Term Rental permit may be
8 issued by the Code Enforcement Officer. (Alternate language if applicability section is added)]
9

10 2. The Code Enforcement Officer shall provide a Short-Term Rental Form to be completed
11 by the applicant and submitted to the Code Enforcement Officer accompanied by the Short Term
12 Rental permit fee as established by the Town Council. **The form shall include a checklist of code
13 requirements that the owner shall demonstrate compliance with.**
14

15 3. The Code Enforcement Officer shall determine if the form has been completely filled out
16 and require that any missing information be provided before any permit is issued.
17

18 4. The first time that a Short Term Rental Permit is submitted for a property, no permit shall
19 be issued until the Code Enforcement Officer has inspected the proposed Short Term Rental for
20 compliance with the Short Term Rental Standards. Thereafter, renewal of a Short Term Rental
21 Permit shall include inspection by the Code Enforcement Officer of the Short Term Rental no
22 less than once every five years. When the Code Enforcement Officer does not conduct an
23 inspection, the Short Term Rental Owner shall certify that there have been no material changes
24 since the last inspection by the Code Enforcement Officer. Any third party inspection
25 information submitted with the completed form shall be conducted in the calendar year for which
26 the permit is issued.
27

28 5. The Code Enforcement Officer shall review the permit application for compliance with
29 the Short Term Rental Standards.
30

31 6. If the Code Enforcement Officer determines that the proposed Short Term Rental
32 complies with the Short Term Rental Standards, a Short Term Rental permit shall be issued. A
33 permit shall be valid for one (1) year from date of issue. The permit may be subject to suspension
34 by the Code Enforcement Officer if the Short Term Rental becomes noncompliant with the Short
35 Term Rental Standards.
36

37 **C. Submission Requirements.** The Short Term Rental permit application shall include the
38 following:
39

40 1. Location. The street address and map/lot number of the short-term rental shall be
41 provided. If the Short Term Rental is not located on a public road, the form shall include
42 directions to the Short Term Rental from a public road.
43

44 2. Contact Person. The name of the owner of the Short Term Rental and contact
45 information, including address and telephone number shall be included on the registration
46 form. In addition, if someone other than the owner is acting as the local contact person,

1 contact information for that person should also be provided. If the contact person changes
2 seasonally, the registration form shall include the time period and the contact person
3 during the year.

4
5 [3. Availability. The registration form shall include when, during the calendar year, the Short
6 Term Rental will be available for rental. If this changes, the owner shall notify the Code
7 Enforcement Officer.]

8
9 4. All information needed to demonstrate compliance with the standards listed in Subsection
10 D below.

11
12 **D. Standards.** The Code Enforcement Officer shall issue a Short Term Rental permit if the
13 following standards are met:

14
15 1. Code compliance. The Short Term Rental permit application shall include written
16 confirmation by the Code Enforcement Officer that the Short Term Rental is in
17 compliance with all life safety codes applicable for an existing dwelling rented out for a
18 period of less than 30 days. The Code Enforcement Officer shall require, at a minimum,
19 that smoke detectors, carbon monoxide detectors and a fire extinguisher be installed at
20 the Short Term Rental.

21
22 2. Building Evacuation Plan. A building evacuation plan shall be prominently posted in the
23 Short Term Rental during the rental period.

24
25 3. Sanitary waste disposal. The short-term rental owner shall submit information
26 demonstrating that adequate sanitary waste disposal is available in compliance with the
27 Town of Cape Elizabeth Subsurface Wastewater Disposal Ordinance, as determined by
28 the Code Enforcement Officer.

29
30 The information shall include the total number of bedrooms included in the short-term
31 rental, any additional sleeping space, and the total number of tenants that the short-term
32 rental accommodates. If the short-term rental is publicly advertised, the total number of
33 tenants used to determine adequacy of sanitary waste disposal shall not be less than the
34 total number of tenants that the property is advertised to accommodate. For the purpose
35 of evaluating the adequacy of a subsurface disposal system, every 2 tenants shall be
36 equivalent to 1 bedroom.

37
38 4. Parking. The application shall include a depiction of how parking will be provided on the
39 same lot, and/or include a written agreement for off-site parking at a specified location, to
40 comply with the Off-Street Parking Standards, Sec. 19-7-8. Garage parking spaces not
41 allowed for tenant use shall not be used to meet the Short Term Rental parking
42 requirement. No bus shall be parked at the Short-Term rental.

43
44 5. Rental Agreement Addendum. The Short Term Rental permit application shall be
45 submitted with an addendum to be attached to the Tenant Rental Agreement that shall be
46 provided to all tenant groups. The Town shall not be responsible for enforcement of the

1 rental agreement or addendum. The rental agreement addendum shall include the
2 following:

- 3
- 4 a. Contact person.
 - 5 b. Emergency responder contact information
 - 6 c. Building evacuation plan.
 - 7 d. Maximum number of tenants and guests.
 - 8 e. Parking arrangements, including a prohibition against tenants and guests parking
9 in a manner that impedes access by emergency vehicles to the Short Term rental
10 or any other dwelling in the neighborhood.
 - 11 f. Event rules, as determined by the Short-Term Rental Owner.
- 12

13 For Short Term Rentals operating on a lot that is less than 30,000 sq. ft in size, the following
14 additional standards shall be met:

- 15
- 16 6. Limit on rental intensity. The Short Term Rental shall not accommodate more than 12
17 tenants at any one time. The number of guests at the Short Term Rental at any one time
18 shall be limited to ten.
- 19
20