

DRAFT  
Special Event Facility Ordinance Amendment

**SEC. 19-1-3. DEFINITIONS**

For the purposes of this Ordinance, the following terms, words, and phrases shall have the meanings given herein. All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural. Where so indicated by the text, these definitions also include substantive regulations. Where reference is made to Town or State laws, ordinances, or regulations, each reference to a particular law, regulation, or section shall include all amendments and successor sections.

Special event facility: A building or portion of a building, outdoor areas, and related parking which is rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar events. Such use may or may not include (1) kitchen facilities for the preparation or catering of food, (2) the sale and/or serving of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public and (3) entertainment. A special event facility may be operated in conjunction with other uses.

**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:

***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

- 1 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair
- 2 Facility Standards
- 3 d. Golf Course and Golf Course Related Activities **(Effective February 12,**
- 4 **2003)**
- 5 e. Wind energy system **(Effective October 8, 2008)**
- 6 f. Bed and Breakfast, where the operator of the Bed and Breakfast owns the
- 7 structure and maintains it as his/her primary residence **(Effective**
- 8 **March 9, 2009)**
- 9 g. Short Term Rental **(Effective December 14, 2012)**
- 10 h. Day Camp **(Effective July 10, 2013)**
- 11 i. Special event facility
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15 **2. The following Space and Bulk Standards shall apply:**

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<b>MINIMUM LOT AREA</b>	
<b><i>(1) Boat repair facility for commercial purposes</i></b>	200,000 sq. ft. (4.6 acres)
<b><i>(2) Multiplex housing</i></b>	10 acres
<b><i>(3) Eldercare facilities</i></b>	10 acres
<b><i>(4) Golf Course (Effective February 12, 2003)</i></b>	150 acres <b>(Effective February 12, 2003)</b>
<b><i>(5) Wind energy systems (Effective. October 8, 2008)</i></b>	20,000 sq. ft.
<b><i>(6) <u>Special event facility</u></i></b>	<u>15 acres</u> <u>To comply with the special event facility minimum lot area, the total area of (i) the lot where the special event facility is located, and (ii) any other lot held in common ownership and sharing any portion of a lot line boundary with the special event facility lot may be counted toward the minimum lot area.</u>
<b><i>(7) Other uses</i></b>	80,000 sq. ft.
<b>MAXIMUM NUMBER OF DWELLING UNITS PER AREA</b>	

<i>(1) Multiplex housing</i>	1 unit per 66,000 sq. ft. of net residential area
<i>(2) In subdivisions</i>	1 unit per 80,000 sq. ft. of net residential area
<i>(3) In subdivisions that conform to Sec. 19-7-2, Open Space Zoning</i>	1 unit per 66,000 sq. ft. of net residential area
<i>(4) In eldercare facilities</i>	1 unit per 6,000 sq. ft. or 1 bed per 3,500 sq. ft. of net residential area, whichever is less
<i>(5) Other housing</i>	1 unit per 80,000 sq. ft. of gross lot area
<b>MAXIMUM NUMBER OF BED AND BREAKFAST ROOMS (Effective March 9, 2009)</b>	
<i>Bed and Breakfast Guest Room (Effective March 9, 2009)</i>	1 room per 20,000 sq. ft. of gross lot area
<b>MINIMUM STREET FRONTAGE</b>	
<i>(1) Bed and Breakfast</i>	125 ft. on Shore Road or Route 77
<i>(2) All uses</i>	125 ft.
<b>MINIMUM SETBACKS</b>	
<i>(1) All uses unless otherwise specified</i>	
(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. <b>(Effective August 11, 1999)</b>
(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. <b>(Effective August 11, 1999)</b>
© 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.
<b><i>(2) Multiplex housing and eldercare facilities</i></b>	
(a) From property line	75 ft.
<b><i>(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</i></b>	
(a) Side yard setback	10 ft.
(b) Rear yard setback	5 ft.
<b><i>(4) Reserved (Effective June 10, 2010)</i></b>	
<b><i>(5) Antennas extending from 15' to 25' measured from the highest point of the alternative tower structure</i></b>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna <b>(Effective April 15, 2000)</b>
<b><i>(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</i></b>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna <b>(Effective April 15, 2000)</b>
(b) Front yard setback	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 <b>(Effective April 15, 2000)</b>

<p><b>(7) Open Space Zoning Subdivisions</b> <b>(See Sec. 19-7-2)</b></p> <p>(a) Side yard setback</p> <p>(b) Rear yard setback</p> <p>(c) Front yard setback</p> <p><b>(8) Deck with a height of less than ten</b> <b>(10)</b> <b>feet above average grade</b></p> <p>(a) Side yard setback</p> <p>(b) Rear yard setback</p> <p><b>(9) Accessory building having less than</b> <b>one</b> <b>hundred fifty (150) square feet of floor</b> <b>area</b></p> <p>(a) Side yard setback</p> <p>(b) Rear yard setback</p> <p><b>(10) Outdoor recreational facilities such</b> <b>as</b> <b>swimming pools, tennis courts, and</b> <b>basketball courts that are accessory to a</b> <b>single family residential use</b></p> <p>(a) Side yard setback</p> <p>(b) Rear yard setback</p> <p><b>(11) Wind energy system</b></p>	<p>20 ft.</p> <p>20 ft.</p> <p>20 ft.</p> <p>15 ft.</p> <p>15 ft.</p> <p>15 ft.</p> <p>15 ft.</p> <p>15 ft.</p> <p>15 ft.</p> <p><b>(Effective December 10, 2003)</b></p> <p>110% of the distance from the ground to the center of the turbine <b>(Effective October 8, 2008)</b></p>
<p><b>(12) Antenna attached to a structure</b></p>	<p>25' measured from the highest point of the roof of the structure <b>(Effective April 15, 2000)</b></p>
<p><b>(13) Freestanding amateur or</b> <b>governmental wireless</b></p>	<p>50' measured from average original grade</p>

<i>telecommunication tower</i>	(Effective April 15, 2000)
<b>MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)</b>	
<i>(1) All uses to center of turbine</i>	100'
<b>MINIMUM LOT WIDTH (Effective August 11, 1999)</b>	
<i>(1) All uses</i>	40 ft.
<b>MAXIMUM BUILDING FOOTPRINT</b>	
<i>(1) All uses</i>	None, except nonconforming lots shall comply with the building footprint standards contained in Sec. 19-4-3, Nonconformity Outside of Shoreland and Resource Protection Areas.
<b>MAXIMUM BUILDING HEIGHT</b>	
<i>(1) All uses</i>	35 ft.

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**F. Site Plan Review**

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other permit:

1. Multiplex housing and eldercare facilities
2. Nonresidential uses listed in Sec. 19-6-1.B.3, except home day cares, wind energy systems, short term rentals and day camps, which shall not require site plan review **(Effective August 11, 1999)**
3. Nonresidential uses listed Sec. 19-6-1.C.2
4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review

**SEC. 19-8-15. SPECIAL EVENT FACILITY STANDARDS**

**A. Purpose**

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2 Cape Elizabeth’s coastline has historically made it an attractive destination for  
3 visitors. In the sparsely settled areas of town, small scale hospitality venues have  
4 evolved on large properties. Landowners have made their property available  
5 seasonally for private special events both to share the picturesque beauty of the  
6 Cape Elizabeth coast and to generate revenue to maintain the property. When  
7 remotely located, these events are consistent with the town’s rural character, but  
8 must also be managed to protect the public health, safety and welfare of town  
9 residents and event guests and staff.

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11 **B. Applicability**

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13 Special event facilities, as defined in this ordinance, are subject to Site Plan  
14 Review, Sec. 19-9, and the Special Event Facility Standards of subsection D  
15 below.

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17 **C. Review Procedure**

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19 A special event facility shall be reviewed as a Site Plan application in Sec. 19-9 of  
20 this ordinance.

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22 **D. Standards**

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24 A special event facility must comply with the Site Plan Approval Standards, Sec.  
25 19-9-5, and the standards below.

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27 1. Event scope. A special event shall not exceed 275 attendees in size,  
28 including guests and staff supporting the event. No more than 24 events shall be  
29 held in a calendar year. No amplification of music for the event shall commence  
30 earlier than 9:00 a.m. nor extend later than 10:00 p.m.

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32 2. Seasonal facilities. The Planning Board should permit the use of  
33 temporary structures and facilities to comply with the Site Plan standards when  
34 the applicant has demonstrated that the seasonal needs of the special event  
35 facility are met. In particular, methods of providing parking and sanitary waste  
36 disposal may be appropriate for the duration of the special event season.