

1 | **DRAFT**
2 | **Special Event Facility Ordinance Amendment**
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5 | **SEC. 19-1-3. DEFINITIONS**
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7 | For the purposes of this Ordinance, the following terms, words, and phrases shall have
8 | the meanings given herein. All words not defined herein shall carry their customary and
9 | usual meanings. Words used in the present tense shall include the future tense. Words
10 | used in the singular shall include the plural. Where so indicated by the text, these
11 | definitions also include substantive regulations. Where reference is made to Town or
12 | State laws, ordinances, or regulations, each reference to a particular law, regulation, or
13 | section shall include all amendments and successor sections.
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15 | Special event facility: A building or portion of a building, outdoor areas, and
16 | related parking which is rented by individuals or groups to accommodate
17 | private functions including but not limited to, banquets, weddings, anniversaries
18 | and other similar events. Such use may or may not include (1) kitchen facilities
19 | for the preparation or catering of food, (2) the sale and/or serving of alcoholic
20 | beverages for on-premises consumption, only during scheduled events and not
21 | open to the general public and (3) entertainment. A special event facility may be
22 | operated in conjunction with other uses.
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24 | **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**
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26 | **A. Purpose**
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28 | The Residence A District includes lands that are outside of the built-up areas of Cape
29 | Elizabeth, lands to which public sewer lines are not expected to be extended in the near
30 | future, and large tracts suitable for farming, woodland production, and wildlife habitat.
31 | The purpose of this district is to allow residential development that is compatible with the
32 | character, scenic value, and traditional uses of rural lands and that does not impose an
33 | undue burden on the provision of municipal services.
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35 | **B. Permitted Uses**
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37 | The following uses are permitted in the Residence A District:
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39 | **3. *The following nonresidential uses:***
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- 41 | a. Home day care
- 42 | b. Farm and fish market, with a maximum floor area of two thousand (2,000)
43 | square feet for retail sales of products
- 44 | c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair
45 | Facility Standards
- 46 | d. Golf Course and Golf Course Related Activities (**Effective February 12,**
47 | **2003**)

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- e. Wind energy system **(Effective October 8, 2008)**
- f. Bed and Breakfast, where the operator of the Bed and Breakfast owns the structure and maintains it as his/her primary residence **(Effective March 9, 2009)**
- g. Short Term Rental **(Effective December 14, 2012)**
- h. Day Camp **(Effective July 10, 2013)**

2. The following Space and Bulk Standards shall apply:

MINIMUM LOT AREA	
<i>(1) Boat repair facility for commercial purposes</i>	200,000 sq. ft. (4.6 acres)
<i>(2) Multiplex housing</i>	10 acres
<i>(3) Eldercare facilities</i>	10 acres
<i>(4) Golf Course (Effective February 12, 2003)</i>	150 acres (Effective February 12, 2003)
<i>(5) Wind energy systems (Effective. October 8, 2008)</i>	20,000 sq. ft.
<i>(6) Other uses</i>	80,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
<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
MAXIMUM NUMBER OF BED AND BREAKFAST ROOMS (Effective March 9, 2009)	
	1 room per 20,000 sq. ft. of gross lot

<i>Bed and Breakfast Guest Room (Effective March 9, 2009)</i>	area
MINIMUM STREET FRONTAGE	
<i>(1) Bed and Breakfast</i>	125 ft. on Shore Road or Route 77
<i>(2) All uses</i>	125 ft.
MINIMUM SETBACKS	
<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. (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.
<i>(2) Multiplex housing and eldercare facilities</i>	
(a) From property line	75 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:

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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. 19-6-14. SPECIAL EVENT FACILITY OVERLAY DISTRICT

A. Purpose

The purpose of this district is to allow small scale, hospitality venues on large properties located in the sparsely settled areas of town. Cape Elizabeth's coastline has historically made it an attractive destination for visitors. Landowners have made their property available seasonally for private special events both to share the picturesque beauty of the Cape Elizabeth coast and to generate revenue to maintain the property. When remotely located, these events are consistent with the town's rural character, but must also be managed to protect the public health, safety and welfare of town residents and event guests and staff.

[Note: If the Planning Board wants to open up the RB and RC Districts to this use, the purpose statement needs to be revised to eliminate the reference to "sparsely settled areas of town," as this is in conflict with the purpose statements of the RB and RC District]

B. Permitted Uses

The Special Event Facility Overlay District is an overlay zone. As such, any use that is permitted in the underlying zoning district is permitted in the Special Event Overlay District. In addition, notwithstanding the underlying zone, the following use is also permitted:

Special Event Facility

C. Conditional Uses

Any use that is allowed as a conditional use in the underlying zoning district is a conditional use in the Special Event Facility Overlay District.

D. Prohibited Uses

1 All uses not specifically allowed as permitted uses or conditional uses in the
2 underlying zone or in the Special Event Facility Overlay District are prohibited in
3 the Special Event Facility District.

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5 **E. Standards**

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7 **1. Performance Standards**

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9 a. The general standards of Articles VII and VIII shall be observed.
10 b. All uses of land and buildings within the Special Event Facilities
11 Overlay District shall conform to the applicable provisions of Sec.
12 19-8-15, Special Event Facility Standards.

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14 **2. Space and Bulk Standards**

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16 In addition to the Space and Bulk Standards of the underlying district, all
17 use of land within the Special Event Facility Overlay District or any other
18 district shall comply with the standards set forth in this subsection. In the
19 event of a conflict between the standards of this overlay district and those
20 of the underlying district, the more restrictive standards shall apply:

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<u>MINIMUM LOT AREA</u>	
<u>(1) Special event facility</u>	<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>

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24 **F. Site Plan Review**

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

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30 1. Special event facility

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

1 All land within the Special Event Facility Overlay District shall conform to the
2 following standards.

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4 1. Procedure

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6 a. Applicability. Special event facilities, as defined in this
7 ordinance, are subject to Site Plan Review, Sec. 19-9, and the
8 Special Event Facility Standards of subsection 2, below.
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10 b. Submission requirements. In addition to the Submission
11 requirements of Sec. 19-9, Site Plan Review, the applicant
12 shall be required to submit all information necessary to
13 demonstrate compliance with the Performance Standards in
14 Sec. 19-8-15 (2) below. Information to be submitted shall
15 include, but not be limited to:
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17 i. The maximum number of events to be held in a
18 calendar year;
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20 ii. The maximum number of attendees to be allowed at
21 an event.
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23 iii. Whether the special event facility will be operated
24 seasonally, in which case the beginning and end dates
25 of the season, or if the facility will operate year-round.

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27 2. Performance Standards

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

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32 1. Event scope. A special event shall not exceed 275 attendees
33 in size, including guests and staff supporting the event. No
34 more than 24 events shall be held in a calendar year. No
35 amplification of music for the event shall commence earlier
36 than 9:00 a.m. nor extend later than 10:00 p.m.
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38 2. Seasonal facilities. The Planning Board may find that
39 temporary structures and facilities are adequate to comply
40 with the Site Plan standards when the special event facility
41 will only operate seasonally and the seasonal needs are met.
42 In particular, methods of providing parking and sanitary
43 waste disposal on a seasonal basis may be appropriate for
44 the duration of the special event season.