

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

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

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

- 18
- 19 a. Single family dwelling
- 20 b. Manufactured housing on an individual lot
- 21 c. Multiplex housing
- 22 d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility
- 23 Standards
- 24 e. Short Term Rental
- 25

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

- 27
- 28 a. Home day care
- 29 b. Farm and fish market, with a maximum floor area of two thousand (2,000) square feet
- 30 for retail sales of products
- 31 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility
- 32 Standards
- 33 d. Golf Course and Golf Course Related Activities **(Effective February 12, 2003)**
- 34 e. Wind energy system **(Effective October 8, 2008)**
- 35 f. Bed and Breakfast, where the operator of the Bed and Breakfast owns the structure and
- 36 maintains it as his/her primary residence **(Effective March 9, 2009)**
- 37

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

- 39 a. Accessory building, structure or use
- 40 b. Outside athletic facility accessory to permitted use ← - - - - Formatted: Bullets and Numbering
- 41 c. Home occupation
- 42 d. Homestay **(Effective March 9, 2009)**
- 43 e. Amateur or governmental wireless telecommunication facility antenna **(Effective** ← - - - - Formatted: Bullets and Numbering
- 44 **April 15, 2000)**
- 45 f. Amateur or governmental wireless telecommunication facility tower **(Effective**
- 46 **April 15, 2000)**

1 | g. Commercial wireless telecommunication service antenna which is attached to an
2 | alternative tower structure in a manner which conceals the presence of an antenna.

3 | **(Effective April 15, 2000)**

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

5 |
6 | **C. Conditional Uses**

7 |
8 | The following uses may be permitted only upon approval by the Zoning Board as a conditional
9 | use, in accordance with Sec. 19-5-5, Conditional Use Permits:

10 |
11 |
12 | **1. The following resource-related uses:**

- 13 |
14 | a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see
15 | permitted uses), subject to the provisions of Sec. 19-8-5, Earth Materials Removal
16 | Standards

17 |
18 | **2. The following nonresidential uses:**

- 19 |
20 | a. Cemetery
21 | b. Day care facility
22 | c. Fraternal or social institution
23 | d. Institution of an educational, religious, or philanthropic nature, including school,
24 | hospital, church, municipal use, or similar facility
25 | e. Playground or park

26 |
27 | **3. The following accessory uses:**

- 28 |
29 | a. Home business
30 | b. Accessory dwelling unit

31 |
32 | **D. Prohibited Uses**

33 |
34 | All uses not specifically allowed as permitted uses or conditional uses are prohibited within this
35 | district.

36 |
37 | **E. Standards**

38 |
39 | **1. Performance standards**

- 40 |
41 | a. The standards of performance of Articles VII and VIII shall be observed.
42 | b. Standards relating to permitted and conditional uses in the Residence A District
43 | include:

44 |
45 | Sec. 19-7-5 Creation of an Accessory Dwelling Unit

46 | Sec. 19-7-6 Eldercare Facility Standards

- 1 Sec. 19-8-5 Earth Materials Removal Standards
- 2 Sec. 19-8-7 Great Pond Watershed Performance Standards
- 3 Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- 4 Sec. 19-8-9 Boat Repair Facility Standards
- 5 Sec. 19-8-14 Short Term Rental Standards
- 6
- 7
- 8
- 9

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>	20,000sq. 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)	
<i>Bed and Breakfast Guest Room (Effective March 9, 2009)</i>	1 room per 20,000 sq. ft. of gross lot 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.
<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>	
(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	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)
(7) Open Space Zoning Subdivisions (See Sec. 19-7-2)	
(a) Side yard setback	20 ft.
(b) Rear yard setback	20 ft.
(c) Front yard setback	20 ft.
(8) Deck with a height of less than ten (10) feet above average grade	
(a) Side yard setback	15 ft.
(b) Rear yard setback	15 ft.
(9) Accessory building having less than one hundred fifty (150) square feet of floor area	
(a) Side yard setback	15 ft.

(b) Rear yard setback	15 ft.
(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	15 ft.
(b) Rear yard setback	15 ft. (Effective December 10, 2003)
(11) Wind energy system	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)
MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)	
(1) All uses to center of turbine	100'
MINIMUM LOT WIDTH (Effective August 11, 1999)	
(1) All uses	40 ft.
MAXIMUM BUILDING FOOTPRINT	
(1) All uses	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.
MAXIMUM BUILDING HEIGHT	
(1) All uses	35 ft.

1
2 **F. Site Plan Review**
3

4 The following uses and activities shall be subject to site plan review by the Planning Board,
5 according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit,
6 plumbing permit, or other permit:
7

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

13
14 **SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**
15

16 **A. Purpose**
17

18 The Residence B District is differentiated from the Residence A District in that subdivisions in
19 Residence B are required to be laid out according to the principles of open space zoning, as
20 described in Sec. 19-7-2, Open Space Zoning. The Residence B District includes lands outside
21 of the built-up parts of Town where the Comprehensive Plan indicates growth can and should be
22 accommodated as a result of soils suitable for individual or common septic systems or the
23 extension of public sewer lines. The purpose of this district is to allow a significant portion of
24 the Town's anticipated residential growth to occur in these areas, in a manner that preserves the
25 character of rural lands, promotes healthy neighborhoods, offers flexibility in design, and
26 minimizes the costs of municipal services.
27

28 **B. Permitted Uses**
29

30 The following uses are permitted in the Residence B District:

31 **1. The following resource-related uses:**
32

- 33 a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in
34 Resource Protection 2-Wetland Protection District, or in Resource Protection 3-
35 Floodplain District, as shown on Table 19-6-9
- 36 b. Agriculture, provided that no animal or fowl shall be raised for commercial
37 purposes on any lot containing less than one hundred thousand (100,000) square
38 feet
- 39 c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal,
40 provided that such activity occurs only on a lot containing at least one hundred
41 thousand (100,000) square feet
- 42 d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials
43 Removal Standards
- 44 e. Timber harvesting

45
46 **2. The following residential uses:**

- 1
- 2 a. Single family dwelling
- 3 b. Manufactured housing on an individual lot
- 4 c. Multiplex housing
- 5 d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility
- 6 Standards
- 7 e. Short Term Rental
- 8

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

- 10 a. Home day care
- 11 b. Farm and fish market, with a maximum floor area of two thousand (2,000) square
- 12 feet for retail sales of products
- 13 c. Golf Course Related Activities, excluding restaurants, clubhouses and meeting
- 14 halls. **(Effective February 12, 2003)**
- 15 d. Wind energy system **(Effective October 8, 2008)**
- 16

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

- 18
- 19 a. Accessory building, structure or use
- 20 b. Outside athletic facility accessory to permitted use
- 21 c. Home occupation
- 22 d. The renting of not more than two (2) rooms within a single-family dwelling
- 23 provided that there is no physical alteration of the building and no change in the
- 24 external appearance of the structure.
- 25 e. Amateur or governmental wireless telecommunication facility antenna **(Effective**
- 26 **April 15, 2000)**
- 27 f. Amateur or governmental wireless telecommunication facility tower **(Effective**
- 28 **April 15, 2000)**
- 29 g. Commercial wireless telecommunication service antenna which is attached to an
- 30 alternative tower structure in a manner which conceals the presence of an antenna.
- 31 **(Effective April 15, 2000)**
- 32 h. Agriculture related use **(Effective June 10, 2010)**
- 33

34 **C. Conditional Uses**

35

36 The following uses may be permitted only upon approval by the Zoning Board as a conditional

37 use, in accordance with Sec. 19-5-5, Conditional Use Permits:

38

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

- 40
- 41 a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see
- 42 permitted uses), subject to the provisions of Sec. 19-8-5, Earth Materials Removal
- 43 Standards
- 44

45 **2. *The following nonresidential uses:***

46

- 1 a. Cemetery
- 2 b. Day care facility
- 3 c. Fraternal or social institution
- 4 d. Institution of an educational, religious, or philanthropic nature, including school,
- 5 hospital, church, municipal use, or similar facility
- 6 e. Playground or park

7

8 **3. The following accessory uses:**

9

- 10 a. Home business
- 11 b. Accessory dwelling unit

12

13 **D. Prohibited Uses**

14

15 All uses not specifically allowed as permitted uses or conditional uses are prohibited within this

16 district.

17

18 **E. Standards**

19

20 **1. Performance standards**

21

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

- 25
- 26 Sec. 19-7-5 Creation of an Accessory Dwelling Unit
- 27 Sec. 19-7-6 Eldercare Facility Standards
- 28 Sec. 19-8-5 Earth Materials Removal Standards
- 29 Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- 30 Sec. 19-8-14 Short Term Rental Standards

31

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

33

- 34 a. Lots that are part of residential subdivisions approved by the Planning Board after
- 35 June 4, 1997, shall comply with the terms of Sec. 19-7-2, Open Space Zoning,
- 36 except that subdivisions for which completed applications have been submitted to
- 37 the Planning Board prior to June 4, 1997, shall be subject to the regulations in
- 38 effect at the time of their submission.
- 39
- 40 b. For all other lots, the following Space and Bulk Standards shall apply:
- 41

MINIMUM LOT AREA	
(1) Eldercare facilities	5 acres
(2) Wind energy systems	20,000 sq. ft.

	(Effective October 8, 2008)
<i>(3) Other uses</i>	80,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
<i>(1) In eldercare facilities</i>	1 unit per 3,500 sq. ft. or 1 bed per 2,500 sq. ft. of net residential area, whichever is less
<i>(2) Other uses</i>	1 unit per 80,000 sq. ft. of gross lot area
MINIMUM STREET FRONTAGE	
<i>(1) 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)
(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	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)
(7) Deck with a height of less than ten (10) feet above average grade	
(a) Side yard setback	15 ft.
(b) Rear yard setback	15 ft.
(8) Accessory building having less than one hundred fifty (150) square feet of floor area	

(a) Side yard setback	15 ft.
(b) Rear yard setback	15 ft.
(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	15 ft.
(b) Rear yard setback	15 ft.
(10) Wind energy system	(Effective. 12/10/03)
	110% of the distance from the ground to the center of the turbine (Effective October 8, 2008)
MAXIMUM TELECOMMUNICATION HEIGHT	
(1) Antenna attached to a structure	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
(2) Amateur or governmental tower attached or braced against a structure	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
(3) Freestanding amateur or governmental wireless telecommunication tower	50' measured from average original grade (Effective April 15, 2000)
MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)	
(1) All uses to center of turbine	100'
MINIMUM LOT WIDTH (Effective August 11, 1999)	
(1) All uses	40 ft.
MAXIMUM BUILDING FOOTPRINT	
(1) All uses	None, except nonconforming lots shall comply with the building footprint standards contained in Sec. 19-4-3
MAXIMUM BUILDING HEIGHT	

(I) All uses

35 ft.

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. 19-6-2.B.3, except home day cares, which shall not require site plan review
3. Nonresidential uses listed in Sec. 19-6-2.C.2
4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review

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

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- 1 Removal Standards
- 2 e. Timber harvesting
- 3
- 4 **2. The following residential uses:**
- 5 a. Single family dwelling
- 6 b. Manufactured housing on an individual lot
- 7 c. Manufactured housing park, subject to the provisions of Sec. 19-7-7,
- 8 Manufactured Housing Parks
- 9 d. Multiplex housing
- 10 e. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility
- 11 Standards
- 12 f. Rooming or boarding home
- 13 g. Short Term Rental

- 14
- 15 **3. The following nonresidential uses:**
- 16
- 17 a. Home day care
- 18 b. Farm and fish market, with a maximum floor area of two thousand (2,000) square
- 19 feet for retail sales of products
- 20 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility
- 21 Standards
- 22 d. Wind energy system (Effective October 8, 2008)
- 23 e. Bed and Breakfast, where the operator of the Bed and Breakfast owns the
- 24 structure and maintains it as his/her primary residence (Effective March 9, 2009)

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- 25
- 26 **4. The following accessory uses:**
- 27
- 28 a. Accessory building, structure or use
- 29 b. Outside athletic facility accessory to permitted use
- 30 c. Home occupation
- 31 d. Homestay (Effective March 9, 2009)
- 32 e. Amateur or governmental wireless telecommunication facility antenna (Effective
- 33 April 15, 2000)
- 34 f. Amateur or governmental wireless telecommunication facility tower (Effective
- 35 April 15, 2000)
- 36 g. Commercial wireless telecommunication service antenna which is attached to an
- 37 alternative tower structure in a manner which conceals the presence of an antenna.
- 38 (Effective April 15, 2000)
- 39 h. Agriculture related use (Effective June 10, 2010)
- 40

41 **C. Conditional Uses**

42

43 The following uses may be permitted only upon approval by the Zoning Board as a conditional

44 use, in accordance with Sec. 19-5-5, Conditional Use Permits:

45

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

1
2 a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see
3 permitted uses), subject to the provisions of Sec. 19-8-5, Earth Materials Removal
4 Standards

5
6 **2. The following nonresidential uses:**
7

- 8 a. Cemetery
9 b. Day care facility
10 c. Fraternal or social institution
11 d. Institution of an educational, religious, or philanthropic nature, including school,
12 hospital, church, municipal use, or similar facility
13 e. Playground or park
14

15 **3. The following accessory uses:**
16

- 17 a. Home business
18 b. Accessory dwelling unit
19

20 **D. Prohibited Uses**
21

22 All uses not specifically allowed as permitted uses or conditional uses are prohibited within this
23 district.
24

25 **E. Standards**
26

27 **1. Performance Standards**
28

- 29 a. The standards of performance of Articles VII and VIII shall be observed.
30 b. Standards relating to permitted and conditional uses in the Residence C District
31 include:
32

- 33 Sec. 19-7-5 Creation of an Accessory Dwelling Unit
34 Sec. 19-7-6 Eldercare Facility Standards
35 Sec. 19-7-7 Manufactured Housing Parks
36 Sec. 19-8-5 Earth Materials Removal Standards
37 Sec. 19-8-8 Home Day Care and Day Care Facility Standards
38 Sec. 19-8-9 Boat Repair Facility Standards
39 Sec. 19-8-14 Short Term Rental Standards
40
41

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) <i>Eldercare facilities</i>	5 acres
(4) <i>Wind energy systems</i>	20,000 sq. ft. (Effective October 8, 2008)
(5) <i>Others</i>	20,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) <i>Multiplex housing</i>	1 unit per 15,000 sq. ft. of net residential area
(2) <i>In subdivisions</i>	1 unit per 20,000 sq. ft. of net residential area
(3) <i>In subdivisions that conform to Sec. 19-7-2, Open Space Zoning</i>	1 unit per 15,000 sq. ft. of net residential area
(4) <i>A single-family home on a lot that is not part of a subdivision</i>	1 unit per 20,000 sq. ft. of gross lot area
(5) <i>In eldercare facilities</i>	1 unit per 2,500 sq. ft. or 1 bed per 2,100 sq. ft. of net residential area (Effective May 9, 2007)
(6) <i>Rooming or boarding home</i>	1 bed per 5,000 sq. ft. of gross lot area
(7) <i>Other housing</i>	1 unit per 20,000 sq. ft. of gross lot area
MAXIMUM NUMBER OF BED AND BREAKFAST ROOMS	
<i>Bed and Breakfast Guest Room</i>	1 room per 5,000 sq. ft of gross lot area
MINIMUM STREET FRONTAGE	
(1) <i>Bed and Breakfast</i>	100 ft. on Shore Road or Route 77
(2) <i>All uses</i>	100 ft.
MINIMUM SETBACKS	
(1) <i>All uses unless otherwise specified</i>	
(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,

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	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	40 ft.
- Collector and rural connector streets	40 ft.
- Feeder street	30 ft.
- Local and private streets	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	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)
(7) Open Space Zoning Subdivisions <i>(See Sec. 19-7-2)</i>	
(a) Side yard setback	15 ft.
(b) Rear yard setback	15 ft.
(c) Front yard setback	20 ft.
(8) Deck with a height of less than ten (10) <i>feet above average grade</i>	
(a) Side yard setback	10 ft.
(b) Rear yard setback	10 ft.
(9) Accessory building having less than one <i>hundred fifty (150) square feet of floor area</i>	
(a) Side yard setback	10 ft.
(b) Rear yard setback	10 ft.
(10) Outdoor recreational facilities such as <i>swimming pools, tennis courts, and</i> <i>basketball courts that are accessory to a</i> <i>single family residential use</i>	
(a) Side yard setback	10 ft.
(b) Rear yard setback	10 ft.
(Effective December 10, 2003)	
(11) Wind energy system	110% of the distance from the ground to the center of the turbine

	(Effective October 8, 2008)
MAXIMUM TELECOMMUNICATION HEIGHT	
<i>(1) Antenna attached to a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
<i>(2) Amateur or governmental tower attached or braced against a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)	
<i>(1) All uses to center of turbine</i>	100'
MINIMUM LOT WIDTH (Effective August 11, 1999)	
<i>(1) All uses</i>	40 ft.
MAXIMUM BUILDING FOOTPRINT	
<i>(1) All uses</i>	None, except nonconforming lots shall comply with the building coverage standards contained in Sec. 19-4-3
MAXIMUM BUILDING HEIGHT	
<i>(1) All uses</i>	35 ft.

1
2 **F. Site Plan Review**

3
4 The following uses and activities shall be subject to site plan review by the Planning Board,
5 according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit,
6 plumbing permit, or other permit:

- 7
8 1. Multiplex housing, eldercare facilities, and boarding care facilities
9 2. Nonresidential uses listed in Sec. 19-6-3.B.3, except home day cares, which shall not
10 require site plan review
11 3. Nonresidential uses listed in Sec. 19-6-3.C.2
12 4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review
13

14 **ARTICLE VIII. PERFORMANCE STANDARDS**

15
16 **. 19-7-8. OFF-STREET PARKING (Effective May 12, 2002)**

17
18 **A. Applicability**

19
20 Off-street parking shall be provided for all new construction, expansions, and changes of use in
21 accordance with the requirements and standards found in this section.

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2 **B. Minimum Requirements for Off-Street Parking**
3

4 Off-street parking shall be considered an accessory use when required or provided to serve any
5 legal use located in any zone except as set forth in the following sections. An off-street parking
6 space shall be a minimum of nine (9) feet wide by eighteen (18) feet long, may be open or
7 covered. The Planning Board may allow up to twenty percent (20%) of the parking requirement
8 to be met with “compact car” spaces that are a minimum of eight (8) feet wide by sixteen (16)
9 feet long provided that such spaces shall be clearly marked as “compact car parking.” Each
10 parking space must be sited to allow access and exit without obstruction. Handicapped parking
11 shall be provided in compliance with the Americans with Disabilities Act and applicable State
12 requirements. In order to determine compliance with this section, the owner or applicant shall
13 submit a plan showing the physical layout of all required off-street parking areas. Any change in
14 the evidence or conditions upon which the plan is approved shall nullify such approval.
15

16 **1.** Parking shall be provided on the lot occupied by the use for which the parking is
17 required, or on an adjacent lot owned or controlled by such use. In addition, uses located
18 within the Town Center, BA or BB District may provide all or part of the required off-
19 street parking through any of the following:

- 20 a. Private off-street parking located on another lot that is located within one mile of
21 the subject lot and that is controlled by long-term written lease or ownership by
22 the applicant.
23
- 24 b. Off-street parking shared with other uses (consistent with paragraph 2 below)
25 located within one mile of the subject lot, provided that the Planning Board finds
26 that there is adequate parking capacity to meet the parking requirements of all
27 uses sharing the parking due to variation in the time of parking demand and that
28 the shared parking is available to the applicant through a written lease or other
29 enforceable agreement.
30

31
32 Where parking is proposed elsewhere on an existing parking lot which has received Site Plan
33 approval, the Planning Board shall approve or deny the off site parking after considering the
34 adequacy of the parking and traffic impacts. Where parking is proposed elsewhere on an
35 existing parking lot which has not received Site Plan approval, the Planning Board shall approve
36 or deny the off site parking after reviewing the lot for compliance with the following Site Plan
37 Standards in Sec. 19-9-5: (B) Traffic Access and Parking, (M) Exterior Lighting, and (N)
38 Landscaping and Buffering.
39

- 40 **2.** Where multiple use of a lot occurs or where the use involves more than one activity (i.e.,
41 an ice cream shop that includes a gift shop), off-street parking shall be provided for each
42 use in accordance with this section. Where the applicant can demonstrate and document
43 nonconflicting periods of use, shared use of parking spaces may be permitted by the
44 Planning Board.
45
- 46 **3.** Travel and queuing aisles associated with off-street parking, drive-in facilities and motor

1 vehicle fuel pumps shall be provided and shall not interfere with the use of or be part of
 2 the required off-street parking.

3
 4 Parking stalls and aisle layout shall conform to the following standards.

5	6	7	8	9	10	11	12
Parking	Stall	Skew	Stall	Aisle			
Angle	Width	Width	Depth	Width			
13	14	15	16	17			
90°	9'-0"		18'-0"	24'-0"	two way		
60°	8'-6"	10'-6"	18'-0"	16'-0"	one way only		
45°	8'-6"	12'-9"	17'-6"	12'-0"	one way only		
30°	8'-6"	17'-0"	17'-0"	12'-0"	one way only		

18 4. The following minimum number of spaces, rounded up to the nearest whole number,
 19 shall be provided and maintained for each use on a lot, including each use within all
 20 buildings. The Planning Board may reduce by up to thirty percent (30%) the required
 21 parking for the reuse of a building existing as of June 4, 1997. In granting such a
 22 reduction, the Planning Board must find that:

- 23
- 24 a. the reduction will not create or aggravate parking problems in the neighborhood,
 25 and
- 26
- 27 b. the required number of spaces cannot be reasonably accommodated on the lot.
- 28

29 *The maximum number of employees scheduled during peak demand/shift shall be used in*
 30 *calculating the number of required parking spaces when employee is referenced in the list below.*
 31 *The floor area of the structure as defined in Sec. 19-1-3 shall be used in calculating the number*
 32 *of required parking spaces, unless otherwise noted.*

33
 34 a. Residential

35
 36 (1) Single Family Dwellings, 2 spaces per dwelling unit
 37 including manufactured
 38 housing

39
 40 ~~(1a) Short Term Rental~~ 1 space per 4 tenants, with a
 41 minimum of 2 spaces

42
 43 (2) Two-Family Dwellings 2 spaces per dwelling unit

44
 45
 46 (3) Multiplex housing or 1.5 spaces per dwelling unit

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with multifamily dwellings
spaces for
bedrooms, and 2
one bedroom, 1.75
unit with two
spaces per unit with three or
more bedrooms

(4) Home Businesses 2 spaces in addition to
required
parking for residence (This
requirement may be reduced by the
Zoning Board of Appeals.)

(5) Eldercare facilities 1.25 spaces per unit or 1 space
per 4 beds plus 1 space per employee

b. Institutional

(1) Municipal Uses 1.25 spaces per employee plus 1
space per 150 sq. ft. of public assembly and meeting
area

(2) Places of Public Assembly, 1 space per 4 seats plus 1
space per 2 employees
such as; Theaters/Cinemas/
Auditoriums/Stadiums/
Sports Arenas/Churches and
Synagogues/Gymnasiums

(3) Schools:
Grades K-8 1 space per classroom plus 1 space
for each employee plus parking in
accordance with the places of public
assembly for the largest assembly
space

Secondary 8 spaces per classroom plus parking
in accordance with the places of
public assembly for the largest
assembly space

Post Secondary 1 space for each 2 students plus 1
space for each employee plus
parking in accordance with the
places of public assembly for the
largest assembly space

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Nursery Schools and safe off- Day Care Facilities 1 space per employee plus a street area for vehicle pickup and drop-off of students/children

Schools not listed above: 1 space per each 2 students at capacity plus 1 space for each employee plus parking in accordance with the places of public assembly for the largest assembly space

c. Commercial

- (1) Retail sales 1,000 sq. ft. (or 1 space) 3 spaces per use or 3 spaces per 333 sq. ft. or portions thereof plus 1 space per employee, whichever is greater
(2) Gas and/or Service Station; Auto Repair Garage service bay .25 space per fuel pump plus 1 space per employee plus 4 spaces per

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

- (3) Banks 4 spaces per use or 3 spaces per 1,000 sq.ft. (or 1 space per 333 sq.ft. or portions thereof), whichever is greater
(4) Personal Services and Business Services 3 spaces per use or 4 spaces per 1,000 sq.ft. (or 1 space per 250 sq.ft. or portions thereof), whichever is greater
(5) Business and Professional Offices (non-medical) 3 spaces per use or 4 spaces per 1,000 sq.ft. (or 1 space per 250 sq.ft. or portions thereof), whichever is greater
(6) Professional Office (medical) 5 spaces per 1,000 sq. ft. (or 1 space per 200 sq. ft. or portions thereof)
(7) Restaurants/Eating Places 1 space per 4 patrons at capacity plus

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1 space per employee

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

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

(9) Bed and Breakfasts and Homestays **(Effective March 9, 2009)** 2 spaces plus 1 space per guest room

(10) Veterinary Clinics 4 spaces/doctor plus 1 space/other employee

(11) Farm and Fish Markets 3 spaces per use or 3 spaces per 1,000 sq. ft. (or 1 space per 333 sq. ft. or portions thereof. **(Effective June 10, 2010)**)

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d. Industrial 1 space per employee

e. Golf Courses 4 spaces per hole plus parking for any assembly, restaurant, or retail space in accordance with the appropriate requirements

f. Other Uses As determined by the Planning Board based upon the ITE Parking Generation Manual or data of actual parking demand of similar uses

C. Off-Street Parking Design Standards

The following design standards shall apply to all new and expanded off-street parking areas:

1. Parking areas for uses other than single and two-family dwellings shall be designed so that vehicles will not back out into a street.
2. Parking areas shall not inhibit emergency vehicle access to any building or structure.

- 1 3. Parking areas shall be separated from the front of all buildings by a landscaped area at
2 least five (5) feet wide where parking is allowed in the yard area.
- 3
- 4 4. Wheel stops/curbs shall be placed where needed to prevent encroachment into walkways,
5 landscaped areas, circulation aisles, streets and structures.
- 6
- 7 5. Parking spaces and travel aisles shall be clearly delineated in parking lots.
- 8
- 9 6. All parking areas shall be designed to adequately control drainage. In furtherance of this
10 standard, drainage calculations used shall reflect a paved condition and all parking areas
11 shall be constructed with base material which can withstand normally expected vehicle
12 loading and winter maintenance.
- 13
- 14 7. If parking spaces are provided for self-parking by employees or visitors or both,
15 accessible spaces meeting ADA requirements shall be provided in each parking area in
16 conformance with the following:
- 17
- 18
- 19

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1	1
26	2
51	3
76	4
101	5
151	6
201	7
301	8
401	9
501	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- 20
- 21 8. Parking facilities within the Town Center District shall comply with the
22 Standards of Sec. 19-6-4.D.3.g., Landscaping and Site Development.

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

24 **A. Purpose**

25 Cape Elizabeth residents prize the peace and quiet of their single family neighborhoods.
26 Some property owners have capitalized on the desirability of their neighborhood by
27 renting out their property to transient tenants, especially during the summer months

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1 and holidays. Neighborhood residents are concerned that these short-term rentals take
2 on the character of a business operating in a residential neighborhood. The purpose of
3 this section is to balance the desire of property owners to rent their properties to short-
4 term tenants and the desire of residents to preserve the peaceful quiet and enjoyment of
5 their single family neighborhoods.

6
7 **B. Requirements.** Prior to operating a Short Term Rental, a completed Short Term
8 Rental registration form shall be submitted to the Code Enforcement Officer. The Short
9 Term registration form shall include the following:

10
11 1. Location. The street address and map/lot number of the short-term rental shall
12 be provided. If the Short Term Rental is not located on a public road, the form
13 shall include directions to the Short Term Rental from a public road.

14
15 2. Contact Person. The name of the owner of the Short Term Rental and contact
16 information, including address and telephone number shall be included on the
17 registration form. In addition, if someone other than the owner is acting as the
18 local contact person, contact information for that person should also be provided.
19 If the contact person changes seasonally, the registration form shall include the
20 time period and the contact person during the year.

21
22 3. Availability. The registration form shall include when, during the calendar year,
23 the Short Term Rental will be available for rental.

24
25 4. Life safety code compliance. The registration shall be accompanied by written
26 confirmation by a qualified third party that the Short Term Rental is in
27 compliance with all state life safety codes. The Code Enforcement Officer shall be
28 provided with an opportunity at a reasonable time to inspect the Short Term
29 rental to confirm compliance with life safety codes.

30
31 For Short Term Rentals operating on a lot that is less than 30,000 sq. ft., or where the
32 Short Term Rental property owner is not living on the same lot or on a lot abutting the
33 Short Term Rental during the period of rental, the following additional information
34 shall be provided on the registration form and requirements shall apply:

35
36 5. Limit on rental frequency and intensity. The Short Term Rental shall not
37 accommodate more than 12 tenants at any one time. From May 1 to October 31 of
38 each year, a Short Term Rental shall not be rented more than 2 weeks in any one
39 month.

40
41 6. Sanitary waste disposal. The short-term rental owner shall submit information
42 demonstrating that adequate sanitary waste disposal is available in compliance
43 with the Town of Cape Elizabeth Subsurface Wastewater Disposal Ordinance, as

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determined by the Code Enforcement Officer.

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

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The short-term rental owner shall also identify the maximum number of tenants and guests that will be accommodated at the short-term. For each additional 4 guests, the subsurface waste disposal system shall be adequate to serve 1 additional bedroom.

7. Parking. The form shall include a depiction of how parking will be provided on the same lot, or include a written agreement for off-site parking at a specified location, at the Short Term Rental to comply with the Off-Street Parking Standards, Sec. 19-7-8. No bus parking at the Short-Term rental shall be allowed.

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8. Rental Agreement Addendum. The Short Term Rental Registration Form shall be submitted with an addendum to be attached to a Rental Agreement that shall be provided to all tenant groups, and shall not include any requirement of Town enforcement of the rental agreement. At a minimum, the rental agreement addendum shall include the following:

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a. Contact person.

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b. Emergency responder contact information and building evacuation plan.

c. Maximum number of tenants and guests.

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d. Parking arrangements, including a prohibition against tenants and guests parking in a manner that impedes access by emergency vehicles to the Short Term rental or any other dwelling in the neighborhood.

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e. Event rules, as determined by the Short-Term Rental Owner.

9. Issuance. The Short-Term Rental registration form shall be reviewed by the Code Enforcement Officer for compliance with the above requirements. If the Code Enforcement Officer determines that the Short-Term Rental is in compliance with this section, the Short-Term rental may be approved for one calendar year.

Penalty.

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