

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 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.

["rented" has been retained in the definition to preserve a distinction between charitable events hosted on private property and events on private property where the owner is compensated. The approach is supported by the Code Enforcement Officer.]

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

A. Purpose

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

B. Permitted Uses

The following uses are permitted in the Residence A District:

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

- 2
- 3 a. Home day care
- 4 b. Farm and fish market, with a maximum floor area of two thousand (2,000)
- 5 square feet for retail sales of products
- 6 c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair
- 7 Facility Standards
- 8 d. Golf Course and Golf Course Related Activities **(Effective February 12,**
- 9 **2003)**
- 10 e. Wind energy system **(Effective October 8, 2008)**
- 11 f. Bed and Breakfast, where the operator of the Bed and Breakfast owns the
- 12 structure and maintains it as his/her primary residence **(Effective**
- 13 **March 9, 2009)**
- 14 g. Short Term Rental **(Effective December 14, 2012)**
- 15 h. Day Camp **(Effective July 10, 2013)**
- 16
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18 **2. The following Space and Bulk Standards shall apply:**

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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)	
<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.

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

A. Purpose

The purpose of this district is to allow small scale, hospitality venues on large properties in the residential zoning districts where there is a buffer from abutting neighborhoods. Cape Elizabeth has historically been 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. When relatively isolated, these events are consistent with the town’s residential character, but must also be managed to protect the public health, safety and welfare of town residents and event guests and staff.

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

1 **C. Conditional Uses**

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

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6 **D. Prohibited Uses**

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8 All uses not specifically allowed as permitted uses or conditional uses in the
9 underlying zone or in the Special Event Facility Overlay District are prohibited in
10 the Special Event Facility District.

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12 **E. Standards**

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14 **1. Performance Standards**

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

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21 **2. Space and Bulk Standards**

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23 In addition to the Space and Bulk Standards of the underlying district, all
24 use of land within the Special Event Facility Overlay District or any other
25 district shall comply with the standards set forth in this subsection. In the
26 event of a conflict between the standards of this overlay district and those
27 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, all of which must be</u> <u>included in a Special Event Facility</u> <u>Overlay District</u> <u>To comply with the special event</u> <u>facility minimum lot area, the total</u> <u>area of (i) the lot where the special</u> <u>event facility is located, and (ii) any</u> <u>other lot held in common ownership</u> <u>and sharing any portion of a lot line</u> <u>boundary with the special event</u> <u>facility lot may be counted toward the</u> <u>minimum lot area.</u>

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2 **F. Site Plan Review**
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5 Planning Board, according to the terms of Article IX, Site Plan Review, prior to
6 the issuance of any building permit, plumbing permit or other permit.
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8 **1. Special event facility**
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12 **SEC. 19-8-15. SPECIAL EVENT FACILITY STANDARDS**
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14 This section establishes review standards for the development and operation of a
15 special event facility. These provisions are necessary to reduce impact on
16 surrounding properties and to protect town residents and event guests and staff.
17 A special event facility shall conform to the following standards.
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19 **1. Procedure**
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- 21 **a. Applicability.** Special event facilities, as defined in this
22 ordinance, are subject to Site Plan Review, Sec. 19-9, and the
23 Special Event Facility Standards of subsection 2, below.
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25 **b. Review.** A special event facility shall be reviewed in
26 accordance with the Site Plan Review procedures, Sec. 19-9-
27 4(B), except that Site Plan approval shall be valid for three
28 (3) years from the date of the Planning Board vote and
29 expire if the applicant does not apply for a new approval
30 prior to the expiration date.
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32 **c. Submission requirements.** In addition to the Submission
33 requirements of Sec. 19-9, Site Plan Review, the applicant
34 shall be required to submit all information which the
35 Planning Board deems necessary to demonstrate compliance
36 with the Performance Standards in Sec. 19-8-15 (2) below.
37 Information to be submitted shall include, but not be limited
38 to:
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40 **i. The maximum number of events to be held in a**
41 **calendar year;**
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- 1 ii. The maximum number of attendees to be allowed at
2 an event.
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- 4 iii. Whether the special event facility will be operated
5 seasonally, in which case the beginning and end dates
6 of the season, or if the facility will operate year-round.
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- 8 iv. The area(s) designated for temporary structures or
9 features including but not limited to tents, sanitary
10 waste facilities, performance stands and food
11 preparation and service.
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- 13 v. A description of the types of events that will be held
14 at the special event facility.
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- 16 vi. For previously approved special event facilities
17 seeking a renewal approval, a record of the events
18 that have been held, including the date, duration and
19 number of attendees, and any complaints that have
20 been received by the applicant or on file with the
21 Police Department.
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24 2. Performance Standards

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

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- 29 1. Event scope. All events shall be limited as follows:
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- 31 i. A special event shall not exceed 275 attendees in size,
32 including guests and staff supporting the event.
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- 34 ii. No more than **12** events shall be held in a calendar
35 year.
- 36
- 37 iii. No amplification of music for the event shall
38 commence earlier than 9:00 a.m. nor extend later than
39 8:00 p.m.
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- 41 iv. No event shall exceed four (4) hours in duration in a
42 twenty-four (24) hour period.
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2. Seasonal facilities. The Planning Board may find that temporary structures and facilities are adequate to comply with the Site Plan standards when the special event facility will only operate seasonally and the seasonal needs are met. In particular, methods of providing parking and sanitary waste disposal on a seasonal basis may be appropriate for the duration of the special event season.

3. Additional requirements. The Planning Board may apply reasonable restrictions on the operation of a special event facility related to the lot on which the special event facility is located or to mitigate the impact of the special event facility on the abutting neighborhood(s).