

**Town of Cape Elizabeth
Zoning District summary**

Residential Districts

Residence A District (RA)

Minimum lot size: 80,000 sq. ft.

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.

Residence B District (RB)

Minimum lot size: 80,000 sq. ft.
growth areas/mandatory open
space zoning

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

Residence C District (RC)

Minimum lot size: 20,000 sq. ft.

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.

Commercial Districts

Town Center District (TC)

Minimum lot size: varies

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

In the center of the Town Center District, there exists a unique compactness of development exemplified by smaller lot sizes and existing structures with compatible space and bulk massing and requirements of the Town Center District shall apply in the core subdistrict, except where standards specific to the Town Center Core Subdistrict are established.

Business A District (BA)

Minimum lot size: varies

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

Business B District (BB)

Minimum lot size: varies

Purpose: The purpose of the Business District B is to recognize locations where moderate intensity, non-retail commercial uses have developed in close proximity to residential areas.

Business C District (BC)

Minimum lot size: 5 acres
(not shown on map)

Purpose: The purpose of the Business District C is to provide a flexible mechanism for locating nonpolluting, job-creating enterprises within the Town. It is intended

that this mechanism will allow for the location of proposed enterprises on sites that have the capacity to support them, and that are tailored to their needs in a manner that promotes the public welfare.

Special Purpose Districts

Fort Williams Park District (FWP)

Purpose: The Fort Williams Park District (FWP) consists of the ninety-six (96) acre municipally owned tract known as Fort Williams Park and Portland Head Light. Fort Williams is a unique community resource which has irreplaceable scenic, natural, and historical qualities. The purpose of the FWP District is to assure that this resource is dedicated primarily to park, recreational and cultural uses which preserve, enhance, and are fully compatible with its unique qualities and are within the financial resources of the Town. The district is intended to carry out the policies of the Town as expressed in The Master Plan of Fort Williams Park dated November 1990, as it may be amended by the Town Council from time to time.

Resource Protection Districts (RP1-CW, RP1-Buffer Overlay, RP2-WP, and RP3-F)

Purpose: The wetlands and floodplains of the Town are fragile natural resources which provide wildlife habitat, pollution control, storage and passage of flood waters, aquifer recharge, erosion control, education, scientific study, recreation, and open space. Nationally, considerable wetland acreage has been lost or impaired by drainage, dredging, filling, excavating, building, pollution, and other activities inconsistent with the natural uses of such areas. Therefore, it is the policy of the Town to ensure that wetlands and floodplains are protected from detrimental impacts and that wetland and floodplain alteration activities do not threaten public safety, welfare or cause nuisances, or negatively alter natural wetland ecology. To protect these natural resources, four (4) Resource Protection Districts are designated based upon their natural resource value and vulnerability:

Town Farm District (TF)

Purpose: The Town Farm District includes the area west of Spurwink Avenue formerly known as the "Poor Farm" and an area extending from Spurwink Ave 100' to the east. The Town Farm District is intended to preserve the upland portion of the Town Farm. The historic boundaries of the Town Poor Farm also include the Spurwink Marsh, extending to Sawyer Rd.

The land is undeveloped open space comprised of rolling fields, treed ridge lines, and the Spurwink River and Spurwink Marsh. The purpose of this district is to recognize and protect the special nature of the Town Farm as an area representing historic, cultural, scenic, natural, and open space qualities which should continue. The Town Farm embodies rural character and is integral and essential to the Town and the Greenbelt. The scenic significance of the Town Farm is discussed in more detail in a town report entitled an Assessment of the Visual Resources of Cape Elizabeth, Maine, dated February 1989. The Town Farm District is created to preserve these features for the benefit of the public.

Shoreland Performance Overlay District (SZ)

Minimum lot size: varies

Purpose: In order to maintain safe and healthful conditions; to prevent and control water pollution; to protect spawning grounds of fish, aquatic life, bird and other wildlife habitat; to protect archaeological and historic resources; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover; to protect visual, as well as actual, points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impact of development in Shoreland areas, all land use activities within the Shoreland Performance Overlay District shall conform to the applicable land use standards in Sec. 19-8-2, Shoreland Performance Standards. This district is established in accordance with the provisions of 38 M.R.S.A. §435 et seq.

Great Pond Watershed Overlay District

Purpose: The Great Pond Watershed Overlay District is created to protect and improve the water quality of Great Pond by limiting the runoff of nutrients such as phosphorous.

The Great Pond Watershed Overlay District applies to all land within the watershed of Great Pond being all of the land area that drains to Great Pond as depicted on the Great Pond Watershed Map.

Tower Overlay District

(shown on separate map)

Purpose: The purpose of this district is to respond to the communication policies embodied in the 1996 Federal Telecommunications Act by establishing predictable and balanced regulations, within the confines of permissible local regulation, for the siting and screening of towers and antennas in order to accommodate the growth of telecommunications within the Town while protecting the public against any adverse impacts on the Town's public health, safety and welfare.

Special Event Facility Overlay District

Minimum lot size: 15 acres

Purpose: The purpose of this district is to allow small scale, hospitality venues on large properties in the residential zoning districts (RA, RB, RC) where there is a buffer from abutting neighbors. 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.