

Agriculture related use: A use that is incidental and subordinate to the primary use of agriculture, that complements the primary agricultural use and which will help sustain the primary use of agriculture on the property. (Effective June 10, 2010)

Alternative Tower Structure: Mounting structures, such as, but not limited to, clock towers, bell steeples, utility and light poles, and water towers, that conceal the presence of antennas or towers and which are used primarily for purposes other than to support an antenna. (Effective April 15, 2000)

Amateur Wireless Telecommunication facility: An amateur (ham) radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment, which are not marketed to the general public. (Effective April 15, 2000)

Antenna: Any structure or device used for the purpose of collecting or radiating electromagnetic waves; including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, which are located on the exterior of, or outside of, any building, or structure. A single, radiating antenna platform, which includes one or more antennas, shall be regulated as a single antenna. (Effective April 15, 2000)

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Athletic Facility: A private or public facility including but not limited to stadiums, playing fields for organized sports involving teams with coaches, uniforms, and an established schedule, and gymnasiums that hosts sports events which accommodate spectators, but not including private facilities accessory to a permitted residential or commercial use.

Banking, Professional and Business Office: Offices for lawyers, engineers, architects, landscape architects, land use planners, accountants, building contractors, doctors, dentists, or other professionals similar to those listed above and banking, security and commodity brokerage, real estate sales, travel agency, employment counseling, insurances sales, advertising, mailing and stenographic services, and other services of a similar nature.

Basal Area: A measure of the volume or density of a forest stand. It is the area of a cross-section of a tree stem at four and a half (4 ½) feet above ground level and inclusive of bark.

Bed and Breakfast: A use ~~that must be operated in conjunction with the use of a dwelling as a primary permanent residence where the property owner is present and that involves~~ (1) ~~the renting provides of up to nine (9) eight furnished bedrooms beds for rent to transient guests for a limited duration of less than for 1 or more nights and having a total length of stay not to exceed 14 consecutive days,~~ (2) ~~is operated by the family or person residing permanently in the home;~~ and (3) ~~the serving of may serve 1 or more mealsbreakfast to overnight guests only.~~ (Effective March 9, 2009)

Board: The Zoning Board of Appeals constituted under Sec. 19-5-1, Appointment and Composition of this Ordinance.

4. There shall be no external alteration of the building or site that changes its residential character including the creation of a separate “business” entrance;
5. The square footage occupied by the business or professional use shall occupy an area no greater than twenty percent (20%) of the floor area of the structure (as defined above) of the dwelling unit; (Effective August 11, 1999)
6. All signs shall comply with the Sign Ordinance; and
7. There shall be no outdoor storage of equipment or materials.

~~**Homestay:** A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to guests for 1 or more nights; (2) is operated by the family or person residing permanently in the home; (3) may serve 1 or more meals to guests only, and (4) provides all parking on-site. A maximum of one homestay is allowed per multifamily building. (Effective March 9, 2009)~~

Home Workshop or Workroom: A workshop, located within a principal building or within an accessory building, which is used primarily by the occupants of the dwelling unit for personal use and not a commercial use. (Effective August 11, 1999)

Hotel: A building used primarily for occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms, and intended to be rented principally to transients on a short-term basis.

Hydric Soils: Soils as defined in U.S. Soil Conservation Service publication entitled Hydric Soils of Southern Maine, Revised 12/3/86, as further revised, a copy of which is available for review in the Town Office. (Formerly used names in parentheses.) These soils shall include, but not be limited to the following:

1. Very poorly drained organic soils, including Chocorua, Ossipee, Rifle, Sebago, Togus, Vassalboro and Waskish
2. Very poorly drained mineral soils, including Biddeford, Burnham, Gouldsboro (Tidal Marsh), Halsey, Medomak (Saco), Peacham (Whitman), Searsport (Scarboro), Washburn, and Whately
3. Poorly drained mineral soils, including Atherton, Aurelie, Brayton (Ridgebury), Charles (Limerick), Easton, Fredon, Lyme, Monarda, Moosilauke (Walpole), Naskeag, Naumberg (Au Gres), Roundabout, Rumney, Scantic, and Swanton.

Impervious Area: The total area of a parcel that consists of buildings and associated constructed facilities or areas, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to rooftops,

Setback: The shortest distance from a building (or other point of measurement) to the nearest lot line, side line of a street right-of-way, or normal high water line. Where unknown, the width of a privately owned right-of-way shall be presumed to be twenty-five (25) feet. (Effective October 15, 2009)

Setback Front: An open area extending the entire width of a lot from sideline to sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by a building from the ground upward. A lot having frontage on more than one (1) street shall be required to meet the minimum front setback on each street.

Shore Frontage: The length of a lot bordering on a water body or wetland measured along the normal high water line or wetland upland edge. (Effective October 15, 2009)

Short-Cut: A through road that creates a shorter distance for vehicular travel between any two points on arterial, collector, rural connector or feeder streets. The distance along shortcut shall be measured along the centerline of the traveled way incorporating such short-cut, from the centerline of the nearest intersection with an arterial, collector, rural connector, or feeder street on one side of the short-cut to the centerline of the next nearest intersection with an arterial, collector, rural connector or feeder street on the other side of the short-cut. This short-cut distance shall be compared to the distance measured along the centerline of the shortest existing traveled way between such same two points by any other route.

(Effective June 23, 2006)

Short Term Rental: The advertising, offering, or otherwise making available use of a dwelling ~~offered for rent for~~ transient occupancy ~~by tenants~~ for a tenancy period of less than 30 consecutive days, excluding motels, hotels, special event facilities, and bed and breakfasts. (Effective December 14, 2012)

Short Term Hosted Rental: The Short Term Rental use of a permanent residence where the property owner sleeps overnight on the property during all periods of transient guest tenancy.

Short Term Rental Guest: A visitor of a Short Term Rental tenant who will not be sleeping overnight on the property, provided persons on the property after 11:00 PM local time shall be deemed tenants and not Short term Rental Guests for the purposes of this Ordinance. (Effective December 14, 2012)

Significant Economic Injury: Placing the applicant for a variance at a disadvantage in the neighborhood by applying Zoning Ordinance standards, which would prevent the applicant from having a structure or accessory structure comparable in size, location and number to

2. A conditional use may be expanded in area or function only with the granting of a new conditional use approval by the Board.

G. Scope of Approval

All permits or approvals shall include, as an express condition, a written statement to the effect that the permit or approval is granted subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application.

ARTICLE VI. DISTRICT REGULATIONS

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

1. The following uses are permitted in the Residence A District:
 - a. Any use permitted 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 or 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 Removal Standards.
 - e. Timber harvesting.
2. The following residential uses:
 - a. Single family dwelling.
 - b. Manufactured housing on an individual lot.

- c. Multiplex housing.
 - d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards.
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.
 - c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility Standards.
 - d. Golf Course and Golf Course Related Activities (Effective February 12, 2003)
 - 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. g. Day Camp. (Effective July 10, 2013)
4. The following accessory uses:
- a. Accessory building, structure or use.
 - b. Outside athletic facility accessory to permitted use.
 - c. Home occupation.
 - d. Short Term Hosted Rental Homestay. (Effective March 9, 2009)
 - e. Amateur or governmental wireless telecommunication facility antenna. (Effective April 15, 2000)
 - f. Amateur or governmental wireless telecommunication facility tower (Effective April 15, 2000)
 - g. Commercial wireless telecommunication service antenna which is attached to an alternative tower structure in a manner which conceals the presence of an antenna. (Effective April 15, 2000)
 - h. Agriculture related use. (Effective June 10, 2010)
5. **Conditional Uses**

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

- 1. The Following resource-related uses:
 - a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see permitted uses), subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards.
- 2. The following nonresidential uses:
 - a. Cemetery

- b. Day care facility
 - c. Fraternal or social institution
 - d. Institution of an educational, religious, or philanthropic nature, including school, hospital, church, municipal use, or similar facility
 - e. Playground or park
3. The following accessory uses:
- a. Home business
 - b. Accessory dwelling unit

D. Prohibited Uses

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

E. Standards

1. Performance standards
- a. The standards of performance of Articles VII and VIII shall be observed.
 - b. Standards relating to permitted and conditional uses in the Residence A District include:
 - Sec. 19-7-5 Creation of an Accessory Dwelling Unit
 - Sec. 19-7-6 Eldercare Facility Standards
 - Sec. 19-8-5 Earth Materials Removal Standards
 - Sec. 19-8-7 Great Pond Watershed Performance Standards
 - Sec. 19-8-8 Home Day Care and Day Care Facility Standards
 - Sec. 19-8-9 Boat Repair Facility Standards
 - Sec. 19-8-14 Short Term Rental Standards (Effective December 14, 2012)
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	10 acres
(3) Eldercare facilities	10 acres
(4) Golf Course (Effective February 12, 2003)	150 acres (Effective February 12, 2003)
(5) Wind energy systems (Effective October 8, 2008)	20,000 sq. ft.

(6) Other uses	80,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) Multiplex housing	1 unit per 66,000 sq. ft. of net residential area
(2) In subdivisions	1 unit per 80,000 sq. ft. of net residential area
(3) In subdivisions that conform to Sec. 19-7-2, Open Space Zoning	1 unit per 66,000 sq. ft. of net residential area
(4) In eldercare facilities	1 unit per 6,000 sq. ft. or 1 bed per 3,500 sq. ft. of net residential area, whichever is less
(5) Other housing	1 unit per 80,000 sq. ft. of gross lot area
MAXIMUM NUMBER OF BED AND BREAKFAST ROOMS (Effective March 9, 2009)	
Bed and Breakfast Guest Room (Effective March 9, 2009)	1 room per 20,000 sq. ft. of gross lot area
MINIMUM STREET FRONTAGE	
(1) Bed and Breakfast	125 ft. on Shore Road or Route 77
(2) All uses	125 ft.
MINIMUM SETBACKS	
(1) All uses unless otherwise specified	
a. Side yards 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.
(2) Eldercare facilities (Effective November 14, 2015)	
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 (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.

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. As part of Site Plan Review for multiplex housing, Sec. 19-7-2 (E), Multiplex Housing Standards, shall also apply. (Effective November 14, 2015)
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 December 4, 2015), (Effective November 5, 2016)
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. 19-6-2. RESIDENCE B DISTRICT (RB)

A. 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. (Effective November 14, 2015)

B. Permitted Use

The following uses are permitted in the Residence B District:

1. The following resource-related uses:
 - a. Any use permitted 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.
 - e. Earth Materials Removal Standards.
 - f. Timber harvesting.
2. The following residential uses:
 - a. Single family dwelling
 - b. Manufactured housing on an individual lot
 - c. Multiplex housing
 - d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards.
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
 - c. Golf Course Related Activities, excluding restaurants, clubhouses and meeting halls (Effective February 12, 2003)
 - d. Wind energy system (Effective October 8, 2008)
 - e. ~~Short Term Rental~~ (Effective December 14, 2012)
 - f. ~~g.~~ Day Camp (Effective July 10, 2013)
4. The following accessory uses:
- a. Accessory building, structure or use
 - b. Outside athletic facility accessory to permitted use
 - c. Home occupation
 - d. ~~The renting of not more than two (2) rooms within a single family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.~~ Short Term Hosted Rental.
 - e. Amateur or governmental wireless telecommunication facility antenna (Effective April 15, 2000)
 - f. Amateur or governmental wireless telecommunication facility tower (Effective April 15, 2000)
 - g. Commercial wireless telecommunication service antenna which is attached to an alternative tower structure in a manner which conceals the presence of an antenna. (Effective April 15, 2000)
 - h. Agriculture related use (Effective June 10, 2010)

C. Conditional Uses

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

- 1. The following resource-related uses:
 - a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see permitted uses), subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards.
- 2. The following nonresidential uses:
 - a. Cemetery
 - b. Day care facility
 - c. Fraternal or social institution
 - d. Institution of an educational, religious, or philanthropic nature, including school, hospital, church, municipal use, or similar facility
 - e. Playground or park
- 3. The following accessory uses:

- a. Home business
- b. Accessory dwelling unit

D. Prohibited uses

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

E. Standards

1. Performance standards

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

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

Sec. 19-7-6 Eldercare Facility Standards

Sec. 19-8-5 Earth Materials Removal Standards

Sec. 19-8-8 Home Day Care and Day Care Facility Standards

Sec. 19-8-14 Short Term Rental Standards (Effective December 14, 2012)

2. The following Space and Bulk Standards shall apply:

- a. Lots that are part of residential development approved by the Planning Board after June 4, 1997, shall comply with the terms of Sec. 19-7-2, Open Space Zoning, except that residential development for which completed applications have been submitted to the Planning Board prior to June 4, 1997, shall be subject to the regulations in effect at the time of their submission. (Effective November 14, 2015)
- b. For all other lots, the following Space and Bulk Standards shall apply:

MINIMUM LOT AREA	
(1) Eldercare facilities	5 acres
(2) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(3) Other uses	80,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) In eldercare facilities	1 unit per 3,500 sq. ft. or 1 bed per 2,500 sq. ft. of net residential area, whichever is less

(2) Other uses	1 unit per 80,000 sq.ft. of gross lot area
MINIMUM STREET FRONTAGE	
(1) All uses	125 ft.
MINIMUM SETBACKS	
(1) All uses unless otherwise specified	
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 street	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) Eldercare facilities (Effective November 14, 2015)	
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. 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. (Effective December 10, 2003)
(10) Wind energy system	110% of the distance from the ground to the center of the turbine (Effective October 8, 2009)
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 non-conforming lots shall comply with the building footprint standards contained in Sec. 19-4-3
MAXIMUM BUILDING HEIGHT	
(1) 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. As part of Site Plan Review for multiplex housing Sec. 19-7-2 (E), Multiplex Housing Standards, shall also apply. (Effective November 14, 2015)
2. Nonresidential uses listed in Sec. 19-6-2.B.3, except home day cares, wind energy systems, ~~short term rentals~~ and day camps, which shall not require site plan review (Effective November 5, 2016)
3. Nonresidential uses listed in Sec. 19-6-2.C.2
4. Any other use or activity listed in Sec. 19-9-2, 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 Removal Standards
 - e. Timber harvesting

2. The following residential uses:
 - a. Single family dwelling
 - b. Manufactured housing on an individual lot
 - c. Manufactured housing park, subject to the provisions of Sec. 19-7-7, Manufactured Housing Parks
 - d. Multiplex housing
 - e. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
 - f. ~~Rooming or boarding home~~

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
 - c. Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility Standards
 - d. Wind energy system (Effective October 8, 2008)
 - e. ~~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)
 - f. ~~Short Term Rental~~ (Effective December 14, 2012)
 - g. e. Day Camp (Effective July 10, 2013)

THERE ARE CURRENTLY NO PERMITTED ACCESSORY USES IN THE RC DISTRICT

C. Conditional Uses

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

1. The following resource-related uses:
 - a. Extraction of sand, gravel, rock and similar earth materials, except topsoil (see permitted uses), subject to the provisions of Sec. 10-8-5, Earth Materials Removal Standards

2. The following nonresidential uses:
 - a. Cemetery
 - b. Day care facility
 - c. Fraternal or social institution
 - d. Institution of an educational, religious, or philanthropic nature, including school, hospital, church, municipal use, or similar facility
 - e. Playground or park

3. The following accessory uses:

- a. Home business
- b. Accessory dwelling unit

D. Prohibited Uses

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

E. Standards

1. Performance Standards

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

- Sec. 19-7-5 Creation of an Accessory Dwelling Unit
- Sec. 19-7-6 Eldercare Facility Standards
- Sec. 19-7-7 Manufactured Housing Parks
- Sec. 19-8-5 Earth Materials Removal Standards
- Sec. 19-8-8 Home Day Care and Day Care Facility Standards
- Sec. 19-8-9 Boat Repair Facility Standards
- Sec. 19-8-14 Short Term Rental Standards (Effective December 14, 2012)

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) Eldercare facilities	5 acres
(4) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(5) Others	20,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) Multiplex housing	1 unit per 15,000 sq. ft. of net residential area

(2) In subdivisions	1 unit per 20,000 sq. ft. of net residential area
(3) In subdivisions that conform to Sec. 19-7-2. Open Space Zoning	1 unit per 15,000 sq. ft. of net residential area
(4) A single family home on a lot that is not part of a subdivision	1 unit per 20,000 sq. ft. of gross lot area
(5) In eldercare facilities	1 unit per 2,500 sq. ft. or 1 bed per 2,100 sq. ft. of net residential area (Effective May 9, 2007)
(6) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area
(7) Other housing	1 unit per 20,000 sq. ft. of gross lot area
MAXIMUM NUMBER OF BED AND BREAKFAST ROOMS	
Bed and Breakfast Guest Room	1 room per 5,000 sq. ft. of gross lot area
MINIMUM STREET FRONTAGE	
(1) Bed and Breakfast	100 ft. on Shore Road or Route 77
(12) All uses	100 ft.
MINIMUM SETBACKS	
(1) All uses unless otherwise specified	
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, 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) Eldercare facilities (Effective November 14, 2015)	
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 (See Sec. 19-7-2)	
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) feet above average grade	
a. Side yard setback	10 ft.
b. Rear yard setback	10 ft.
(9) Accessory building having less than one hundred fifty (150) square feet of floor area	
a. Side yard setback	10 ft.
b. Rear yard setback	10 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	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	
(1) Antenna attached to a structure	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)

(2) Amateur governmental tower attached or braced against a structure	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)	
(1) All uses to center of turbine	100'
MINIMUM LOT WIDTH (Effective August 11, 1999)	
(1) All uses	40 ft.
MINIMUM BUILDING FOOTPRINT	
(1) All uses	None, except nonconforming lots shall comply with the building coverage standards contained in Sec. 19-4-3
MAXIMUM BUILDING HEIGHT	
(1) 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, eldercare facilities, and boarding care facilities. As part of Site Plan Review for multiplex housing, Sec. 19-7-2 (E), Multiplex Housing Standards shall also apply. (Effective November 14, 2015)
2. Nonresidential uses listed in Sec. 19-6-3/B/3, except home day cares, wind energy systems, ~~short term rentals~~ and day camps, which shall not require site plan review (Effective November 5, 2016)
3. Nonresidential uses listed in Sec. 19-6-3.C.2
4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review.

SEC. 19-6-4. TOWN CENTER DISTRICT (TC)

A. 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.

B. Permitted Uses

The following uses are permitted in the Town Center District:

1. The following resource-related uses:
 - a. Farming use, except that outdoor storage of chemicals and commercial animal husbandry are not permitted.
2. The following residential uses:
 - a. Single family dwelling
 - b. ~~Bed and breakfast~~
 - ~~c.~~ c. Multifamily dwelling unit. (Effective May 12, 2010)
 - ~~d.~~ d. Congregate housing, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
 - ~~e.~~ e. Rooming or boarding home
3. The following nonresidential uses:
 - a. Banking, professional, and business office
 - b. Personal service
 - c. Village retail shop
 - d. Veterinarian office not including the boarding of animals but allowing pre-surgical and/or postsurgical care
 - e. Medical clinic
 - f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant with a maximum of seventy-five (75) seats.

- g. Gas station with not more than two (2) fueling islands with each island having not more than four (4) “fueling points” from no more than two (2) gas dispensers. A car wash is allowed only if accessory to a service station and if each car wash bay’s ingress and egress are not visible from a street.
 - h. Repair garage
 - i. Institutional use including, but not limited to, church, government use, and school use
 - j. Day care facility
 - k. Cottage industry manufacturing
 - l. Wind energy system (Effective October 8, 2008)
 - m. Short term rental (Effective December 14, 2012)
 - n. Bed and breakfast
4. The following accessory uses:
- a. Accessory building, structure or use
 - b. Outside storage accessory to an allowed use provided that the area used for storage shall not exceed the floor area of the principal use and that, except for display area, the outside storage is screened from public view and abutting properties.
 - c. A drive-through for a bank or car wash, provided that it is accessory to the principal use and located immediately adjacent to the structure of the principal use.
 - d. Home occupation
 - e. Home business
 - f. The renting of not more than two (2) rooms within a single family dwelling provided that there is no physical alteration of the building and no change in external appearance of the structure.
 - g. Amateur or governmental wireless telecommunication facility antenna (Effective April 15, 2000)
 - h. Amateur or governmental wireless telecommunication facility tower (Effective April 15, 2000)
 - i. Commercial wireless telecommunication service antenna which is attached to an alternative tower structure in a manner which conceals the presence of an antenna. (Effective April 15, 2000)
 - j. Day Camp (Effective July 10, 2013)
 - k. Short Term Hosted Rental

C. Prohibited Uses

All uses not specifically allowed as permitted uses are prohibited within this district. Adult businesses, as herein defined, are prohibited within the Town center District. Drive-through services, except those associated with a bank or car wash that are specifically permitted as accessory uses, are prohibited within the Town Center District.

1. Construction involving any permitted use other than farming and a single family dwelling, except that construction of or conversion to a single family dwelling in the Town Center Core Subdistrict shall be subject to site plan review by the Planning Board.
2. Conversion of an existing building or structure or portion thereof from a less intensive category of use to a more intensive category use according to the following scale of uses with Category 1 being the least intensive and Category 10 being the most intensive:
 - Use Category 1. Multifamily dwellings and bed and breakfasts
 - Use Category 2. Banking, professional, and business offices
 - Use Category 3. Personal services and village retail shops
 - Use Category 4. Veterinarian offices and medical clinics
 - Use Category 5. Restaurants, including a delicatessen, ice cream parlor, and a sit down restaurant
 - Use Category 6. Gas station and repair garages
 - Use Category 7. Institutional uses, including but not limited to churches, governmental, and school uses
 - Use Category 8. Day care facilities
 - Use Category 9. Congregate housing
 - Use Category 10. Cottage industry manufacturing
3. Conversion of an existing building or structure or portion thereof within the same category or to a less intensive category of use on the above scale of use categories unless:
 - a. The current use category received site plan approval,
 - b. There will be no exterior alterations other than signage, and
 - c. No multifamily dwelling units, rooming house, or bed and breakfast will be created.
4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review.

SEC. 19-6-5. BUSINESS DISTRICT A (BA)

A. 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. (Effective July 8, 2009)

B. Permitted Use

The following uses are permitted in the Business District A:

1. The following resource-related uses:
 - a. Any use permitted 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 (in the Ocean House Road business A District only), except that outdoor storage of chemicals and commercial animal husbandry are not permitted. (Effective June 10, 2010)
2. The following residential uses:
 - a. Single family detached dwelling existing as of April 1, 2008 (Effective July 8, 2009)
 - b. Multifamily dwelling units (Effective July 8, 2009)
 - c. Congregate housing, subject to the provisions of Sec. 19-7-6. Eldercare Facility Standards (Effective July 8, 2009)
 - d. Rooming or boarding home
3. The following nonresidential uses:
 - a. Banking, professional, and business office
 - b. Personal Service
 - c. Village retail shop
 - d. Veterinarian office not including the boarding of animals but allowing pre-surgical and/or postsurgical care (Effective July 8, 2009)
 - e. Medical clinic (Effective July 8, 2009)
 - f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant (Effective July 8, 2009)
 - g. Gas station (Effective July 8, 2009)
 - h. Repair garage (In the Shore Road Business A District, a repair garage may include up to three (3) vehicles at any time for sale) (Effective July 11 2018)
 - i. Institutional use including, but not limited to, church, government use, and school use (Effective July 8, 2009)
 - j. Day Care facility (Effective July 8, 2009)
 - k. Cottage industry manufacturing (Effective July 8, 2009)
 - l. Bed and Breakfast (Effective July 8, 2009)

- m. Boat repair Facility (in the Ocean House Road Business A District only), subject to the provisions of Sec. 19-8-9, Boat Repair Facility Standards (Effective July 8, 2009)
 - n. Wind energy system (Effective October 8, 2008)
 - o. Short Term Rental (Effective December 14, 2012)
4. The following accessory uses:
- a. Accessory building, structure or use
 - b. Outside storage accessory to an allowed use provided that the area used for storage shall not exceed the floor area of the principal use and that, except for display area, the outside storage is screened from public view and abutting properties (Effective July 8, 2009)
 - c. Home occupation
 - d. Home business
 - e. ~~Homestay~~ Short Term Hosted Rental (Effective July 8, 2009)
 - f. Amateur or governmental wireless telecommunication facility antenna (Effective April 15, 2000)
 - g. Amateur or governmental wireless telecommunication facility tower (Effective April 15, 2000)
 - h. Commercial wireless telecommunication service antenna which is attached to an alternative tower structure in a manner which conceals the presence of an antenna (Effective April 15, 2000)
 - i. Accessory dwelling unit (Effective July 8, 2009)
 - j. Metal working where the work is to be conducted indoors in an area not to exceed 300 sq. ft. with no outside storage of equipment or materials (Effective July 8, 2009)
 - k. Day Camp (Effective July 10, 2013)

C. Prohibited Uses

All uses not specifically allowed as permitted uses are prohibited within this district. Drive through services are prohibited within the business A District. (Effective July 8, 2009)

D. Standards

- 1. Performance Standards
 - a. The standards of performance of Articles VII and VIII shall be observed.
 - b. Standards relating to permitted and conditional uses in the Business A District include:
 - Sec. 19-7-5 Creation of an Accessory Dwelling Unit
 - Sec. 19-7-6 Eldercare Facility Standards
 - Sec. 19-7-7 Earth Materials Removal Standards
 - Sec. 19-8-8 Home Day Care and Day Care Facility Standards
 - Sec. 19-8-9 Boat Repair Facility Standards
 - Sec. 19-8-14 Short Term Rental Standards (Effective December 14, 2012)

- | | | |
|----|---|--|
| 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 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) |
| 12. | Short Term Rental
<u>and Short Term Hosted Rental</u> | 1 space per 2 tenants, with a minimum of 2 spaces
(Effective December 14, 2012) |
| 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 |

8. Wiring. Wiring shall be installed underground and shall be approved by the Code Enforcement Officer for compliance with the electrical code.
9. Removal. Any wind energy system which is deemed unsafe by the Code Enforcement Officer, is not working or is not used for a period of one year shall be removed by the property owner.
10. Noise. Wind energy systems shall not exceed 55 dB(a) at the property line.
11. Color. The wind energy system shall have a non-reflective, neutral color surface.

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

(Effective December 14, 2012)

A. Purpose

Cape Elizabeth residents prize the peace and quiet of their residential neighborhoods. Some property owners have capitalized on the desirability of their neighborhood by renting out their property, especially during the summer months and holidays. Neighborhood residents are concerned that short term rentals take on the character of a business operating in a residential neighborhood.

The Town Council hereby finds that unregulated short-term transient occupancy of dwelling units in residential neighborhoods presents a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in the Town.

The purpose of this section is to:

- (a) ensure the integrity of the Town's Growth Management Program adopted pursuant to 30-A M.R.S. §§ 4321-28 by preventing short-term rentals from depleting the Town's residential housing stock;
- (b) balance the desire of property owners to rent their properties to short term tenants ~~and against~~ the desire of residents to preserve the traditional peaceful quiet and enjoyment of their residential neighborhoods;
- (c) preserve and protect residential neighborhood character and livability from the nuisance impacts that are often associated with short-term rentals; and
- (d) ensure the safety of occupants of short-term rentals.

B. Applicability and Prohibited Activities

1. This Section does not apply to motels, hotels, special event facilities, and bed and breakfasts.
 2. The Short Term Rental of property that is not in compliance with this Section is prohibited.
 3. Providing false information with respect to a registration of a Short Term Rental is prohibited.
 4. No dwelling unit may be registered as a Short Term Hosted Rental unless the property has qualified as the Owner's homestead under the Maine Homestead Property Tax Exemption statute, 36 M.R.S. §§ 681-689, as may be amended from time to time.
 5. The Short Term Rental of property on a lot containing five or more dwelling units is prohibited.
 6. The Short Term Rental of property on a lot containing a multifamily dwelling unit is prohibited unless all of the dwelling units are held in common ownership.
 7. A Short Term Rental is permitted only after the issuance of a Short Term Rental permit.
 8. Parties, conferences, family reunions, weddings, fundraisers or similar gatherings that are reasonably foreseeable to involve an assemblage of vehicles or persons more than maximum allowable number of short-term tenants are prohibited to be conducted by short-term rental tenants during a short-term rental.
- ~~Notwithstanding the preceding sentence, a permit is not required for a Short Term Rental which, with any prior Short Term Rental of the property, does not exceed in the aggregate fourteen (14) days in any calendar year. For the purpose of determining whether a permit is required, each rental of the property shall be deemed for a period of not less than seven (7) days regardless if the actual number of days the property is occupied is less than seven (7) days. Further, n~~
9. Not more than one Short Term Rental agreement shall be entered for any given property for any consecutive seven-day period.
 10. Short Term Rental tenant and guest parking on the street is prohibited.
 11. Each short term rental occupancy is limited to no more than (a) two tenants per short-term rental bedroom; and (b) eight tenants total.

C. Registration and Review Procedure

1. The Code Enforcement Officer shall have the authority to issue a Short Term ——— Rental permit.

2. A dwelling unit shall not be considered registered until all information and fees are provided to the satisfaction of the Code Enforcement Office and a registration number has been assigned to the unit.

3. Non-refundable fees for a Short Term Rental registration shall be as set forth by the Town Council.

4. A Short Term Rental registration can only be filed by the owner of a property.

5. Registration of each dwelling unit to be used for short-term rental is required. A registration identification number will be given to each unit registered.

6. The Code Enforcement Officer shall provide a Short Term Rental application to be completed by the applicant and submitted to the Code Enforcement Officer accompanied by the Short Term Rental permit fee as established by the Town Council. The form shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.

~~2. ——— The code Enforcement Officer shall determine if the form has been properly completed before any permit is issued.~~

~~3. ——— The first time that a Short Term Rental permit is submitted for a property, no ——— permit shall be issued until the Code Enforcement Officer has inspected the proposed Short Term Rental property for compliance with the Short Term Rental Standards and compliance with building code requirements. Thereafter, renewal of a Short Term Rental permit shall require inspection by the Code enforcement Officer of the Short Term Rental property no less than once every five years. When the Code Enforcement Officer does not conduct an annual inspection, the Short Term Rental owner shall certify that there have been no material changes since the last inspection by the Code Enforcement Officer. Any third party inspection information submitted with the completed form shall have been conducted within the twelve months prior to the permit being issued.~~

~~4. ——— The Code Enforcement Officer shall review the permit application for compliance with the Short Term Rental Standards.~~

~~5. ——— If the Code Enforcement Officer determines that the proposed Short Term Rental application complies with the Short Term Rental Standards, a Short Term Rental permit~~

~~shall be issued. A permit shall be valid for one (1) year from date of issuance. The permit may be subject to suspension by the Code Enforcement Officer if the Short Term Rental property becomes non-compliant with the Short Term Rental Standards, and may be revoked as provided in 19-8-14.(F).~~

~~D. Submission Requirements~~

~~7. The Short Term Rental permit application shall include at least the following information:~~

- ~~a. Location. The street address and map/lot number of the Short Term Rental property. If the property is not located on a public road, the form shall include directions to the property from a public road.~~
- ~~a:~~
- ~~b. Contact Person/Owner Responsibility. The name of the owner of the Short Term Rental property and contact information, including address and telephone number. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. If there will be different contact persons for different time periods during the year, the form shall include the applicable contact person for each time period.~~
- ~~c. Floor Plan. Sketch floor plans of the dwelling unit that shows the location of all smoke and carbon monoxide alarms, fire extinguisher(s), and emergency lighting.~~
- ~~d. Parking Plan. Sketch parking plan identifying all on-site parking. Such parking must be sufficient to comply with Off-Street Parking Standards, Sec. 19-7-8, subject to the additional restriction that off-site parking is prohibited.~~
- ~~e. Short Term Hosted Rentals. For Short Term Hosted Rentals, the registrant must provide evidence that the property has qualified as the Owner's homestead under the Maine Homestead Property Tax Exemption statute, 36 M.R.S. §§ 681-689, as may be amended from time to time.~~

~~b.—~~

~~8. As a condition of registration, the Owner must allow on-site inspections by Town inspection officials. Failure to allow a Town inspection within 48 hours of a Town request to conduct the same shall be considered a violation of this Section.~~

~~6. For all registrations of a dwelling unit, an inspection by the Fire Chief or his/her designee of the entire building prior to initial registration is required. A positive~~

recommendation from the Fire Chief or his/her designee that the dwelling unit complies with all applicable fire prevention and life safety requirements is required prior to the issuance of any registration number. ~~Regardless of who enters the Short Term Rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the Short Term Rental Ordinance provisions.~~

9.

~~e. Availability. The registration form shall include when, during the calendar year, the Short Term Rental will be available for rental. If this changes, the owner shall notify the Code Enforcement Officer.~~

~~d. All information needed to demonstrate compliance with the standards listed in Subsection E below.~~

E. Standards

~~The Code Enforcement Officer shall issue a Short Term Rental permit upon the applicant satisfying the above requirements if the following standards are met:~~

~~a. Code compliance. An applicant's property, without limitation, comply with the following building code sections of the International Residential Code ("IRC") and the International Building Code ("IBC"):~~

~~a. IRC Section R 314, Smoke Alarms;~~

~~b. IRC Section R 315, Carbon Monoxide Alarms;~~

~~c. IBC Section 906, Portable Fire Extinguishers. The building shall be considered to be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers;~~

~~d. IBC Section 1006.2, 1006.3 and 1006.4. Means of Egress Illumination.~~

~~The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms, fire extinguisher(s) and emergency lighting.~~

10. Required Posting. As a condition of registration, the registrant must post in plain sight to visitors, inside the registered unit and near the entrance to the registered unit:

a. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short Term Rental property during the rental period.

b. Contact Information. A notice that identifies the name, address, e-mail address and telephone number of the Owner's emergency contact person, as well as emergency responder contact information.

c. Registration Number. A notice of the registration number assign to the dwelling unit by the Code Enforcement Office.

11. As a condition of registration, the Owner must (a) maintain accurate, up-to-date records of all rental transactions involving the dwelling unit, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the registrant or his/her representative to provide this information within 48 hours of a Town request for the same shall be considered a violation of this Section.

7. As a condition of registration, the registrant must agree to provide to each tenant the Good Neighbor brochure and a statement of conditions that are applicable to the rental. The statement of conditions must include:

b. Sanitary waste disposal. The applicant shall submit information demonstrating — that adequate sanitary waste disposal is available in compliance with the Town — of Cape Elizabeth Subsurface Wastewater Disposal Ordinance, as determined by — the Code Enforcement Officer, or that the property is served by public sewer.

The information shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. 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 two tenants shall be equivalent to one bedroom.

e. Parking. The applicant shall include a depiction of how parking will be provided on the same lot, and/or include a written agreement for off-site parking — at a specified location, to comply with the Off-Street Parking Standards, Sec. — 19-7-8. Garage parking spaces not allowed for tenant use shall not be used to — meet the Short Term Rental parking requirement. No bus shall be parked at the — Short Term Rental property during any rental period.

d. Rental Agreement Addendum. The Short Term Rental permit application shall — be submitted with an addendum to be attached to Short Term Rental agreement — between owner and tenant that shall be provided to all tenants. The Town shall — not be responsible for enforcement of the rental agreement of addendum. The — rental agreement addendum shall include the following:

12. _____

- a. Contact person;
- b. Emergency responder contact information;
- c. Building evacuation plan;
- d. Maximum number of tenants and guests;
- e. A description of the parking that is available and unavailable to tenants and guests; Parking arrangements, including a prohibition of tenants and guests

~~parking _____ in a manner that impedes access by emergency vehicles to the property or _____ any other dwelling in the neighborhood;~~

~~e. _____~~

~~f. _____ Maximum number of tenants and guests allowed at the property;~~

~~g.f. _____ Good neighbor guidelines;~~

~~h.g. _____ Copy of the Miscellaneous Offenses Ordinance.~~

~~e. _____ Limit on rental intensity. If a Short Term Rental property is operated on a lot of _____ 30,000 sq. ft. or less in size and property owner is not either living on an _____ abutting lot or in a separate dwelling in the same lot, the Short Term Rental _____ permit shall not allow more than two tenants per bedroom, shall not allow use of _____ non-bedroom areas for sleeping, and shall not allow occupancy by more than _____ eight tenants at any time. The number of short term Rental guests shall be _____ limited to eight at any time. On site parking shall be limited to four parking _____ spaces.~~

F. Suspension ~~USPENSION~~ and ~~ND~~ Revocation ~~EVOCATION~~ of Permit ~~ERMIT~~

In addition to the provisions of Sec. 19-3-6-~~Violations~~, a permit for a Short Term Rental may be suspended or revoked for violation of any of the provisions of this Section. ~~if~~ If the Code Enforcement Officer determines that a violation exists, the Code Enforcement Office may also prohibit the Owner from registering under this Section any other dwelling unit for a 12 month period.

An appeal pursuant to Section 19-5-2.(A) to the Zoning Board of Appeals may be taken by any person aggrieved by a determination of the Code Enforcement Officer.

~~one or more substantiated complaints regarding Short Term Rentals of a property have been made in a three-year period.~~

G.

~~1. Complaint. Any individual or town official may file and/or initiate a complaint against a Short Term Rental permit holder. If the Police Department or the Code Enforcement Officer receives a complaint, they shall visit the property. The Police Department shall generate a report of the facts its officers have observed upon a visit, and statements made to them regarding the Short Term Rental. The Police Department shall then forward the report to the Code Enforcement Officer.~~

~~When the Code Enforcement Officer receives a report from the Police Department, or the Code Enforcement Officer has responded to a complaint or independently investigated, the Code Enforcement Officer shall inspect the property and shall collect information related to the complaint, including notifying the property owner and requesting information regarding the complaint. Within five days of receiving a Police Report or complaint, the code Enforcement Officer shall determine if the complaint is substantiated. A complaint is substantiated when the Code Enforcement Officer concludes that one or more violations of the Short Term Rental provisions occurred.~~

~~2. First Substantiated Complaint. Once the Code Enforcement Officer has made a finding of a substantiated complaint, the Code Enforcement Officer shall notify the property owner in writing. The notification shall require the property owner to meet with the Code Enforcement Officer within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a second violation of the Short Term Rental provisions. In addition, the Code Enforcement Officer may suspend the short Term Rental permit for a term not to exceed thirty days.~~

~~3. Second Substantiated Complaint. Once the Code Enforcement Office has made a finding of two (2) substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short Term Rental permit shall be suspended for a period of not less than thirty days, nor more than one hundred twenty days.~~

~~_____ The notification shall require the property owner to meet with the Code Enforcement Officer within five (5) business days from the date of the written _____ notification, or such other time as is agreed upon by the Code Enforcement _____ Officer, to identify ways in which the violation(s) will be corrected. The owner _____ will agree to take all necessary measures to correct the violation(s), which _____ measures shall be memorialized in a written agreement at the conclusion of the _____ meeting and shall be fully implemented within one (1) week of said meeting _____ unless another date is agreed to by the Code Enforcement Officer. Failure of the _____ property owner to enter into such an agreement at the conclusion of the meeting _____ will be deemed a violation of the Short Term Rental provisions.~~

~~4. _____ Third Substantiated Complaint. Once the Code Enforcement Officer has made a _____ finding of three substantiated complaints, the Code Enforcement Officer shall _____ notify the property owner in writing that the Short Term Rental permit has been _____ revoked for one calendar year.~~

~~5. _____ Appeal. An appeal to the zoning Board of Appeals as an Administrative Appeal may be taken by any person aggrieved by a determination of the code Enforcement Officer pursuant to Section 19-5-2.(A).~~

Effective Date.

~~6.~~ The Short Term Rental provisions of the ordinance shall be fully effective as to all contracts for short Term Rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts.