

DRAFT
Town Center Affordable Housing Amendments

SEC. 19-1-3. DEFINITIONS

Affordable Housing: Lots/units which may be purchased for occupancy by buyers, or multifamily housing and dwelling units which may be rented by tenants, with low and moderate incomes as established by the U.S. Department of Housing and Urban Development, State Planning Office or the Greater Portland Council of Governments.

Mixed Use Building: A building that includes both nonresidential and residential uses, or a building in the Town Center District in compliance with Sec. 19-6-4 (D)(3h), Affordable Housing in a Mixed Use Building.

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.

D. Standards

1. Performance Standards

h. A multifamily dwelling unit shall be accessory to a nonresidential use and located in a building where more than fifty percent (50%) of the floor area of the structure is occupied by nonresidential uses. For multi-story buildings, more than fifty percent (50%) of the structure may be allocated for multifamily dwelling units as long as the first floor is nonresidential. (Effective May 12, 2010)

2. The following Space and Bulk Standards shall apply:

MINIMUM LOT AREA	
(1a) Single family dwelling unit	80,000 sq. ft.
(1b) Single family dwelling unit in the Town Center Core Subdistrict	10,000 sq. ft.
(2) Multifamily dwelling unit	7,500 sq. ft.
(3) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(4) Other uses	None
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) Multifamily housing in a mixed use building	1 unit per 3,000 sq. ft. of gross lot area (Effective May 12, 2010)
(2) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area

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MAXIMUM BUILDING HEIGHT	
(1) All uses	35 ft.
MAXIMUM BUILDING FOOTPRINT	
(1) All uses other than school or municipal uses	5,000 sq. ft. This limitation shall not prohibit the connection of separate structures by a covered or enclosed walkway.
MAXIMUM BUILDING DIMENSION	
(1) All uses other than school or municipal uses	100 ft.

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5 3. Design Requirement
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7 The following requirements shall be applicable to all development which
8 requires site plan review by the Planning board, any new construction or
9 addition, and any exterior alteration to a locally historic structure
10 designated in the Town Center Plan. These standards shall be used to
11 determine if a development is compatible with the Town Center District.
12 The intent is not that all buildings should look the same, but rather to
13 encourage a mix of compatible styles, sizes, and characteristics.
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1 g. Landscaping and Site Development

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3 4. Village green. This section shall apply when a village green is
4 included in a Site Plan Review application. One purpose of the
5 Town Center District is to encourage a common meeting place.
6 A village green is a prominent and highly visible park-like area
7 where the public may gather, relax and contemplate both
8 casually and as part of organized outdoor public events. A
9 village green created in compliance with this section must have
10 at least one hundred (100) continuous feet of road frontage on
11 Ocean House Road, a depth measured perpendicular from
12 Ocean House Road of at least one hundred (100) feet with a
13 minimum width of one hundred (100) feet, and a minimum
14 size of at least twenty-thousand (20,000) square feet. A village
15 green shall be designed as a park, green or square,
16 permanently preserved as groomed open space with legal
17 public access, and offered in fee to the Town of Cape Elizabeth.
18 A village green shall be developed with a defined edge framed
19 with elements such as landscaping, roads, pedestrian
20 walkways and distinctive buildings. A village green shall have
21 a distinctive center and/or focal point. Pedestrian walkways
22 shall be constructed that guide movement through and around
23 a village green and connect a village green to the Town Center
24 sidewalk network, adjacent buildings and properties. The
25 requirements of subsection Sec. 19-6-4 (D)(3)(d) Building and
26 Parking Orientation, and Sec. 19-6-4(D)(3)(g)(2), Parking Lot,
27 shall be applied in a manner that complements a village green.
28 (Effective March 9, 2016)
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30 h. Affordable Housing in a Mixed use building.

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32 Notwithstanding any provision to the contrary in Sec. 19-6-4 (D),
33 this section shall control when a Site Plan Review application
34 includes an affordable housing development with at least 36
35 dwelling units affordable to low-income households. One purpose
36 of the Town Center District is to encourage mixed retail and
37 residential uses to serve residents. The inclusion of a significant
38 amount of affordable housing improves housing choice for
39 residents, and expands the potential customer base in close
40 proximity to local businesses. Affordable housing created in
41 compliance with this section must maintain low-income
42 affordability for a minimum of 45 years.

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44 An affordable housing building that applies for review under this
45 section may substitute the applicable provisions in Sec. 19-6-4(D)
46 Standards with the following:

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48 1. Maximum Number of dwelling units per area: 1 unit per 1,500
49 sq. ft

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2 2. Maximum Building Footprint: 12,000 sq. ft.

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4 3. When the building is located a minimum of two hundred feet
5 (200') from a public road right-of-way, the following additional
6 provisions may be substituted:

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8 i. Maximum Building Height: 45 ft.

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10 ii. Housing and related support services may be located on the
11 first floor.

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14 **SEC. 19-7-8. OFF-STREET PARKING**

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16 4. The following minimum number of spaces, rounded up to the nearest
17 whole number, shall be provided and maintained for each use on a
18 lot, including each use within all buildings. The maximum number of
19 employees scheduled during peak demand/shift shall be used in
20 calculating the number of required parking spaces when employee is
21 referenced in the list below. The floor area of the structure as defined
22 in Sec. 19-1-3 shall be used in calculating the number of required
23 parking spaces, unless otherwise noted. *[Green shading is existing text*
24 *that is currently located after paragraph b below and merged into this*
25 *paragraph].*

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27 a. Affordable Housing development. The Planning Board may
28 reduce the off-street parking requirements otherwise
29 applicable below when an affordable housing development
30 where at least 70% of the units are affordable to low-income
31 families for a minimum of 45 years. In deciding whether to
32 reduce the off-street parking requirements pursuant to this
33 section, the Planning Board shall base its decision on the ITE
34 Parking Generation Manual or data of actual parking
35 demand of similar affordable housing developments.

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38 b. Building reuse. The Planning Board may reduce by up to
39 thirty percent (30%) the required parking for the reuse of a
40 building existing as of June 4, 1997. In granting such a
41 reduction, the Planning Board must find that:

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43 ia. the reduction will not create or aggravate parking
44 problems in the neighborhood, and

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46 iib. the required number of spaces cannot be reasonably
47 accommodated on the lot.

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Off-Street Parking Requirement

a. Residential

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| 1. Single Family Dwellings | 2 spaces per dwelling unit including manufactured housing |
| 2. Two-Family Dwellings | 2 spaces per dwelling unit |
| 3. Multiplex housing or multifamily dwellings | 1.5 spaces per dwelling unit with one bedroom, 1.75 spaces for unit with two bedrooms, and 2 spaces per unit with three or more bedrooms |
| 4. Home Businesses | 2 spaces in addition to required parking for residence (this requirement may be reduced by the Zoning Board of Appeals) |
| 5. Eldercare Facilities | 1.25 spaces per unit or 1 space per 4 beds plus 1 space per employee |
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