

**Town Center Affordable Housing Amendments**  
7-23-2021

**SEC. 19-1-3. DEFINITIONS**

**Affordable Housing:** Lots/units which may be purchases for occupancy by buyers, or multifamily housing and dwelling units which may rented by tenants, with low and moderate incomes as established by the Maine State Housing Authority.

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

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**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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3. Design Requirement

The following requirements shall be applicable to all development which requires site plan review by the Planning board, any new construction or addition, and any exterior alteration to a locally historic structure designated in the Town Center Plan. These standards shall be used to determine if a development is compatible with the Town Center District. The intent is not that all buildings should look the same, but rather to encourage a mix of compatible styles, sizes, and characteristics.

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g. Landscaping and Site Development

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

h. Affordable Housing in a Mixed use building.

This section shall apply when a Site Plan Review application includes a building with at least 36 dwelling units affordable to low-income households. One purpose of the Town Center District is to encourage mixed retail and residential uses to serve residents. The inclusion of a significant amount of affordable housing improves housing choice for residents, and expands the potential customer base in close proximity to local businesses. Affordable housing created in compliance with this section must maintain low-income affordability for a minimum of 45 years.

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

- 1. Maximum Number of dwelling units per area: 1,500 sq. ft
- 2. Maximum Building Footprint: 12,000 sq. ft.

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1           3. When the building is located a minimum of two hundred feet  
2           (200') from a public road right-of-way, the following additional  
3           provisions may be substituted:

4           i. Maximum Building Height: 45 ft.

5           ii. Affordable Housing and related support services may be  
6           located on the first floor.

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

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

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24 a. Affordable Housing development. The Planning Board may  
25 reduce the off-street parking requirements otherwise  
26 applicable below when an affordable housing development  
27 where at least 70% of the units are affordable to low-income  
28 families for a minimum of 45 years demonstrates that the  
29 proposed parking is sufficient to address the parking needs of  
30 the affordable housing development.

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

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37 i. the reduction will not create or aggravate parking  
38 problems in the neighborhood, and

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40 ii. the required number of spaces cannot be reasonably  
41 accommodated on the lot.

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Off-Street Parking Requirement

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Field Code Changed

a. Residential

- |   |  |
|---|--|
| 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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