

## 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 architectural features. This area shall be designated the Town Center Core Subdistrict. All the 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. Multifamily dwelling unit. **(Effective May 12, 2010)**
- d. Congregate housing, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
- 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 presurgical 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**)

**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 the 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**)

**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.

**D. Standards**

**1. *Performance Standards***

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

Sec. 19-7-6 Eldercare Facility Standards  
 Sec. 19-8-14 Short Term Rental Standards **(Effective December 14, 2012)**

- c. No project shall create an adverse impact on abutting property values. Each project shall be compatible with the existing uses and purposes of the district.
- d. Each lot with frontage on an arterial street shall not be allowed more than one (1) driveway onto the arterial street, unless the driveway is shared with an abutting property, in which case two (2) driveways are allowed. Lots with at least two hundred (200) feet of road frontage shall be allowed two (2) driveways.
- e. No communication tower in excess of ten (10) feet in height or exposed satellite dish in excess of two (2) feet in diameter shall be allowed which is exposed to public view, except for exclusive municipal and school uses. Satellite dishes and the base of communication towers that are installed at ground level shall be screened from public view.
- f. No parking for uses other than school uses shall be allowed in the front yard setback.
- g. Structures existing as of June 7, 1995, which do not conform to the maximum footprint or the maximum lot coverage requirement may increase the building footprint by up to twenty-five percent (25%), to a maximum footprint expansion of five thousand (5,000) square feet, as long as the development will be in compliance with all other dimensional requirements of Sec. 19-6-4.D.2, Space and Bulk Standards, subject to Site Plan review by the Planning Board.
- 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:**

<b>MINIMUM LOT AREA</b>	
<b><i>(1a) Single family dwelling unit</i></b>	80,000 sq. ft.
<b><i>(1b) Single family dwelling unit in the Town Center Core Subdistrict</i></b>	10,000 sq. ft.
<b><i>(2) Multifamily dwelling unit</i></b>	7,500 sq. ft.

(3) <i>Wind energy systems</i>	20,000 sq. ft <b>(Effective October 8, 2008)</b>
(4) <i>Other uses</i>	None
<b>MAXIMUM NUMBER OF DWELLING UNITS PER AREA</b>	
(1) <i>Multifamily housing in a mixed use building</i>	1 unit per 3,000 sq. ft. of gross lot area <b>(Effective May 12, 2010)</b>
(2) <i>Rooming or boarding home</i>	1 bed per 5,000 sq. ft. of gross lot area
<b>MINIMUM STREET FRONTAGE</b>	
(1) <i>School and municipal uses</i>	None
(2) <i>All other uses</i>	50 ft.
<b>MAXIMUM LOT COVERAGE (INCLUDES ALL BUILDINGS, PARKING, AND DRIVEWAY AREAS)</b>	
(1) <i>School Uses</i>	40% <b>(Effective August 11, 1999)</b>
(2) <i>Municipal uses</i>	None
(3) <i>All other uses</i>	70%
<b>MINIMUM SETBACKS</b>	
(1) <i>School uses</i>	
(a) Side yard setback	50 ft. The side yard setback shall be increased to 100 ft. where it abuts a residential district.
(b) Rear yard setback	50 ft. The rear yard setback shall be increased to 100 ft. where it abuts a residential district.
(c) Front yard setback	75 ft.
(2) <i>Municipal uses</i>	
(a) Side yard setback	15 ft. The side yard setback shall be increased to 50 ft. where it abuts a residential district.
(b) Rear yard setback	15 ft. The rear yard setback shall be increased to 50 ft. where it abuts a residential district.
(c) Front yard setback	
Building with up to 5,000 sq. ft. of floor area	Minimum of 25 ft.-Maximum of 35 ft.

Building with more than 5,000 sq. ft. of floor area	50 ft.
<b>(3) Antennas extending from 15' to 25' measured from the highest point of the alternative tower structure</b>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna <b>(Effective April 15, 2000)</b>
<b>(4) 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</b>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna <b>(Effective April 15, 2000)</b>
(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 <b>(Effective April 15, 2000)</b>
<b>(5) All other uses</b>	
(a) Side yard setback	15 ft. The side yard setback for new construction shall be increased to 50 ft. where it abuts a residential district.
(b) Rear yard setback	15 ft. The rear yard setback for new construction shall be increased to 50 ft. where it abuts a residential district.
(c) Front yard setback	Minimum 25 ft. Maximum 35 ft.
<b>(6) Deck with a height of less than ten (10) feet above average grade</b>	
(a) Side yard setback	10 ft.
(b) Rear yard setback	10 ft.
<b>(7) Accessory building having less than one hundred fifty (150) square feet of floor area</b>	

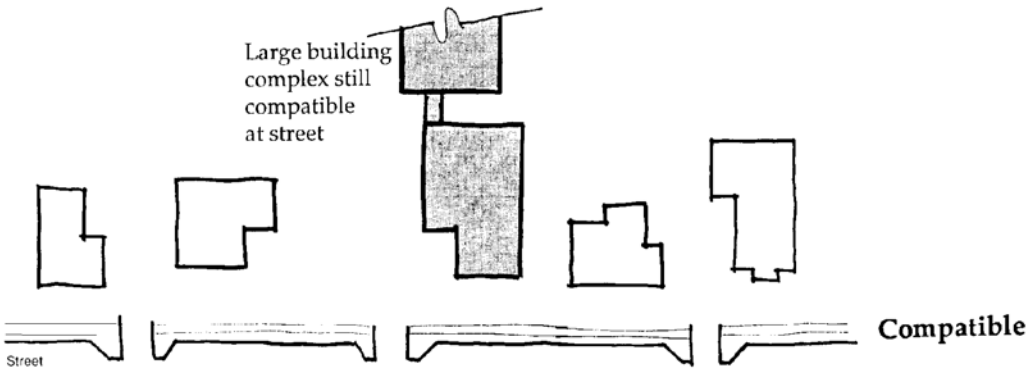
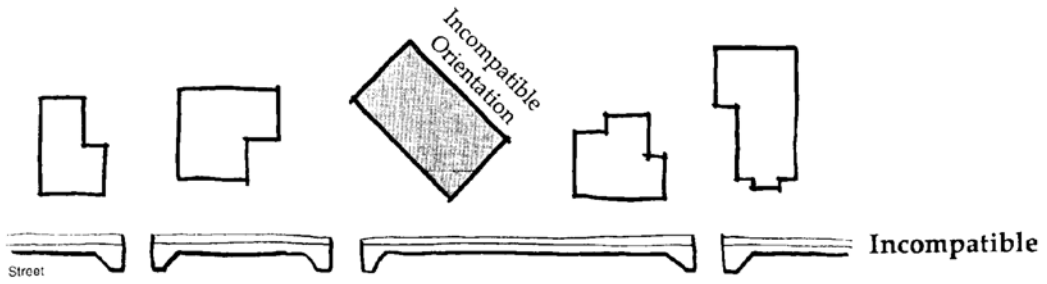
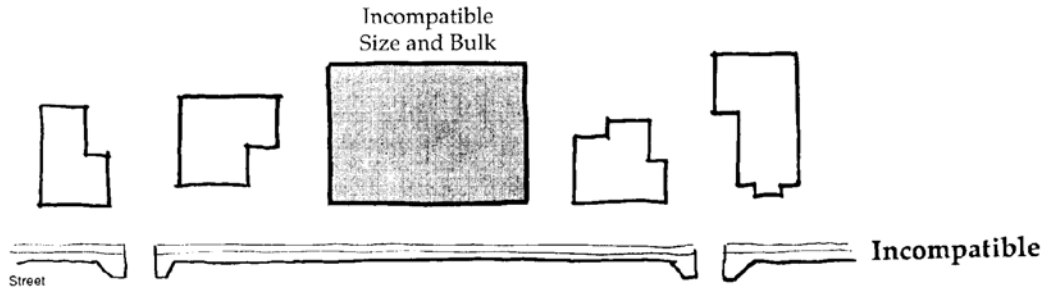
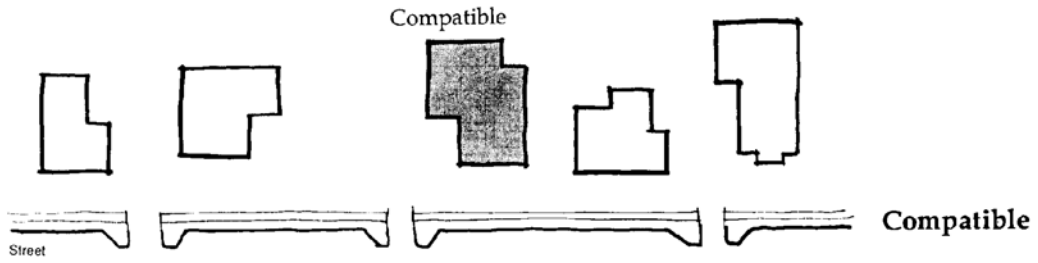
(a) Side yard setback	10 ft.
(b) Rear yard setback	10 ft.
<b>(8) Outdoor recreational facilities such as swimming pools, tennis courts, and basketball courts that are accessory to a single family residential use</b>	10 ft.
(a) Side yard setback	10 ft.
(b) Rear yard setback	<b>(Effective December 10, 2003)</b>
<b>(9) Wind energy system</b>	110% of the distance from the ground to the center of the turbine <b>(Effective October 8, 2008)</b>
<b>MAXIMUM TELECOMMUNICATION HEIGHT</b>	
<b>(1) Antenna attached to a structure</b>	25' measured from the highest point of the roof of the structure <b>(Effective April 15, 2000)</b>
<b>(2) Amateur or governmental tower attached or braced against a structure</b>	25' measured from the highest point of the roof of the structure <b>(Effective April 15, 2000)</b>
<b>(3) Freestanding amateur or governmental wireless telecommunication tower</b>	50' measured from average original grade <b>(Effective April 15, 2000)</b>
<b>MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)</b>	
<b>(1) All uses to center of turbine</b>	100'
<b>MINIMUM SETBACK OF PARKING INCLUDING PARKING AISLES FROM PROPERTY LINE</b>	
(a) Front	80 ft.
(b) Side	35 ft.
(c) Rear	35 ft.
<b>(2) Municipal and other uses</b>	
(a) Front, side, and rear	5 ft. Parking setback may be reduced to 0 ft. for a shared parking lot at the common property line. <b>(Effective December 10, 2003)</b>
<b>MAXIMUM BUILDING HEIGHT</b>	

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

### 3. *Design Requirements*

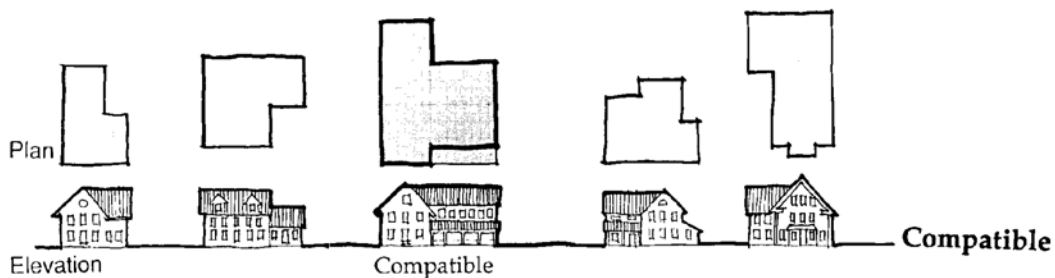
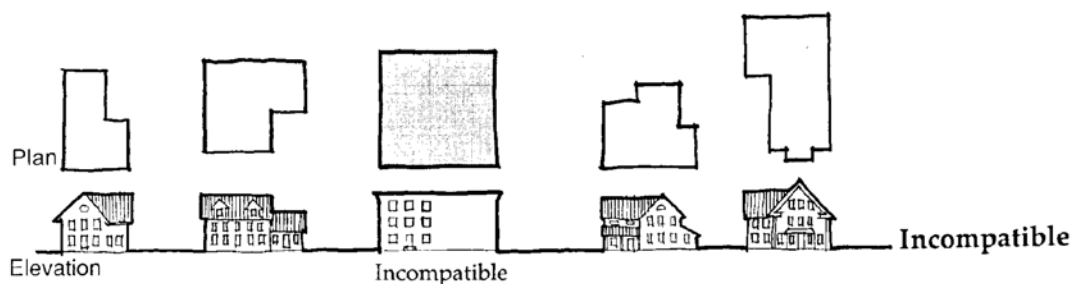
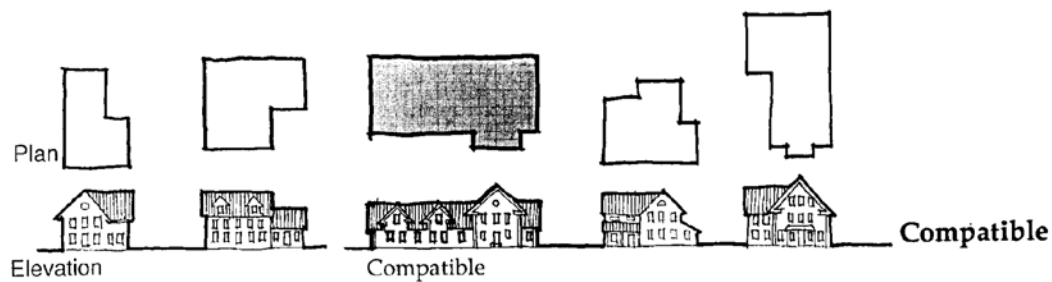
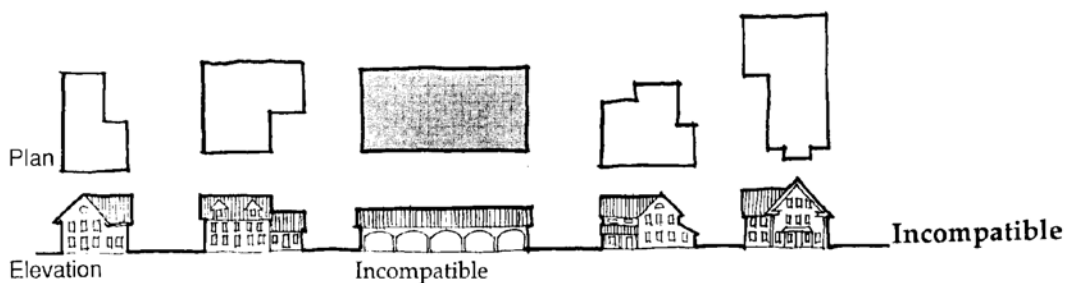
The following requirements shall be applicable to all development which requires site plan review by the Planning Board, any new construction or addition, and any exterior alteration to a locally historic structure designated in the Town Center Plan. These standards shall be used to determine if a development 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.

- a. Footprint. The building footprint of new construction shall be compatible with the Town Center District. The visual impact of a building is influenced by the placement of other buildings on the lot, the irregular and varied surface of buildings due to architectural features, and the spaces between those buildings along the street. The existing buildings and open spaces between the buildings create a rhythm with which new construction should be compatible. Determination of compatibility shall be based on the overall building footprint square footage, the dimensions of each footprint side, placement of the building footprint on the lot, and the rhythm of buildings and spaces along the street edge.

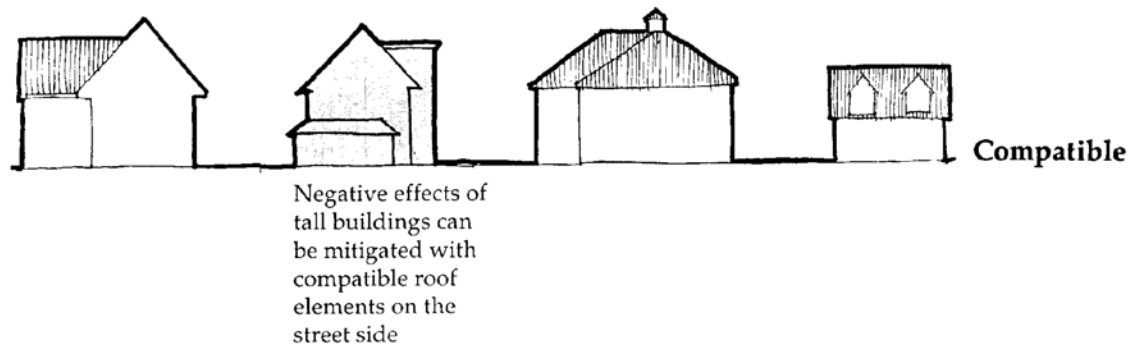
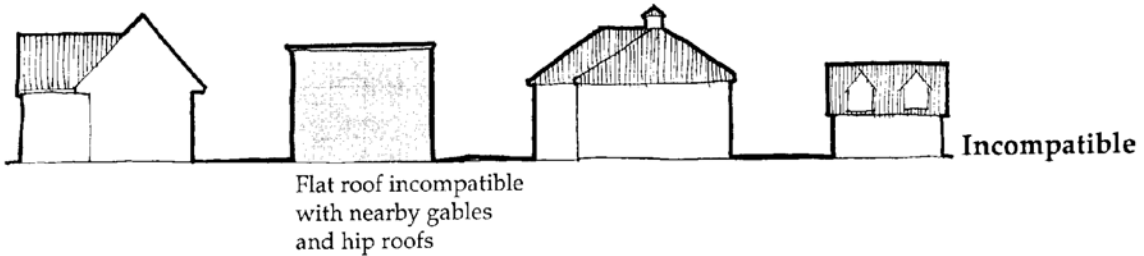
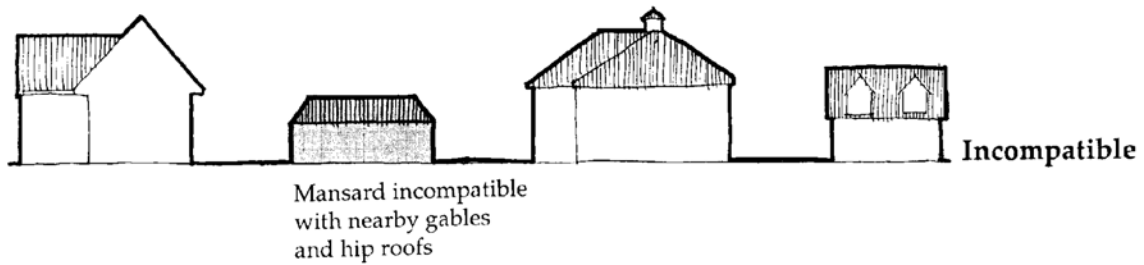
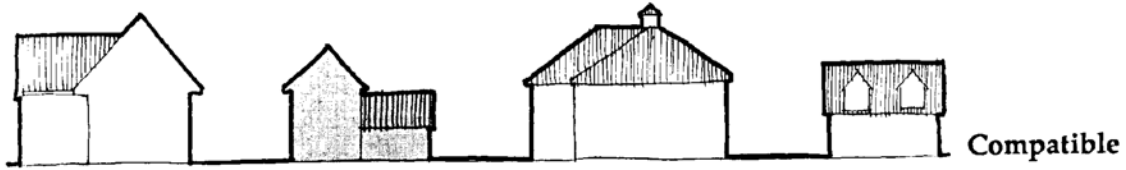




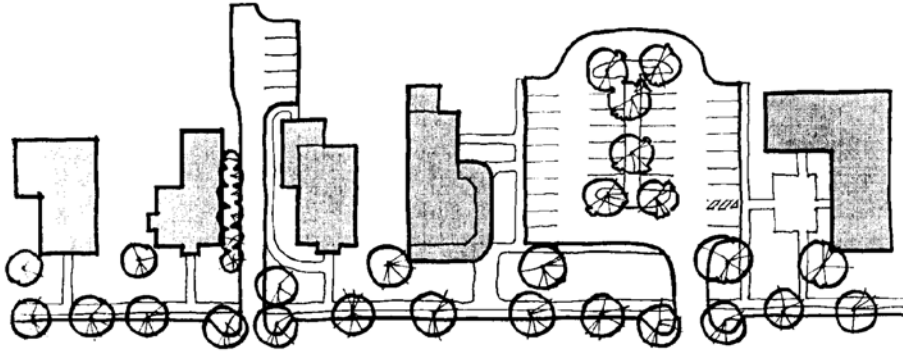
b. Scale. Scale is the apparent size of a structure in relation to its surroundings, including other buildings, open space, and people. Scale gives a building "presence," making the building seem large or small, awkward or graceful, overpowering or unimportant. The perception of a structure is influenced by its size, but more importantly how the overall size is distributed throughout the building. New construction shall be compatible in scale with other structures in the district. Determination of compatibility shall be based on the maximum dimension of the structure, the degree of articulation on building surfaces, the magnitude of unbroken faces of a structure, the impact of the building mass upon view sheds, and the integration of mechanical equipment within the structure.



- c. Height and Roof Pitch. The height of a building and the type of roof design significantly influence the scale of a structure and can detract from the streetscape. New roof construction shall conform to the predominant heights of roofs of nearby buildings in the Town Center District and to the design of the structure. Roofs shall generally be of a gable or other sloping roof design with a minimum pitch of 7:12 or as matches the existing roof pitch. Flat roofs are discouraged.

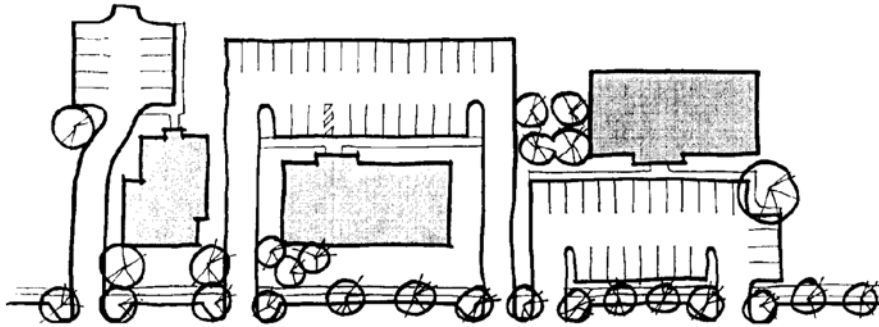


- d. Building and Parking Orientation. The first impression of a building is from the side which faces the street. The front facade of the structure shall face the street. The structure shall be designed with a primary orientation to the street, although the primary entrance may be located on other than the front façade. The front facade shall include a distinctive entrance. A sidewalk shall be constructed parallel to the front facade. The side yard visible to the public should be designed to present a pleasing appearance to the pedestrian.



Compatible

Front and front/side entries are compatible with village character. Small parking areas (2-7 cars) work well behind a building. Larger parking areas (8-40 cars) work better to the side of a building.

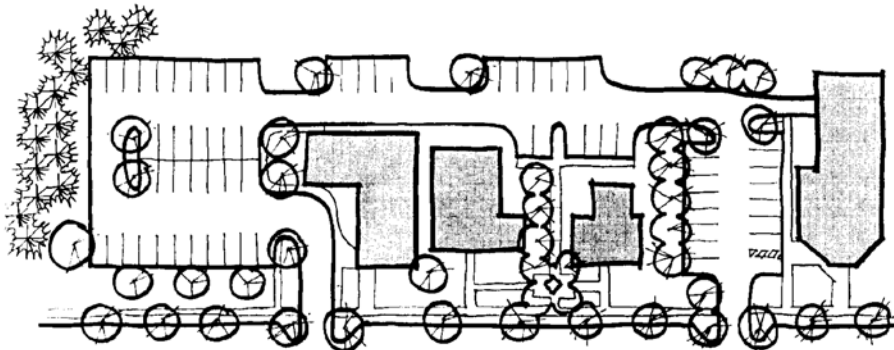


Incompatible

Rear entries incompatible with village character.

No public entry from sidewalk.

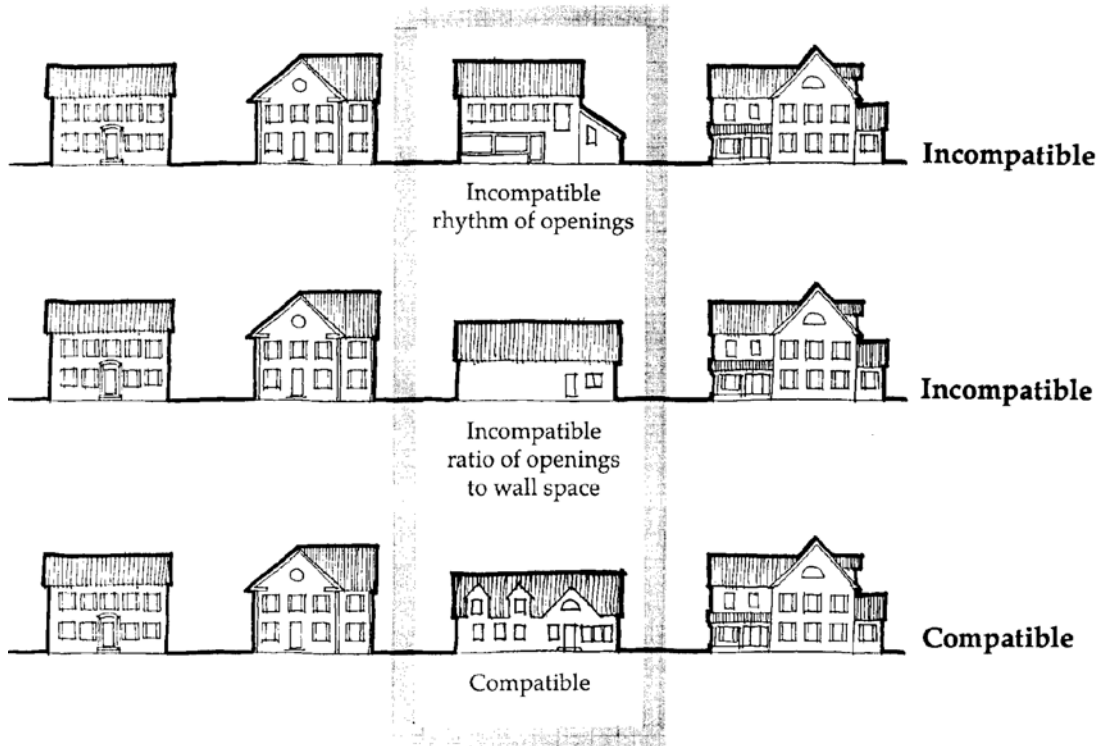
Parking in front setback not permitted and not compatible with village character.



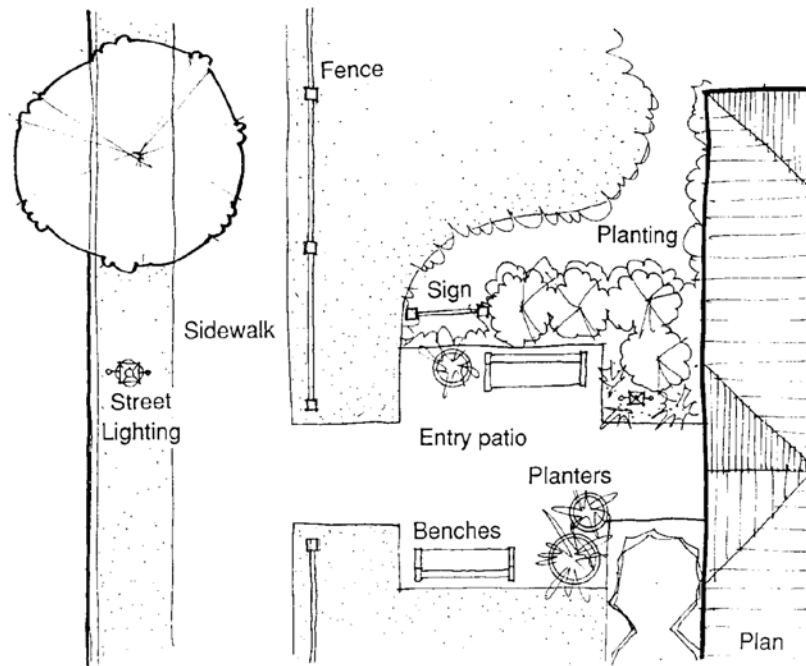
Compatible

Shared parking and shared driveways are encouraged. Cross connection with rear parking is encouraged if walkway and building layout orients people to street side front entries.

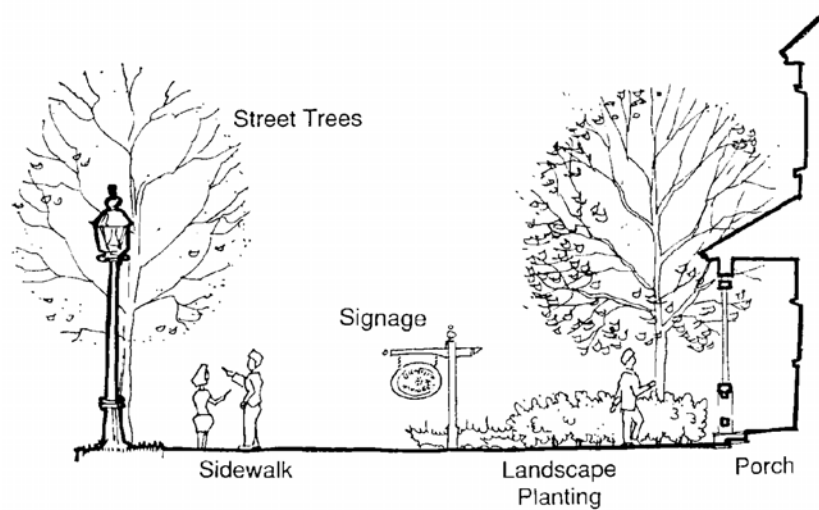
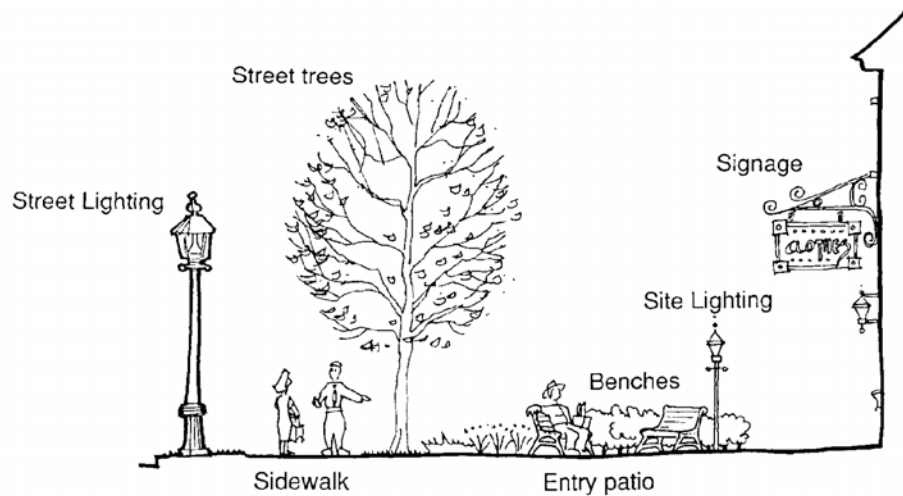
- e. Openings. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern. The pattern of window or door openings of a structure shall be compatible with the rhythm of openings in nearby structures. Doors and windows shall be consistent with the style of the building. Development in existing structures shall maintain the original rhythm and size of openings. The first floor front facade shall be constructed with an equal proportion of openings to wall space.



- f. Exterior Materials. Facade materials give a structure character. Exterior materials shall be compatible with nearby buildings and with the design of the structure. No structure addition shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. The use of wood shingles, wood clapboards, copper, and brick is permitted and the use of concrete block, sheet metal, vinyl, or aluminum siding is discouraged.
- g. Landscaping and Site Development
- (1) Front setback. The land in the front yard setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the Town Center. This area shall be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians. Multifamily dwellings shall be designated with the main entrance facing the front yard. Design elements of single family homes such as front steps and a front porch shall be incorporated whenever practicable. The front setback shall be carefully landscaped with attention to details evident to pedestrians and shall include street trees. The development of front courtyard gardens is strongly encouraged. Multifamily dwellings shall include at least one (1) street tree per unit in the front yard landscape plan.



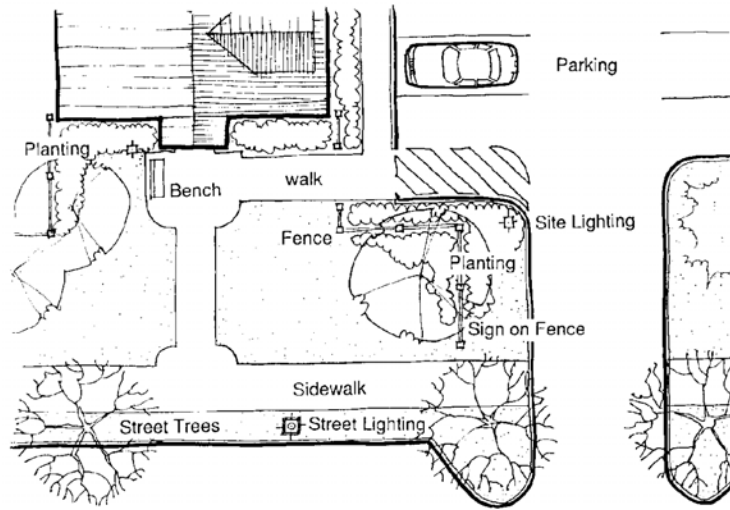
**Front Setback  
Character Illustrations**



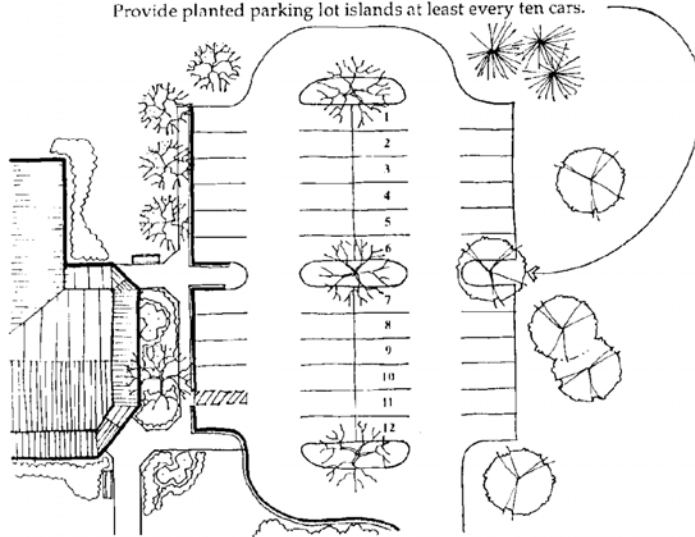
- (2) **Parking lot.** While adequate and convenient parking is necessary in the Town Center District, an expanse of gravel or asphalt parking can appear barren and hostile for pedestrians. Landscaping around and within parking lots perceptually softens the hard surface of parking areas. Parking lots shall be designed and landscaped to be compatible with the pedestrian-friendly purpose of the Town Center District. A minimum five (5) foot wide landscaped esplanade shall be required around parking lots. A landscaped area shall be required in the front yard setback between the road and the parking lot and shall include plantings of a size sufficient to obscure the view of parked cars and parking lots from the sidewalk and transitioning to a lesser height. At least one landscaped island shall be included for each row of at least ten (10) parking spaces and shall be located within the interior of the parking lot.

The landscaped island(s) shall be of sufficient size to accommodate and be

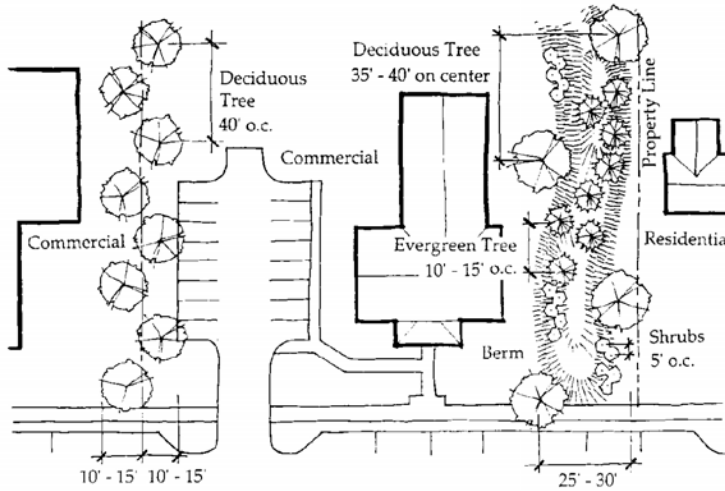
planted with at least one (1) road tree. **(Effective August 11, 1999)**



Provide planted parking lot islands at least every ten cars.

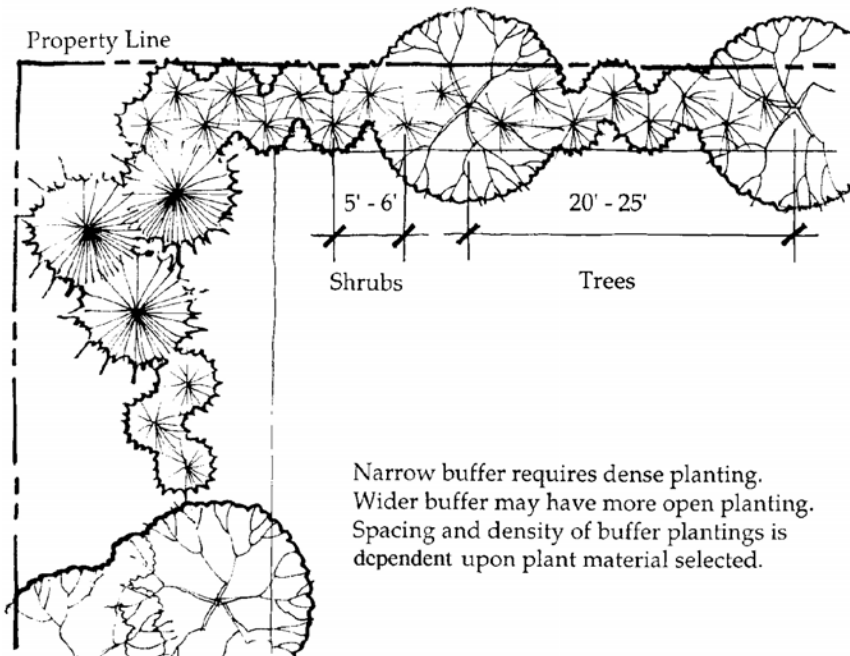


- (3) **Buffering.** Buffering serves to soften narrow yards, screen parking areas, and create a sense of enclosure by transforming a street into an outdoor room. Within the Town Center, landscaping between properties can mitigate conflicts between land uses, densities, and building styles and scale. Side and rear yard buffering defines the edge of a property and can also identify the edge of the Town Center. Each lot shall provide a landscaped side and rear yard buffer. The depth and density of the buffer shall be determined by the type of use proposed, its compatibility with adjacent uses and with the Town Center.



Adjacent compatible uses require narrower buffers that define the edge.

Non-compatible adjacent uses require wider buffers and earth berms or wood fences for a physical separation. Denser massing of deciduous and evergreen planting provides for seasonal variation and buffer continuity.



Narrow buffer requires dense planting. Wider buffer may have more open planting. Spacing and density of buffer plantings is dependent upon plant material selected.



## **E. 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 the issuance of any building permit, plumbing permit, or other permit:

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.

