

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
- d. Congregate housing, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
- e. Rooming or boarding home

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Deleted: that are accessory to a nonresidential use and are located in a building where more than fifty percent (50%) of the floor area of the structure is occupied by nonresidential uses.

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.

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- 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**)

**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
- 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.

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2. The following Space and Bulk Standards shall apply:

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| 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.<br>(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   |
| (2) Rooming or boarding home  | 1 bed per 5,000 sq. ft. of gross lot area  |
| MINIMUM STREET FRONTAGE   |  |
| (1) School and municipal uses   | None   |
| (2) All other uses  | 50 ft.   |
| MAXIMUM LOT COVERAGE<br>(INCLUDES ALL BUILDINGS, PARKING, AND DRIVEWAY AREAS) |  |
| (1) School Uses   | 40% (Effective August 11, 1999)  |
| (2) Municipal uses  | None   |
| (3) All other uses  | 70%  |
| MINIMUM SETBACKS  |  |
| (1) School uses   |  |
| (a) Side yard setback   | 50 ft.<br>The side yard setback shall be increased to 100 ft. where it abuts a residential district. |
| (b) Rear yard setback   | 50 ft.<br>The rear yard setback shall be increased to  |

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MAXIMUM NUMBER OF  
MULTIFAMILY DWELLING  
UNITS PER LOT

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|  | 100 ft. where it abuts a residential district.   |
| (c) Front yard setback   | 75 ft.   |
| <b>(2) Municipal uses</b>  |  |
| (a) Side yard setback  | 15 ft.<br>The side yard setback shall be increased to 50 ft. where it abuts a residential district.  |
| (b) Rear yard setback  | 15 ft.<br>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.   |
| 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<br><b>(Effective April 15, 2000)</b>  |
| 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<br><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<br><b>(Effective April 15, 2000)</b> |
| <b>(5) All other uses</b>  |  |
| (a) Side yard setback  | 15 ft.<br>The side yard setback for new  |

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|   | construction shall be increased to 50 ft. where it abuts a residential district.   |
| (b) Rear yard setback   | 15 ft.<br>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.<br>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>(Revision effective December 10, 2003)</b>  |
| <b>(9) Wind energy system</b>   | 110% of the distance from the ground to the center of the turbine<br><b>(Effective October 8, 2008)</b>                  |
| <b>MAXIMUM TELECOMMUNICATION HEIGHT</b>   |  |
| Antenna attached to a structure   | 25' measured from the highest point of the roof of the structure<br><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<br><b>(Effective April 15, 2000)</b>                    |

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| (3) <i>Freestanding amateur or governmental wireless telecommunication tower</i> | 50' measured from average original grade<br><b>(Effective April 15, 2000)</b>  |
| <b>MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)</b>             |  |
| (1) <i>All uses to center of turbine</i>   | 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.<br>Parking setback may be reduced to 0 ft. for a shared parking lot at the common property line.<br><b>(Revised effective December 10, 2003)</b> |
| <b>MAXIMUM BUILDING HEIGHT</b>   |  |
| (1) <i>All uses</i>  | 35 ft.   |
| <b>MAXIMUM BUILDING FOOTPRINT</b>  |  |
| (1) <i>All uses other than school or municipal uses</i>                          | 5,000 sq. ft.<br>This limitation shall not prohibit the connection of separate structures by a covered or enclosed walkway.                            |
| <b>MAXIMUM BUILDING DIMENSION</b>  |  |
| (1) <i>All uses other than school or municipal uses</i>                          | 100 ft.  |

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**3. Design Requirements**

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**MAXIMUM NUMBER OF MULTIFAMILY DWELLING UNITS PER LOT**

*(1) All uses*

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