

D. Open Space Design Standards

In addition to other standards of this Ordinance and of the Town's Subdivision Ordinance, the following standards shall apply.

1 Land to be preserved as open space

The land within the subdivision to be preserved as open space shall be designed in accordance with the following standards.

a. Contiguous land. To the greatest extent possible, open space shall be conserved in large, contiguous blocks. Narrow strips of open space (for example, extended strips of open space of less than fifty (50) feet in width) shall not be included in the open space design unless they provide public access connectors to nearby public open space (which includes lands and/or greenbelt trails), wildlife corridors or links to neighborhoods that would benefit from use of the open space to be preserved.

b. Connectivity. Where public open space is located in close proximity to the subdivision, open space shall be laid out to concentrate land to be preserved adjacent to or near existing public open space. Access for lots/units in the development shall be provided to land to be preserved as open space. Greenbelt trail connections to existing public open space and land to be preserved shall also be provided where appropriate.

c. Preservation priorities. Consistent with the standards set forth above, the land within the subdivision to be preserved as open space shall be determined using the following priorities, in the order that they appear. If priorities that are higher on this list are met by the proposed open space provisions in a subdivision, the landowner shall have satisfied the requirements of this subsection even if the proposed open space provisions do not address lower priorities.

a. Wetlands/environmentally sensitive areas/wildlife habitat. In a manner that preserves environmentally sensitive areas, such as wetlands, steep slopes (as included in the computation of net residential area), flood plains, and wildlife habitat rated by the Maine Department of Inland Fisheries and Wildlife as high value.

b. Agriculture. In a manner that preserves active agricultural fields as identified in the Future Open Space Preservation (FOSP) report, and as subsequently amended by the Town Council.

c. Greenbelt and Recreation area. In a manner that preserves and promotes connectivity of the Cape Elizabeth greenbelt townwide.

d. Scenic character. In a manner that preserves visual resources identified in An Assessment of the Visual Resources of Cape Elizabeth, Maine (February 19, 1989), a copy of which is on file with the Town Clerk.

2. *Permanent Open Space Preservation*

The land in the subdivision to be preserved as open space shall be permanently preserved, and meet the following standards.

- a. Permanent legal protection. Deeds or any other documents necessary to permanently protect the land within the subdivision to be preserved as open space shall be prepared and recorded. Documentation that reflects how the applicant intends to ensure legally that the land within the subdivision to be preserved as open space will be protected shall be submitted to the Planning Board as part of the application review. In particular, the documentation shall specify the ownership structure of the open space. For example, land within the subdivision to be preserved as open space (or an easement interest therein) may be dedicated or deeded to the Town of Cape Elizabeth, the land may be deeded to a subdivision homeowners association, the land may be deeded to a third party conservation organization, or the land may be retained by the applicant. The documentation shall specify, at a minimum, restricted activities and vegetation preservation. Access to the open space must be made available to the homeowners of the subdivision and is strongly encouraged to be made available to the public, and such access may be limited consistent with the open space priorities.
- b. Restricted activities. Activities on the open space shall be restricted to preserve the open space from future development. No principal residential, commercial or other buildings shall be constructed on the preserved open space. Structures related to the preservation priorities in Sec. 19-7-2 (D) (2) may be allowed. For example, open space preserved as a (i) wetlands/environmentally sensitive areas/wildlife habitat priority may include viewing platforms, nature observation shelters, or boardwalk and bridge structures; (ii) agriculture priority may include a barn or shed structure; (iii) greenbelt and recreation area may include boardwalk and bridge structures; and (iv) scenic character areas may include an overlook. Existing vegetation shall be preserved, but vegetation management related to the preservation priorities may be allowed. For example, open space preserved as a (i) wetlands/environmentally sensitive areas/wildlife habitat priority may include limited clearing and vegetation trimming to install and maintain greenbelt trails; (ii) agriculture priority may include tilling of fields and animal grazing; (iii) greenbelt and recreation area may include construction and maintenance of athletic fields; and (iv) scenic character areas may include vegetation removal and management to create and maintain public views .
- c. Maintenance. If the land in the subdivision to be preserved as open space is not deeded to the Town of Cape Elizabeth, documentation shall be submitted identifying the party responsible for maintaining the open space and describing the methods to be employed to maintain the open space.

E. Multiplex Development Option

Consistent with Sec. 19-7-1, Purpose, which reads, "The purpose of this article is to incorporate into the Zoning Ordinance tools that will better enable the Town to implement its policies, as expressed in the Comprehensive Plan, to preserve open space and rural character and to provide opportunities for affordable housing" the provisions of this section create an alternative set of standards for multiplex development. Multiplex development [allowed in the RA, RB and RC Districts] using this option must comply with all the following provisions.

1. Open Space

At least fifty percent (50%) of the gross acreage shall remain as open space outside of the building footprint(s), parking areas and other developed areas (excluding open space improvements), and any areas assigned to individual dwelling units. At least one third of this required open space shall be land that is usable as determined by applying the criteria of the net residential area definition.

2. Building Size

The maximum building footprint shall not exceed 7,500 sq. ft. The maximum height shall be limited to thirty-five (35) feet.

[No limit on number of units per building, which will require a split standard in the multiplex definition if we keep the current limit]

3. Public Water and Sewer

The multiplex development must be served by public water and public sewerage. Where the most reasonable public sewer connection will require public sewer construction of more than one-quarter (1/4) mile from the existing public sewer to the development property line, or where the development density is less than 20 multiplex units, the development may increase the base density by fifteen percent (15%).

4. Site Design Standards

- a. Open Space. Open space shall be designed in accordance with Sec. 19-7-2 (D), Open Space Design Standards.
- b. Building location. The building, parking areas and related development structures shall be located on the portion of the site most suited to development. The first impression of a building is from the side that faces the street. When the building is located within one-hundred feet (100') of a public right-of-way, the building shall be oriented toward the public right-of-way. Vehicular and pedestrian connections to the public right-of-way shall be incorporated into the site design.

- c. Landscaping. Areas of significant existing vegetation that shall be preserved shall be shown on the site plan. The plan shall include a preservation plan for that landscaping during construction. Where suitable existing vegetation is not present or will not be preserved and where the building is located within one hundred feet (100') of a public right-of-way, the area between the building and the public right-of-way shall be landscaped. The landscape plan shall create a transition from the public right-of-way to the building and serve to enhance the perspective of the building.

General site landscaping shall include transition areas from the building to parking areas and include a buffer between the developed portions of the site and abutting properties.

- d. Parking Areas. Parking shall be provided in accordance with Sec. 19-7-8, Off-Street Parking. Parking lots shall be landscaped to soften the perception of an expanse of hard surface. Landscaped islands shall be included in parking lots exceeding 20 spaces in size and a tree shall be planted in the island.

[number of spaces in parking lot that triggers special landscaping standard?]

5. *Architectural Standards*

The multiplex building(s) must be designed to be compatible with the character of the community, which ranges from compact neighborhoods to undeveloped open space, and from agricultural fields to limited commercial areas. Compatibility shall be determined using the following standards.

- a. Massing. The perception of a building is influenced by its size, but more importantly by how the overall size is distributed throughout the building. Determination of compatibility shall be based on 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. Any building of more than 3 stories shall include a first floor step on at least the front side of the building of a depth of at least ...

[20' in depth or 25% of the depth of the building].



- b. Roof. The height of a building and the type of roof design significantly influence the scale of a building. Roofs shall generally be of a gable or other sloping roof design. Roofs shall have a minimum pitch of 7:12. Roof lines shall be integrated into the facade and structure of the building and use of any kind of a parapet to simulate a roof line shall be prohibited. [This is the fake mansard or other roof prohibition]



- c. Entrance and windows. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern. Doors and windows shall be consistent with the style of the building. The building shall have a distinctive front entrance. The front entrance shall be prominently located and articulated on the facade of the building. Individual outside entrances for each unit are not required and may be discouraged. Windows shall be generously incorporated into the design, both in number and size.



- d. Exterior Materials. Facade materials give a structure character. Exterior materials shall be compatible with the design of the structure. Exterior materials shall be of high quality and durable. The use of wood shingles, wood clapboards, brick and stone is permitted. The use of concrete block, sheet metal, vinyl or aluminum siding is discouraged. The Board may approve high quality concrete clapboards or siding, such as hardiplank, that mirrors the appearance of natural materials. Color boards and material samples shall be provided by the applicant.

[This lists materials that are "discouraged." Do you want to make them absolutely prohibited? Note these are buildings in residential zones of up to 5 stories]



6. *Public Benefit Density Bonuses*

In order to create an incentive for property owners to incorporate community goals into private development, density bonuses may be incorporated into multiplex development. When any combination of the following density bonuses are included in a development, the dimensional standards in paragraph a below shall apply to the development, notwithstanding the dimensional standards of the zoning district.

[check this language with town attorney]

- a. Dimensional standards. The total density bonus allowed, including subsection 19-7-2 (E)(3) above, shall not exceed thirty percent (30%) of the density otherwise allowed. In addition, the following shall apply:

Maximum building footprint	10,000 sq. ft.
Maximum height limit	50 feet
Side yard setback for buildings exceeding 35' in height	height of the building plus ten (10) feet.
Rear yard setback for buildings exceeding 35' in height	height of the building plus ten (10) feet

A building with a stepped height design may meet the setback requirement that applies to the building height in proximity to the property line.

[illustration]

[Do you want to add a density adjustment of counting a 1 bedroom as 1/2 unit, etc]

- b. Agricultural land. When agricultural land is permanently preserved in compliance with Sec. 19-7-2 (D), Open Space Design Standards, a density bonus of one (1) unit per thirty-thousand (30,000) square feet may be applied to the development. The agricultural land may be located on the development parcel or anywhere in the Town and must meet the requirements of Farm Land under M.R.S.A Sections 1101-1121, Farmland Tax Law, but does not need to be registered under this state program.

[Note: Almost all ag land is located in the RA District. The current density allowed for multiplex is 1 unit/66,000 sq. ft. in the RA District, so this is a 50% incentive. If the ag land is located in a sewer service area in the RB District, the density is 1 unit/30,000, so there is no density bonus. If you would like a density bonus for sewer service area ag land, then the standard could be split into 30,000sq. ft. and 15,000 sq. ft. Also, the density in the RC is 1/15,000 sq. ft, however there is almost no ag land in the RC. Even without a bonus incentive, an RC development could obtain a density bonus from ag land to increase the units]]

- c. Open Space. When more than fifty percent (50%) of the gross acreage shall remain as open space outside of the building footprint(s), parking areas and other developed areas (excluding open space improvements), and any areas assigned to individual dwelling units, a density bonus of one (1) unit per forty-thousand

(40,000) square feet may be applied to the development. The open space must be permanently preserved in compliance with Sec. 19-7-2 (d), Open Space Design Standards, and be located on the development parcel.

[Same issues as b above on the "right" density bonus numbers]

- d. Affordable Housing. When affordable housing is provided in excess of the minimum required in compliance with the 19-7-4 (B), Mandatory Affordable Housing Provisions, Applicability, the density bonus shall be subject to the limit, height and setback provisions of subsection 6, Public Benefit Density Bonuses.