

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: August 4, 2015  
SUBJECT: Village Green Zoning Amendment

### Introduction

The Town Council referred to the Planning Board the Village Green Zoning Amendment at the May 11, 2015 meeting. The amendment is a recommendation of the 2014 Town Center Plan. The draft amendment is attached.

### Description of the amendment

Since the last workshop, the draft amendment has been reformatted based on advice from the town attorney. Generally, the authority of planning boards to vary dimensional standards is limited by state law. Changes in setbacks is almost exclusively the province of the Zoning Board of Appeals.

For this reason, the amendment has been revised to establish a separate set of setback requirements for a "village green development." The proposed amendment creates a definition of a "village green development." If a project meets the definition of a "village green development," then a separate set of setback standards apply. The proposed standards differ from the setbacks for "all other uses" only in that there is no *Maximum front yard setback*.

Performance standards for a village green are proposed within the existing Town Center Zoning District Design Requirements. The proposed subsection (4) creates descriptive and quantitative requirements for a village green. These standards include a minimum of 100' of road frontage on Ocean House Rd, a minimum depth of 100' and a minimum square footage of 20,000 sq. ft.

### Chronology of a town center village green

The Planning Board may find helpful the following summary of discussions about a village green.

#### **•1993 Town Center Plan, Recommendation 28:**

Create a Town green or common open space which serves as a focal point. The open space should be located in the area between the Town Hall and the Shopping Center

and be connected to pedestrian pathways. The Committee specifically recommends against the use of hostile eminent domain to create the Town Green.

- **Town Center Plan Public Forum, October 17, 2013**

Property owner broaches idea of including a village green as part of the development of 4 acres next to town hall.

- **2014 Town Center Plan, Questionnaire response to:**

Should the town establish an outdoor public gathering place, such as a Town Green, to promote visual identity and to establish a more aesthetically appealing Town Center?

Yes 56

No 21

- **2014 Town Center Plan, Goal Gathering Places:**

Create a town green and encourage small commercial establishments (such as coffee shops or restaurants) that provide opportunities for community members to come together.

- **2014 Town Center Plan, Recommendation 4**

Consider creating a town green or common open space within the town center. Town Center Plan includes, as Appendix G, a concept plan for a village green and associated development on the lot south of the town hall.

- **Town Council adopts 2014 Town Center Plan, October 6, 2014**

- **Town Council refers Village Green Amendment to Planning Board, May 11, 2015**

### Next Steps

The Planning Board may add the Village Green Zoning amendment to the September 1, 2015 workshop for more revision or add it to the August 18, 2015 Planning Board meeting to schedule a public hearing.