

Village Green Zoning Ordinance Amendment

SEC. 19-1-3. DEFINITIONS

Village Green Development: The development or redevelopment of a lot or lots located in the Town Center District which has received Site Plan approval (Sec. 19-9, Site Plan Review) from and found in compliance with Sec. 19-6-4(D)(3)(g)(4) (Town Center Design Standards, Village Green) by the Planning Board.

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.

D. Standards

1. Performance Standards

- f. No parking for uses other than school uses shall be allowed in the front yard setback.

2. The following Space and Bulk Standards shall apply:

MINIMUM SETBACKS	
<b>(1) School uses</b>	
(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.
<b>(2) Municipal uses</b>	
(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.

**(5) Village Green Development**

(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 25 ft.  
The front yard setback for parking shall be 35 ft.

**(6) All other uses**

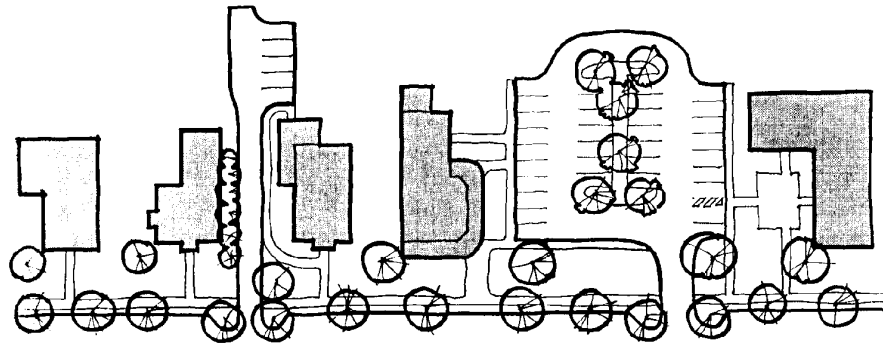
(a) Side yard setback 15 ft.  
 The side yard setback for new construction shall be increased to 50 ft. where it abuts a residential district

(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.

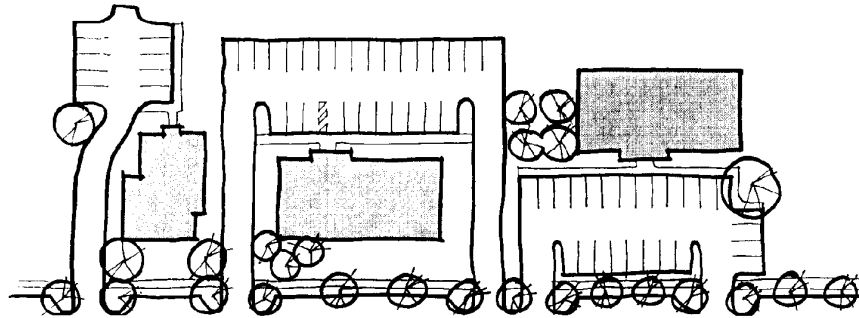
3. **Design Requirements**

- 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.



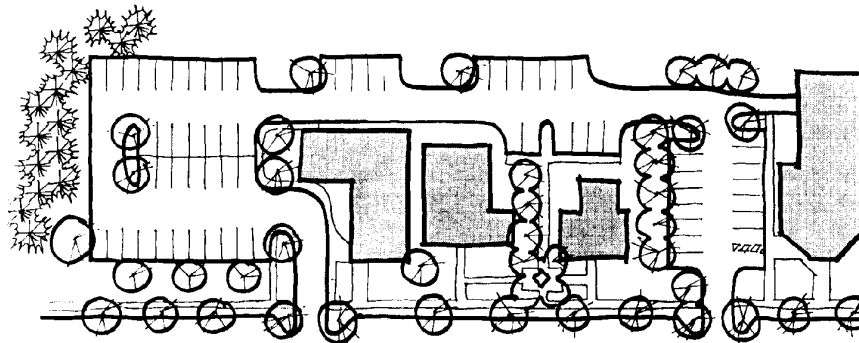
Compatible

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.

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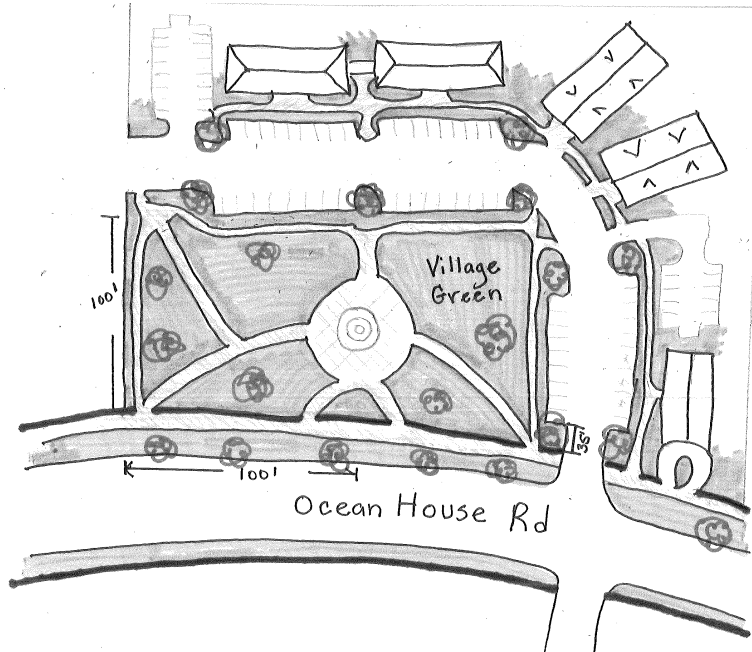
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g. Landscaping and Site Development

(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.

(4) Village green. This section shall apply when a village green, which has received conditional municipal approval from the Town Council, 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) feet of road frontage on Ocean House Rd, a depth measured perpendicular from Ocean House Rd 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, and transferred 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.

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**ARTICLE IX. SITE PLAN REVIEW**

**SEC. 19-9-4. REVIEW PROCEDURES**

**C. Submission Requirements**

- 17. Conditional Municipal Approval. When a village green development is proposed, written evidence of conditional municipal approval by the Town Council of the proposed village green.
- 18. Waiver of information. Where the Planning Board finds that due to special circumstances of a particular plan, the submission of any information listed in Sec. 19-9-4.C, Submission Requirements, is not required in the interest of public health, safety, and general welfare, or is inappropriate because of the nature of the proposed development, the Planning Board may waive such requirements, subject to appropriate conditions.