



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
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**To:** Planning Board Members  
**From:** William R. Shane, Town Manager  
**Date:** April 20, 2023  
**Re:** Recommendation Requests from the Town Council

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The Town Council respectfully requests recommendations from the Planning Board on two items:

1. A re- approval of the Rt 1 design standards. The original set had not been recorded on the website and while staff was using the correct and approved set, the posted set had not been updated. The Town Attorney recommended the Board and Council re- approve to avoid any confusion.
2. The second request is a series of recommendations tied to LD 2003 which may still be effective July 1, 2023. While mostly minor in nature, these new modifications are to clarify lot sizes, setbacks, and demolition for the most part and will be important when determining the applicability with LD 2003.

Chapter 315 Revisions – LD 2003 – Additional Density  
~~(Draft 12/23/2022)~~  
(Draft 2/2/2023)

**§ 315-33.1**      Effect of Demolition of Dwelling Units.

Notwithstanding any provision of this Chapter to the contrary, in the event that any dwelling unit in existence on or after July 1, 2023 is torn down and results in an empty lot, the lot shall not qualify for additional dwelling units pursuant to 30-A M.R.S.A. § 4364-A, as may be amended from time to time.

**§ 315-10**      Island Residential District (IR).

C.      The following lot standards apply ~~to all lots~~ in the IR District:

- (2)      ~~In the case of duplex development, there shall be no less than 0.94 acre of lot area per dwelling unit. The minimum lot area per dwelling unit shall be 0.94 acres.~~

**§ 315-11**      Highway Commercial District (HC).

C.      The following lot standards apply in the HC District:

- (2)      ~~In the case of a duplex or multiplex dwelling, the minimum lot area per dwelling unit size shall be 20,000 square feet per dwelling unit.~~

**§ 315-16**      Village Office Commercial II District (VOC II)

D.      The following lot standards apply in the VOC II District:

- (3)      The minimum lot area per dwelling unit shall be 20,000 square feet.

§ 315-17 Mixed-Use Zone (MUZ)

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D. The following lot standards apply in the MUZ District:

(3) The minimum lot area per dwelling unit shall be 20,000 square feet.

§ 315-18 Village Mixed-Use Zone (V-MUZ)

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D. The following lot standards ~~shall~~ apply within the V-MUZ District:

(2) ~~In the case of duplex or multiple developments, t~~The minimum lot area per dwelling unit shall be ~~no less than~~ 2,500 square feet.

§ 315-20 Rural Industrial District (RI)

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C. The following lot standards shall apply in the RI District:

(2) ~~In the case of duplex development, t~~There shall be no less than 40,000 square feet of lot area per dwelling unit, except that the minimum lot area per dwelling unit for a lot served by sewer shall be 20,000 square feet.

**AMENDMENTS TO ZONING ORDINANCE  
RE: ROUTE 1 DESIGN STANDARDS**

**§ 315-7 Low-Density Residential District (LDR).**

- A.** The following uses are permitted in the LDR District:
- (1) Single-family detached dwellings.
  - (2) Duplex dwellings.
  - (3) Multiplex dwellings, subject to the provisions of § 315-44.
  - (4) An accessory dwelling unit as permitted in § 315-45A.
  - (5) Agriculture.
  - (6) Timber harvesting, subject to the provisions of § 315-68.
  - (7) Sewer pumping stations, subject to the provisions of § 315-59D.
  - (8) Antennas as defined in § 315-4, subject to site plan review and § 315-72.
  - (9) Cemeteries, subject to site plan review.
  - (10) Religious institutions, subject to site plan review.
  - (11) Private schools, subject to site plan review.
  - (12) Residential care facilities (see § 315-71).
  - (13) Day-care centers and nursery schools for no more than 50 children, subject to the provisions of § 315-47 and site plan review.
  - (14) Day-care center, adult, for no more than 20 persons, subject to site plan review or special exception as required.
  - (15) Aboveground utility lines not located within public ways.

- (16) Municipal uses and buildings, subject to site plan review.
- (17) Riding stables and schools, subject to site plan review.
- (18) Extraction and/or bulk storage of groundwater or springwater for municipal or quasi-municipal purposes, subject to the provisions of § 315-69.
- (19) Accessory structures of public utilities, subject to site plan review.
- (20) Uses and buildings accessory to those above.

**B.** The following uses are allowed as special exceptions in the LDR District, requiring the approval of the Board of Adjustment and Appeals:

- (1) Home occupations.
- (2) Home-based occupations.
- (3) Temporary sawmills, subject to the provisions of § 315-66.
- (4) Uses and buildings accessory to those above.

**C.** The following lot standards apply in the LDR District:

- (1) Minimum lot size of two acres, except that the minimum lot size for lots served by sewer shall be 1.5 acres.
- (2) In the case of duplex or multiplex developments, there shall be no less than 1.25 acres of lot area per dwelling unit, except that the minimum lot area per dwelling unit for a lot served by sewer shall be 0.75 acre.
- (3) There shall be no less than 150 feet of lot frontage.

**D.** The following minimum setbacks are required for all structures in the LDR District, except that sheds and driveways are permitted to a minimum setback of 15 feet from the side and rear lot lines:

- (1) Front: 50 feet.

(2) Rear: 65 feet.

(3) Side: 30 feet; combined width at least 65 feet.

E. Multiplex development on any lot with frontage on Route 1 is required to be consistent with the Route 1 Design Standards.



## Chapter 315 Revisions – LD 2003 – Accessory Dwelling Units

### § 315-4 Word usage and definitions.

#### **SHED**

An accessory building of no more than 189 square feet in total area, used for, among other things, the storage of yard equipment and other household goods.

### § 315-45 Conversions.

A. Accessory dwelling unit. One accessory dwelling unit may be constructed as an attached or detached structure that is accessory to a primary single-family dwelling unit on any lot in any zoning district. An accessory dwelling unit may be part of the same structure as the primary dwelling unit; however, basement, attic or other existing living spaces, such as a room over a garage, within the primary dwelling unit that are occupied by family members shall not be considered accessory dwelling units. An accessory dwelling unit may also be a detached dwelling unit on the same lot as the primary dwelling unit, ~~provided that it is constructed as a permanent structure that is located within 100 feet of the primary dwelling unit.~~

(1) Occupancy. Either the primary dwelling unit or the accessory dwelling unit must be occupied by the owner of the property.

(2) Review and approval. All accessory dwelling units must satisfy the standards set forth in this section and must be approved by the Code Enforcement Officer pursuant to an accessory dwelling unit permit.

(3) Performance standards.

(a) The accessory dwelling unit shall include no more than two bedrooms and shall not exceed 40% of the total living area of the primary dwelling unit. Unfinished space within the primary dwelling unit shall not be counted toward the total square footage of the primary unit for purposes of calculating the forty-percent limit under this subsection.

(b) ~~One off-street parking space per bedroom of the accessory dwelling unit shall be required.~~ Accessory dwelling units must be at least 190 square feet in area.

(4) Lot standards.

(a) An accessory dwelling unit shall not be required to independently meet the minimum lot size requirements of the zoning district within which it is located; provided that the local Plumbing Inspector indicates that adequate capacity and conformity with the State Plumbing Code for the accessory dwelling unit in addition to the primary dwelling unit. In no case shall an accessory dwelling unit be allowed on a lot smaller than 20,000 square feet unless connected to a public sewer.

- (b) An accessory dwelling unit shall not be required to independently meet the lot frontage requirements of the zoning district in which it is located, but shall be required to meet all setbacks of the zoning district within which it is located that are otherwise applicable to the existing structure within which the primary dwelling unit is located.
  - (c) An existing primary dwelling that is a nonconforming structure or building may be expanded to incorporate an accessory dwelling unit subject to the requirements of § 315-74 for the expansion of nonconforming buildings or structures, or § 226-14 if located within the Shoreland Zoning District. An accessory dwelling unit shall not be permitted on a lot with a nonconforming use.
  - (d) Notwithstanding the provisions of § 315-77, no variances may be granted with respect to the dimensional requirements related to size and height of structures, setback distances, lot coverage, or lot frontage requirements for accessory dwelling units.
  - (e) An accessory dwelling unit must be located within the approved building envelope for any lot located within a subdivision.
- (5) This section shall not prohibit the conversion of a single-family dwelling to a duplex or multiplex dwelling or the conversion of a duplex dwelling to a single-family or multiplex dwelling, so long as said conversion complies with all district and other zoning standards, including, but not limited to, the minimum lot size per dwelling unit.