

ITEM

17-011

To hold a Public Hearing to consider and act on repealing Chapter 315 (Zoning), Section 28.2 (Village Center Commercial (VCC) Multiplex Overlay) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: December 21, 2016

To: William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing: *Recommendation to Town Council re: amending or repealing Section 315-28.2 Village Center Commercial Multiplex Overlay.*

This is to advise you that on December 20, 2016, the Planning Board voted to make a recommendation to the Town Council to repeal Section 315-28.2 Village Center Commercial Multiplex Overlay.

Cumberland Planning Board

Stephen Moriarty, Board Chair

§ 315-28.2 Village Center Commercial (VCC) Multiplex Overlay District.

[Added 2-11-2016]

- A. Purpose. The purpose of the Village Center Commercial Multiplex Overlay is to allow high-density residential development to occur when part of an overall master plan for a parcel that is a minimum of five acres in size.
- B. Review standards. All projects within the Village Center Commercial Overlay District are subject to review under the Town's Subdivision Ordinance, Site Plan Ordinance and Route 100 Design Standards.
- C. District. The Village Center Commercial Overlay District, as delineated on the official Town of Cumberland Tax Assessor's Map, is hereby designated as an overlay district within the Village Center Commercial District for the purposes designated herein. Properties in the Village Center Commercial Overlay District shall continue to be governed by the regulations applicable to the underlying zoning district except as specifically provided herein.
- D. Permitted uses. In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses are permitted uses in the Village Center Commercial Multiplex Overlay District:
 - (1) Multiplex dwellings in the VCC Overlay shall be subject to the following standards and shall not to the provisions of § 315-44.
- E. Lot standards. The following lot standards shall apply in the Village Center Commercial Multiplex Overlay District:
 - (1) Setbacks. Setbacks shall be the lesser of the distance from the existing building to the nearest property line or the stated limit below. The following minimum setbacks are required for all multiplex structures in the Village Center Commercial Multiplex Overlay District:
 - (a) Front: 25 feet.
 - (b) Rear: 50 feet.
 - (c) Side: 25 feet.
 - (2) Minimum lot requirements.
 - (a) The minimum lot size for the development shall be five acres.
 - (b) The minimum lot area per dwelling unit shall be no less than 8,000 square feet per bedroom.
- F. Net residential acreage. Net residential acreage calculations are not required for projects within the Village Center Commercial Multiplex Overlay District.
- G. Minimum dwelling unit size. No dwelling unit shall have less than 600 square feet of finished living area.
- H. Parking. There shall be no less than 1.5 parking spaces per dwelling unit.
- I. Open space. At least 10% of the total area of the tract or parcel of land being developed must be maintained as open space. Such open space shall consist of land which has one or more of the following characteristics:

- (1) Land which is suitable for use as a group seating area for residents.
 - (2) Land which preserves and provides a buffer around a sensitive wildlife habitat.
 - (3) Land which is suitable for active recreation.
 - (4) Land which abuts or adjoins an existing public open space.
 - (5) Land which provides physical or visual access to a water body.
 - (6) Land with an active trail system or which provides a link to an existing trail system.
- J. Public water. All multiplex dwelling units built after the effective date of this regulation in accordance with the provisions established herein shall be connected to the public water system.
- K. Maintenance agreements. When applicable, a road maintenance agreement and/or a stormwater maintenance agreement may be required by the Planning Board.
- L. Ownership. A tract or parcel developed under this section shall be held either in single or common