

§ 315-44. Multiplex dwellings.

The construction of any new multiplex dwelling or the conversion of an existing single-family dwelling or duplex dwelling into a multiplex dwelling shall comply with the following standards, and the Planning Board shall review a proposed multiplex dwelling development for compliance with these standards:

A. The number of multiplex dwelling units allowed on a tract or parcel shall be calculated by dividing the net residential acreage of the tract or parcel by the minimum lot area per dwelling unit required by the appropriate zoning district for multiplex development.

~~B. On any tract or parcel, the maximum number of attached dwelling units per structure shall be six and the average number of attached dwelling units per structure shall be four. The distance between the foundations of any two principal structures shall be no less than the height of the taller of the two buildings, but in no event shall a building separation of less than 25 feet be permitted.~~

~~B.~~ A tract or parcel developed under this section ~~shall be held either in single or common ownership, shall be at least 10 acres in area and~~ shall have the same amount of lot frontage on a public right-of-way as is required by the underlying district.

~~D.C.~~ Setbacks. The following minimum setbacks are required for front, rear or side yards that adjoin a boundary line of the tract or parcel or a street:

- (1) Front: the same as in the underlying district, ~~except that this shall be twice that required when the tract or parcel has any frontage along a collector street as defined in Chapter 250, Subdivision of Land.~~
- (2) Side: the same as in the underlying district.
- (3) Rear: the same as in the underlying district.

~~E.D.~~ A buffer shall be established between the multiplex housing and any dwelling on abutting tracts or parcels, which buffer shall be sufficient to minimize any potential nuisance, including but not limited to headlights, noise, storage areas, and solid waste storage. This buffering shall consist of landscaping, fencing or grading or a combination of some or all of these techniques.

~~F. No dwelling unit shall have less than 600 square feet of finished living area, exclusive of common hallways, basements and unimproved attic areas.~~

~~G.E.~~ The scale and surface area of parking areas, driveways and paved areas shall be compatible with adjacent structures, must be properly screened and must provide for parking in accordance with the requirements of § 315-57 of this chapter.

~~H.F.~~ Open space. The amount of open space that shall be required shall be at least ~~70~~⁵⁰% of the tract or parcel in Rural Residential Districts 1 and 2 and at least ~~25~~⁵⁰% in other zones in which multiplex developments are permitted.

- (1) This open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features, including but not limited to large trees, tree

Commented [BP1]: Per Conservation Subdivision

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groves, woods, ponds, streams, glens, rock outcrops, natural plant life and wildlife cover, and deer yards, and to the greatest extent possible shall be contiguous open space. The use of any such open space may be further limited or regulated by the imposition of reasonable conditions at the time of final subdivision approval by the Planning Board where necessary to protect adjacent properties or uses, or the open space itself.

- (2) If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fractional interest in the common open space and the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with the following:
 - (a) Proposed covenants shall be placed in each deed from the developer to the individual unit owner, which deed covenants shall require mandatory membership in the homeowners' association and shall set forth the unit owner's rights, interests, privileges and obligations in the association and in the common open space, including the homeowners' association's responsibility and obligation to maintain the common open space and any recreational facilities located therein.
 - (b) The homeowners' association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.
 - (c) The developer shall maintain control of the common open space and be responsible for its maintenance until 75% of the multiplex dwelling units in the subdivision have been sold, at which time the homeowners' association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.
 - (d) All such proposed deed covenants and other legal documents pertaining to common open space shall be reviewed by the Town Attorney and, if approved by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.
- (3) At the option of the Town, some or all of the open space may be dedicated to the Town of Cumberland, subject to acceptance by the Town Council.
- (4) Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.
- (5) Any dedication under Subsection H(3) or (4) above must be made through appropriate legal instruments, reviewed by the Town Attorney.
- (6) The open space(s) shall be shown on the subdivision plan with appropriate notation on the face thereof to indicate that it shall not be used for future buildings or structures.

- (7) All legal documents required under this subsection must be submitted with the final subdivision plan application.