



TOWN OF KITTERY

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Visit us: www.kitteryme.gov/land-issues-committee

Land Issues Committee Meeting Agenda

January 29, 2024 | 4:00 PM | Hybrid Meeting: Conference Rm A & Zoom

Zoom Link to register:

https://us02web.zoom.us/webinar/register/WN_-yWArNXyQFS5gfln1FGS_Q

Members of the public may attend the meeting in person or remotely via Zoom.

Item 1 – Discussion: committee purpose, procedures, and effectiveness

Continued from November 20, 2023 meeting

Item 2 – Committee Membership updates

Item 3 – Housekeeping Amendments

See packet

Item 4 – Committee Member Items

TITLE 16
AMENDMENTS TO CONFORM WITH LD 2003:
AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION
TO INCREASE HOUSING OPPORTUNITIES IN MAINE

Note: Required amendments in green, optional amendments in blue
Housekeeping amendments in orange-brown (burnt siena? Cinnabon?)

1. AMEND § 16.1.8 – C. Nonconformance as follows:

1 (6) Nonconforming lots.

2 **(a)** Nonconforming lots of record.

3 **[1]** Nonconforming lots. In any district, notwithstanding limitations
4 imposed by other sections of this title, single noncontiguous lots legally
5 created when recorded may be built upon consistent with the uses in
6 the particular zone. These provisions apply even though such lots fail to
7 meet the minimum requirements for area or width, or both, which are
8 applicable in the zone, provided that yard dimensions and other
9 requirements, not involving area or width, or both, of the lot conform to
10 the regulation for the zone in which such lot is located. Relaxation of
11 yard and other requirements not involving area or width may be
12 obtained only through miscellaneous variation request to the Board of
13 Appeals.

14 **[2]** Residential zones exception: in Residential zoning districts and
15 outside of Shoreland overlay zones, lots that do not conform with the
16 applicable minimum lot area or minimum net residential acreage
17 required to construct a single-family dwelling are exempt from those
18 standards and may construct a single-family dwelling, provided the lot
19 was conforming prior to October 25, 2012.

2. AMEND § 16.3.2 Definitions as follows:

20 ~~**DWELLING, ATTACHED SINGLE-FAMILY**~~

21 ~~A dwelling unit, located on its own lot that shares one or more common or abutting~~
22 ~~walls with one or more dwelling units. The common or abutting wall must be shared for~~
23 ~~at least 25% of the length of the side of the dwelling.~~

24 **DWELLING, MULTIFAMILY**

25 A structure that contains ~~three~~ **five** or more dwelling units that share common walls or
26 floors/ceilings with one or more units. The land underneath the structure is not divided

27 into separate lots.

28 **DWELLINGS, MULTIFAMILY 2-4 (“Limited”)**

29 **A residential development comprised of 2, 3, or 4 primary units on the same lot**
30 **that are attached within the same structure or detached in separate structures in**
31 **any combination.**

32 **LOT AREA**

33 The area of land enclosed within the boundary lines of a lot, minus:

- 34 A. Land below the normal high-water line of a water body or upland edge of a coastal
35 wetland;
- 36 B. Areas beneath Planning-Board-approved right-of-way; and
- 37 C. Land within public street rights-of-way.

38

39 **LOT AREA PER DWELLING UNIT**

40 **The number of dwelling units in a development per lot area as defined in this code.**
41 **Calculations which result in a fraction of .5 or greater shall be rounded up to the**
42 **nearest whole number. Calculations which result in a fraction less than 0.5 shall be**
43 **rounded down.**

44 **MINIMUM LAND AREA PER DWELLING UNIT**

45 ~~The gross area of a parcel not subject to subdivision regulations minus the land area~~
46 ~~listed below. Where land areas to be subtracted overlap, the area therein shall be~~
47 ~~subtracted once. For land area subject to subdivision, see "net residential acreage."~~

- 48 ~~A.—All land located below the highest annual tide elevation as published in the Maine DEP~~
49 ~~Highest Annual Tide (HAT) levels for the most current year.~~
- 50 ~~B.—All wetlands as defined in the definition of "wetland," as well as vernal pools, ponds,~~
51 ~~streams and other water bodies.~~
- 52 ~~C.—All land located on filled tidal lands, per the definition of "tidal land, filled."~~
- 53 ~~D.—All land located within existing rights of way and other existing easements wherein~~
54 ~~dwelling units cannot be built.~~

55

56 **NET RESIDENTIAL ACREAGE**

57 The **total area of the parcel(s) of record subject to development** land area subject to
58 ~~subdivision that is identified for regulatory purposes as developable and is the gross~~
59 ~~available acreage~~ minus land area identified in § 16.5.18, Net residential acreage, unless
60 otherwise exempt in § 16.5.18D, Exemptions to net residential acreage calculations.

61 **NET RESIDENTIAL DENSITY**

62 The number of dwelling units in a ~~subdivision~~ **development** per net residential acre.
63 This is calculated by dividing the net residential acreage by the square feet specified as
64 minimum land area per dwelling unit in the dimensional standards in § 16.4 for the
65 relevant base zone or overlay zone(s) where applicable. **Net residential density**
66 **calculations which result in a fraction shall be rounded down to the nearest whole**
67 **number.**

68 **3. Amend § 16.4.10 Residential — Rural (R-RL) zoning as follows:**

69 B. Permitted uses. The following uses are permitted in the R-RL Zone:

- 70 (1) Accessory dwelling unit.
- 71 (2) Conservation subdivision. [Amended 10-24-2022]
- 72 (3) Dwelling, manufactured housing.
- 73 (4) Dwelling, single-family.
- 74 **(5) Dwelling, multifamily 2-4 “Limited”, as follows:**

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

75

76 D. Standards

77 (2) Dimensional standards:

- 78 (a) Minimum ~~land area~~ net residential acreage per dwelling unit: 40,000 square
- 79 feet. (~~Note: As per Chapter 16.3 definition of "minimum land area per dwelling~~
- 80 ~~unit," except to exempt properties which are unable to meet the square feet~~
- 81 ~~required for a single-family dwelling unit, provided the lot was conforming prior~~
- 82 ~~to October 25, 2012).~~

83

84 E. Shoreland Overlay Zone OZ-SL — Residential — Rural Zone (R-RL).

85 (1) Permitted uses.

- 86 (a) Accessory buildings, structures, and uses.
- 87 (b) Agriculture.
- 88 (c) Dwelling, single family, if located farther than 100 feet from the normal high-
- 89 water line of any water bodies, or the upland edge of a wetland individual private
- 90 campsite.
- 91 ~~[1] Dwelling, single family.~~

92

93 **4. Amend § 16.4.11 Residential — Suburban (R-RS) zoning as follows:**

94 B. Permitted uses. The following uses are permitted in the R-S Zone:

- 95 (1) Accessory dwelling unit.
- 96 (2) Conservation Subdivision.

- 97 ~~(3) Dwelling, attached single-family.~~
- 98 (4) Dwelling, multifamily (not more than four units per building) 2-4 "Limited"
- 99 (5) Dwelling, single-family.
- 100 ~~(6) Dwelling, two-family.~~
- 101 (7) Dwelling, multifamily 2-4 Limited
- 102

103 D.Standards. The following standards must be met unless modified per §16.8.10,
 104 Conservation Subdivision:

- 105 (1) Design and performance standards. The design and performance standards of
- 106 Chapters 16.5, 16.7 and 16.8 must be met. The Design Handbook provides examples
- 107 of appropriate design for nonresidential and multiunit residential projects.
- 108 (2) Dimensional standards.
- 109 (a) ~~Minimum land Lot area per dwelling unit (note: as per Chapter 16.3 definition~~
- 110 ~~of "minimum land area per dwelling unit," except to exempt properties which~~
- 111 ~~are unable to meet the square feet required for a single family dwelling unit,~~
- 112 ~~provided the lot was conforming prior to October 25, 2012):~~
- 113 ~~[1] Without public sewage disposal: 40,000 square feet.~~
- 114 ~~[2] With public sewage disposal: 30,000 square feet unless reduced in~~
- 115 ~~accordance with Note A.~~
- 116 ~~**[3] When more than 50% of the dwelling units proposed will be**~~
- 117 ~~**affordable as defined by this Code and have public sewer: 12,000**~~
- 118 ~~**square feet**~~
- 119 (a) Unit density:
- 120 [1] For developments served by public water and sewer facilities: Minimum lot
- 121 area per dwelling unit: 30,000 square feet unless reduced in accordance with
- 122 Note A
- 123 [2] For developments served by public water and sewer facilities when more
- 124 than 50% of the dwelling units proposed will be affordable as defined by this
- 125 code: Minimum lot area: 12,000 square feet
- 126 [3] For developments that are not served by public water and sewer facilities:
- 127 Minimum net residential acreage per dwelling unit: 40,000 square feet
- 128 [4] For developments that are not served by public water and sewer facilities
- 129 when more than 50% of the dwelling units proposed will be affordable as
- 130 defined by this code: Minimum net residential acreage per dwelling unit:
- 131 16,000 square feet
- 132 (b) Minimum lot size:
- 133 [1] Without public sewage disposal: 40,000 square feet.
- 134 [2] With public sewage disposal: 30,000 square feet unless reduced in
- 135 accordance with Note A.
- 136 (c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.
- 137 (d) Minimum front yard: 40 feet.
- 138 (e) Maximum building coverage: 20%.
- 139 (f) Minimum rear and side yards: 15 feet.

- 140 (Note: Buildings higher than 40 actual feet must have side and rear yards not
141 less than 50% of the building height.)
- 142 (g) Maximum building height: 35 feet.
143 (Note: Minimum distance between principal buildings on the same lot is the
144 height equivalent to the taller building.)
- 145 (h) Minimum water body setback for functionally water-dependent uses: zero feet.
- 146 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
147 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

Note A:

The required minimum ~~land~~ **Lot** area per dwelling unit and/or minimum lot size for residential uses that are served by public sewage disposal and that are located outside of areas subject to shoreland zoning may be less than 30,000 square feet per lot/unit if the established average density of development in the immediate area of the use as determined below is less than 30,000 square feet.

If the average of the lot sizes and/or ~~land~~ **Lot** area per dwelling unit of the developed residential lots that are located on the same street and within 500 feet of the parcel is less than 30,000 square feet, the required minimum lot size or required minimum ~~land~~ **Lot** area per dwelling unit is the calculated average lot size or average ~~land~~ **Lot** area per dwelling unit but not less than 20,000 square feet.

If the required minimum lot size is reduced, the required minimum street frontage for new residential uses served by public sewerage may also be reduced to the average of the lot frontage of existing developed residential lots that are located on the same street and within 500 feet of the parcel but in no case to less than 100 feet.

- 148
- 149 (3) Subdivision types and standards. ~~Subject to net residential acreage and net~~
150 ~~residential density per Chapter 16.3.~~
- 151 (a) Conservation Subdivision. In a conservation subdivision, the above standards
152 may be modified in accordance with special provisions of §16.8.10, including
153 that there is no minimum lot size, and with the conditions that:
- 154 [1] Minimum principal building separation as required by the Fire Chief, but
155 not less than 15 feet.
- 156 (b) Subdivision development (per special exception uses, §16.4.11C). In a
157 subdivision development, standards in §16.4.11D(1) and (2) apply and include:
- 158 [1] Minimum percentage of common open space: 15%.
- 159 (4) Mobile homes. Mobile homes must meet the standards of §16.5.17.

160 **(5) Parking. When more than 50% of the dwelling units provided while be**
161 **affordable as defined by this code: two parking spaces per three dwelling units.**

162 **(6) Affordable housing requirements:**

163 **(a) All requirements in §16.5.4 Affordable Housing must be met.**

164 **(b) Density incentives outlined above in subsection D.(2).(a).[3] may be applied**
165 **to projects that create affordable housing units, as defined by this code. No**
166 **proportional payment-in-lieu is required if the affordable dwelling unit**
167 **requirements for the density incentives are met.**

168

- 169 E. Shoreland Overlay Zone OZ-SL — Residential — Suburban Zone (R-S).
170 (1) Permitted uses.
171 (a) Day-care facility.
172 (b) Dwellings if located farther than 100 feet from the normal high-water line of any
173 water bodies, or the upland edge of a wetland.
174 [1] ~~Dwelling, attached single family.~~
175 [2] Dwelling, multifamily (not more than four units per building).
176 [3] Dwelling, single-family.
177 [4] Dwelling, two-family.
178

179 **5. Amend § 16.4.12 Residential — Kittery Point Village (R-KPV) zoning as follows:**

180 B. Permitted uses. The following uses are permitted in the R-KPV Zone:

- 181 (1) Accessory dwelling units.
182 (2) Conservation subdivision.
183 ~~(3) Dwelling, attached single family.~~
184 (4) Dwelling, multifamily **(not more than four units per building)**.
185 (5) Dwelling, single-family.
186 ~~(6) Dwelling, two family.~~
187 **(6) Dwelling, multifamily 2-4 Limited**
188

189 D. Standards. The following standards must be met unless modified per § **16.8.10**,
190 Conservation subdivision.

- 191 (1) Design and performance standards in Chapters **16.5**, **16.7** and **16.8**. The Design
192 Handbook provides examples of appropriate design for nonresidential and multiunit
193 residential projects.
194 (2) Dimensional standards.
195 (a) Minimum ~~land area~~ **net residential acreage** per dwelling unit: 40,000 square
196 feet. (Note: ~~As per Chapter 16.3 definition of "minimum land area per dwelling~~
197 ~~unit,"~~ except to exempt properties which are unable to meet the square feet
198 required for a single-family dwelling unit, provided the lot was conforming
199 prior to October 25, 2012).
200 (b) Minimum lot size: 40,000 square feet.
201 (c) Minimum street frontage: 150 feet unless reduced in accordance with Note A.
202 (d) Minimum front yard: 40 feet.
203 (e) Maximum building coverage: 20%.
204 (f) Minimum rear and side yards: 15 feet. (Note: Buildings higher than 40 actual
205 feet must have side and rear yards not less than 50% of the building height.)
206 (g) Maximum building height: 35 feet. (Note: Minimum distance between principal
207 buildings on the same lot is the height equivalent to the taller building.)
208 (h) Minimum water body setback for functionally water-dependent uses: zero feet.

209 (i) Minimum setback from streams, water bodies and wetlands: in accordance with
210 Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules. Subdivision types
211 and standards.

212 (3) ~~Subject to net residential acreage and net residential density per Chapter 16.3.~~
213 ~~Subdivisions in KPV zone:~~

214

215

216 **6. Amend § 16.4.13 Residential — Urban (R-U) zoning as follows:**

217 B. Permitted uses. The following uses are permitted in the R-U Zone:

218 (1) Accessory dwelling units.

219 (2) Conservation subdivision.

220 ~~(3) Dwelling, attached single family.~~

221 (4) Dwelling, manufactured housing.

222 (5) Dwelling, multifamily.

223 (6) Dwelling, single-family.

224 (7) Dwelling, ~~two-family.~~ **multifamily 2-4 “Limited”**

225

226 D. Standards. The following standards must be met unless modified per §16.8.10

227 Conservation Subdivision:

228 (1) The design and performance standards in Chapters 16.5, 16.7 and 16.8.

229 (2) Dimensional standards:

230 (a) ~~Minimum land lot area per dwelling unit: 20,000 square feet. (Note: As per~~
231 ~~Chapter 16.3 definition of "minimum land area per dwelling unit," except to~~
232 ~~exempt properties which are unable to meet the square feet required for a~~
233 ~~single-family dwelling unit, provided the lot was conforming prior to~~
234 ~~October 25, 2012.)~~

235 **(b) When more than 50% of the dwelling units proposed will be affordable**
236 **as defined by this code and have public sewer: 8,000 square feet**

237 Unit density:

238 [1] For developments served by public water and sewer facilities: Minimum
239 lot area per dwelling unit: 20,000 square feet unless reduced in accordance
240 with Note A

241 [2] For developments served by public water and sewer facilities when more
242 than 50% of the dwelling units proposed will be affordable as defined by
243 this code: Minimum lot area: 8,000 square feet

244 [3] For developments that are not served by public water and sewer facilities:
245 Minimum net residential acreage per dwelling unit: 20,000 square feet

246 [4] For developments that are not served by public water and sewer facilities
247 when more than 50% of the dwelling units proposed will be affordable as
248 defined by this code: Minimum net residential acreage per dwelling unit:
249 20,000 square feet

250

(b) When more than 50% of the dwelling units proposed will be affordable as defined by this code and have public sewer: 8,000 square feet

- (b) Minimum lot size: 20,000 square feet.
- (c) Minimum street frontage: 100 feet.
- (d) Minimum front yard, all buildings: 30 feet.
- (e) Minimum rear and side yards, all buildings: 15 feet.
(Note: Buildings higher than 40 actual feet must have side and rear yards not less than 50% of building height.)
- (f) Maximum building height: 35 feet.
(Note: Minimum distance between principal buildings on the same lot is the height equivalent to the taller building.)
- (g) Maximum building coverage: 20%.
- (h) Minimum water body setback for functionally water-dependent uses: zero feet.
- (i) Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.5.30 § 16.4.28 and Appendix A, Fee Schedules.

(3) Subdivision types and standards. ~~Subject to net residential acreage and net residential density per Chapter 16.3.~~

- (a) Conservation Subdivision. In a subdivision, the above standards may be modified in accordance with special provisions of §16.8.10, including that there is no minimum lot size, and with the conditions that:
 - [1] Minimum principal building separation as required by the Fire Chief, but not less than 15 feet.
- (b) Subdivision development (special exception uses, §16.4.13C). In a subdivision development, standards in §16.4.13D(1) and (2) apply and include:
 - [1] Minimum percentage of common open space: 15%.

(4) Age-restricted housing. In the case of age-restricted housing, the above standards may be modified in accordance with the special provisions of §16.5.15 and with the condition that:

- (a) Municipal sewerage and water must be provided.
- (b) A minimum land area of three acres must be provided.
- (c) The maximum net density may not exceed four dwelling units per net residential acre. In no event may the Planning Board authorize a departure which increases the total number of dwelling units greater than that specified under the applicable zoning ordinance.
- (d) A single-bedroom unit may not be less than 550 square feet and a two-bedroom unit not less than 650 square feet.

(5) Manufactured housing. Manufactured housing must meet standards of §16.5.15.

(6) Parking. When more than 50% of the dwelling units provided while be affordable as defined by this code: two parking spaces per three dwelling units.

(7) Affordable housing requirements:

- (a) **All requirements in §16.5.4 Affordable Housing must be met.**

(b) Density incentives outlined above in subsection D.(2).(a).[3] may be applied to projects that create affordable housing units, as defined by this code. No proportional payment-in-lieu is required if the affordable dwelling unit requirements for the density incentives are met.

E. Shoreland Overlay Zone OZ-SL — Residential — Urban Zone (R-U).

- (1) Permitted uses.
 - (a) Accessory buildings, structures, and uses.
 - (b) Day-care facility.
 - (c) Dwellings if located farther than 100 feet from the normal high-water line of any water bodies, or the upland edge of a wetland.
 - [1] ~~Dwelling, attached single-family.~~
 - [2] Dwelling, manufactured housing.
 - [3] Dwelling, multifamily.
 - [4] Dwelling, single-family.
 - [5] Dwelling, two-family.

7. Amend § 16.4.14 Residential — Village (R-V) zoning as follows:

B. Permitted uses. The following uses are permitted in the R-V Zone:

- (1) Accessory dwelling unit.
- (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited” as follows:

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

- (3) Dwelling, manufactured housing.
- (4) Dwelling, single-family.
- (5) ~~Dwelling, two-family.~~

D. Standards. All development and the use of land in the R-V Zone must meet the following standards. In addition, the design and performance standards of Chapters **16.5**, **16.7** and **16.8** must be met. The Design Handbook provides examples of appropriate design for nonresidential and multiunit residential projects.

- 324 (1) The following space standards apply:
- 325 (a) Minimum ~~land area~~ **net residential acreage** per dwelling unit: 4,000 square
- 326 feet. ~~(Note: As per Chapter 16.3 definition of "minimum land area per~~
- 327 ~~dwelling unit," except to exempt properties which are unable to meet the~~
- 328 ~~square feet required for a single family dwelling unit, provided the lot was~~
- 329 ~~conforming prior to October 25, 2012.)~~

330

331 E. Shoreland Overlay Zone OZ-SL — Residential — Village Zone (R-V).

- 332 (1) Permitted uses.
- 333 (a) Accessory buildings, structures, and uses.
- 334 (b) Dwellings if located farther than 100 feet from the normal high-water line of
- 335 any water bodies, or the upland edge of a wetland Public Facility.
- 336 ~~[1] Dwelling, attached single-family.~~
- 337 [2] Dwelling, manufactured housing.
- 338 [3] Dwelling, single-family.
- 339 [4] Dwelling, two-family.

340

341 **8. Amend §16.4.15 Residential — Rural Conservation (R-RC) zoning as follows:**

342 B. Permitted use. The following uses are permitted in the R-RC Zone:

- 343 (1) Accessory dwelling units.
- 344 (2) Conservation subdivision.
- 345 (3) Dwelling, manufactured housing.
- 346 (4) Dwelling, single-family.

347 **(5) Dwelling, multifamily 2-4 “Limited” as follows**

	<u>Total maximum # of units allowed on lot (attached or detached)</u>	
<u># of Existing Units</u>	<u>Public Sewer and Water Available</u>	<u>Public sewer and water not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

348

349 D. Standards. The following standards must be met unless modified per §16.8.10,

350 Conservation Subdivision:

- 351 (1) The design and performance standards of Chapters 16.5, 16.7 and 16.8 must be
- 352 met.
- 353 (2) The following dimensional standards apply:

354 (a) Minimum ~~land area~~ net residential acreage per dwelling unit: 80,000 square
355 feet. (~~Note: As per Chapter 16.3 definition of "minimum land area per~~
356 ~~dwelling unit," except to exempt properties which are unable to meet the~~
357 ~~square feet required for a single family dwelling unit, provided the lot was~~
358 ~~conforming prior to October 25, 2012.~~)

359
360 **9. Amend §16.4.17 Business — Local (B-L) zoning as follows:**

361 B. Permitted uses. The following uses are permitted in the B-L Zone:

- 362 (1) Accessory dwelling unit.
363 (2) Dwelling, ~~attached single family.~~ multifamily 2-4
364 (3) Dwelling, manufactured housing.
365 (4) Dwelling, multifamily.
366 (a) Development proposing three or four dwelling units is permitted through
367 minor site plan review;
368 (b) Development proposing five or more dwelling units is permitted through
369 major site plan review;
370 (5) Dwelling, single-family.
371 (6) ~~Dwellings, two family.~~
372 (7) Dwelling units as part of a mixed-use building.

373
374 D. Standards. All development and the use of land in the B-L Zone must meet the following
375 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the
376 design and performance standards of Chapters **16.5**, **16.7** and **16.8** must be met. [**Amended 9-12-**
377 **2022**]

378 (1) The following space and dimensional standards apply:

- 379 (a) Minimum ~~land~~ lot area per dwelling unit:
380 [1] If served by on-site sewage disposal: 20,000 square feet;
381 [2] If served by the public sewerage system and:
382 [a] When no frontage on State Road or Route 1 Bypass exists: 3,000 square
383 feet;
384 [b] When less than five dwelling units are proposed at minimum, one
385 nonresidential use must be located on the first floor facing State Road or
386 Route 1 Bypass such that the use will be visible from the street: 3,000
387 square feet. Such a nonresidential use or uses need not occupy the entire
388 first floor but must be an independent nonresidential use, e.g., not a
389 home office marketed with a dwelling unit as a work/live unit;
390 [c] When five or more dwelling units are proposed at minimum, one
391 nonresidential use must be located on the first floor facing State Road or
392 Route 1 Bypass such that the use will be visible from the street: 2,500
393 square feet. Such a nonresidential use or uses need not occupy the entire
394 first floor but must be an independent nonresidential use, e.g., not a
395 home office marketed with a dwelling unit as a work/live unit; or
396 [d] 25% or more of the dwelling units will be affordable housing units as

397 defined by this code: 1,000 square feet.

398 Note: Except as otherwise required by the buffer provisions of this title.

399 (b) Parking. Parking requirements are to be met on site. If meeting the parking
400 requirements is not possible, the parking demand may be satisfied off site or
401 through joint-use agreements as specified herein. Notwithstanding the off-street
402 parking requirements in § 16.7.11F(4), minimum parking requirements for the
403 uses below are modified as specified:

404 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

405 [a] Affordable housing as defined by this code is proposed, in which case
406 the parking requirements may be reduced to one parking space per
407 dwelling unit at the Planning Board's discretion; and/or

408 [b] Some or all of the proposed dwelling units are one-bedroom or
409 studio-type units, in which case parking requirements for these types
410 of units may be reduced to one parking space for each unit so
411 described.

412 [c] More than 50% of the dwelling units proposed will be affordable
413 as defined by this code in which case parking is reduced to two
414 spaces per three dwelling units.

415

416 E. Shoreland Overlay Zone OZ-SL — Business — Local Zone (B-L).

417 (1) Permitted uses.

418 (a) Accessory buildings, structures, and uses.

419 (b) Dwellings if located farther than 100 feet from the normal high-water line of
420 any water bodies, or the upland edge of a wetland.

421 ~~[1] Dwelling, attached single-family.~~

422 [2] Dwelling, manufactured housing.

423 [3] Dwelling, multifamily.

424 [4] Dwelling, single-family.

425 [5] Dwellings two-family.

426

427 **10. Amend §16.4.18 Business — Local 1 (B-L1) zoning as follows:**

428 B. Permitted uses. The following uses are permitted in the B-L1 Zone:

429 (1) Accessory dwelling unit.

430 (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited”

431 (3) Dwelling, manufactured housing.

432 (4) Dwelling, multifamily. **[Amended 9-12-2022]**

433 (a) Development proposing three or four dwelling units is permitted through
434 minor site plan review;

435 (b) Development proposing five or more dwelling units is permitted through
436 major site plan review;

437 (5) Dwelling, single-family.

438 ~~(6) Dwelling, two-family.~~

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D. Standards. All development and the use of land in the B-L1 Zone must meet the following standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of Chapter 16.5 must be met. [Amended 9-12-2022]

(1) The following space and dimensional standards apply:

(a) Minimum ~~land~~ **(lot)** area per dwelling unit:

[1] When no frontage on State Road or Shapleigh Road: 2,500 square feet.

[2] When less than five dwelling units are proposed with, at minimum, one nonresidential use must be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.

[3] When five or more dwelling units are proposed with, at minimum, one nonresidential use must be located on the first floor facing State Road or Shapleigh Road such that the use will be visible from the street: 2,000 square feet. Such a nonresidential use or uses need not occupy the entire first floor but must be an independent nonresidential use, e.g., not a home office marketed with a dwelling unit as a work/live unit.

[4] When 25% or more of the dwelling units will be affordable housing units as defined by this code, the minimum ~~land~~ **lot** area per dwelling unit is 1,500 square feet.

[5] When 50% or more of the dwelling units will be affordable housing units as defined by this code, the minimum ~~land~~ lot area per dwelling unit is 1,000 square feet.

(b) Minimum lot size: none.

(Note: Except that all screening, open space, buffering and landscaping requirements must be met; or in instances where the Planning Board may approve modifications to such requirements, such modifications must be found satisfactory by the Board.

(c) Minimum street frontage per lot: 50 feet.

(d) Maximum front setback: 20 feet.

(Note: This area must be designed to promote a pedestrian public space, which includes, but is not limited to, landscaping, sidewalks and sitting areas. The Planning Board may, at its discretion, allow a greater setback when public amenities such as pocket parks, outdoor dining or seating areas are proposed within the front setback. Pocket parks must be at least 200 square feet with a minimum of three trees and a bench for sitting required. Park must be vegetated with ground cover, except for walkways. Outdoor dining areas must meet any additional requirements specific to that use. Outdoor storage is prohibited anywhere in the front yard of the structure, except for seasonal sales items. Parking is also prohibited in the front setback, except as allowed in Subsection D(2)(e) below.

(e) Minimum rear and side setbacks: 10 feet.

(Note: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear setbacks abut a residential zone or single-family use; in which case a minimum of 15 feet or 50% of the building height, whichever is greater, is required.)

- (f) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.
- (g) The maximum impervious surface is:
 - [1] Seventy percent; or
 - [2] The Planning Board may, at its discretion, allow greater than 70% if:
 - [i] Additional landscaped or natural areas are proposed or preserved and such areas are integrated into the site design in an environmentally conscious way utilizing LID to provide stormwater filtration and/or water quality improvements. Such areas must exceed the requirement that 15% of the lot be landscaped or natural. See Subsection **D(4)**, Landscaping/Site improvements. When granting such a concession, the Board must find that the proposed additional landscaping and/or natural areas and the site design provide enough benefit to outweigh the impact of greater impervious surface; or
 - [ii] Affordable housing to be built, rather than a payment-in-lieu, is proposed.

Note: If using either option above, the stormwater requirements in Subsection **D(1)(i)** below may not be modified.

- (h) Stormwater. All new development must use LID (low-impact development) and BMP (best management practices), based on Maine DEP's Maine Stormwater Best Management Practices Manual Volumes I through III, as amended from time to time, to manage 100% of the total stormwater generated on-site. The stormwater report and plan demonstrating that this requirement is met must be included with the application at the time of submission. A request for a modification may be submitted to the Planning Board, but it is incumbent on the applicant to prove to the Planning Board's satisfaction that such a modification is necessary. The Town reserves the right to submit such modification requests for independent engineering review at the applicant's expense. The Board may also require additional landscaping/plannings and/or LID features when granting such concessions.
- (i) Minimum area dedicated to landscaped or natural areas: 15%.
 - [1] For the purposes of this zone, a natural area is an area that is not regularly mowed, and contains trees and/or shrubs which may not have been deliberately planted. Invasive plants, as defined by the State of Maine, must be removed.
 - [2] For multifamily dwelling, mixed-use buildings with dwelling units and attached single-family dwellings, in cases where the property cannot meet the 15% requirement due to existing development (including parking areas), and where redevelopment will remain at the same or a lower percentage of the lot, the Planning Board may, at its discretion,

- 529 allow a smaller percentage of landscaped and/or natural area. In
530 granting this concession, the Board may require more intensive
531 landscape plantings and/or LID-designed features.
- 532 (j) Hours of operation must be noted on the final site plan and are determined by
533 the Planning Board on a case-by-case basis. All lighting other than
534 designated security lighting must be extinguished outside of noted hours of
535 operation.
- 536 (k) Minimum setback for functionally water-dependent uses: zero feet.
- 537 (l) Minimum setback from streams, water bodies and wetlands: in accordance
538 with Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

539 (2) Parking design:

540 Parking requirements are to be met on-site. If meeting the parking
541 requirements is not possible, the parking demand may be satisfied off-site or
542 through joint-use agreements as specified in 16.4.17.D.(1).(c) -
543 16.4.17.D.(1).(e) under the B-L Zone. Notwithstanding the off-street parking
544 requirements in 16.7.11.F.(4), minimum parking requirements for the uses
545 below are modified as specified:

546 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

547 [i] Affordable housing as defined by this code is proposed in which case the
548 parking requirements may be reduced to a minimum of 1/2 spaces per
549 dwelling unit at the Planning Board's discretion; and/or

550 [ii] Housing is proposed within 1/4 mile of a public transit stop, in
551 which case the parking requirements may be reduced to a minimum of 1/2
552 spaces per dwelling unit at the Planning Board's discretion; and/or

553 [iii] Some or all of the proposed dwelling units are one-bedroom or
554 studio type units in which case parking requirements for these types of units
555 are reduced to one parking space for each unit so described.

556 [iv] More than 50% of the dwelling units proposed will be affordable as
557 defined by this code in which case parking is reduced to two spaces per three
558 dwelling units.

559 [2] For multifamily dwellings, if more than ten parking spaces are
560 required, up to 20% of the parking may be designated for compact cars. See
561 16.7.11.F.(4) Off-Street Parking Standards.

562 (b) [3] Electric car charging stations are allowed and encouraged in parking
563 lots but must not interfere with pedestrian movement on sidewalks.

564 **11. Amend §16.4.19 Commercial 1, Route 1 Commercial Zone (C-1) as follows:**

565 E. Standards.

566 (1) C Zone standards. All development and the use of land in the C Zone must meet
567 the following standards. Kittery's Design Handbook illustrates how these standards can
568 be met. In addition, the design and performance standards of Chapters 16.5, 16.7 and 16.8
569 must be met unless noted otherwise below.

570 (2) The following space standards apply in the C-1 Zones:

571 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of units are affordable housing units as defined by this Code, in which case 20 units per acres allowed*
Dwelling, attached single-family	
Dwelling, multifamily	
Dwelling, two-family	
Dwelling units as part of a mixed-use building	<u>40 units per acre when over 50% of the units are affordable housing units as defined by this Code*.</u>

All other uses 40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to minimum ~~land~~ lot area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

572

573 (4)(c) Parking standards. The following minimum off-street parking requirements must
574 be provided and maintained in case of new construction, alterations, and changes of
575 use:

576 [1] Parking requirements must be met on site unless an existing building covers so
577 much of the lot as to make the provision of parking impractical in whole or in
578 part. If meeting the parking requirements is not practical, then the parking demand
579 may be satisfied off site or through joint-use agreements as specified herein.
580 Notwithstanding the off-street parking requirements in §16.7.11F, minimum
581 parking requirements for the uses below are modified as specified:

582 [a] Dwelling units: one parking space per dwelling unit.

583 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to
584 20% of the parking may be designated for compact cars. See §16.7.11F, Off-
585 street parking standards.

586 [c] When more than 50% of the dwelling units proposed are affordable as
587 defined by this Code, two parking spaces for every three dwelling units.
588

589 **12. Amend §16.4.21 Commercial 3, Bypass/ Old Post Road Commercial Zone (C-3) as**
590 **follows:**

591 E. Standards.

592 (1) C Zone standards. All development and the use of land in the C Zone must meet
593 the following standards. Kittery's Design Handbook illustrates how these standards can
594 be met. In addition, the design and performance standards of Chapters 16.5, 16.7 and 16.8
595 must be met unless noted otherwise below.

596 (2) The following space standards apply in the C-3 Zones:

597 (a) Minimum lot size or density:

C-3 Zone

Cottage cluster	16 units per acre unless 25% of units are affordable housing units as defined by this Code, in which case 20 units per acres allowed*
Dwelling, attached single-family	
Dwelling, multifamily	
Dwelling, two-family	
Dwelling units as part of a mixed-use building	<u>40 units per acre when over 50% of the units are affordable housing units as defined by this Code*.</u>
All other uses	40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to minimum ~~land~~ lot area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

598

599 (4)(c) Parking standards. The following minimum off-street parking requirements must be
600 provided and maintained in case of new construction, alterations, and changes of use:

601 [1] Parking requirements must be met on site unless an existing building covers so much
602 of the lot as to make the provision of parking impractical in whole or in part. If
603 meeting the parking requirements is not practical, then the parking demand may be
604 satisfied off site or through joint-use agreements as specified herein. Notwithstanding
605 the off-street parking requirements in Article IX of Chapter 16.8, minimum parking
606 requirements for the uses below are modified as specified:

607 [a] Dwelling units: one parking space per dwelling unit.

608 [b] For multifamily dwellings, if more than 10 parking spaces are required, up to 20%
609 of the parking may be designated for compact cars. See §16.7.11.F, Off-street
610 parking standards.

611 [c] When more than 50% of the dwelling units proposed are affordable as
612 defined by this Code, two parking spaces for every three dwelling units.

613

614 13. Amend §16.4.23 Mixed Use Zone (MU) as follows:

615 B. Permitted uses.

- 616 (1) Accessory dwelling units.
617 (2) Dwelling, single-family (limited to lots of record as of April 1, 2004).
618 (3) Dwellings, multifamily (limited to the upper floors of mixed-use building that is
619 served by public sewerage).
620 (4) Dwelling multifamily 2-4 “Limited”

621
622 D. Standards.

- 623 (1) All development and the use of land in the MU Zone must meet the following
624 standards. Kittery's Design Handbook illustrates how these standards can be met. In
625 addition, the design and performance standards of Chapters **16.5**, **16.7** and **16.8** must
626 be met.
- 627 (2) Minimum dimensional standards. The following apply:
- 628 (a) Minimum lot size:
- 629 [1] Lots with frontage on Route 1: 200,000 square feet.
630 [2] Lots without frontage on Route 1: 80,000 square feet.
- 631 (b) Minimum street frontage on road with access along U.S. Route 1, Haley Road,
632 Lewis Road, or Cutts Road: 250 feet.
- 633 [1] Other streets or approved ways: 150 feet.
- 634 (c) Minimum front yard: 30 feet.
- 635 (d) Minimum rear and side yards: 30 feet.
- 636 (e) Maximum building height: 40 feet.
- 637 (f) Maximum height above grade of building-mounted signs: 40 feet.
- 638 (g) Minimum setback from water body and wetland water-dependent uses: zero
639 feet.
- 640 (h) Minimum setback from streams, water bodies and wetlands: in accordance with
641 Table 16.5.30, § **16.4.28** and Appendix A, Fee Schedules.
- 642 (i) Minimum ~~land~~ lot area per unit for elder care facilities that are connected to the
643 public sewerage system:
- 644 [1] Dwelling unit with two or more bedrooms: 5,000 square feet.
645 [2] Dwelling unit with less than two bedrooms: 4,000 square feet.
646 [3] Residential care unit: 2,500 square feet.
- 647 (j) Minimum ~~land~~ lot area per bed for nursing care and convalescent care facilities
648 that are connected to the public sewerage system: 2,000 square feet.
- 649 (k) Buffer to I-95 right-of-way: 40 feet.
- 650 (l) Buffer to neighboring lot with an existing residence within 100 feet of the lot
651 line: 40 feet.
- 652 (m) Vegetated buffer to be maintained between the MU and R-RL Zones: 40 feet.
653

654 Note 1: For single-family dwellings, and vacant lots of record, one dwelling unit is
655 allowed for each 200,000 square feet of ~~land~~ lot area. A lot of record having a ~~land~~ lot
656 area of more than 200,000 square feet that was improved with a single-family

657 dwelling as of April 1, 2004, may ~~be~~ be divided into two lots ~~with a single-family~~
658 ~~dwelling on each lot~~ provided that each of the lots contains at least 40,000 square
659 feet of land area and meets the other dimensional standards of the zone. Section
660 **16.4.10D(1) and (2)** as set forth in the Residential - Rural Zone apply and no further
661 subdivision is allowed.

662 Note 2: For dwelling units that are part of a mixed-use building or a multifamily
663 building and are connected to the public sewerage system, one dwelling unit is
664 allowed for each 10,000 square feet of buildable land lot area. Where over 50% of
665 such dwelling units described above will be affordable as defined by this code:
666 4,000 square feet of buildable land lot area. [NOTE: multifamily dwellings are
667 not allowed in either Resource Protection or Shoreland Overlay Zones] ~~Within~~
668 ~~the Resource Protection and Shoreland Overlay Zones, one dwelling unit is~~
669 ~~allowed for each 40,000 square feet of land area within these zones.~~ If the parking
670 for the residential units is encompassed within the building, the minimum required
671 buildable ~~land lot~~ area per dwelling unit is reduced to 7,500 square feet. Where over
672 50% of the dwelling units will be affordable as defined by this code and parking
673 is encompassed within the building: 3,000 square feet of buildable land lot area.
674 ~~except in the Resource Protection and Shoreland Overlay Zones where the area per~~
675 ~~dwelling unit remains 40,000 square feet.~~ In addition, for those developments
676 where more than 50% of the dwelling units will be affordable, parking
677 requirements are reduced to two parking spaces per three dwelling units.

678 (10) Affordable housing requirements: [Added 10-24-2022]

679 (a) All requirements in §16.5.4, Affordable housing, must be met.

680 (b) Density incentives detailed in 16.4.23.D Note 2 may be applied to
681 projects that create affordable housing units, as defined by this code.
682 No proportional payment-in-lieu is required if the affordable dwelling
683 unit requirements for the density incentives are met.

684

685 **14. Amend §16.4.24 Mixed-Use — Badger Island (MU-BI) as follows:**

686 B. Permitted uses. The following uses are permitted in the MU-BI Zone:

- 687 (1) Accessory dwelling units.
688 (2) Dwellings, ~~attached single-family.~~ multifamily 2-4 “Limited”
689 (3) Dwellings, manufactured housing.
690 (4) Dwelling, multifamily.
691 (5) Dwellings, single-family.

692

693 D. Standards.

694 (1) The following space standards apply:

695 (a) Minimum ~~land lot~~ area per dwelling unit: 3,000 square feet.

696 [1] ~~For each of the first two dwelling units and thereafter: 6,000 square feet.~~ If
697 more than 50% of the dwelling units will be affordable housing units as

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defined by this code: 1,200 square feet.

- (4) Special parking standards.
 - (a) Revised off-street parking standards. Off-street parking must be provided in accordance with § 16.7.11F unless modified below for the following uses:
 - [1] Dwellings: 1 1/2 parking space for each dwelling unit;
Except for residential developments where more than 50% of the dwelling units will be affordable as defined by this code, parking requirements are reduced to two parking spaces per three dwelling units.

709 **15. Amend §16.4.25 Mixed-Use – Kittery Foreside Zone (MU-KF) as follows:**

710 B. Permitted uses. The following uses are permitted in the MU-KF Zone:

- 711 (1) Accessory dwelling units.
- 712 (2) Dwelling, ~~attached single-family.~~ multifamily 2-4 “Limited”
- 713 (3) Dwellings, single-family.
- 714 (4) Dwellings, two-family.
- 715 (5) Dwellings, multifamily ~~(up to 12 units per lot).~~

716

717 D. Standards.

718 (1) The design and performance standards of Chapters 16.7 and 16.8 must be met,
719 except where specifically altered in this subsection.

720 (2) Dimensional standards. The following space standards apply:

721 (a) Minimum ~~land lot~~ area per dwelling unit: 5,000 square feet.

722 (a) – 1. If more than 50% of the dwelling units will be affordable housing
723 units as defined by this code: 2,000 square feet.

724

725 (k) Minimum ~~land lot~~ area per unit for elder-care facilities that are connected
726 to the public sewerage system:

727 [1] Dwelling unit with two or more bedrooms: 3,000 square feet.

728 [2] Dwelling unit with less than two bedrooms: 2,500 square feet.

729 [3] Residential care unit: 2,000 square feet.

730 [a] Minimum ~~land lot~~ area per bed for nursing care and convalescent
731 care facilities that are connected to the public sewerage system: 1,500
732 square feet.

733

734 (7) Revised off-street parking standards. Insofar as practical, parking requirements are
735 to be met on site unless an existing building covers so much of the lot as to make the
736 provision of parking impractical in whole or in part. If meeting the parking
737 requirements is not practical, then the parking demand may be satisfied off site or
738 through joint-use agreements as specified herein. Notwithstanding the off-street
739 parking requirements in § 16.7.11F(3), minimum parking requirements for the uses

740 below are modified as specified herein:

- 741 (a) Dwelling units in buildings that existed as of April 1, 2005, including the
- 742 replacement of units destroyed by accidental or natural causes regardless of
- 743 how configured: one parking space per dwelling unit;
- 744 (b) Dwelling units in new buildings, including the replacement of existing
- 745 buildings other than the replacement of units destroyed by accidental or natural
- 746 causes: 1 1/2 parking spaces per dwelling unit;

747 **(c) Dwelling units in buildings where more than 50% of the dwelling units**
 748 **proposed will be affordable as defined by this code: two spaces per three**
 749 **dwelling units.**
 750

751 **16. Amend §16.4.26 Business Park (B-P) Zone as follows:**

752 B. Permitted uses. The following land uses are permitted for projects that are cluster mixed-
 753 use developments:

- 754 (1) Art studio/gallery.
- 755 (2) Building materials and garden supply.
- 756 (3) Business and professional offices.
- 757 (4) Business services.
- 758 (5) Parking area (public or private).
- 759 (6) Conference center.
- 760 (7) Cluster residential development.

761 **(8) Dwelling, Multifamily 2-4 “Limited” as follows:**

	<u>Total maximum # of units allowed on lot</u> <u>(attached or detached)</u>	
<u># of Existing</u> <u>Units</u>	<u>Public Sewer and</u> <u>Water Available</u>	<u>Public Sewer and Water</u> <u>not available</u>
<u>0</u>	<u>4</u>	<u>2</u>
<u>1</u>	<u>3</u>	<u>3</u>
<u>2</u>	<u>2</u>	<u>2</u>

762 **(9) Accessory dwelling units**
 763

764 **17. Amend §16.4.28 Shoreland Overlay Zone (OZ-SL) as follows:**

765 E. Standards.

- 766 (1) Minimum lot standards.
- 767 (a) Minimum lot size by base zone, within the:
- 768 [1] Residential-Village (R-V) Zone: 8,000 square feet.

- 769 [2] Residential-Urban (R-U) Zone: 20,000 square feet.
770 [3] Residential-Rural (R-RL), Residential-Suburban (R-S) and
771 Residential-Kittery Point Village (R-KPV) Zones: 40,000 square feet.
772 [4] Commercial (C1), (C2), (C3), Industrial (IND), Business-Local (B-
773 L) and Business-Local 1 (B-L1) Zones: 60,000 square feet.
774 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.
775 [6] Business-Park (B-PK) Zone: 120,000 square feet.
776 [7] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.
777 [8] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.
778 (b) Minimum ~~land area per dwelling unit~~ **net residential acreage per unit** by
779 base zone, within the:
780 [1] Residential-Village (R-V) Zone: 8,000 square feet.
781 [2] Business-Park (B-PK) Zone: 10,000 square feet.
782 [3] Residential-Urban (R-U), Business-Local (B-L) and Business-
783 Local 1 (B-L1) Zones: 20,000 square feet.
784 [4] Mixed-Use (M-U), Residential-Rural (R-RL), Residential-
785 Suburban (R-S) and Residential-Kittery Point Village (R-KPV) Zones:
786 40,000 square feet.
787 [5] Residential-Rural Conservation (R-RLC) Zone: 80,000 square feet.
788 [6] Mixed-Use Badgers Island (MU-BI) Zone: 6,000 square feet.
789 [NOTE: 3,000 square feet for the first two dwelling units.]
790 [7] Mixed-Use Kittery Foreside (MU-KF) Zone: 10,000 square feet.
791

792 **18. Amend §16.5.3 Accessory dwelling units as follows:**

793 B. Applicability.

- 794 (1) An accessory dwelling unit is allowed in all zoning districts where the use is
795 permitted in Chapter 16.4. The unit must be located:
796 (a) Within an existing structure, either principal or accessory on the property;
797 or
798 (b) Attached to the existing principal structure, sharing a common wall; or
799 (c) Within a new accessory structure constructed for this purpose on the
800 property.
801 **(d) Outside of the shoreland overlay zone, as defined in Chapter 16.4.**
802 (2) Accessory dwelling units that have a valid certificate of occupancy or have vested
803 rights in the permitting process with an active building permit as of April 28, 2020, are
804 exempted from the use standard, § 16.5.3D(3).
805

806 D. Accessory dwelling unit standards.

- 807 (1) Lot standards.
808 (a) ~~Legal lot/residence. An accessory dwelling unit is allowed only on lots within the~~
809 ~~Town that contain one legal single family residence as the primary unit.~~

- 810 (b) Number of accessory dwelling units per lot. No more than one accessory dwelling
811 unit is permitted on a lot that is located in a limited growth area as depicted in
812 Kittery's Comprehensive Plan. Up to two accessory dwelling units are
813 permitted on a lot that is located in a targeted growth area.
- 814 (c) Zone lot size and unit density. The property on which an accessory dwelling unit is
815 located must meet the size required by the applicable zoning standards for the
816 principal residence, except in the case of legally nonconforming lots. However, an
817 accessory dwelling unit is exempt from the density requirements of the zone in
818 which it is located.
- 819 (d) Setbacks and coverage. Yard setbacks for the zone must be met. However, for
820 legally nonconforming lots where ~~an proposed~~ accessory dwelling unit ~~will be~~
821 ~~attached to a principal dwelling unit and~~ cannot meet the zone's side and rear yard
822 setbacks, the percentage by which a lot is smaller than the required lot size for the
823 zone will dictate the required setback for that lot. For example, a 30,000 square foot
824 legally nonconforming lot in a zone that requires 40,000 square feet would require
825 side and rear yard setbacks that are 75% of the zone's side and rear yard setbacks.
826 Building coverage requirements will remain as required by the zone.
- 827 (e) Utility connections. Accessory dwelling units must be connected to adequate water
828 and wastewater services.
- 829 [1] Public sewer.
- 830 [a] Service: written verification must be provided of adequate service to support the
831 additional flow from the Superintendent of Wastewater Treatment Facilities.
- 832 [b] Fees. Payment of appropriate fees for connection to the municipal sewer system is
833 required prior to obtaining the certificate of occupancy.
- 834 [2] Septic systems. Verification of adequate sewage disposal for subsurface waste
835 disposal is required. The septic system, existing or proposed, must be verified as
836 adequate or reconstructed as required, pursuant to 30-A M.R.S. §4221. Plans for
837 subsurface waste disposal must be prepared by a Maine-licensed site evaluator in
838 full compliance with the State of Maine Subsurface Wastewater Disposal Rules, 10-
839 144 CMR Ch. 241.
- 840 [3] Public water. Verification, in writing, is required from the Kittery water district for
841 volume and supply.
- 842 [4] Wells. Verification of the potable water supply for private wells is required. Tests of
843 the existing well or proposed well, if applicable, must indicate that the water supply
844 is potable and acceptable for domestic use and must conform to the
845 recommendations included in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use
846 Districts and Standards, the "Manual for Evaluating Public Drinking Water
847 Supplies, Public Health Service No. 1180 (1969)."
- 848 (f) ~~Parking. Each accessory dwelling unit must have one on-site parking space in~~
849 ~~addition to the parking for the primary dwelling unit. Tandem parking is permitted.~~
850 No additional parking space is required for the accessory dwelling unit but the
851 primary dwelling unit must have on-site parking.
- 852 (g) Private road or right-of-way access. Where an applicant seeks to locate an accessory
853 dwelling unit on a privately maintained road or right-of-way the following applies:
- 854 [1] Applicant must submit written consent from the road or homeowner's association or

855 owner and parties responsible for street maintenance.

856 (2) Unit standards.

857 (a) Unit size. The size of an accessory dwelling unit must meet the minimum size for a
858 dwelling unit as set by building code standards adopted and amended from time to
859 time by ~~Maine's Bureau of Building Codes and Standards~~ **Technical Building code**
860 **and Standards Board, pursuant to 10 M.R.S. § 9722**, and be no larger than 1,000
861 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory
862 dwelling unit may be no greater than 80% of the size of the principal dwelling unit,
863 as measured in square feet. An accessory dwelling unit may have no more than two
864 bedrooms.

865 (b) Unit location.

866 [1] An accessory dwelling unit must meet one or more of the following conditions:

867 [a] Be fully constructed within the existing footprint of any legal residence or accessory
868 building; or

869 [b] Share a common wall with the principal residence, providing yard setbacks per
870 § **16.5.3D(2)(a)**; or

871 [c] Be constructed as a new accessory building containing an accessory dwelling unit,
872 providing yard setbacks can be met for the zone.

873 [2] Accessory dwelling units will be allowed to be fully constructed within the principal
874 residence even if the building does not meet yard setbacks.

875 [3] Accessory dwelling units will not be allowed in accessory buildings encroaching on
876 yard setbacks.

877 (3) Use standards. The accessory dwelling unit may not be rented to the same person or
878 party for less than a thirty-day period.

879 (4) Development standards. Should an accessory dwelling unit fail to meet the
880 applicable unit standards listed in this article, the accessory dwelling unit may still
881 be allowed if the applicant obtains approval from the Board of Appeals under the
882 provisions of a miscellaneous variation request, as outlines in § **16.2.12**. The Board
883 of Appeals shall review any appeal decision in conformance with § **16.2.12F**, Basis
884 for decision.

885 (5) Violations. A violation of the use standard § **16.5.3D(3)** will lose the certificate of
886 occupancy for the unit for no less than 30 days, and be assessed a penalty of \$500.

887

888 **19. Amend §16.5.18 Net residential acreage as follows:**

889 A. Purpose. To protect public health, safety, and welfare by prioritizing preservation of
890 environmentally sensitive areas and land for public or quasi-public facilities during
891 development of parcels in Kittery's limited growth zones by excluding those areas from
892 development density calculations. Net residential acreage is used to determine the
893 maximum number of dwelling units allowed on a parcel that is subject to subdivision
894 located in a limited growth area identified in the Comprehensive Plan. The total
895 number of dwelling units allowed is equal to the net residential acreage divided by the
896 minimum land area per dwelling unit for a given land use zone.

897 **B. Applicability. Applies to development of land located in limited growth areas as**

898 designated in the Comprehensive Plan or to residential development that will not
899 be served by public water and sewer facilities. Development of parcels located in
900 targeted growth areas served by public sewer and water is subject to provisions for
901 lot area as defined in Chapter 16.3 for calculating lot area, lot coverage, or unit
902 density.

903 **B. C.** Net residential acreage calculation. The total number of dwelling units allowed is
904 equal to the net residential acreage divided by the minimum land area per dwelling unit
905 for a given land use zone. To calculate net residential acreage, the land area listed below
906 must be subtracted from a parcel's gross area. Where land areas to be subtracted overlap,
907 the area therein is subtracted once.

- 908 (1) All land located below the highest annual tide elevation as published in the Maine DEP
909 Highest Annual Tide (HAT) levels for the most-current year.
- 910 (2) All land located within the floodplain as defined in the definition of "flood, 100-year" in
911 Chapter **16.3**.
- 912 (3) All wetlands as defined in the definition of "wetland" in Chapter **16.3**, as well as vernal
913 pools, ponds, lakes, streams and other water bodies, including 50% of the associated
914 setbacks described in other buildings and structures, Table 16.5.30, Chapter **16.5** of this
915 title.
- 916 (4) All land located on filled tidal lands, per the definition of "tidal land, filled" in Chapter
917 **16.3**.
- 918 (5) All land located within existing rights-of-way and other existing easements wherein
919 dwelling units cannot be built.
- 920 (6) All land located within proposed rights-of-way, including parking and travel ways.
921 Driveways are excluded.
- 922 (7) All land isolated from the principal location for development on the parcel by a
923 road/street, existing land uses, or any physical feature, natural or man-made, such that it
924 creates a barrier to the central development of the site and no means of access is
925 proposed nor likely to be provided in the future. However, to demonstrate that identified
926 isolated land may be considered developable for the purpose of this calculation, the
927 applicant must submit a plan and supporting documentation for the Board's
928 consideration.
- 929 ~~(8) All land zoned commercial (C-1, C-2, or C-3).~~
- 930 (9) All land one acre or more of contiguous area with sustained slopes of 20% or greater.
- 931 (10) All land identified as exposed bedrock, and soils with a drainage class of "poorly
932 drained" and/or "very poorly drained" as defined in the definition of "soils" in Chapter
933 **16.3**.
- 934 (11) Fifty percent of all land characterized as drainage class of "somewhat poorly drained,"
935 unless public sewer is used, in which case no land area is subtracted.
- 936 (12) All land area within a cemetery and burying ground as defined in Chapter **16.3**,
937 including associated setback per 13 M.R.S.A. § 1371-A, Limitations on construction
938 and excavation near burial sites.
- 939 (13) All land within a Commercial Fisheries/Maritime Uses Overlay Zone or Resource
940 Protection Overlay Zone not included in Subsection **B(12)** above.

941 **C.** Documentation. The net residential acreage calculation must be supported by verifiable

942 information and accurate data and be shown on the subdivision plan or other plan when
943 applicable.

944 ~~D. Exemptions to net residential acreage calculations.~~

945 ~~(1) The maximum number of dwelling units for residential development not subject to~~
946 ~~subdivision is based on minimum land area per dwelling unit defined in Chapter 16.3,~~
947 ~~Definitions, of this title.~~

948 ~~(2) The creation of dwelling units subject to subdivision within existing buildings that are~~
949 ~~connected to Town sewer and are located in the Mixed Use—Kittery Foreside, Mixed~~
950 ~~Use—Badgers Island, Residential Village, Business Local, or Business Local 1 Zones~~
951 ~~are exempt from the net residential acreage calculations in § 16.5.18A. The total number~~
952 ~~of dwelling units permitted is determined by dividing the gross lot area by the minimum~~
953 ~~land area per dwelling unit allowed in the zone. The exemption is allowed in the above~~
954 ~~base zones when subject to the Shoreland Overlay Zone.~~

955 ~~(3) The Mixed Use Neighborhood Zone (MU-N) and certain residential uses in the C-1 and~~
956 ~~C-3 Zones as noted in §§ 16.4.19 and 16.4.21 are exempt from § 16.5.18, Net residential~~
957 ~~acreage calculation, but are subject to the minimum land area per dwelling unit as~~
958 ~~defined in Chapter 16.3, Definitions, except that 50% of all wetlands may be subtracted,~~
959 ~~rather than 100%.~~

960

961 **20. Amend §16.8.10 (Subdivision) Performance standards and approval criteria as follows:**

962 **B.** Basic subdivision layout.

963 **(1)** Calculation of density: See "Net Residential Acreage" in Chapter 16.5,
964 General Performance Standards. Subdivisions located in targeted growth
965 areas as designated in the Comprehensive Plan and served by public
966 water and sewer facilities are subject to the lot area per dwelling unit
967 standards of the underlying zoning district. Subdivisions located in limited
968 growth areas as designated in the Comprehensive Plan and that are not
969 served by public water and sewer facilities are subject to net residential
970 acreage per unit provisions of Chapter 16.5.18.

971

972

Amend 16.7.11 F.4 as follows:

Add back in (this was left out @ re-codification):

- (k) Where off-street parking for more than six vehicles is required or provided, the following construction requirements apply:
 - (1) Appropriate driveways from streets or alleys, as well as maneuvering areas, must be provided. Location and width of approaches over public sidewalk are to be approved by the Commissioner of Public Works. When access to parking areas is available from more than one street, the location of points of ingress and egress are to have the approval of the Planning Board.
 - (2) The surface of driveways, maneuvering areas and parking areas must be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well-compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
 - (3) A system of surface drainage must be provided in such a way that the water runoff does not run over or across any public sidewalk or street or adjacent property. Where catch basins are required, oil traps are to be provided.
 - (4) Where artificial lighting is provided, it must be shaded or screened so that no light source is visible from outside the area and its access driveways.
 - (5) Where surface water drainage utilizes a municipal drainage system, the parking or driveway area may be required to have a bituminous asphalt surface or other approved equivalent.

Amend 16.5.30 as follows:

- Remove "For all uses in C-2 zone..." in [4] under 16.4.19.E(2)(f) Impervious Surface because the zone section is for C-1.
 - Consider removing the parking space dimensions language found in all C-zones (example under 16.4.21(E)(3)(a)[2]) but also in C-1 and C-2 sections).
- Look at requirements in major and minor site plan
 - Clarify what's required for major and minor site plan.
 - Make sure everything in final site plan requirements is accurate, and not something copied out of subdivision review.

Typos/Edits:

- Fix typo in 16.5.24.A.(1) to "Provided the structure **is** conforming with all base zone standards"
- Fix typo in 16.6.2.B.(3).(a). to "Along with an anticipated time **frame** for project phases"
- Fix typo in 16.7.2 to "for any structure within the development is **issued**"
- Fix typo in 16.4.25.D.(7).(g). the parking exemption stuff should be a separate note.
- Possible typo in 16.4.23.B(.30). is it supposed to say "5,000 square feet" instead of "50,000?"

- Dwelling, cottage cluster definition name and the actual use listed in the C-1 and C-3 zones don't match up. Rename cottage cluster to cottage housing development throughout to avoid confusion and better communicate use
- Fix the lettering/numbering problem in 16.4.24.D (MU-BI zone) so that subsection E begins where (2) is currently.
- Remove subsection (2) on right-of-way plans from 16.8.9.D(4)[16](d) since ROW plans have their own section in 16.9 and are not subdivisions.
- Replace the term "major or minor subdivision" with "conventional subdivision" in 16.4 where applicable.
- Replace the term "cluster subdivision" with "conservation subdivision," wherever it is in the code. This likely mostly applies to the Business-Park Zone which wasn't updated to reflect the conservation subdivision changes.
- Chapter 16.3.1, purpose, says "gender-specific words (e.g. she, he, his, hers) include the opposite sex equivalent." We are changing this to "gender-specific words include the equivalent of all sexes and genders."
- Chapter **4.2.4.B.** planning board criteria has a reference that does not exist.
- Change **16.7** to say "site plan review."
 - Currently it says "General development requirements." This title is misleading, as it is meant to list the criteria for site plans.
- Add example of 60%/40% open space requirements in 16.10 to avoid confusion with future conservation subdivisions.
 - "Open space minimum: 60% of lot, with 40% of that consisting of net residential acreage. Example: in a parcel of 1,000,000 sq ft, 600,000 sq ft (60%) must be open space. Of that 600,000 sq ft, 240,000 (40% of open space, or 24% of total lot) must be included in the net residential acreage calculations."
- Update marijuana ordinance so it says "'A copy of any state or municipal license held for any other marijuana business **located in Kittery**, including any home occupation, owned or operated by the applicant or by any officer, owner, subsidiary, member, manager or partner of the applicant, as well as any notices of violation received from the state or municipality for such marijuana business and proof that any violation has been resolved."
- Add "Inn" to list of uses pertinent to sewer connection fees
- In 16.7, snow storage areas is currently not a listed requirement.
- In 16.8, homeowners association docs and stormwater management report are currently listed in the same bullet as requirements.

Moderate Tasks: Minor Housekeeping Items for General Process Improvement

- Move parking requirements table from 16.7 to general performance standards, 16.5.
- 16.7.10.C.(4).(v). remove the required letters of evaluation from police, fire, police, and public works, as we don't require that, and their verification is provided through the Technical Review Committee.
- 16.7. preliminary plan submission requirements: modify the stormwater plan to clarify that the drainage analysis (or HydroCAD analysis) is required at this stage. Probably do the same for the subdivision process, 16.8.

- While the “intent” may be to require this, it has created confusion and friction with engineers not familiar with Kittery ordinances. If we want to require a drainage analysis with every site plan, we need to verbally state that in our code.
- Clarify the land area per dwelling unit criteria in both B-L and B-L1 (example: 74 State Road Baudo project) (other example: 9 Village Green Road, Baudo project)
 - The section on land area per dwelling in the Business Local Zones seem to be trying to fulfill multiple needs at once. As written, the section is difficult for staff to interpret, and should be broken down so each individual standard has its own provision.
- Per the definition in 16.3, agriculture appears to be allowed in reserved open space. I suggest allowing food production in all open space (whether it is agriculture, greenhouses, community gardens, etc.) to be a generally permitted use in common open space. *Comment from Kathy: “Open space, reserved” and “Open space, common” are open space definitions that are relevant to subdivisions. Both mention agriculture. The “Open space” definition applies to site plans, individual lots and other instances that may not be subdivisions. The definition is general enough that anything vegetated could be allowable.*
- In 16.5.27, clearly state that driveways are exempt from any right-of-way standards, as they currently are.
- Move the street table on the website from 16.8 to 16.5, where the actual chapter on streets exists.
 - Either make a table in 16.5.27 or include a reference to an attached standards table.
- Clarify administrative process of minor site plans.
- Review service (escrow) accounts to see where we can clarify it.
- Impact fees: consider including references in site plan review in code (sewer, public safety, etc.)
- Add list of deadlines for each PB application (site plan, subdivision, shoreland, etc.)
 - Typically, there is a 90-day deadline for any plan that is continued for further review. We also have a 6-month deadline after preliminary approval before a final plan must be submitted.
 - Clarify the purpose of a sketch plan and that it is optional except in subdivision applications.
- Edit the waiver section to define what can and cannot be allowed by the planning board.
 - Differentiate between waivers from submission requirements and modifications.
 - Also change the terminology to “modification” or “relief” or a similar phrase when relevant, as waiver is misleading given what the planning board is actually doing.
- Fix net residential acreage: make the wetland requirement and the 50% of setback area requirement two separate lines, since applicants keep missing the distinction.
- Increase deadline to review all Code Enforcement permits from 14 days to 30 calendar days (CEO improvement)^[CA1]
- Clarify and align Title 16’s driveway definition and any references with Title 8’s E-911 addressing requirements for a road to be named that serves 2 or more dwelling units.
- Make Sketch, preliminary, and final review their own specific sections in 16.7/16.8 to make it easier to find.
 - This would not change requirements, this would only entail editing the chapter to make it easier to read.
- Consider adding abutter notifications as a requirement in minor site plan approval

- Clearly add a section of requirements for site plan/subdivision modification (either in the “other plan review” chapter or in site plan/subdivision review)
- Project review/ planning board timelines
- Performance guarantees for site plans
- Define flag lots
-

DRAFT

Base Zones

P=Permitted Use
 C=Conditional Use
 SE=Special Exception Use
 Blank=Not Permitted
 State statute requires planning board approval for all subdivisions, even if permitted within the zone
 Special Exception uses always require planning board
 Permitted uses only require planning board if the project constitutes a major site plan
 See the zoning requirements in 16.4 for any additional requirements or restrictions

LAND USE	R-RL	R-S	R-KPV	R-U	R-V	R-RC	CON	B-L	B-L1	C-1	C-2	C-3	IND	MU	MU-BI	MU-KF	BP
Dwellings																	
Accessory Dwelling Unit	P	P	P	P	P	P		P	P	P	P	P		P	P	P	
Age-restricted Housing				SE										SE			
Conventional Subdivision	SE	SE	SE	SE		SE		SE	SE	SE		SE					
Conservation Subdivision	P	P	P	P		P											P
Dwelling, Attached Single-Family		P	P	P	P			P	P	SE		SE			P	P	
Dwelling, Manufactured Housing	P			P	P	P		P	P						P		
Dwelling, Multi-Family	P	P1 or SE	P1 or SE	P				P1 or SE	P1 or SE	SE		SE		P3	P	P8	
Dwelling, Single-Family	P	P	P	P	P	P		P	P					P4	P	P	
Dwelling, Two-Family	P	P	P	P	P			P	P	P						P	
Dwelling Units as Part of a Mixed-Use Building								P	P	SE		SE					
Mobile Home Park	SE																
Group Living & Residential Care Facilities																	
Convalescent Care Facility	P	P*		P				P	P	P	P	P		P		P	P
Nursing Care Facility, Long-term	P	P*		P				P	P	P	P	P		P		P	P
Residential Care Facility		P*						P	P			P		P		P	P
Accessory Uses & Buildings																	
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P9
Home Occupation, Major	SE	SE	SE	SE	SE	SE		P	P	P	P	P	P	P	P	P	P
Home Occupation, Minor	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Commercial Lodging																	
Campground	SE													SE			
Hotel								SE	SE	P	P	P		SE			P
Individual Private Campsite	P																
Inn				SE				SE	P	P	P	P		P	P	P	P
Motel								SE	SE	P	P	P		SE			P
Recreational Vehicle Park	SE													SE			
Rooming House	SE	SE	SE	SE				SE	SE	P	P	P					P
Community, Cultural & Educational Uses																	
Day Care Facility	P	P	P	P	P2 or SE	SE		P	P	P	P	P		P	P		P
Elderly Day Care Facility		P															P
Hospital	P	P*		P				P	P	P	P	P		P		P	P
Nursery School		P*	P*	P	P2 or SE			P	P	P	P	P				P	
Private Assembly	P	P*	P*	P		SE		P	P	P	P	P		PS	P	P	
Public Facility	P	P*	P*	P	P	SE	SE	P	P	P	P	P	SE	P	P	P	P
Public or Private School	P	P*	P*	P		SE		P	P	P	P	P		P5	P	P	P
Public Utility Facility	SE	SE	SE	SE	SE	SE		SE	SE	P	P	P	SE	SE	SE	SE	P
Religious Use	P	P*	P*	P		SE		P	P	P	P	P			P	P	P
Recreation & Open Space Uses																	
Conserved Land							P										
Open Space, Reserved							P										
Recreation, Commercial Indoor	SE			SE		SE				P	P	P		P	SE		P9
Recreation, Commercial Outdoor	SE			SE		SE				P	P	P		P	SE		P9
Recreation, Passive																	P9
Recreation, Public Facility				SE	P	P	P			P	P	P					
Recreation, Public Open Space	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Agriculture & Animal Care Uses																	
Agriculture & Animal Care Uses	P	P	P			P								P			
Agriculture, Piggery	SE																
Agriculture Poultry Facility																	
Aquaculture								P		SE	P	P			P		
Commercial Fishiers/Maritime Activities								P12			P12	P12			P12	P12	
Commercial Greenhouse											SE	SE		SE			
Commercial Kennel	SE													SE			SE
Commercial School	P	P*	P*	P		SE		P	P	P	P	P		P5	P	P	
Sawmill, Permanent	SE																
Sawmill, Temporary	SE																
Timber Harvesting						P											
Veterinary Hospital	SE									P	P	P		P			P
Commercial Uses & Services																	
Adult Entertainment Establishment											SE	SE					
Art Studio or Gallery			SE	SE				P	P	P	P	P		P	P	P	P
Business & Professional Offices				SE				P	P	P	P	P		P	P	P	P9
Business Services								P	P	P	P	P				P	P9
Cemetery	SE	SE	SE			SE				P	P	P			P		P
Conference Center				P				P	P	P	P	P			P		P
Construction Services											SE	SE		SE			P
Drive-through Facility																	
Farmers' Market									SE								
Funeral Home				SE				SE	SE	SE	SE	SE		P			
Mini Storage										SE	SE	SE					
Museum			SE														P
Personal Services								P	P	P	P	P		P	P	P	P
Public Assembly Area								SE	SE	SE	SE	SE			SE	P	
Repair Service										P	P	P		P			P
Research & Development										SE	SE	SE	P			SE	P
Restaurant								P	P	P	P	P		P	P7	P	P
Retail Sales								P	P	P	P	P		P* or SE	P	P	P
Retail Sales, Building Materials & Garden Supply								P	P	P	P	P		P			P
Retail Sales, Convenience		SE11	SE11					P	P	P	P	P		P			P
Shops in Pursuit of Trade	SE										SE	SE		SE			P
Specialty Food and/or Beverage Facility								P	P	P	P	P		P	P	P	P
Theater								SE	SE	SE	SE	SE		P	SE	P	P
Theater, Drive-in														SE			
Marijuana Uses																	
Marijuana Medical Use										SE							
Marijuana Retail Use										SE	SE	SE					
Medical Marijuana Cultivation Facility																	
Medical Marijuana Dispensary										SE							
Medical Marijuana Testing Facility										SE							
Transportation & Vehicle-Related Uses																	
Boat Yard											P	P		P	P		

Gasoline Service Station								SE	SE	SE	SE	SE		SE				SE
Junkyard																		
Marina	SE															P	P	
Mass Transit Station								P	P	P	P	P		P	P	P		P
Mechanical Service								SE	SE	SE	P	P		SE	P			P
New Motor Vehicle Sales								SE	SE	SE	P			SE				SE
Parking Area								P	P	P	P	P		P			P	P
Repair Garage										SE	SE	SE		SE				SE
Transportation Terminal										SE	SE	SE		SE				
Used Car Lot										SE	SE	SE						SE
Industrial Uses																		
Manufacturing Operations, Light										SE	SE	SE		P6 or SE				P
Manufacturing Processessing & Treatment, Heavy													P					
Mineral Extractoion	SE	SE																
Warehousing & Storage										SE	SE	SE		SE				P
Wholesale Business										P	P	P		SE				P
Energy Storage Uses																		
Energy Storage, Dedicated-use Building										SE	SE	SE	P	SE				
Commercial Energy Storage System								P	P	P	P	P	P	P	P	P	P	P
Residential Energy Storage System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy, building-integrated/roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy, ground-mounted (small scale)	P	P	P	P	P	P	P	P6	P6	P6 or SE	P6	P6 or SE	P	P	P	P	P	P
Solar Energy, ground-mounted (medium scale)	P	P	SE	SE	SE6	SE6	SE6	P6	P6	P6 or SE	P6	P6 or SE	P	SE	SE6	SE6	SE6	SE6
Solar Energy, ground-mounted (large scale)	P6 or SE	P6 or SE	SE	SE	SE6	SE6	SE6	P6	P6	P6 or SE	P6	P6 or SE	P	SE	SE6	SE6	SE6	SE6

The following additional requirements apply by zone. If the proposed plan does not meet all additional requirements to be permitted and special exception is not an option, the use is not allowed

- * - may not occupy more than 5,000 square feet of floor area
- 1 - not more than four (4) units per building
- 2 - limited to twelve (12) or fewer person, in case, in conformance with the standards for a minor home occupation
- 3 - limited to lots of record as of April 1, 2004
- 4- limited to the upper floors of mixed-use building that is served by public sewage
- 5 - which is not used for residential or overnight occupancy
- 6 - less than or equal to 20,000 square feet in gross floor area
- 7 - with the hours of operation limited to 5:00am to 11:0pm, but excluding restaurants where ordering and/or pickup of food may take place from a motorized vehicle
- 8 - up to 12 units per lot
- 9 - single use not to exceed 50,000 square feet in gross floor area
- 10 - not to exceed 30,000 square feet in gross floor area unless part of a mixed-use building
- 11 - excluding the sale of gasoline
- 12- only incidental cleaning and cooking of seafood allowed to occur on site
- 13 - single user greater than 50,000 square feet in gross floor