



TOWN OF KITTERY
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REPORT TO TOWN COUNCIL

Date: March 14, 2022
Update: April 11, 2022, May 23, 2022, July 18, 2022, August 15, 2022
From: Kendra Amaral, Town Manager
CC: Dutch Dunkelberger, Planning Board Chair, Emily Flinkstrom, Acting Housing Committee Chair
Subject: Title 16 – Affordable Housing BL & BL-1 Zones
Councilor Sponsor: Chairperson Judy Spiller

SUMMARY

Please see the attached report from Adam Causey, Director of Planning and Development.

UPDATE

The Council held a workshop with the Planning Board and Housing Committee. The discussion focused on the payment in lieu, the front-yard setbacks, density, and affordability requirement. At the conclusion of the workshop the Council requested the following be prepared:

- Written responses to the workshop questions
- Increased payment in lieu recommendation
- Draft of revision that required all units to be affordable (100% affordable) to qualify for density bonuses
- Bring forward the affordable housing amendment for the Mixed Use-Neighborhood that was just recommended by the Planning Board (separate agenda item for the 5/23/22 meeting)

The Town held a webinar information and Q&A session on June 29 to review the background and details of the proposed amendments. Presenters included staff, Tom Emerson from the Housing Committee, and Clyde Barr from Maine Housing. Approximately 35 attendees signed on including members of the Council and Planning Board.

The Housing Committee's charge, as established by the Town Council, includes developing recommendations and proposing ordinances, policies, projects and objectives to increase the number of affordable housing units available in Kittery. The Housing Committee held two meetings since the Council closed the public hearing to discuss the questions and feedback the Council was receiving on the ordinance amendments. The Housing Committee voted to recommend the following amendments/adjustments. The vote was four in favor and one opposed.

Housing Committee recommended amendments/adjustments (see attached):

- Amend the density language to make clear non-residential on a portion of the first floor is incentivized.
- Amend Appendix A – Payment in Lieu Fee from \$35,000 to \$100,000
- Amend 16.5.4.C(3) to restrict Payment in Lieu option to no more than 50% of the affordable units required.

- Amend BL-1 special exception to cap the maximum height the Planning Board can approve to 50 feet.

The public hearing on this matter was closed by Council on May 23, 2022. The Council has continued to receive comments directly from individual- and groups of citizens/residents. Whether the Council chooses to consider the comments/proposed revisions from its duly appointed Housing Committee, is solely within the Council's purview.

PROPOSED SOLUTION/RECOMMENDATION

Adopt amendment to Title 16 as proposed.

ATTACHMENTS

- Staff Memo summarizing the changes and process
- Draft Title 16 – Affordable Housing Business Local (BL) Zone
- Draft Title 16 – Affordable Housing Business – Local 1 (BL-1) Zone
- Draft Title 16 – Affordable Housing Enactment
- Written Responses to Workshop Questions
- June 29 Webinar Slides
- Housing Committee Recommended Amendments

TITLE 16

AFFORDABLE HOUSING

BUSINESS LOCAL ZONE

1. AMEND §16.4.17 Business – Local (B-L) to include affordable housing provisions as follows:

16.4.17 Business – Local Zone (B-L)

A. Purpose

The purpose of the Business – Local B-L Zone is to provide local ~~sales retail~~, services, and business space as well as a variety of housing types within a walkable context. Much of this zone serves a well-traveled corridor through Kittery with many buildings, including residential structures, oriented within the Town, to Route 1. Other portions of the zone serve as business hubs for the neighborhoods they are situated in.

B. Permitted uses

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

(1) Accessory Dwelling Unit

(2) Dwelling, Attached Single-Family

(3) Dwelling, Manufactured Housing

(4) Dwelling, Multi-Family

a. Development proposing three or four dwelling units are permitted through minor site plan review;

~~(4)~~b. Development proposing five or more dwelling units are permitted through major site plan review;

(5) Dwelling, Single-Family

(6) Dwellings Two-Family

~~(6)~~(7) Dwelling Units as part of a Mixed-Use Building

~~(7)~~(8) Convalescent Care Facility

~~(8)~~(9) Nursing Care Facility, Long-term

~~(9)~~(10) Residential Care Facility

~~(10)~~(11) Accessory Buildings, Structures, and Uses

~~(11)~~(12) Home Occupation, Major

~~(12)~~(13) Home Occupation, Minor

~~(13)~~(14) Day Care Facility

~~(14)~~(15) Hospital

~~(15)~~(16) Nursery School

~~(16)~~(17) Private Assembly

~~(17)~~(18) Public Facility

~~(18)~~(19) Public or Private School

~~(19)~~(20) Religious Use

~~(20)~~(21) Recreation, Public Open Space

- 35 ~~(21)~~(22) Aquaculture
- 36 ~~(22)~~(23) Commercial Fisheries/Maritime Activities (provided only incidental cleaning and
- 37 cooking of seafood occur at the site)
- 38 ~~(23)~~(24) Commercial School
- 39 ~~(24)~~(25) Art Studio or Gallery
- 40 ~~(25)~~(26) Business & Professional Offices
- 41 ~~(26)~~(27) Business Service
- 42 ~~(27)~~(28) Conference Center
- 43 ~~(28)~~(29) Personal Service
- 44 ~~(29)~~(30) Restaurant
- 45 ~~(30)~~(31) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 46 storage and excluding those specifically mentioned under Subsection C of this section)
- 47 ~~(31)~~(32) Retail Sales, Building Materials & Garden Supply (excluding those of which the
- 48 principal activity entails outdoor sales and/or storage)
- 49 ~~(32)~~(33) Retail Sales, Convenience
- 50 ~~(33)~~(34) Specialty Food and/or Beverage Facility
- 51 ~~(34)~~(35) Mass Transit Station
- 52 ~~(35)~~(36) Parking Area

53 C. Special exception uses

54 The following uses are permitted as special exception uses in the B-L Zone:

55 (1) Dwellings, cottage cluster

- 56 ~~(1)~~(2) Motel
- 57 ~~(2)~~(3) Hotel
- 58 ~~(3)~~(4) Inn
- 59 ~~(4)~~(5) Rooming House
- 60 ~~(5)~~(6) Funeral Home
- 61 ~~(6)~~(7) Gasoline Service Station
- 62 ~~(7)~~(8) Public Assembly Area
- 63 ~~(8)~~(9) Theater
- 64 ~~(9)~~(10) Public Utility Facility
- 65 ~~(10)~~(11) Mechanical Service
- 66 ~~(11) Residential Dwelling Units, as part of a mixed-use building~~

67 D. Standards.

68 All development and the use of land in the B-L Zone must meet the following standards. Kittery's
 69 Design Handbook illustrates how these standards can be met. In addition, the design and performance
 70 standards of Chapters §16.5, §16.7 and §16.8 must be met.

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

72 (a) Minimum land area per dwelling unit:

73 [1] If served by on-site sewage disposal: 20,000 square feet;

[2] If served by the public sewerage system and:

[a] All floors are residential: 3,000 square feet; or

[b] When less than five dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Route 1 Bypass such that the use will be visible from the street: 3,000 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.

[c] When five or more dwelling units are proposed with, at minimum, one nonresidential use to be located on the first floor facing State Road or Route 1 Bypass 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; or

[d] 25% or more of the dwelling units will be affordable housing units as defined by this code: 2,000 square feet.

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

~~(b)(1) Parking. One row of parking spaces and a related access drive may be located between the front property line and the front wall of the building extending the full width of the lot. All other parking must be located to the side and/or rear of the building. All new or revised parking must be visually screened through the use of landscaping, earthen berms and/or fencing from adjacent public streets or residential properties. (See the Design Handbook for appropriate examples.)~~ Parking requirements are to be met on site. If meeting the parking requirements is not possible, the parking demand may be satisfied off site or through joint-use agreements as specified herein. Notwithstanding the off-street parking requirements in § 16.7.11.F(4), minimum parking requirements for the uses below are modified as specified:

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

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

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

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

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

(c) Off-site parking. Required off-street parking may be satisfied at off-site locations, provided such parking is on other property owned by the applicant or is under the terms of a contractual agreement that will ensure such parking remains available for the uses served. Applicant must present evidence of a parking location and a contractual agreement prior to final

approval and file the same with Planning and Code office each time the contract is renewed. Any changes to the contractual agreement must be reviewed by the Code Enforcement Officer and if the location of the off-site parking changes, will require approval from the municipal permitting authority which originally approved the off-site parking.

- (d) Joint-use parking. Required off-street parking may also be satisfied by the joint use of parking space by two or more uses if the applicant can show that parking demand is nonconflicting and will reasonably provide adequate parking for the multiple uses without parking overflowing into undesignated areas. Nonconflicting periods may consist of daytime as opposed to evening hours of operation or weekday as opposed to weekends or seasonal variation in parking demand.

[1] Such joint parking areas must be held under ownership of the applicant or under terms of a contractual agreement that ensures such parking remains available to all users of the shared parking spaces. Applicant must present evidence of the parking location and a contractual agreement prior to final approval and file the same with the Planning and Code office each time the contract is renewed. Any changes to the contractual agreement must be reviewed by the Code Enforcement Officer and if the municipal permitting authority which originally approved the off-site parking.

[2] Determination of parking adequacy will be based on a most frequent basis, not a "worst case" scenario;

[3] Joint use parking areas must be located within 1,500 feet to the use served, but do not need to be located on the same lot as the uses served;

[4] Ease and safety of pedestrian access to shared parking by the users served must be demonstrated, including any proposed improvements or shuttle service that may be offered and its requisite loading/unloading areas;

[5] Such joint parking areas must not be located in residential zones of the Town.

- (e) In making determinations on off-site or joint-use parking under a development plan review, the municipal permitting authority with jurisdiction to review and approve will make a final determination of the joint-use and/or off-site spaces that constitute an acceptable combination of spaces to meet the required parking demand.

- (f) Special parking and access situations.

[1] In instances where one row of parking spaces and/or a related access drive is located between the front property line and the front wall of the building extending the full width of the lot and was utilized in accordance with previous permits or approvals, for parking, display, storage, building or necessary vehicle circulation, the Planning Board may allow such improvements to remain provided all other parking meets the location requirements and provided that a landscaping plan for the property frontage is reviewed and approved by the Planning Board.

- (g) 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 modify such requirements, such modifications must be found satisfactory by the Board.

- (h) Minimum street frontage: none.

NOTE: All lots must meet the requirements of § 16.5.13 Lots unless specifically modified by this section (§ 16.4.17). Street frontage must provide sufficient vehicular and pedestrian access for the uses proposed while meeting public health and safety requirements (e.g. Fire Department, Department of Public Works). The applicant must demonstrate to the municipal

permitting authority that the street frontage and lot design meet these requirements to the extent practicable.

(i) Maximum-front setback: 20 feet.

NOTE: Except when a multistory building comprising 1) three or more residential dwelling units; 2) nonresidential uses or 3) a combination of residential and nonresidential uses is proposed directly across the street from a residential district or single-family use; in which case a minimum of 15 is required.

Note: 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. Parking is prohibited in the front setback except as allowed in subsection (1).(f).[1] above.).

(j) 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 district or single-family use; in which case a minimum of 15 feet or 50% of the building height is required, whichever is greater.

(k) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.

NOTE: Except that height standards for single- and two-family residential uses are the same as for those of the Urban Residential District.

(l) Impervious surface: No maximum allowable, but all open space, landscaping, setbacks, buffers, screening and street tree requirements apply. For development that is proposing 70% or more impervious surface, the stormwater requirements in (m) below may not be modified.

(m) 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 1-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/plantings and/or LID-design features when granting such concessions.

(n) A minimum of fifteen percent of each lot must be designated as open space. See subsection (4).(e).

(o) Minimum setback from functionally water dependent uses: zero feet.

(p) Minimum setback from streams, water bodies and wetlands: in accordance with § 16.5.30 and Appendix A, Fee Schedules.

(2) Parking design.

(a) Parking must be located to the side or rear of the building. If all parking cannot be located to the rear or side, the Planning Board may allow limited parking in front of the building, but it is incumbent upon the applicant to demonstrate why such a modification request should be granted. In granting this concession, the Board may require more intensive landscape plantings and/or LID-design features.

(b) Shared access between buildings and/or lots must be provided where feasible. Feasibility criteria include:

[1] Fewer curb cuts required;

[2] Improved or new pedestrian access between buildings or lots;

[3] Improved internal circulation between buildings or lots; and

[4] Improved overall site design with shared access.

(c) Screening through the use of plantings and/or fencing is required for all new or revised parking abutting public streets and/or single-family uses or residential zones. Such screening does not require that the parking lot and vehicles within it be completely obscured from view, rather the screening must provide visual interest and distraction from the parking area beyond, as well as buffer vehicle headlight trespass.

[1] A landscape plan showing screening and other landscaping requirements prepared by a registered landscape architect is a submission requirement. However, a landscape plan done by other design professionals may be allowed at the Planning Board's discretion.

[2] Any required plantings that do not survive must be replaced within one year. This requirement does not expire and runs with the land.

[3] Surface parking lots designed for five or more cars that will service multi-family or mixed-use buildings with dwelling units and which abut a street, single-family use or residential zone must provide screening in one of the following ways:

[a] Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a planting bed at least eight (8) feet wide. Climate-change tolerant Northeastern native plants are preferred. Plantings must be sufficient, as determined by the Planning Board, to screen the parking area from the street except for necessary vehicular and pedestrian access. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended.

[b] One tree per 25 feet of street frontage within a planting bed at least eight (8) feet wide which will include other plantings such as perennials. Plantings must be sufficient to screen the parking area from the street except for necessary vehicular and pedestrian access. To ensure survival, trees must be planted using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-inch caliper and 12 feet high at the time of planting. Existing large healthy trees must be preserved if practical and will count towards this requirement. Trees proposed within the public right-of-way must remain under 20 feet tall at maturity. Trees native to the Northeast, selected for climate change tolerance, are preferred and must be drought and salt tolerant when used along streets. A diversity of tree species (three to five species per every 12 trees) is required to provide greater resiliency to threats from introduced insect pests and diseases. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended for plantings proposed to accompany the trees.

[c] Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and made of a material compatible with surrounding buildings. Chain link fences are not allowed unless they have a PVC color coating to blend in with surroundings. Stockade fences may only be allowed to buffer a parking lot along

the lot line that abuts a single-family use or residential zone. A planting bed at least six (6) feet wide, including the fence, is required, with a combination of trees, shrubs and perennials located on the proposed development's side of the fence. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended.

(d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be landscaped with trees and vegetated islands. This requirement is in addition to other required landscaping and street tree requirements.

(e) If 20% or more of the proposed development will be affordable dwelling units built rather than using payment-in-lieu for required units, the Planning Board may, at its discretion, modify surface parking lot screening and landscaping requirements under subsections (c) and (d).

A(3) Building design standards. Kittery's characteristic buildings reflect its historic seacoast past. The primary architectural styles are New England Colonial (such as Cape Cod and saltbox), Georgian, Federal and Classical Revival. New buildings must be compatible with Kittery's characteristic styles in form, scale, material and color. In general, buildings should be oriented with the front of the building facing the street on which the building is located. The front or street facade must be designed as the front of the building. The front elevation must contain one or more of the following elements: 1) a "front door," although other provisions for access to the building may be provided; 2) windows; or 3) display cases. (See Design Handbook for examples of acceptable materials and designs.) Strict imitation is not required. Design techniques can be used to maintain compatibility with characteristic styles and still leave enough flexibility for architectural variety. To achieve this purpose, the following design standards apply to new and modified existing building projects:

(a) Exterior building materials and details. Building materials and details strongly define a project's architectural style and overall character. (See Design Handbook for examples of acceptable materials, building scale and designs.) "One-sided" schemes are prohibited; similar materials and details must be used on all sides of a building to achieve continuity and completeness of design. Predominant exterior building materials must be of good quality and characteristic of Kittery, such as horizontal wood board siding, vertical wood boards, wood shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.

(b) Roofs. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated to the Planning Board's satisfaction that this is not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs and roof facades (such as "stuck on" mansards) are not acceptable as prominent roof forms except as provided above. Roof colors must be muted. (See Design Handbook for examples.) The roof design must screen or camouflage rooftop protrusions to minimize the visual impact of air-conditioning units, air-handler units, exhaust vents, transformer boxes, and the like. (See Design Handbook for examples of appropriate treatments.)

(c) Loading docks and overhead doors. Loading docks and overhead doors must be located on the side or rear of the building and screened from view from adjacent properties in residential use.

~~(e)~~(d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be included at the time of application submission. All lighting fixtures must be cutoff (dark sky

compliant).

- (4) Landscaping and site design standards. A landscape plan prepared by a registered landscape architect is a submission requirement. However, a landscape plan done by other design professionals may be allowed at the Planning Board's discretion. To achieve attractive and environmentally sound site design ~~and appropriate screening of parking areas~~, in addition to the landscaping standards contained in ~~Chapters 16.7 and 16.8~~ 16.5, the following landscaping requirements apply to new and modified existing developments:

~~B~~

- (a) Landscape planter strip. A vegetated landscape planter strip must be provided a minimum of 15 feet in depth adjacent to the right-of-way of all public roads or the sidewalk if it already exists. If a sidewalk does not yet exist on-site but sidewalks do exist on adjacent properties, the planting strip must be located so that it does not interfere with connectivity to existing sidewalks. Planting strips which demonstrate LID functionality to assist in stormwater capture are preferred. The Planning Board may reduce the required ~~depth-width~~ of the landscape planter ~~er~~ing strip ~~if a sidewalk~~ is provided in front of the parcel and the area between the front property line and the front wall of the building will be designed and used as a pedestrian space, outdoor dining as defined by this title, or a seating area. The landscape planter ~~er~~ing strip must include the following landscape elements:

~~(a)~~

- [1] ~~Ground-cover~~Plantings. The entire landscape planter ~~er~~ing strip must be vegetated with a combination of shrubs, perennials, and ornamental grasses except for approved driveways, walkways, bikeways and screened utility equipment. Climate-change tolerant Northeastern native plants are preferred. Planting beds may be mulched but no dyed mulching material may be used. Street trees required below may be included in this planting strip. Drip irrigation is recommended.

~~(b)~~

- [2] Street-side trees. A minimum of one tree must be planted for each 25 feet of street frontage. The trees may be spaced along the frontage or grouped or clustered to enhance the visual quality of the site. (See Design Handbook for examples.) The trees must be a minimum ~~two-and-one-half-inch~~ 2.5-inch caliper and be at least 12 feet high at the time of planting. Trees must be planted to ensure survival, using silva cells, bioretention cells or tree wells. The species must be selected from the A list of ~~approved~~ approved street-side trees can be found in the Design Handbook. Trees native to the Northeast, selected for climate change tolerance, are preferred and must be drought and salt tolerant when used along streets. A diversity of tree species (three to five species per every 12 trees) is required to provide greater resiliency to threats from introduced insect pests and diseases. Existing large healthy trees must be preserved if practical and will count toward this requirement. Trees located within the public right-of-way must not exceed 20 feet in height at maturity.

- [3] Any required plantings that do not survive must be replaced within one year. This requirement does not expire and runs with the land.

~~(e)~~(b) Special situations.

- ~~[1]~~[a]. Expansions of less than 1,000 square feet to existing uses including single-family or two-family dwellings are exempt from the landscaping standard of this subsection.

~~{2}.[b].~~ Depth Width-of landscape planter strip. In instances where the required minimum ~~depth width~~ of the landscape planter strip is legally utilized in accordance with previous permits or approvals, for parking, display, storage, building or necessary vehicle circulation, the ~~depth width~~ may be narrowed by the Planning Board to the minimum extent necessary to achieve the objective of the proposed project, provided that shrubs and perennials are planted along the street frontage to soften the appearance of the development from the public street.

~~{3}.[c].~~ Additions and changes in use. For additions to existing buildings and changes of residential structures to a nonresidential use, one street-side tree (see list of street trees in Design Handbook) is required to be planted for every 1,000 square feet of additional gross floor area added or converted to nonresidential use. In instances where parking, display area, storage, building or necessary vehicle circulation exists ~~at the time of enactment of this section~~, the required trees may be clustered and/or relocated away from the road as is necessary to be practicable. The preservation of existing large trees is encouraged; therefore, the Planning Board may permit the preservation of existing healthy, large, mature trees within the landscape planter ~~ing~~ strip or other ~~developed landscaping~~ areas of the site to be substituted for the planting of new trees.

(c). Outdoor service and storage areas. Service and storage areas must be located to the side or rear of the building. ~~Facilities for waste storage such as dumpsters must be located within an enclosure and be visually buffered by fencing, landscaping and/or other treatments. (See Design Handbook for examples of appropriate buffering.)~~ All service areas for dumpsters, compressors, generators and similar items must be screened by a fence at least six feet tall, constructed of a material similar to surrounding buildings, and must surround the service area except for the necessary ingress/egress.

~~€(d)~~ Traffic and circulation standards. Sidewalks and roadways must be provided ~~within the site~~ to internally join abutting properties that are determined by the Planning Board using the criteria in subsection D.(2).(b). ~~to be compatible.~~ In addition, safe pedestrian route(s) must be provided to allow pedestrians to move within the site and between the principal customer entrance and the front lot line where a sidewalk exists or will be provided or where the Planning Board determines that such a route is needed for adequate pedestrian safety and movement. (See Design Handbook for appropriate examples.)

(e) Open space standards. A minimum of fifteen percent of the total area of a lot must be provided as o ~~Open space must be provided as a percentage of the total area of the lot, including freshwater wetlands, water bodies, streams and setbacks. Fifteen percent of each lot must be designated as open space. Required open space must be shown on the plan with a note dedicating it as "open space."~~ The open space must be located to create an attractive environment on the site, minimize environmental impacts, protect significant natural features or resources on the site and maintain wildlife habitat. Individual large, healthy trees and areas with mature tree cover should be included in the open space. Where possible, the open space must be located to allow the creation of continuous open space networks in conjunction with existing or potential open space on adjacent properties. The required amount of designated open space is reduced to 10% of each lot that is less than 40,000 square feet in size.

~~D—~~ [1] In cases where creating or preserving open space to meet the 15% requirement above is not practicable, the Planning Board may allow the required landscaping in 4.(a) above

to count towards meeting the open space requirement provided the proposed landscaped planting strip is expanded beyond the required width and the Planning Board finds that all criteria for open space above has been met to the greatest extent possible.

~~E.—The following space standards apply:~~

~~(a)—Minimum land area per dwelling unit when all floors are residential: 20,000 square feet if served by on-site sewage disposal; 8,000 square feet if served by the public sewerage system.~~

~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

~~(b).—Minimum land area per dwelling unit when the entire first floor is used for nonresidential uses: 20,000 square feet if served by on-site sewage disposal; 4,000 square feet if served by the public sewerage system.~~

~~(c).—Minimum lot size: none.~~

~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

~~(d).—Minimum street frontage: none.~~

~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

~~(e).—Minimum front yard: 15 feet.~~

~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

~~(f).—Maximum front setback of the principal building: 60 feet.~~

~~(g).—Minimum rear and side yards: 10 feet.~~

~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

~~(h).—Maximum building height: 40 feet.~~

~~(NOTE: Except that space standards for single and two family residential uses are the same as for those of the Urban Residential District.)~~

~~(i).—Maximum building and outdoor stored material coverage: none, except that side, rear and front yards must be maintained~~

~~(j).—Minimum water body setback for functionally water dependent uses: zero feet.~~

~~(k).—Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.~~

(5) Cottage cluster requirements:

(a) Cottage cluster dwelling units must either face the required common open space or the street.

The required open space must be held in common for use by all the cottage cluster residents and must be immediately accessible to each dwelling unit, via either the front or the back of each unit.

(b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between units must comply with the requirements of the Fire Department and/or the State Fire Marshall's office.

(c) Shared parking areas must be connected to each dwelling unit via a sidewalk.

(6) Affordable housing requirements:

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

(b) Density incentives outlined above in subsection D.(1).(a).[2].[d] 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.

~~(4)~~(7) Gasoline Sales

(a). Gasoline Sales must not be located within 1,000 feet of an existing station;

(b). not be located within 1,000 feet of any private residence; and

~~(a)-(c).~~ not be located within 150 feet of any existing structure.

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

(1) Permitted uses.

(a) Accessory Buildings, Structures, and Uses

(b) 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, Multi-family

[4] Dwelling, Single-family

[5] Dwelling, Two-Family

~~(b)-(c)~~ Recreation, Public Open Space

(2) Special exception uses.

(a). Art Studio or Gallery

(b). Retail Sales, Building Materials & Garden Supply (excluding those of which the principal activity entails outdoor sales and/or storage)

(c). Business Services

(d). Business & Professional Offices

(e). Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of seafood occur at the site)

(f). Parking Area

(g). Conference Center

(h). Retail Sales, Convenience

(i). Home Occupation, Major

(j). Home Occupation, Minor

(k). Mass Transit Station

- (l). Motel
- (m). Hotel
- (n). Inn
- (o). Rooming House
- (p). Personal Services
- (q). Public Assembly Area
- (r). Theater
- (s). Public Utility Facility
- (t). Restaurant
- (u). Retail Sales, but (excluding those of which the principal activity entails outdoor sales and/or storage)
- (v). Commercial School
- (w). Public or Private School
- (x). Nursery School
- (y). Day Care Facility
- (z). Elder Care Facility
- (aa). Hospital
- (bb). Nursing Care Facility, Long-term
- (cc). Convalescent Care Facility
- (dd). Public Facility
- (ee). Religious Use
- (ff). Private Assembly
- (gg). Specialty Food and/or Beverage Facility

(3) See § 16.4.28 for purpose and standards in the Shoreland Overlay Zone OZ-SL

E. Resource Protection Overlay Zone OZ-RP – Business – Local (B-L).

(1) Permitted Uses.

- (a) Recreation, Public Open Space

(2) Special Exception Uses.

- (a) Accessory Uses & Buildings
- (b) Aquaculture
- (c) Home Occupations, Major
- (d) Home Occupations, Minor
- (e) Public Utility Facilities,
- (f) Dwelling, Single-Family

(3) See § 16.4.29 for purpose and standards in the Resource Protection Overlay Zone RP-SL

TITLE 16
AFFORDABLE HOUSING
BUSINESS – LOCAL 1 ZONE

1. AMEND §16.4.18 Business – Local 1 (B-L1) to) to include affordable housing provisions as follows:

16.4.18 Business – Local 1 (B-L1)

A. Purpose

The purpose of the Business – Local 1 B-L1 Zone is to encourage a compact village ~~smart growth/urban~~ design pattern that will serve as a focal point for the provision of local sales, urban residences, services and business space. The goal of this section is to create an attractive, functional and vibrant pedestrian-scaled neighborhood supporting a mix of commercial and residential uses. ~~This type of development reflects a traditional New England pattern of building, where commercial uses are located on the first floor and housing on the upper floors.~~

B. Permitted uses

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

(1) Accessory Dwelling Unit

(2) Dwelling, Attached Single-Family

(3) Dwelling, Manufactured Housing

(4) Dwelling, Multi-Family

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

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

(5) Dwelling, Single-Family

(6) Dwelling, Two-Family

~~(6)~~(7) Dwelling Units as part of a Mixed-Use Building

~~(7)~~(8) Convalescent Care Facility

~~(8)~~(9) Nursing Care Facility, Long-term

~~(9)~~(10) Residential Care Facility

~~(10)~~(11) Accessory Buildings, Structures, and Uses

~~(11)~~(12) Home Occupation, Major

~~(12)~~(13) Home Occupation, Minor

~~(13)~~(14) Inn

~~(14)~~(15) Day Care Facility

~~(15)~~(16) Hospital

~~(16)~~(17) Nursery School

~~(17)~~(18) Private Assembly

- 33 ~~(18)~~(19) Public Facility
- 34 ~~(19)~~(20) Public or Private School
- 35 ~~(20)~~(21) Religious Use
- 36 ~~(21)~~(22) Recreation, Public Open Space
- 37 ~~(22)~~(23) Commercial School
- 38 ~~(23)~~(24) Art Studio or Gallery
- 39 ~~(24)~~(25) Business & Professional Offices
- 40 ~~(25)~~(26) Business Services
- 41 ~~(26)~~(27) Conference Center
- 42 ~~(27)~~(28) Personal Services
- 43 ~~(28)~~(29) Restaurant
- 44 ~~(29)~~(30) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 45 storage and excluding those specifically mentioned under Subsection C of this section)
- 46 ~~(30)~~(31) Retail Sales, Building Materials & Garden Supply (excluding those of which the
- 47 principal activity entails outdoor sales and/or storage)
- 48 ~~(31)~~(32) Retail Sales, Convenience
- 49 ~~(32)~~(33) Specialty Food and/or Beverage Facility
- 50 ~~(33)~~(34) Mass Transit Station
- 51 ~~(34)~~(35) Parking Area

52 C. Special exception uses

53 The following uses are permitted as special exception uses in the B-L1 Zone:

- 54 (1) Motel
- 55 (2) Hotel
- 56 (3) Rooming House
- 57 (4) Funeral Home
- 58 (5) Gasoline Service Station
- 59 (6) Public Assembly Area
- 60 (7) Theater
- 61 (8) Public Utility Facility
- 62 (9) Farmers Market
- 63 (10) Mechanical service
- 64 (11) Dwellings, cottage cluster; and
- 65 ~~(10)~~(12) Buildings and structures over 40 feet that conform to the provisions of Title 16.

66 D. Standards

67 All development and the use of land in the B-L1 Zone must meet the following standards. Kittery's
68 Design Handbook illustrates how these standards can be met. In addition, the design and performance
69 standards of Chapter § 16.5, 16.7 and 16.8 must be met.

70

(1) The following space and dimensional standards apply:

(a) Minimum land area per dwelling unit:

[1] When all floors are residential: ~~8,000~~2,500 square feet

[2] When less than five dwelling units are proposed with, at minimum, one nonresidential use to 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. ~~When the entire first floor is in nonresidential use: 3,500 square feet.~~

[3] When five or more dwelling units are proposed with, at minimum, one nonresidential use to 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.

~~[2]~~[4] When 25% or more of the dwelling units will be affordable housing units as defined by this code, the minimum land area per dwelling unit is: 1,500 square feet.

(b) Parking:

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

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

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

[ii] Housing is proposed within ¼ mile of a public transit stop, in which case the parking requirements may be reduced to a minimum of 1/2 spaces per dwelling unit at the Planning Board's discretion; and/or

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

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

~~(b)~~ [3] Electric car charging stations are allowed and encouraged in parking lots but must not interfere with pedestrian movement on sidewalks. ~~Minimum parking spaces per dwelling unit: 1.5.~~

(c) Minimum lot size: ~~20,000 square feet~~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.)

(d) Minimum street frontage per ~~building~~lot: 50 feet.

- (e) Maximum front ~~yard~~ setback: ~~30~~ 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. ~~Parking and outdoor~~ Outdoor storage ~~are~~ 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 (2).(e) below).

- (f) Minimum rear and side ~~yards~~ setbacks: 10 feet.

(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear ~~yards~~ 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.)

- (g) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations. Buildings and structures higher than 40 actual feet from the lowest point of grade to the highest point of the building or structure (see Height of Building in 16.3), permitted as a special exception, must have side, rear and front setbacks of sufficient depth to adequately protect the health, safety and welfare of abutting properties, which may not be less than 50% of the actual height of the proposed building.

- ~~(h) Maximum building and outdoor stored material coverage: 50%~~ The maximum impervious surface is:-

[1] 70%; 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 (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.

~~(h)~~ Note: If using either option above, the stormwater requirements in (i) below may not be modified.

- (i) 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-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/plantings and/or LID features when granting such concessions.

(j) 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 dwellings, 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, allow a smaller percentage of landscaped and/or natural area. In granting this concession, the Board may require more intensive landscape plantings and/or LID-designed features.

(+) (k) Hours of operation must be noted on the final site plan and are determined by the Planning Board on a case-by-case basis. All lighting other than designated security lighting must be extinguished outside of noted hours of operation.

(+) (l) Minimum ~~water body~~ setback for functionally water-dependent uses: zero feet.

(+) (m) Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.5.30, § 16.4.28 and Appendix A, Fee Schedules.

~~(m) Gasoline Sales must a) not be located within 1,000 feet of an existing station; (b) not be located within 1,000 feet of any private residence; and (c) not be located within 150 feet of any existing structure.~~

(2) Parking design.

(a) Parking must be located ~~on~~ to the side or ~~back~~ rear of the building yard. If all parking cannot be located to the rear or side, the Planning Board may allow limited parking in front of the building but it is incumbent upon the applicant to demonstrate why such a modification request should be granted. In granting this concession, the Board may require more intensive landscape plantings and/or LID-designed features.

(b) Shared access between buildings and/or lots must be provided where feasible; ~~and~~ Feasibility criteria include:

[1] Fewer curb cuts required;

[2] Improved or new pedestrian access between buildings or lots;

[3] Improved internal circulation between buildings or lots; and

~~(b)~~ [4] Improved overall site design with shared access.

(c) Screening through the use of plantings and/or fencing is required for all new or revised parking abutting public streets and/or single-family uses or residential zones. Such screening does not require that the parking lot and vehicles within it be completely obscured from view, rather the screening must provide visual interest and distraction from the parking area beyond, as well as buffer vehicle headlight trespass. ~~New or revised parking must be visually screened through the use of landscaping, earthen berms and/or fencing from adjacent public streets or residential properties. (See the Design Handbook for appropriate examples.)~~

[1] A landscape plan showing screening and other landscaping requirements prepared by a registered landscape architect is a submission requirement. However, a landscape plan done by other design professionals may be allowed at the Planning Board's discretion.

[2] Any required plantings that do not survive must be replaced within one year. This

requirement does not expire and runs with the land.

[3] Surface parking areas designed for less than five cars must use solid fencing, berms and/or stone walls along the parking lot where it abuts any single-family use or residential zone must be used to prevent vehicle headlights trespass. from shining on any abutting residential property. Incorporating flowering vines and other plantings such as trees and shrubs on next to fences and blank exterior walls is encouraged.

[4] Surface parking lots designed for five or more cars that will service multi-family or mixed-use buildings with dwelling units and which abut a street, single-family use or residential zone must provide screening in one of the following ways:

i. Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a planting bed at least eight (8) feet wide. Plantings must be sufficient, as determined by the Planning Board, to screen the parking area from the street except for necessary vehicular and pedestrian access. Climate-change tolerant Northeastern native plants are preferred. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended.

ii. One tree per 25 feet of street frontage within a planting bed at least eight (8) feet wide which will include other plantings such as perennials. Plantings must be sufficient, as determined by the Planning Board, to screen the parking area from the street except for necessary vehicular and pedestrian access. To ensure survival, trees must be planted using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-inch caliper and 12 feet high at the time of planting. Existing large healthy trees must be preserved if practical and will count towards this requirement. Trees proposed within the public right-of-way must remain under 20 feet tall at maturity. Trees native to the Northeast, selected for climate change tolerance, are preferred and must be drought and salt tolerant when used along streets. A diversity of tree species (three to five species per every 12 trees) is required to provide greater resiliency to threats from introduced insect pests and diseases. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended for plantings proposed to accompany the trees.

iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and made of a material compatible with surrounding buildings. Chain link fences are not allowed unless they have a PVC color coating to blend in with surroundings. Stockade fences may only be allowed to buffer a parking lot along the lot line that abuts a single-family use or residential zone. A planting bed at least six (6) feet wide, including the fence, is required, with a combination of trees, shrubs and perennials located on the proposed development's side of the fence. Climate-change tolerant Northeastern native plants are preferred. Planting beds may be mulched but no dyed mulching material may be used. Drip irrigation is recommended.

(d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be landscaped with trees and vegetated islands. This requirement is in addition to other required landscaping and street tree requirements.

(e) In instances where one row of parking spaces and/or a related access drive is located between the front property line and the front wall of the building extending the full width of the lot and was utilized in accordance with previous permits or approvals, for parking, display, storage, building or necessary vehicle circulation, the Planning Board may allow such improvements to remain provided all other parking meets the location requirements and

provided that a landscaping plan for the property frontage is reviewed and approved by the Planning Board.

(f) If 20% or more of the proposed development will be affordable dwelling units built rather than using payment-in-lieu for required units, the Planning Board may, at its discretion, modify surface parking lot screening and landscaping requirements under subsections (c) and (d).

(3) Building design standards

Kittery's characteristic buildings reflect its historic seacoast past. The primary architectural styles are New England Colonial (such as Cape Cod and saltbox), Georgian, Federal and Classical Revival. New buildings must be compatible with Kittery's characteristic styles in form, scale, material and color. In general, buildings should be oriented to the street with the front of the building facing the street from which the building derives its street frontage. Architectural design and structure location must reinforce the human scale and pedestrian nature of the neighborhood by using orientation and building massing, exterior building materials, and roofing as set forth below. The front or street facade must be designed as the front of the building. The front elevation must contain one or more of the following elements: 1) a "front door," although other provisions for access to the building may be provided; 2) windows; or 3) display cases. (See Design Handbook for examples of acceptable materials and designs.) Main entries should be clearly visible from the street and provide adequate cover from the weather. Strict imitation is not required. Design techniques can be used to maintain compatibility with characteristic styles and still leave enough flexibility for architectural variety. To achieve this purpose, the following design standards apply to new and modified existing building projects:

- (a) Exterior building materials and details. Building materials and details strongly define a project's architectural style and overall character. (See Design Handbook for examples of acceptable materials, building scale, and designs.) "One-sided" schemes are prohibited; similar materials and details must be used on all sides of a building to achieve continuity and completeness of design. Predominant exterior building materials must be of good quality and characteristic of Kittery, such as horizontal wood board siding, vertical wood boards, wood shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.
- (b) Roofs. ~~A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated to the Planning Board's satisfaction that this is not practicable. Acceptable roof styles are such as gabled, gambrel and hipped roofs are preferred. Flat roofs, shed roofs and roof facades (such as "stuck on" mansards) are not acceptable as prominent roof forms unless demonstrated to the Planning Board's satisfaction that another design is not practicable, except as provided above.~~ Roof colors must be muted. (See Design Handbook for examples.) Flat roofs proposed to locate heating, cooling, or other such mechanical or electrical apparatus off the ground, are acceptable provided that such apparatus are screened from view and the screening is designed as an integral part of the building to aid both aesthetics and noise attenuation. Flat roofs proposed for the purpose of solar array installations are also acceptable. The roof design must screen or camouflage rooftop protrusions to minimize the visual impact of air conditioning units, air handler units, exhaust vents, transformer boxes and the like. (See Design Handbook for examples of appropriate treatments.)
- (c) Loading docks and overhead doors. Loading docks and overhead doors must be located on the side or rear of the building and must be screened from view from adjacent properties in residential use.

(d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be

included at the time of application submission. All lighting fixtures must be cutoff (dark sky compliant).

(4) Landscaping/site improvements.

A landscape plan prepared by a registered landscape architect is a submission requirement. However, a landscape plan done by other design professionals may be allowed at the Planning Board's discretion. Climate change-tolerant Northeastern native plants are preferred. To achieve attractive and environmentally sound site design ~~and appropriate screening of parking areas~~, in addition to the landscaping standards contained in § 16.7-5 ~~and § 16.8~~, the following landscaping requirements apply to new and modified existing developments:

- (a) Fifteen percent of site area must be landscaped and/or in a natural state as described in D.(1).(j).[1], unless otherwise provided above;
- (b) Outdoor spaces must be created to reinforce commercial and community activities and pedestrian-friendly access. Outdoor spaces are encouraged throughout the site ~~with special attention along~~ especially in those areas to the front and sides of buildings when viewed from the sidewalk and street. Architectural features such as decorative pavers, planters and ~~benches~~ seating areas, as well as outdoor dining where applicable, are encouraged in the creation of these spaces;
- (c) The ~~space~~ setback between the ~~roadway~~ street and any buildings must be attractively landscaped using trees, ~~flowers~~, shrubs, perennials, ornamental grasses, fencing or stone walls to reinforce the site's unique character and building design and complement the public use of the space;
- (d) ~~A-Required~~ buffer setbacks that function as buffers between commercial and residential zones/single-family uses must be ~~established and be~~ landscaped at minimum with a combination of trees and shrubs in a planting bed at least six (6) feet wide. Planting beds may be mulched but no dyed mulching material may be used; ~~visually pleasing mixed planting type;~~
- ~~(e) Solid fencing, berms and/or stone walls must be used to prevent headlights from shining on abutting residential property. Incorporating flowering vines and other plantings on fences and blank exterior walls is encouraged;~~
- ~~(f)~~ (e) Provide street trees in a pattern reflecting the existing streetscape. For new buildings, a minimum of one street tree must be planted for each 25 feet of street frontage. The trees may be spaced along the frontage or grouped or clustered to enhance the visual quality of the site. (See Design Handbook for examples.) The trees must be a minimum two-and-one-half-inch caliper and be at least 12 feet high at the time of planting. ~~The species must be selected from the A~~ list of approved street trees may be found in the Design Handbook. Trees native to the Northeast, selected for climate change tolerance, are preferred and must be drought and salt tolerant when used along streets. A diversity of tree species (three to five species per every 12 trees) is required to provide greater resiliency to threats from introduced insect pests and diseases. Trees located within the public right-of-way must not exceed 20 feet at maturity. Existing large healthy trees must be preserved if practical and will count toward this requirement.
- ~~(g)~~ (f) For additions to existing buildings and changes of residential structures to a nonresidential use, one street-side tree (see list of street trees in Design Handbook) is required to be planted for every 1,000 square feet of additional gross floor area added or converted to nonresidential use. In instances where parking, display area, storage, building or

necessary vehicle circulation exists at the time of enactment of this section, the required trees may be clustered and/or relocated away from the road as is necessary to be practicable. The preservation of existing large trees is encouraged; therefore, the Planning Board may permit the preservation of existing healthy, large, mature trees within developed areas of the site to be substituted for the planting of new trees;

~~(h)(g)~~ Service and storage areas must be located to the rear of the building ~~and be shielded using plantings and/or fencing. Facilities for waste storage such as dumpsters must be located within an enclosure and be visually buffered by fencing, landscaping and/or other treatments (see Design Handbook for examples of appropriate buffering);~~. All service areas for dumpsters, compressors, generators and similar items must be screened by a fence at least six feet tall, constructed of a material similar to surrounding buildings, and must surround the service area except for the necessary ingress/egress.

~~(i)(h)~~ No storage may be in front of buildings except seasonal sales items;

~~(i)(i)~~ Lighting, including lighting fixture designs and photometric plans, and landscape plans must be provided and approved as a part of final plan; and

(j) Lighting along the street must be of a pedestrian scale using a full cutoff fixture in an architectural style ~~fixture~~ appropriate to the neighborhood.

(k) Any required plantings that do not survive must be replaced within one year. This requirement does not expire and runs with the land.

~~(k)~~ (l) If 15% or more of the proposed development will be affordable dwelling units, the Planning Board may, at its discretion, modify landscaping requirements under [c], [d] and [e] above.

(5) Traffic and circulation standards.

Sidewalks and roadways must be provided ~~within the site~~ to internally join abutting properties ~~that are~~ determined by the Planning Board ~~using the criteria in subsection D.(2).(b).to be compatible~~. In addition, safe pedestrian route(s) must be provided to allow pedestrians to move within the site and between the principal customer entrance and the front lot line where a sidewalk exists or will be provided or where the Planning Board determines that such a route is needed for adequate pedestrian safety and movement. (See Design Handbook for appropriate examples.)

(6) Cottage cluster requirements:

(a) Cottage cluster dwelling units must either face the required common open space or the street. The required open space must be held in common for use by all the cottage cluster residents and must be immediately accessible to each dwelling unit, via either the front or the back of each unit.

(b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between units must comply with the requirements of the Fire Department and/or the State Fire Marshall's office.

(c) Shared parking areas must be connected to each dwelling unit via a sidewalk.

(7) Affordable housing requirements:

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

(b) Density incentives outlined above in subsection D.(1).(a).[4] 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.

(8) Gasoline Sales must a) not be located within 1,000 feet of an existing station; (b) not be located within 1,000 feet of any private residence; and (c) not be located within 150 feet of any existing structure.

E. Shoreland Overlay Zone OZ-SL – Business Local Zone (B-L1)

(1) Permitted uses

- (a) Accessory Uses & Building
- (b) Aquaculture
- (c) Recreation, Public Open Space

(2) Special exception uses

- (a) Art Studio or Gallery
- (b) Business & Professional Offices
- (c) Business Services
- (d) Retail Sales, Building Materials & Garden Supply (excluding those of which the principal activity entails outdoor sales and/or storage)
- (e) Conference Center
- (f) Retail Sales, Convenience
- (g) Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of seafood occur at the site)
- (h) Parking Area
- (i) Dwelling, Manufactured Housing
- (j) Dwelling, Single-Family
- (k) Dwelling, Two-Family
- (l) Farmers market
- (m) Funeral Home
- (n) Home Occupation, Major
- (o) Home Occupation, Minor
- (p) Inn
- (q) Mass Transit Station
- (r) Motel
- (s) Hotel
- (t) Inn
- (u) Rooming House
- (v) Personal Service
- (w) Public Assembly Area
- (x) Theater
- (y) Public Utility Facility
- (z) Restaurant
- (aa) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or storage)
- (bb) Specialty Food and/or Beverage Facility

(3) See § 16.4.28 for purpose and standards in the Shoreland Overlay Zone OZ-SL

F. Resource Protection Overlay Zone OZ-RP – Business – Local Zone (B-L1)

- 422 (1) Permitted Uses
- 423 (a) Recreation, Public Open Space
- 424 (2) Special Exception Uses
- 425 (a) Accessory Uses & Buildings
- 426 (b) Home Occupations, Major
- 427 (c) Home Occupations, Minor
- 428 (d) Public Utility Facility
- 429 (e) Dwelling, Single-Family, including modular homes
- 430 (3) See § 16.4.29 for purpose and standards in the Resource Protection Overlay Zone OZ-RP

**KITTERY TOWN CODE –
TITLE 16
AFFORDABLE HOUSING**

AN ORDINANCE relating to the municipality's authority for Town governance to give due and proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine Revised Statutes, and more particularly where set forth in Maine Revised Statutes Title 30-A, Municipalities and Counties.

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Town of Kittery desires to promote and retain a diverse community of residents who provide essential services to the Town, cultural enrichment, a variety of ages and backgrounds, or who currently live in Kittery on modest means; and

WHEREAS, the Town of Kittery recognizes that municipal support provided through a combination of policy, ordinances, and funds is needed for the creation, rehabilitation, and retention of affordable housing units in Kittery; and

WHEREAS, the Town of Kittery seeks to remove barriers and incentivize the creation, rehabilitation, and retention of affordable housing units through its zoning code;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TOWN CODE, TITLE 16, LAND USE and DEVELOPMENT CODE, BUSINESS LOCAL AND BUSINESS LOCAL-1 ZONES, AS PRESENTED.

INTRODUCED and read in a public session of the Town Council on the ____ day of _____, 20____, by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as seconded by Councilor _____ {NAME} and passed by a vote of _____.

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

Attest: {NAME}, _____ Town Clerk

Affordable Housing BL, BL-1 Zone - Workshop Questions

1. Are the primary goals of these amendments to create affordable housing?

- Yes, the amendments are developed to create affordable housing.
- Housing prices, whether they be purchase price or rental are skyrocketing due to high demand and low supply.
- Affordable housing means both income-restricted (aka: “big A Affordable”) and affordable as a result of natural market conditions such as sufficient supply, variety of unit sizes (studio, 1/2/3 bedrooms), and variety of types (rental, condo, multi-family, single family).
- “Big A Affordable” is defined in Title 16 as up to 80% of area median income, which is currently in the mid-\$80,000 per year for a family of four. The area median income is updated annually.
- The proposed amendments reduce the barriers to creating more housing in these zones which will add supply, and also require big “A” Affordable housing via income-restricted units or payment in lieu.

2. Can we increase the payment in lieu fee?

- Yes. The Housing Committee recommended that rate, knowing it may be low. The concern was setting it too high deterring housing projects that add both supply and affordable units.
- The payment in lieu fee was made an “Appendix A” component specifically to ensure Council could amend it relatively quickly as needed or desired.

OPTION A: Increase the Payment in Lieu fee to \$75,000 per unit; and/or

OPTION B: Allow no more than 50% of the units to be achieved through Payment in Lieu

3. If both zones were developed to their greatest density, how many units would result?

- Determining how many units is not possible within the scope of the staff resources. As part of the JLUS grant, the Town conducted a build-out exercise of a parcel along the Route 1 – Mall corridor and at the Water District. The Town also conducted a build-out exercise of the Walker Street Fire Station, through a Workforce Housing Coalition of Greater Seacoast charrette. These were done by consultants and volunteers in the architectural/developer/construction/financing industries, not staff. See Workforce Housing Coalition of Greater Seacoast report, and Urban Land Institute Technical Assistance Panel report.
- Each parcel has constraints specific to its own shape, topography, and site conditions. These constraints always reduce the developable acreage and therefore the size of the structure that can be placed on the parcel.
- To understand what **net density** will be on a particular site take the gross acreage and then subtract out:
 - Front, side, rear setbacks
 - Wetland setbacks
 - Buffering, landscape and parking requirements
 - Road access location and traffic egress routes

- Lot coverage limitations (aka: impervious surface limitations)
 - Required site improvements
-

4. How can we be sure that the residential wouldn't out compete and so exclude commercial as has happened in parts of Portsmouth?

- We cannot guarantee exactly what a property owner will chose to do with their private property; planning is a guiding mechanism that describes what can happen and what is desired to happen.
- Housing of all types are already allowed in the BL and BL-1 zones; yet only one project with housing has occurred in the past 8 years.
- The existing zoning density for housing, if served by public sewer is:
 - BL: 8,000 sqft, 4,000 sqft if entire first floor is non-residential
 - BL-1: 8,000 sqft, 3,500 sqft if entire first floor is non-residential.
- The proposed zoning makes housing more viable by increasing the density allowed, incentivizing mixed use, and further incentivizing affordable unit generation beyond the required 10%.
- The proposed zoning density for housing, if served by public sewer is:
 - BL: 3,000 sqft; 2,500 sqft if 5+ units and minimum of one nonresidential use on the first floor facing State Road or Route 1 Bypass, 2,000 sqft if 25% of units are affordable
 - BL-1: 2,500 sqft; 2,000 sqft if 5+ units and minimum of one nonresidential use on the first floor facing Shapleigh Road, State Road or Route 1, 1,500 sqft if 25% of units are affordable
- The Housing Committee spent a great deal of time discussing the impacts of commercial space requirements on affordable housing projects. Requiring commercial space as part of an affordable housing project adds barriers to the project including:
 - Commercial portion is ineligible for certain types of financing, and tax credits used in affordable housing developments.
 - If the entire first floor was required to be commercial, then an elevator could be required to meet ADA standards for affordable housing financing, which drives up the costs which in turn makes a project less financially viable for affordable housing.

OPTION: Require a portion of the first floor be commercial on State Road and Route 1 Bypass

5. What would State and Post Roads look like with 40' buildings with minimal setbacks on both sides of the road?

- See attached images.
-

6. Review what is proposed for Mixed Use Building that proposes 5 or more units of housing and at least one commercial unit on first floor.

- Proposed for BL, if served by public sewer: 2,500 sqft per unit with 10% of units restricted affordable or payment in lieu; ~ 17 units per **gross acre**.
- Proposed for BL-1, if served by public sewer: 2,000 sqft unit if 25% of units are restricted affordable or payment in lieu; ~ 22 units per **gross acre**

- See Q3 for an understanding of how gross acreage is reduced to actual developable land by parcel (net acreage).
-

7. How would it look if both sides of the road had forty-foot structures? Is there a way to require top level to be tiered to create more open-air space or require a ten-foot setback for the forty-foot structures?

- See attached images.
- Existing code: Minimum 15 ft front yard setback.
- Proposed code: Maximum 20 ft front yard setback.
- Both the tiered top floor and a minimum setback are possible, both would produce different outcomes.
- Requiring the top level to be tiered would impact space efficiency of building layout, may not feel “open air” as desired for the pedestrian on the street level, and reduces opportunities for roof mounted solar.
- The purpose for little to no front yard setback is to obtain that street activation that notably enjoyed in areas like the Foreside.

OPTION A: Amend front yard setback to have a minimum 15 feet; and/or

OPTION B: Increase the maximum setback to 40 feet

8. The “new” building on the corner of Love Lane and State Road has a scale and design that works with the setting. Something two or three times larger with greatly reduced setback seems like it would be out of scale for Kittery?

- There appears to be confusion between density and lot coverage. Density says how much you can put into the structure, lot coverage says how big of a structure, given all other constraints being met (setbacks, parking, landscaping, etc.) can be built. They are not synonymous.
 - Existing code and proposed amendments do not change height limitations. Maximum is 40 feet excluding solar panels.
 - Using the building noted above as an example, the building size would not change. However, rather than five luxury oversized condos it could have more than five units, modestly sized, thereby adding to the supply of housing, and the variability of housing types.
-

9. Why not create a new zone for the Kittery Point BL-1? Without sewer it cannot take advantage of the increased density. Even if it were sewer would we want that density there? Would creating a new zone BL-KP better protect the areas combination of working waterfront and residential?

- The Pepperrell Cove and Lewis Square areas of Kittery Point are designated BL, presumably, because it resembles the other areas of Town included in BL in terms of mix and characteristics of existing buildings and uses.
- The densities proposed in the BL amendment would not apply to Kittery Point due to a lack of sewer. Sewer would be very expensive for a private developer to achieve due to underground conditions, shoreland regulations, and water crossing requirements. The Town does not have plans to extend sewer to Kittery Point.

- The Planning Board has set a goal of limiting the number of unique zones in Kittery; this would add a new unique zone.
 - Adding a new unique zone is certainly possible, but a significantly larger scope of work than planned for with implementation of the Affordable Housing effort. It would likely take two years to complete the neighborhood planning effort involved in this.
-

10. Please address the build out scenario raised for the parcel on State Road?

- The example provided in the letter sent to the Council and included in public comment is a thought experiment that ignores any site or zoning code constraints.
 - When these constraints are incorporated into the letter writer's imagined redevelopment of that site, the acreage subject to the density calculation shrinks to approximately 48,000 square feet due to the presence of wetlands.
 - The site will also be limited by building height restrictions, open space and landscaping, and driveways and parking spaces that would constrain the size of any new building and thus reduce the net density further.
 - Please see Q3 for more information about gross acreage vs. net.
-

11. How will the market likely respond to these changes and what will it mean for the character of the area and our community?

- To date the market has not enthusiastically responded to current zoning.
 - One new project has occurred on State Road, and one is in the permitting stage and includes no residential. No projects are in the permitting stage for the Route 1 Bypass.
 - The Town conducted a Foreside Land Use, Parking and Transportation Study. In that study (completed December 2017) the study concluded that the pedestrian scale of the Foreside is desired up the length of Gourmet Alley.
 - If the zoning as currently in place is not producing the results desired, given the strong economy of the past eight years, it can be considered a signal that the requirements are not conducive to achieving the desired results; change in the zoning is needed.
 - The zoning was designed to accomplish the Foreside feel along State Road (aka: Gourmet Alley)
-

12. How do the amendments link to our Comprehensive Plan?

- The proposed amendments link to the following:
 - Comprehensive Plan:
 1. Housing: create housing that is affordable to younger, single-person, and family households; create housing that is affordable to seniors and accessible to amenities;
 2. Primary Economic Development Areas: Route 1 Bypass, Gourmet Alley
 - Foreside Land Use, Parking, and Transportation Study: extend the pedestrian scale of the Foreside up Gourmet Alley
 - Joint Land Use Study: Provide more housing for area workers to reduce traffic congestion and reliance on single occupancy vehicles (SOVs) to the PNSY.

13. The bulk, if not all, of the increased housing stock allowed by the ordinance will not be capital “A” affordable. Can staff make the case, given the relatively small payment in lieu fee, that there will be a significant amount of “Affordable” housing created? I’d suggest renaming this ordinance if not

- The Town cannot expect to address the challenge a housing shortage creates relative to affordability without addressing both the supply of housing and the requirement for income restricted housing (aka: “big A affordable”).
- Supply, and more importantly supply that is not all large single-family homes on large lots, is a necessary component of making housing generally more affordable in Kittery.

14. If the money from the payment in lieu fund is to be used, will Kittery need to buy land for Affordable housing? And will the Town be the entity that hires contractors to build it? Or as suggested at the last PB meeting, might the money go to other projects that may help existing homeowners but not directly increase Affordable housing?

- There are a lot of factors that go into generating big “A” Affordable housing. They include acquisition costs, construction costs, zoning and density, tax-incentivized financing and tax credits, site constraints, etc.
- The State of Maine has \$20M in tax credits for Affordable housing each year, and typically only funds 4 or 5 projects state wide.
- Payment in lieu funds can be used to add supply and assist those struggling to stay in their homes through:
 - Grants or revolving low/no interest loans to Affordable housing developers; funds can be used to offset acquisition costs, projects costs, and add valuable points to the Maine Housing tax credit scoring sheet.
 - Fund smaller rehabs and renovations that help those who would qualify for big A affordable, are currently housed, but are struggling to stay in their homes.
 - Fund Accessory Dwelling Units development, which is being piloted this summer using ARPA seed funding.

15. How was the scale of the density increase arrived at by the Housing Committee and Staff?

- The Housing Committee began as an ad hoc effort. It started with a presentation by housing experts at the KCC, then launched into the Workforce Housing Coalition of Greater Seacoast charrette effort.
- Following that, the Housing Committee gathered information from:
 - Maine Housing
 - Community Housing of Maine (a non-profit affordable housing developer)
 - Other communities and state agencies in New England with affordable housing initiatives
 - Local banks who fund housing projects
 - AVESTA Housing (a non-profit affordable housing developer)
- Conversations with affordable housing developers indicated a minimum density of 16 units per acre to achieve economically viable projects, or about 2,700 sqft per unit in Kittery’s code language.
- Staff and the committee tweaked that figure to arrive at more tailored standards for Kittery.

- In addition to the research, the Housing Committee includes broad representation from those in the housing and affordable housing space including representatives from a local housing advocacy group, an architect, a former housing developer, Planning Board members (past and current), and Councilors (past and current)
 - All of this information and expertise was synthesized, discussed at length, and used to develop the Affordable Housing zoning ordinance adopted in 2020.
 - The proposed amendments for the BL and BL-1 zones were developed in the Housing Committee, then reviewed and amended by the Kittery Land Issues Committee (with representation from the Planning Board, Council, Conservation Commission, Parks Commission, Economic Development Committee, Kittery Land Trust, and citizens)
-

16. Would you explain why we need so much more housing in our business zones?

- Kittery generally needs more housing to ebb the tide of gentrification, keep up with the demand, to ensure socio-economic diversity, to support local businesses employee and customer needs, to be a place where multiple generations can live.
 - The zones being focused on for increased housing offer the following:
 - Already built out, does not require new lots be developed
 - Already have infrastructure such as roads and utilities to support them
 - Access to hubs of services and amenities and employment
 - Support of and access to multi-modal transportation options (reducing GHG from single-occupancy car use)
-

17. Neither the Land Use Committee nor the Planning Board has been given an example of how many units of housing a particular lot or group of lots might yield. There are many lots that appear that they could support a large number of units. Example: J&J Villas (2 lots/5ac+ in total) is adjacent to the Lions Club (2 ac). Both appear to have no impediments to development. If both were purchased, how many units could be created under the currently proposed rules? How many units could the 15-acre Water District land yield?

- Please see Q3.
 - The Water District site is 7 acres and adjacent to wetlands that require a 100-foot setback. The net density allowed would yield fewer units than simply applying the density to the entire parcel's area.
-

18. How will this ordinance affect the value of properties in the Business zones? Do you anticipate an increase to the property tax in the zones, given the opportunity to create far more units of housing than currently allowed?

- The property value generally will not change unless the property has a site plan approval from the Planning Board or is under construction.
- Municipal finance is such that increases in property values do not generate "more taxes". Property values determine how much of the municipal and school budgets each property is responsible for. More value drives down the mil rate.

- Development along these roads would result in one time revenue from permit fees, and may increase sewer revenue with additional units.

19. Given Shipyard traffic in the area, was traffic increase a consideration when deciding the appropriate level of density?

- The Joint Land Use Study and Implementation Report concluded that a significant amount of the PNSY traffic is due to employees not having affordable housing options in the immediate area. This causes them to have to drive in from Rochester, Sanford, etc.
- An increase in local housing that has a mix of types and price ranges, and located in a manner that makes the PNSY accessible through non-SOV (single occupancy vehicles) or transit (e.g., COAST bus or shuttle bus), or active transit (walking, biking) would actually **reduce peak shipyard traffic** and GHG emissions in Kittery.

20. What if we made 100% of units required to be affordable?

- That is possible, though it will likely prove an insurmountable barrier to all but two possible project types:
 - Town funded
 - Projects with significant grant funds to offset the high costs of acquisition and construction.

OPTION A: Allow higher density only if 100% of units are affordable (see 100% Affordable Option)

Please visit www.kitteryme.gov/affordable-housing-reports for quick access to the source materials for this effort including:

- 10 Year Comprehensive Plan 2015 – 2025 – Executive Summary
- Foreside Land Use, Parking and Transportation Study
- Workforce Housing Coalition of Greater Seacoast - Workforce Housing Charrette Walker Street Fire Station
- Joint Land Use Study – Executive Summary
- Joint Land Use Implementation Report
- Urban Land Institute – Technical Assistance Panel Report - Kittery and Berwick
- Kittery Inclusionary/Workforce Housing Initiative



Proposed BL & BL-1 Zoning Amendments

Agenda

- Guiding Principles for Proposed Amendment – Kittery Housing Committee
- Overview of Housing in Kittery - Maine Housing
- Housing Reserve Program– Tom Emerson, Architect, Planning and Development Consultant, Kittery Housing Committee Member
- Review Proposed Ordinance Amendments
- Questions and Discussion

Guiding Principles for Proposed Amendment

REPRESENTING KITTERY HOUSING
COMMITTEE

Kittery Housing Committee

The Housing Committee has accomplished the following:

- ADU ordinance amendments, model ordinance
- Established mandatory affordable housing component
- Housing as an allowable use in C-2 and C-3 zones
- Establishment of Housing Reserve Fund and requirement that proceeds from sale of tax acquired properties to go to Housing Reserve Fund (unless otherwise allocated by Council)
- Launched ADU Grant Program

Kittery Housing Committee

The Committee is guided by various reports and studies, each of which was developed with community input and engagement.

- 2015 – 2025 Comprehensive Plan
- Foreside Parking, Transportation and Land Use Study
- Seacoast Area Coalition for Workforce Housing
- Joint Land Use Study

What does a Comprehensive Plan look at?

- Identifies features to preserve
- Identifies what needs to change
- Identifies resident concerns
- Identifies needed improvements
- Ensures that Kittery's desirable features are preserved and challenges are addressed

KITTERY VOICES: PUBLIC PROCESS

Kittery's residents, business owners and town officials were invited to participate in a variety of forums including town-wide public workshops and on-line forum, a survey, and interviews with a range of individuals. Their input was used to develop the vision and goals. This then formed the basis for the Comprehensive Plan.

PUBLIC FORUMS

- 3 town-wide public forums
- 1 on-line survey
- continuous on-line conversation
- website
- teen visioning session
- 10 Steering Committee meetings
- 4 Joint Workshops: Planning Board/Steering Committee
- Meetings with Town Department Heads
- 32 leadership interviews

THREE UNDERLYING THEMES

The following three themes were identified as underlying much of the community conversation:

- Preserve the town's character
- Increase and improve multi-modal transportation
- Promote a multi-generational Kittery

Preserve the town's character

One of the main underlying themes of the community conversation was that of a desire to "protect and maintain what we have rather than spend resources on acquiring more."

- Preserve open space and other natural features, working waterfront, and historic buildings -
- while guiding additional development to desirable locations.
- Ensure that the diversity of people in terms of socio-economics can continue to live in Kittery (affordable housing and jobs)
- Support the diversity of land uses that make up the Town ("wild" landscapes, Foreside, outlets, working waterfront, quiet residential neighborhoods, etc.)

Responses from March 12, 2016

Visioning Forum

Favorite Things

- Cultural and historical assets
- Foreside
- Recreational access to natural assets
- Coastline

Also:

- Public parks
- Rural character
- Demographic diversity
- Sense of community

Least Favorite Things

- Dysfunctional town government
- Not pedestrian-friendly
- Traffic

Also:

- Biking is difficult
- Lack of parking
- Town codes
- School system
- Lack of protection of historic and natural resources

Increase and improve connections

- Safer and more pleasant walking and biking physical connections
- Communication and access to information
- Provide more opportunities for social connections by providing opportunities for community gathering (through an enhanced Foreside, a 21st century library, expanded programming at the KCC, support public access to waterfront areas, and improved walking and biking infrastructure)

Promote a multi-generational Kittery

- Wholesome activities for youth (including improved and increased recreational opportunities, safe ways of getting around town and more youth involvement in planning for the future)
- Support healthy aging in place (with affordable housing appropriately sized and located for seniors, as well as activities and transportation geared to this population)
- Provide opportunities for multi-generational activities

A summary of the public's comments is provided in the Introduction to this report. More detailed documentation of the public process is compiled in **Volume III: Summary of Public Input**.

Responses from March 12, 2016 Visioning Forum

If you could do one thing to improve Kittery... what would it be?

- Sidewalks and bike lanes
- Improve Town planning process
- Improve school system
- Increase sustainability
- Improve town government

Also:

- Support affordable housing
- Resolve and complete library plan
- Support business development
- Parking plan
- Historic preservation
- Preserve open space
- More public spaces
- Increase recreational opportunities





Kittery's Demographics

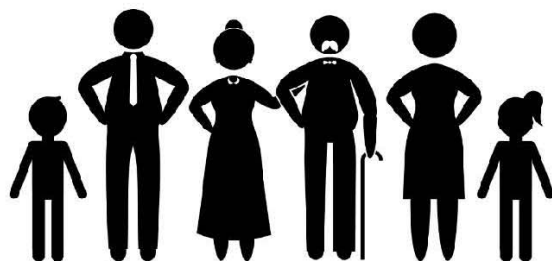
3

POPULATION AND DEMOGRAPHICS

- Total population for Kittery has remained relatively stable since 1970, and that trend is projected to remain stable, possibly declining slightly, through the year 2032 (US Census, State of Maine Projections)
- Kittery is an aging community; between 2000 and 2014, residents ages 55 to 64 increased by 65 percent (US Census)
- The number of family households in Kittery with children under the age of eighteen has declined since 2000 (US Census)
- School enrollment in Kittery has remained stable with the exception of fluctuations due to military families moving to Kittery for short term assignments at the Naval Shipyard. During the 2014/15 school year, approximately 18 percent of children enrolled in the Kittery school system were from military families (Kittery School District)
- The current population in Kittery is stable, with over 86 percent of residents living in the same home they did a year ago (US Census)
- The median age of those immigrating to live in Kittery was seventy-two (US Census)
- Since 2000, the median household income in Kittery has grown from \$45,067 to \$60,205 in 2014 (US Census)

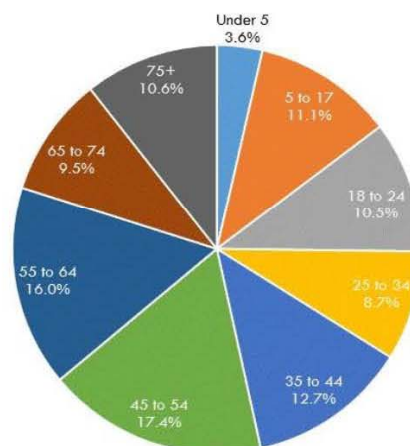


Kittery's estimated population
in 2014 was 9,649 (US Census)



Total population is projected to
decline by 6 percent through
the year 2032 (State of Maine)

Kittery's Population by Age



WHAT DOES IT MEAN?

- According to US Census data, Kittery's population has not grown in over 45 years
- The senior population is increasing as existing residents are getting older, which may require more targeted housing for seniors
- The Town should consider ways to attract and retain a younger population to help fill jobs, support local businesses, and support the town's tax base.



Kittery's Housing Resources

4

HOUSING RESOURCES

- For 2014, the American Community Survey estimates the total number of housing units in Kittery to be 5,144 (2010-2014 ACS)
- Sixty-five percent of Kittery's housing stock is owner-occupied which is lower than many surrounding towns with the exception of Portsmouth (2010-2014 ACS)
- Kittery has a relatively young housing stock, with 74 percent of residential structures built after 1940 (2010-2014 ACS)
- The American Community Survey estimates median owner-occupied housing value at \$292,200 and median monthly rent of \$1,232 (2010-2014 ACS)
- The Town has a number of age-restricted housing options for residents over fifty-five



Kittery has a diversified housing stock in a desirable location

Household size is shrinking,
and the number of residents
over 65 is growing in Kittery.



What implications does this
have for future housing needs?

4%

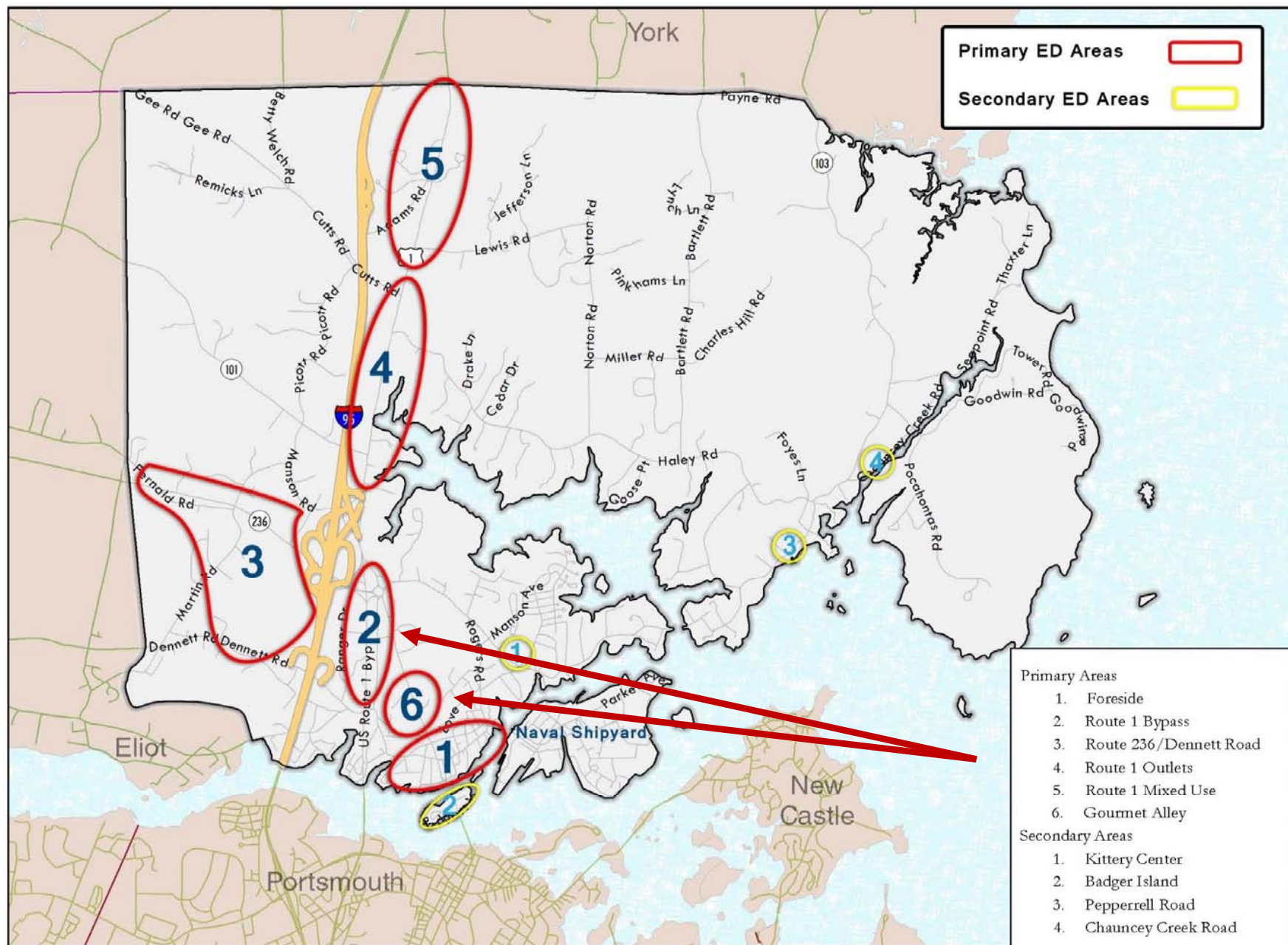
Percentage Kittery's median
home values have increased
between 2010 and 2015

7%

Percentage Kittery's median
rent values have increased
between 2010 and 2015

WHAT DOES IT MEAN?

- Kittery's housing prices are increasing, making it harder for residents to afford to live in Kittery
- Housing that is affordable for younger single-person and family households is an important component of maintaining the Town's workforce and stimulating economic development
- With a growing senior population, the Town should consider ways to create housing that is affordable, accessible, and located in places with access to amenities



Kittery Foreside Land Use, Parking, and Transportation Study

Kittery, Maine

FINAL REPORT | July 2018




TYLININTERNATIONAL
engineers | planners | scientists

MRLD
Landscape Architecture + Urbanism

SECTION 7.0 PUBLIC OUTREACH

- Staff Kick-Off Meeting – January 10, 2017
- Public #1 Kick-Off Meeting – February 8, 2017
- Kick-Off Working Group Meeting #1 Site Walk – March 6, 2017
- Working Group Meeting #2 to Review Existing Conditions – May 3, 2017
- Public Meeting #2 Listening Session and Design Workshop – June 15, 2017
- Working Group Meeting #4 to Review Draft Recommendations– August 23, 2017
- Working Group Meeting # to Review Draft Recommendations – October 2, 2017
- Public Meeting #3 – October 25, 2017
- Present Draft Recommendations to Planning Board – November 9, 2017
- Present Draft Recommendations to Town Council – December 2017
- Present Final Draft Recommendations to Working Group – December 2017

6.3.1: Key Zoning / Design Strategies

1. Extend walkability and character of the Foreside to Route 1.
 2. Where feasible, require on-street parking, street trees, street lights, and sidewalks on Walker, Government, Whipple and Route 1.
 3. Create a more uniform, village like, safe, and attractive Route 1 from the river north through Gourmet Alley.
 4. Promote infill development along Route 1 as depicted on **Figures 44 and 46**.
 5. Reconcile uses between MU-KF, BL-1, and BL and grandfather/sunset certain uses:
 - Mass Transit
 - Building Materials
 - Garden Supply
 - Conference Center
 - Funeral Home
 - Gas Station
 - Mechanical Service
 - Parking Lots as Primary Use
 - DO NOT allow drive-thru facilities anywhere in the new zone
 4. Reconcile standards between MU-KF and BL-1 (extend MU-KF standards to Route 1). Allow for greater densities, increased net residential densities, lot coverage, relaxed parking ratios, and 0' front setbacks in what is now zoned BL-1.
 5. Allow larger buildings on parcels with frontage on the Route 1 corridor north of the Government Street intersection
 6. Allow smaller buildings (development/redevelopment) east of Route 1 following current zoning: 1,000 to 4,500 +/-
 7. Coordinate short-term and long-term implementation of parking, mobility, and zoning recommendations to encourage growth while promoting walkability and “Streets and Squares” placemaking
 8. Design and zone for what the community wants for the future, not only for what exists today (this is most applicable to Route 1 north of the park through Gourmet Alley).
 9. Allow flat roofs on buildings that are a minimum of two occupied floors. Building massing shall be articulated with a cornice.
- 

This approach to unifying the Study Area into one zone combined with right sizing streets and intersections leads to an overall urban design/primary street network/wayfinding squares noted on **Figure 56**.



Figure 44 – The Water District Site and the Walker / Route 1 Intersection (courtesy Sustain Southern Maine)

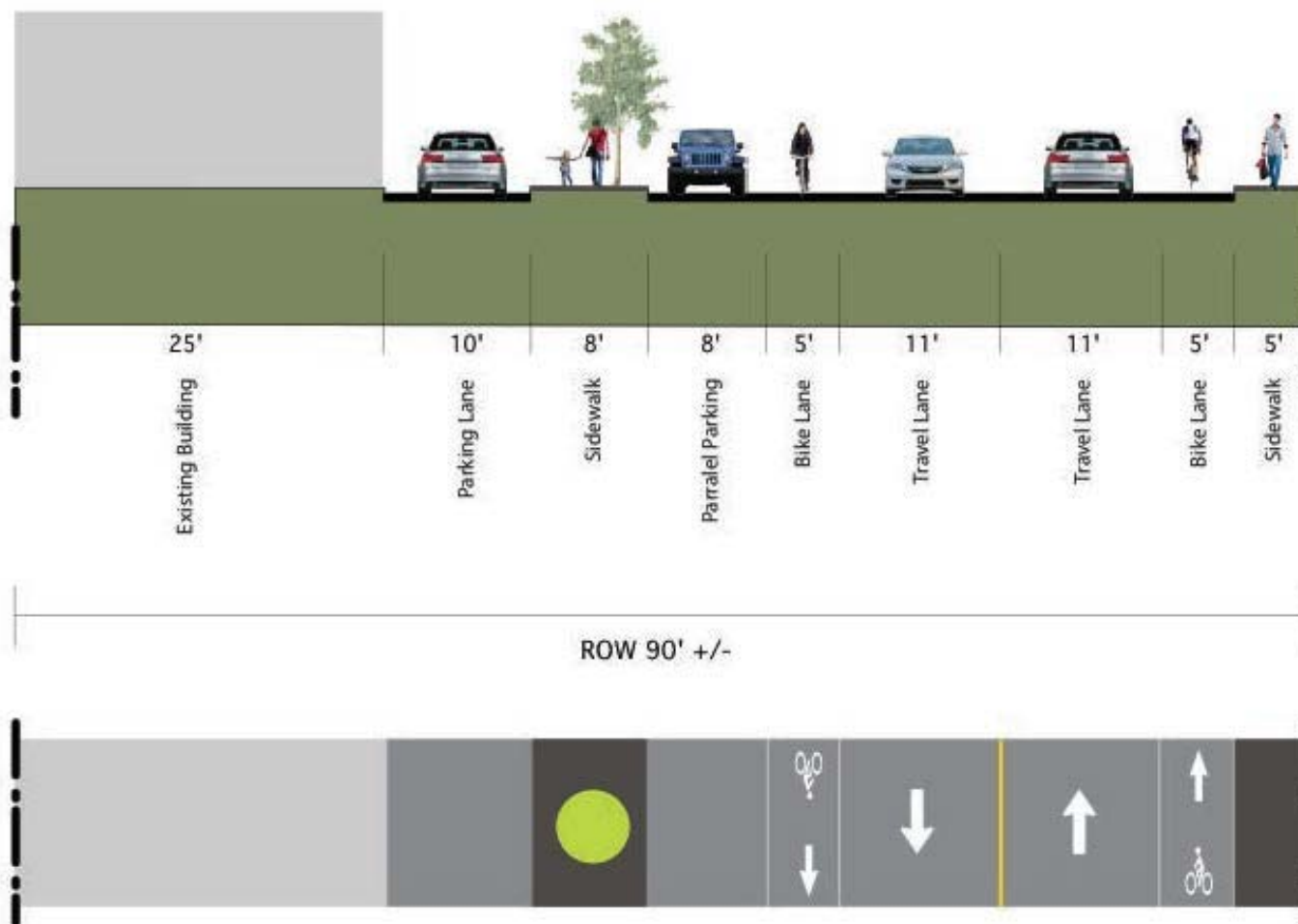


Figure 34 – Proposed Cross Section at Gourmet Alley



Figure 45 – Existing Conditions: Route 1 Opportunity Site Across from York Hospital Site



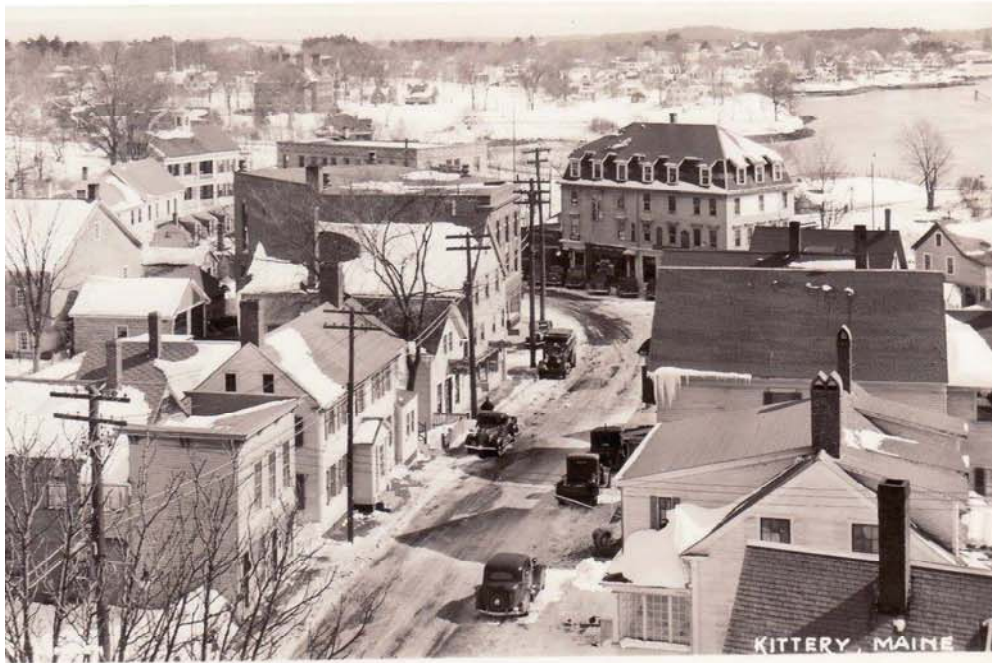
Figure 46 – Proposed Conditions Meeting Code: Route 1 Opportunity Site Across from York Hospital Site



Kittery Housing Workshop

A Workforce Housing Coalition Design Charrette

October 24th and 26th 2018



Community Listening Session

Input from stakeholders is a critical part of the charrette process. Kittery residents, business owners, and local leaders were invited to share their ideas, hopes, and concerns about workforce housing in Kittery via online survey before the charrette, during the site "walk and talk" in early October, and during the site walk and listening session on the first day of the Kittery Housing Workshop. Here is a sample of what the charrette team heard from Kittery.

Design

Kittery community members expressed support for:

- A building of 3-4 stories that is appropriate to the scale of Kittery Foreside;
- Apartments, as well as cottages, condominiums, and townhouses;
- A mix of very small units including studio and one-bedroom units;
- A design that is compatible with the existing context and character of the Foreside;
- Increased density to maximize units per acre on the site;
- Including green space and public gathering spaces, including safe play space for children;
- Providing privacy for abutters to the site;
- A design, which accommodates parking on the site, but also considers approaches to reduce the need for parking;
- And a design that uses clean energy approaches.

People

Kittery community members expressed support for housing that is affordable to those with low- to moderate-incomes who work locally, as well as families, young professionals, seniors, military, and those who are homeless and disabled.

Zoning

Kittery community members expressed support for changes to the existing zoning in order to maximize the opportunities at the site.

Affordability

Kittery community members expressed support for a design that focuses on units that are affordable to low and moderate income earners.

Mixed Income

Kittery community members expressed support for a design that includes housing for people with a mix of incomes.

Transportation

Kittery community members expressed support for a design that includes transportation planning in an effort to address traffic issues in the area of the site.

Flexible Mix of Uses

Participants were amenable to both residential-only and mixed-use development and sought flexibility with how the first floor will be used.

Neighborhood

Kittery community members expressed support for a design that takes advantage of the walkable neighborhood and proximity to Foreside, and improving area infrastructure, such as sidewalks, street lamps, and benches.

"Out of the Box" Ideas

Kittery community members expressed support for "out of the box" ideas, such as forming a cooperative.

Finally, Kittery community members expressed a desire that the lessons learned from this process be applied elsewhere in town.

Notable quotes:

"People who work in the [Foreside] businesses can't afford to live here and drive long distances"

"It is nice to see people who live here doing things here, like walking their dogs through town"

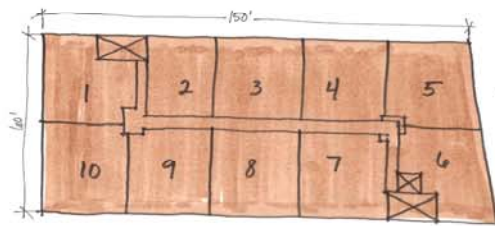
It is "neat" when people live and work in close proximity because it reduces transit"

"I think most people in the community will support workforce housing [in the Foreside]"

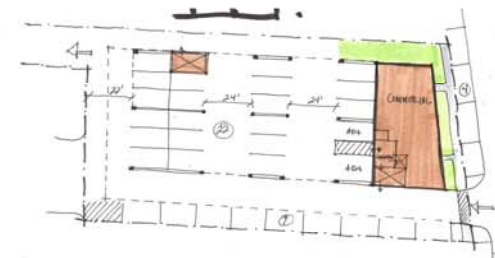
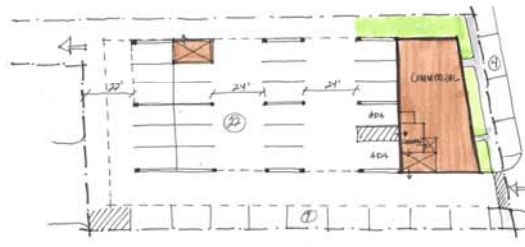
Apartments for Families

The charrette team attempted to max out the site. This rendering includes a mix of unit sizes,

- 4 stories, 30 units total, average size of 900 square feet each, total footprint is about 9,300 square feet (more than 50% of the site).
 - 3 3BR renting for \$1,100 - \$1,500
 - 10 2BR renting for \$1,000 - \$1,300
 - 10 1BR renting for \$850 - \$1,100
 - 7 studios renting for \$800 - \$950
- Parking: 22 garage spaces underneath, 9 parking spaces on side, 4 new parking spaces on street.
- In order to qualify for LIHTC, 3-bedroom units are required.
 - 2- and 3-bedroom units must make up 50 percent of total units.
- Commercial on the street on first floor, 3 floors of housing above (approximately 10 units per floor).
- This option is the most urban and stretches current zoning.
- Alternative transportation (such as a rental car) should be provided on the site.
- Renting at an average of \$900 per unit per month (affordable to renters making up to 50 percent of the AMI) results in a return on investment of just 5.5 percent, which would only be appealing to a nonprofit developer. More density is needed to make this financially feasible for a for-profit developer.
- Scoring is not competitive due to high total construction costs.
- Underground parking contributes to high development costs.
- Zoning changes needed: total number of units from 3 to 30; parking at 1:1 ratio.



Floor 2, 3 + 4



Floor 1 @ stairs

Recommendations for Next Steps

Foreside is beloved by the community, but it could not be replicated today under current zoning. Much of Foreside is non-conforming and current zoning does not reflect historical development patterns in the Foreside. The charrette was an opportunity to collect information about housing and affordability generally and the hope is that lessons learned through this process can be replicated elsewhere in town. Below are several recommendations for amending current zoning in Foreside and recommendations for how to move forward.

Recommendations for Zoning Ordinance Amendments:

Look at Foreside today and create zoning that matches what Kittery already has and loves. Use regulatory tools to replicate the historical fabric of the downtown, promote walkability and connectivity by placing amenities closer to one another, promote small-scale commercial uses (such as ground floor retail), slow traffic, increase housing choices, and enhance parking options.

- Consider eliminating front setbacks and allow buildings up to sidewalk
- Increase sidewalk widths
- Reduce or eliminate side setbacks
- Reduce or eliminate density limitations
- Require all off-street parking to be behind buildings or shield off street parking that meets the street or back of sidewalk with a solid structure between four and six feet
- Work with property owners to bring building up to code when changing use of building
- Reduce or eliminate minimum lot size
- Reconsider lot coverage maximums (currently 60 percent, but existing buildings are much higher)
- Consider implementing a flexible approach to land use code, which focuses on building design and character, rather than use.

Recommendations for Next Steps:

- Consider a public-private partnership to ensure affordability is maintained at the site of 25 Walker Street.
- Explore the use of density bonuses, or other regulatory tools, for ensuring affordability is included in all future housing developments.
- Continue to engage Kittery residents on the issue of workforce housing to ensure public support when it is time to implement future amendments.
- Be flexible and creative with parking requirements, including connecting with nearby businesses to explore how to address the parking misperceptions in Kittery.
- Charge the housing working group with the task of ensuring this discussion continues.
- Continue to communicate and partner with the Workforce Housing Coalition of the Greater Seacoast moving forward.





TOWN OF KITTERY AND PORTSMOUTH NAVAL SHIPYARD **JOINT LAND USE STUDY**

EXECUTIVE SUMMARY - JANUARY 2020



JLUS PROCESS AND PUBLIC OUTREACH

The JLUS process is designed to create a locally relevant document that builds consensus and obtains support from the various stakeholders involved. It becomes a roadmap for future studies, grant applications, and implementation actions. To achieve the JLUS goals and objectives, the process included a public outreach program with a variety of participation opportunities for interested and affected parties.

Two committees, comprised of municipal, regional, state, and federal representatives guided the development of the JLUS:

- A **Policy Committee** provided overall guidance and approval, meeting quarterly through 2019.
- A **Working Group** comprised of technical staff from each policy member organization met regularly throughout the course of the study to guide data collection, review findings, deliberate strategies, and review materials shared with the policy committee and the public.

From the beginning of the study, local and regional stakeholders were engaged to inform their constituents about the JLUS and involve them in understanding, addressing, and resolving the most important issues. Stakeholders include individuals, groups, organizations, and governmental entities interested in, affected by, or affecting the outcome of the JLUS findings and recommendations.

WHO WE SPOKE TO

COMMITTEES

- Policy Committee
- Working Group

STAKEHOLDERS

- Local Jurisdictions (counties and cities)
- Department of Defense (DOD) officials (including Office of Economic Adjustment representatives)
- Portsmouth Naval Shipyard
- Local, regional, and state planning agencies
- Local, regional, and state transportation agencies
- Local, regional, and state government representatives
- Military organizations
- Non-governmental organizations
- The general public (including residents and landowners)



HOW WE COMMUNICATED

MEETINGS

- Targeted roundtables
 - Transportation
 - Regional Governance
 - Planning
 - Kittery neighbors
- Stakeholder interviews
- Public open houses
- Shipyard visit

OTHER METHODS

- Project updates and fact sheets
- Project website
- Media articles
- Surveys



KEY FINDINGS

THE REGION IS GROWING WITH THE HIGHEST LEVELS OF GROWTH FURTHER INLAND

Between 2010 and 2017, populations have increased in most towns in the region surrounding PNSY, with Kittery, York and Portsmouth growing between 2-6%. The population of Kittery in 2018 was approximately 9,500.

Towns further west from PNSY have -- and are expected to continue to see -- the highest growth in the next 15 years. From 2010-2017, towns such as Eliot and Wells grew between 6 and 14%. These inland communities are not along the region's major highway and transit corridors.



Source: Woodland Commons

AVAILABILITY OF AFFORDABLE HOUSING IS CAUSING PNSY WORKERS TO MOVE FARTHER AWAY

The growth in housing cost is arguably the largest contributor to regional congestion impacts from the PNSY. While the majority of PNSY workers once lived within walking distance, Kittery housing prices today are not affordable for over 70% of its residents. Less than 7% of shipyard workers live in Kittery today, with thousands pushed toward inland towns with lower housing costs, such as Sanford, Berwick and Rochester, NH.



ROADWAY CONGESTION IS IMPACTING LENGTHS OF COMMUTE TIMES FOR PNSY WORKERS

Nearest its two gates, shipyard traffic makes up the vast majority of cars in both the AM and PM peak periods on streets within the Town of Kittery, such as Walker Street, Government Street, and Shapleigh Road. Outside Kittery, PNSY traffic is a notable portion of regional traffic on some roadways, particularly Rt. 226, though shipyard workers travel an hour or more before the peak hour of other regional traffic.



Source: Campanella

Affordable Housing Kittery



MaineHousing
MAINE STATE HOUSING AUTHORITY

About MaineHousing:



Envisions a Maine where everyone can afford a good, safe home.



Serves more than 90,000 households each year.

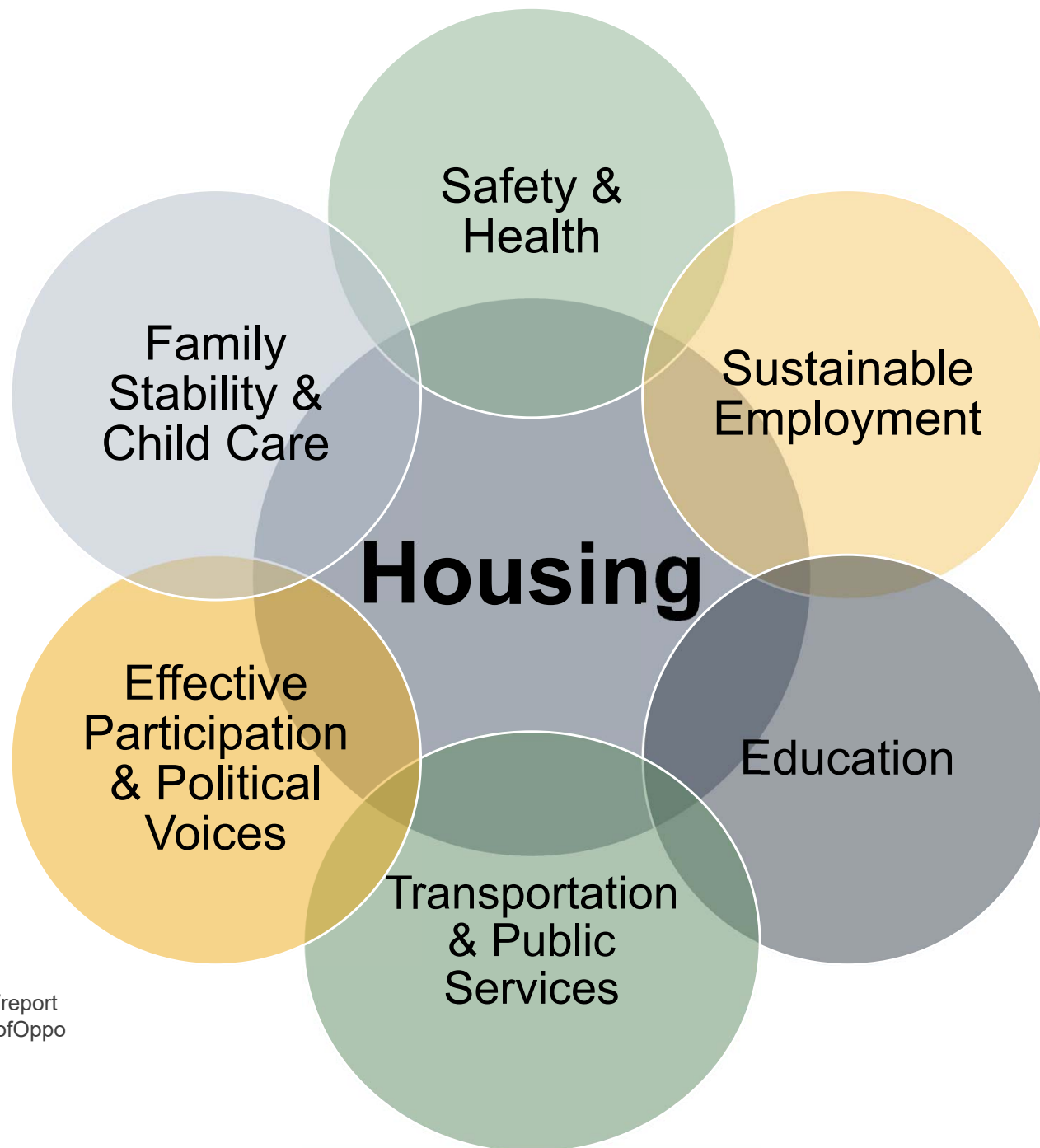


Invests more than \$300 million in Maine's economy each year.



Why is housing important?





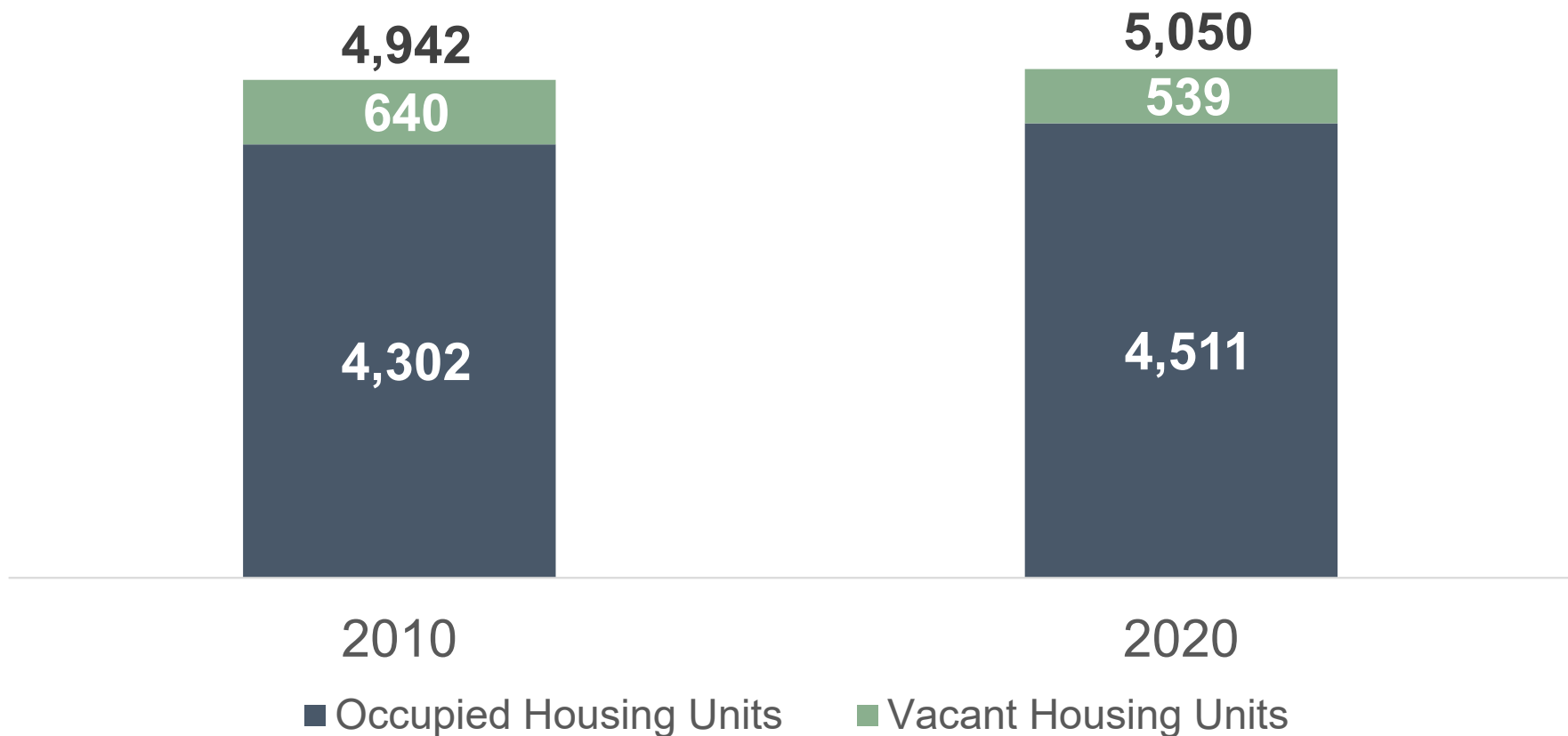
Source: Kirwan Institute:
http://kirwaninstitute.osu.edu/reports/2009/01_2009_GeographyofOpportunityMassachusetts.pdf



Housing Affordability



Housing Occupancy: Kittery



Source: US Decennial Census 2010 and 2020



Housing Cost Burden

Geography	Owner Cost Burden		Renter Cost Burden	
	#	%	#	%
Kittery	635	21.3%	697	44.6%
York County	15,788	25.1%	9,849	46.8%
Maine	88,698	22.3%	64,179	46.5%

Source: 2020: ACS 5-Year DP04

A household is housing cost burdened when they pay more than 30% of their income on housing related costs.



Financial Characteristics

Geography	Median HH Income	Owner-Median HH income	Renter-Median HH Income
Kittery	\$78,451	\$92,788	\$51,379
York County	\$67,830	\$80,560	\$39,041
Maine	\$57,918	\$70,344	\$32,235

Source: 2020: ACS 5-Year S2503

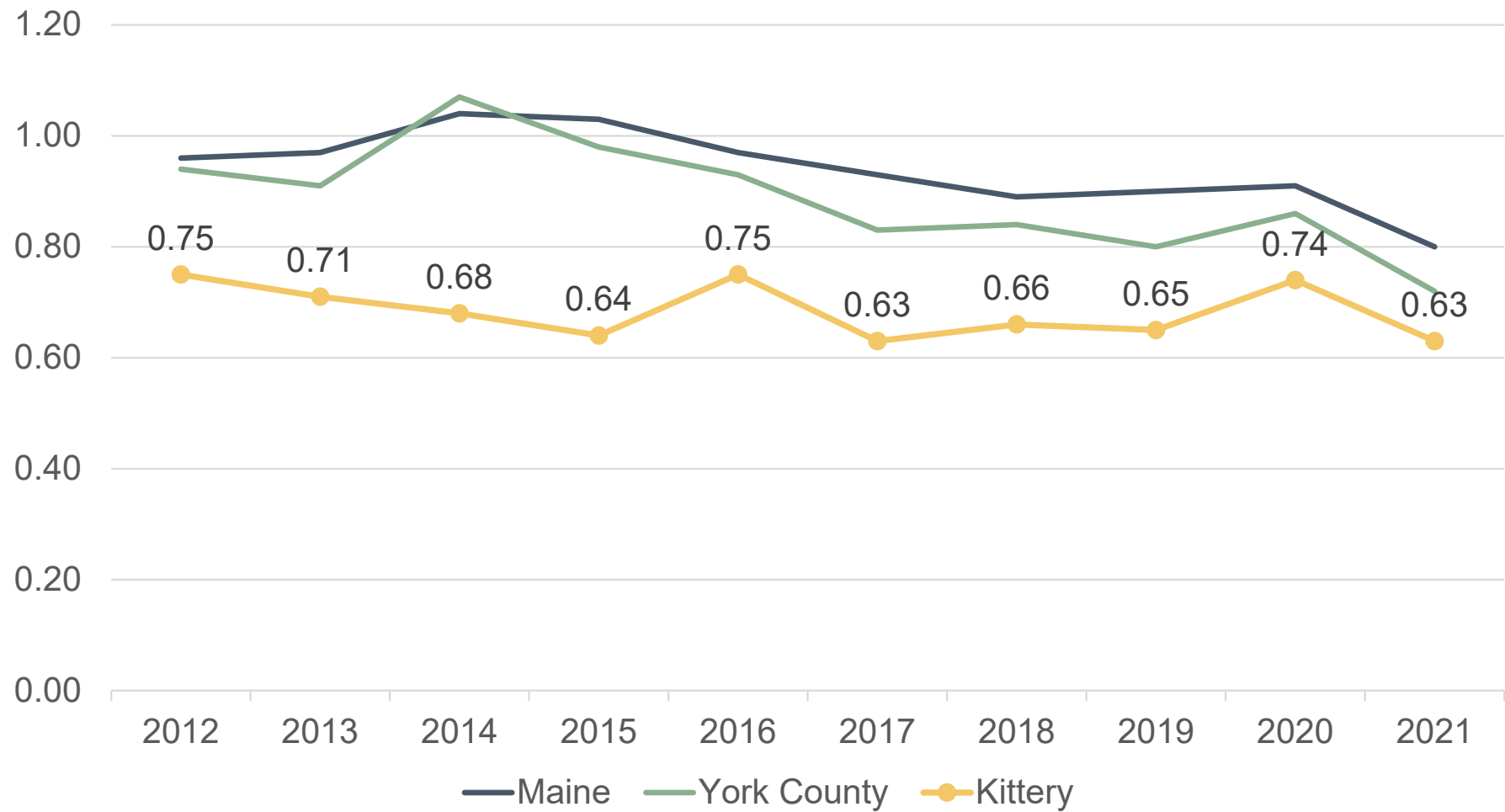




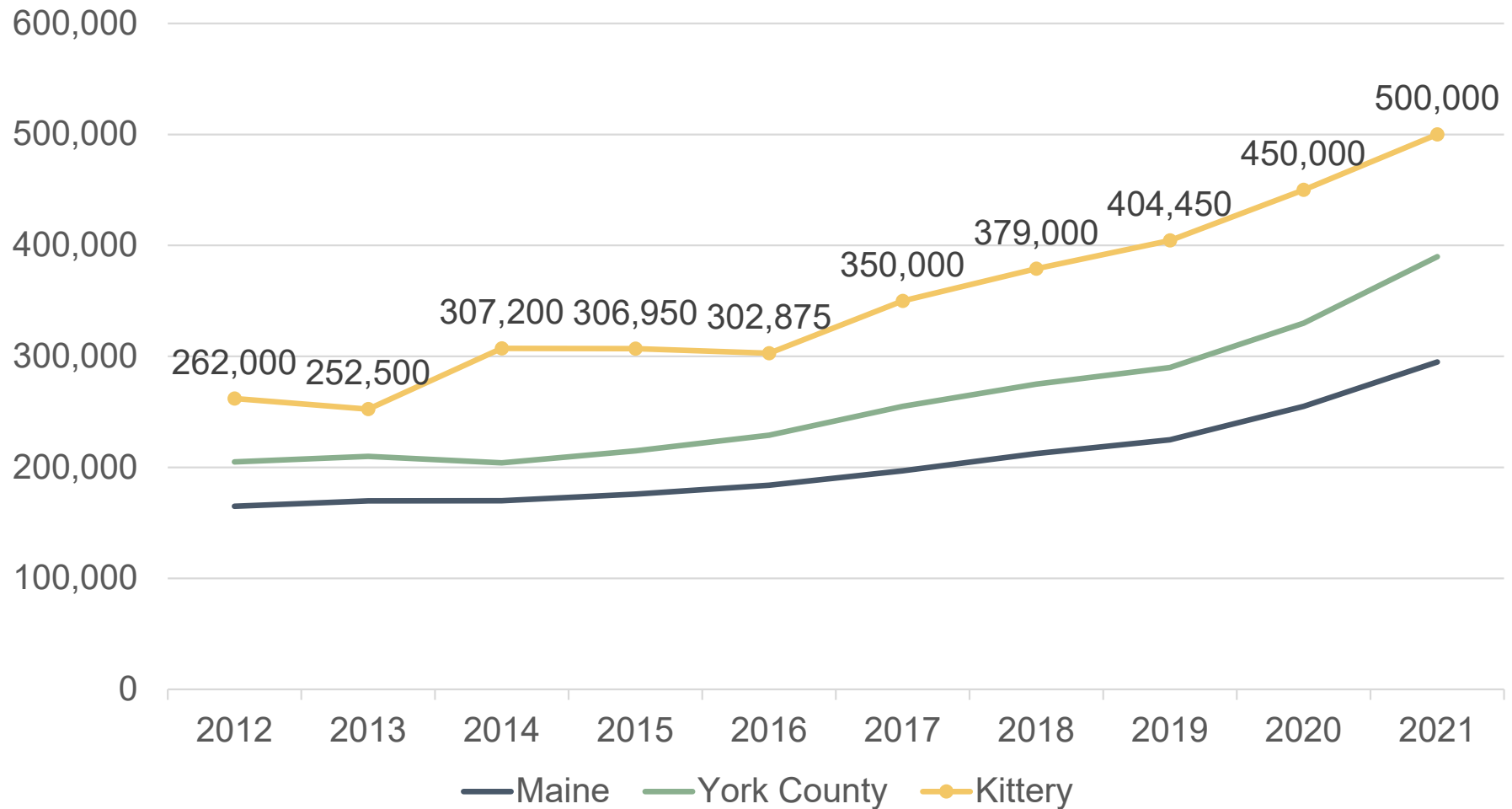
An average-priced home is unaffordable to average income households in Kittery and York County.



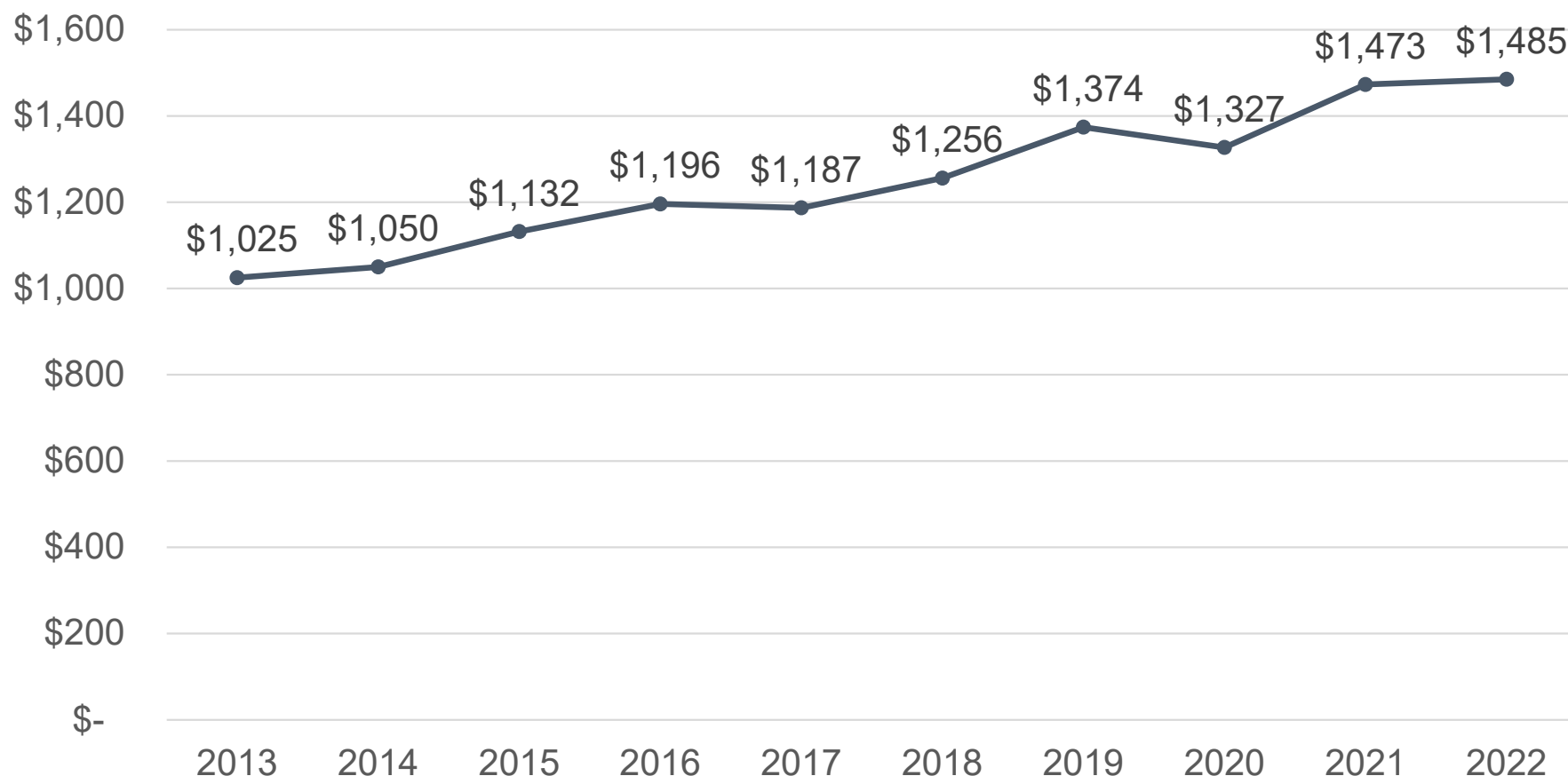
Homeownership Affordability Index 2012 - 2021



Median Home Price 2012 - 2021: Selected Maine Geographies



2-bedroom Fair Market Rent York-Kittery-South Berwick: FY2013 – FY2022



Rent and utilities affordable to median Kittery renter
\$1,285



164 Rent-restricted units needed in Kittery



204 family units



243 older adult units

*Households that have an income of 40-60% Area Median
Income that would qualify to live in a MaineHousing financed
LIHTC project.*



Area Median Income – York-Kittery-South Berwick

	Family Size			
	One	Two	Three	Four
Extremely Low-income (30% AMI)	24,150	27,600	31,050	34,500
Very Low-income (50% AMI)	40,250	46,000	51,750	57,500
60% AMI	48,300	55,200	62,100	69,000
Low-income (80% AMI)	64,400	73,600	82,800	92,000

Full time minimum wage is \$26,520 annually



Best Practices to Encourage Housing Development



Building Community Together

■ [2022 Community Solutions Grant](#)

MaineHousing's 2022 Community Solutions Grant provides matching grants to municipalities or Native American tribes in Maine that are taking a lead role in creating or preserving affordable housing in their communities. The grants are flexible and locally driven; each successful municipality or tribe determines how best to address their affordable housing needs.

■ [Housing Development Toolkit](#)

10/03/2016 - The White House released the "Housing Development Toolkit" which highlights actions state and local jurisdictions can take to encourage housing development. The white paper, released on September 26, argues that restrictive zoning contributes to high rents, exacerbates wealth inequality, and slows the U.S. economy.

■ [Local Housing Solutions](#)

LocalHousingSolutions.org provides resources to help cities, towns and counties develop comprehensive and balanced local housing strategies that enhance affordability, protect low-income residents from displacement, and foster inclusive neighborhoods. The non-partisan site was developed through the **National Community of Practice (CoP) on Local Housing Policy**, a project of the NYU Furman Center and Abt Associates.

■ [Joint Center for Housing Studies of Harvard University](#)

The Harvard Joint Center for Housing Studies helps leaders in government, business, and the civic sectors make decisions that effectively address the need of cities and communities.

■ [Opportunity 360](#)

Opportunity 360 is a comprehensive approach to understanding and addressing community challenges by identifying pathways to greater opportunities using cross-sector data, community engagement and measurement tools. With this insight, partners in community development will be better positioned to make smart investments and create collaborative solutions that transform communities across the country.

■ [Urban Institute](#)

The Urban Institute is the trusted source for unbiased, authoritative insights that inform consequential choices about the well-being of people and places in the United States. They have two policy centers that focus on housing, [Housing Finance Policy Center](#) and [Metropolitan Housing and Communities Policy Center](#).



Housing development toolkit



By-right development



Streamline permitting



Inclusionary Zoning



Tax abatements



Eliminate off street
parking requirements



High density and MF zoning



ADUs



Maine Housing Programs





First Home Loan

The most affordable way to buy your first home or return to home ownership:

- Below market interest rates (*4.5% as of 6/28/2022*)
- Low to no down payment required
- Down payment and closing cost assistance
- Eligible for owner occupied multi-family





Low Income housing Tax Credit Program (LIHTC)

Provides 30% to 70% of equity for eligible costs.

Can be combined with other public financing:

- Federal HOME
- State HOME
- CDBG
- TIF
- and others





Rural Affordable Housing Program

Funding for areas and at a size where traditional LIHTC are not generally feasible.

Smaller scale (5 to 18 units) affordable rental housing projects.

Affordability up to 80% AMI for 45 years.

Funded in part by the Maine Jobs and Recovery Plan.





Affordable Homeownership Program

An ongoing effort to increase the supply of moderately-priced homes available to Mainers, the State of Maine is making \$10 million available to facilitate the development of subdivisions with affordable single family homes.





Recovery Housing Program

To help combat the record numbers of overdoses and deaths from substance abuse.

The Recovery Housing Program (RHP) is a pilot program funded by the SUPPORT for Patients and Communities Act.





Supportive Housing Program

Provides developers funding for the creation of housing for persons with specific housing needs at **30% of AMI or less.**

Funding sources may include the National Housing Trust Fund as well as other federal and state resources.





Community Solutions Grant

Flexible locally driven matching grants to municipalities, ethnic and community-based organizations, or Native American tribes in Maine **that are taking a lead role in *creating or preserving affordable housing in their communities.***



Other housing programs



Home Accessibility and Repair Program



Aging in Place



Weatherization



Pre-1976 mobile home replacement



Clyde Barr
Policy Analyst

cbarr@mainehousing.org



Maine State Housing Authority ("MaineHousing") does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Lauren Bustard, Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330-6046; 1-800-452-4668 (voice in state only), (207) 626-4600 (voice), or Maine Relay 711.



Housing Reserve Program

TOM EMERSON, ARCHITECT, PLANNING &
DEVELOPMENT CONSULTANT, KITTERY
HOUSING COMMITTEE MEMBER

Housing Reserve Program

Definition: Funds held by a community for the purpose of supporting the creation of affordable housing.

Sources:

- Payment in Lieu
- Sale of foreclosed property
- Grants
- Philanthropy

Approval to Use Funds: Town Council, upon recommendation of Housing Committee.

Housing Reserve Program

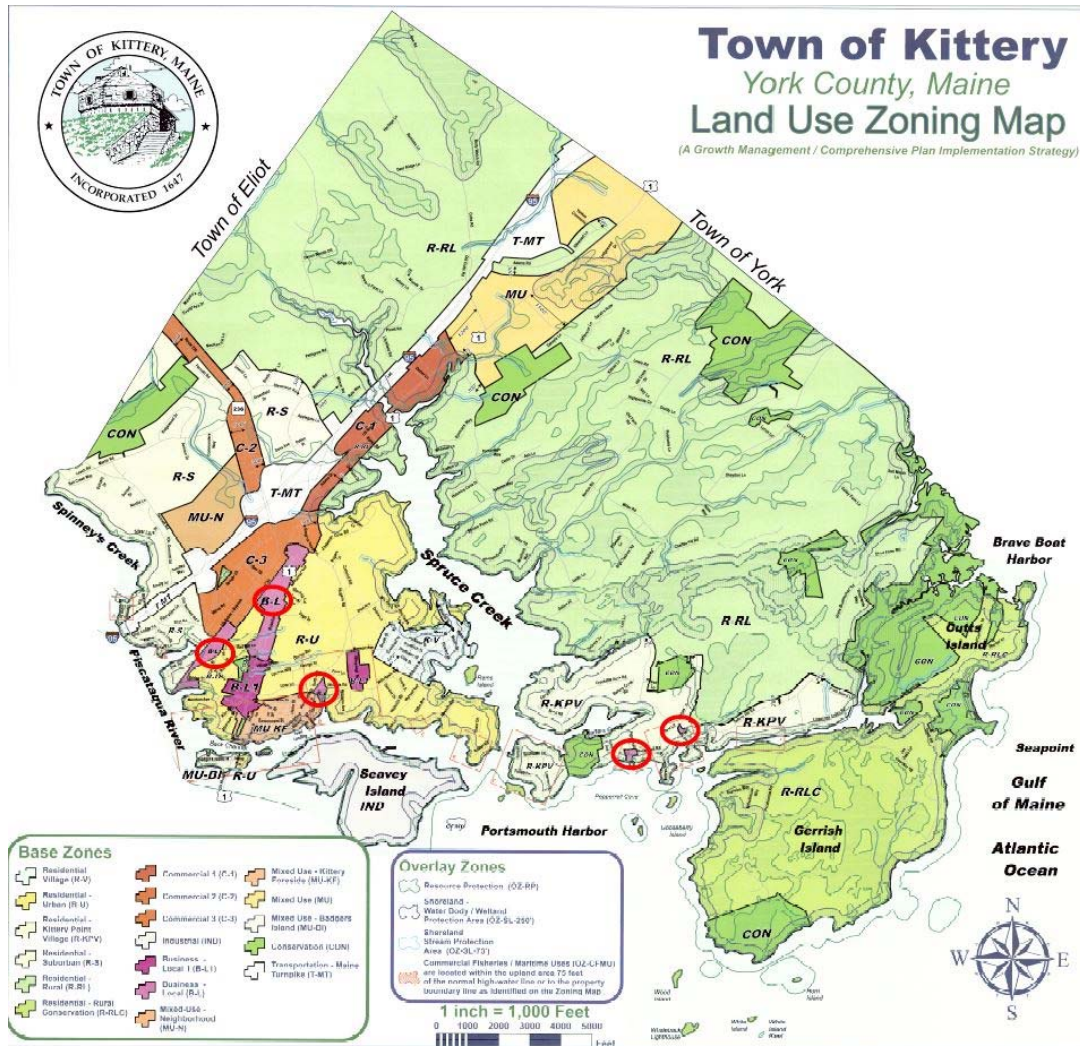
Uses for Housing Reserve Funds:

- Affordable and Transitional Housing Projects - Grants or loans for land acquisition, planning, pre-development, & construction.
- Homeownership Programs
 - Down payment assistance
 - Home repairs and rehabilitations
 - Development of ADUs
- Other
 - Trainings and workshops for local landowners on developing their property for affordable housing
 - Grant application assistance
 - Feasibility studies

BL & BL-1 Proposed Amendments

ADAM CAUSEY, DIRECTOR OF
PLANNING AND DEVELOPMENT

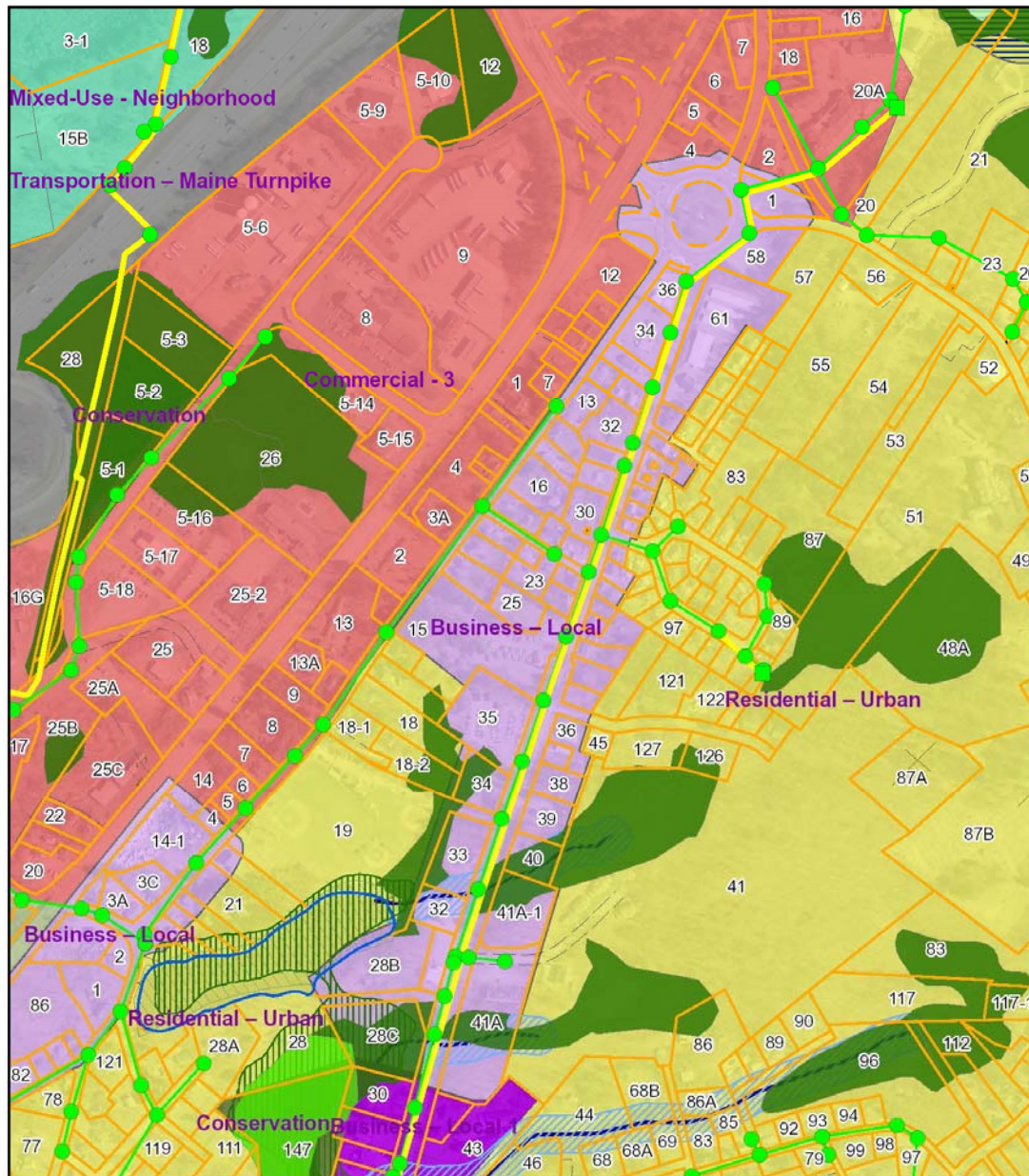
BUSINESS LOCAL (BL) ZONE LOCATIONS



- State Road (north end)
- Whipple/Wentworth
- US 1 Bypass (south end)
- Old Post Road & Dennett intersection
- Pepperrell Cove
- Lewis Square

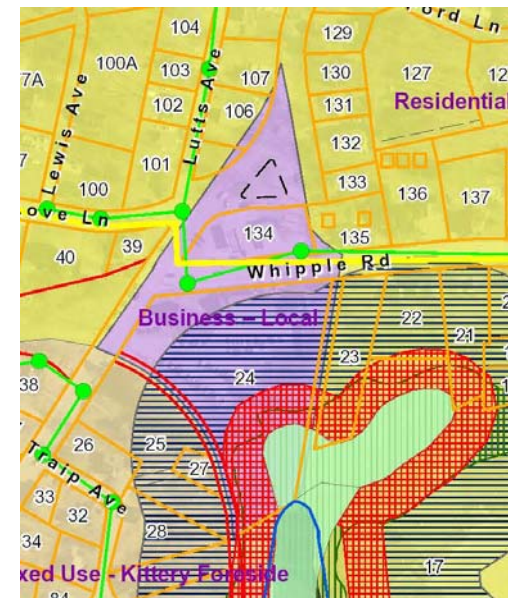
Business-Local (B-L) standards

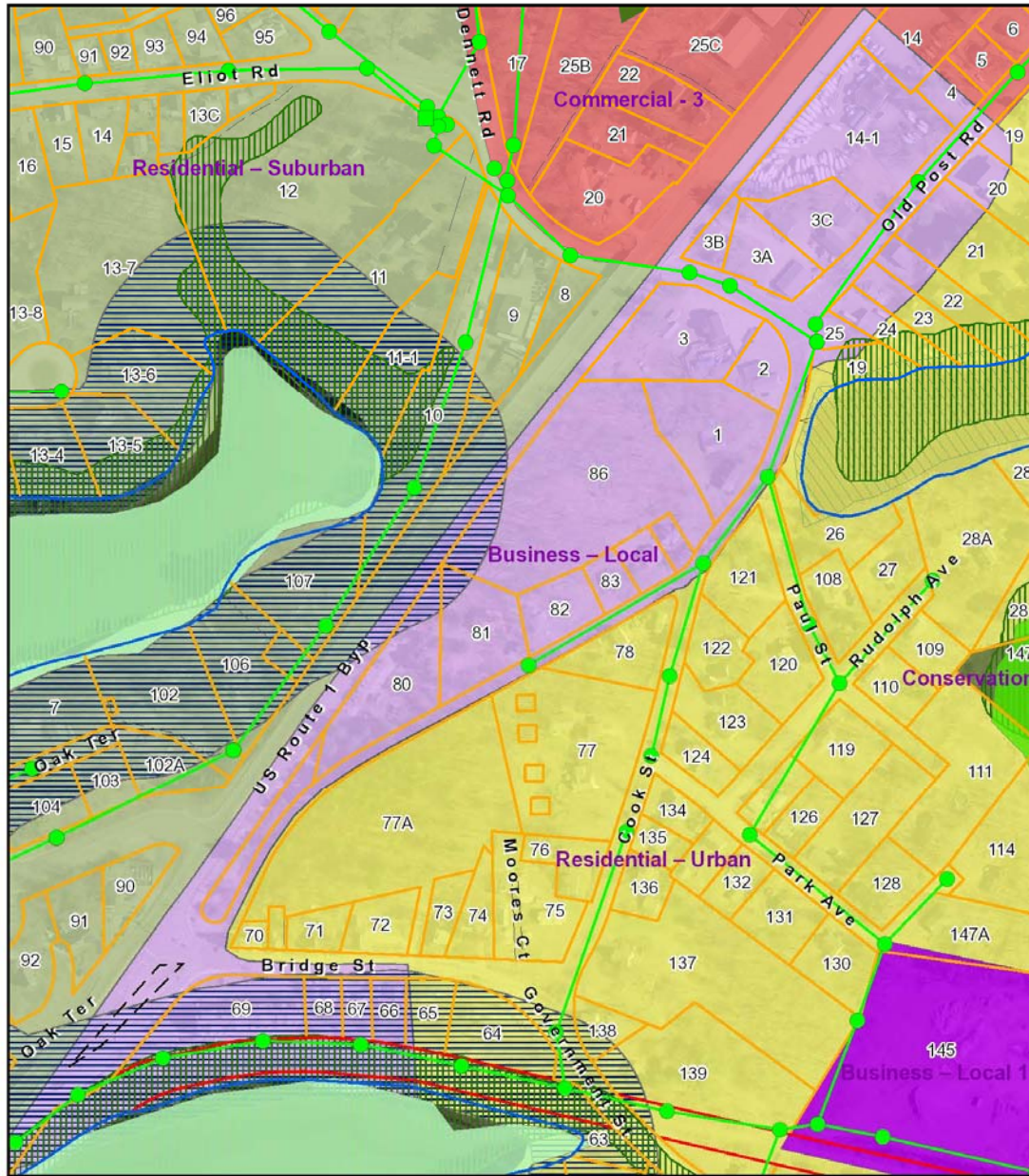
CURRENT	PROPOSED	ALTERNATE OPTION
20,000sf per dwelling unit (DU) if no public sewer	No change: NO DENSITY INCREASE EXCEPT AREAS WITH PUBLIC SEWER	
8,000sf per DU with public sewer	3,000sf per DU with public sewer	8,000sf per DU with public sewer
4,000sf per DU with 1 st floor commercial	No change	
No affordable requirement	Subject to affordable regs, incentive for 25% affordable (2,000sf per DU)	Subject to affordable regs, incentive for 100% affordable (2,000sf per DU)
Building height: 40 foot maximum	No change	
Front setback: 15 feet minimum	Front setback: 20 feet maximum	
Side/Rear setback: 10 feet	No change	



State Road (north end) & Whipple/Wentworth

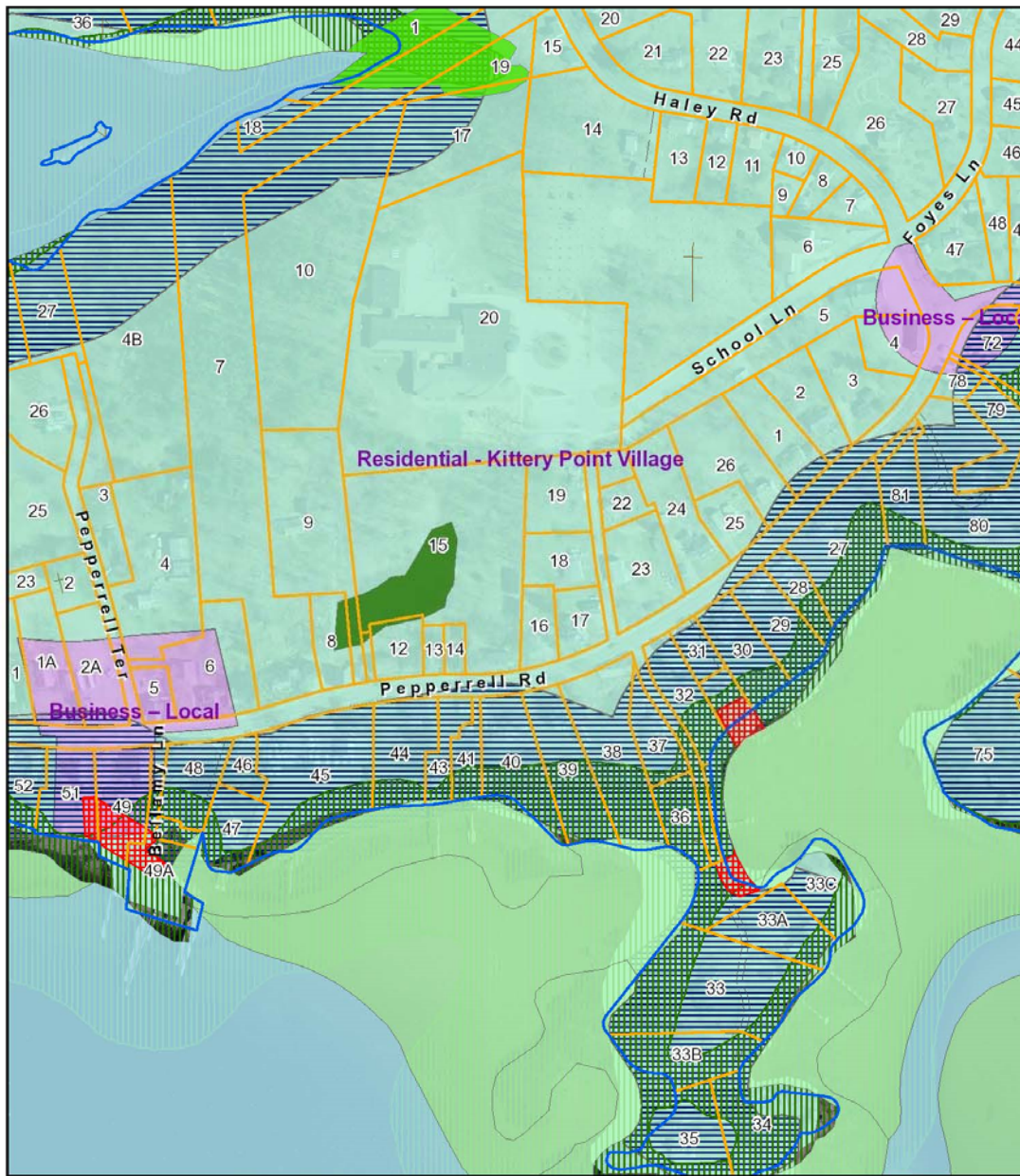
- On public sewer
- Some overlay zone impacts on southern end
- Commercial and residential





US 1 Bypass (south end) & Old Post and Dennett Rds

- On public sewer
- Some overlay zone impacts
- Commercial and residential



Pepperrell Cove & Lewis Square

- NOT on public sewer
- Overlay zone impacts
- Commercial and residential

Town of Kittery
York County, Maine
Land Use Zoning Map
(A Growth Management / Comprehensive Plan Implementation Strategy)

Base Zones

- Residential - Village (R-V)
- Residential - Urban (R-U)
- Residential - Kittery Point Village (R-KPV)
- Residential - Suburban (R-S)
- Residential - Rural (R-RL)
- Residential - Rural Conservation (R-RLC)
- Commercial 1 (C-1)
- Commercial 2 (C-2)
- Commercial 3 (C-3)
- Industrial (IND)
- Conservation (CON)
- Transportation - Maine Turnpike (T-MT)
- Mixed Use - Kittery Forestry (MU-KF)
- Mixed Use (MU)
- Mixed Use - Badgers Island (MU-BI)
- Business Local 1 (BL-1)
- Business Local 2 (BL-2)
- Mixed Use - Neighborhood (MU-N)

Overlay Zones

- Resource Protection (OZ-RP)
- Shoreland - Water Body / Wetland Protection Area (OZ-SL-290)
- Shoreland - Stream Protection Area (OZ-SL-150)
- Commercial Fisheries / Maritime Uses (OZ-CF-MU)

1 inch = 1,000 Feet

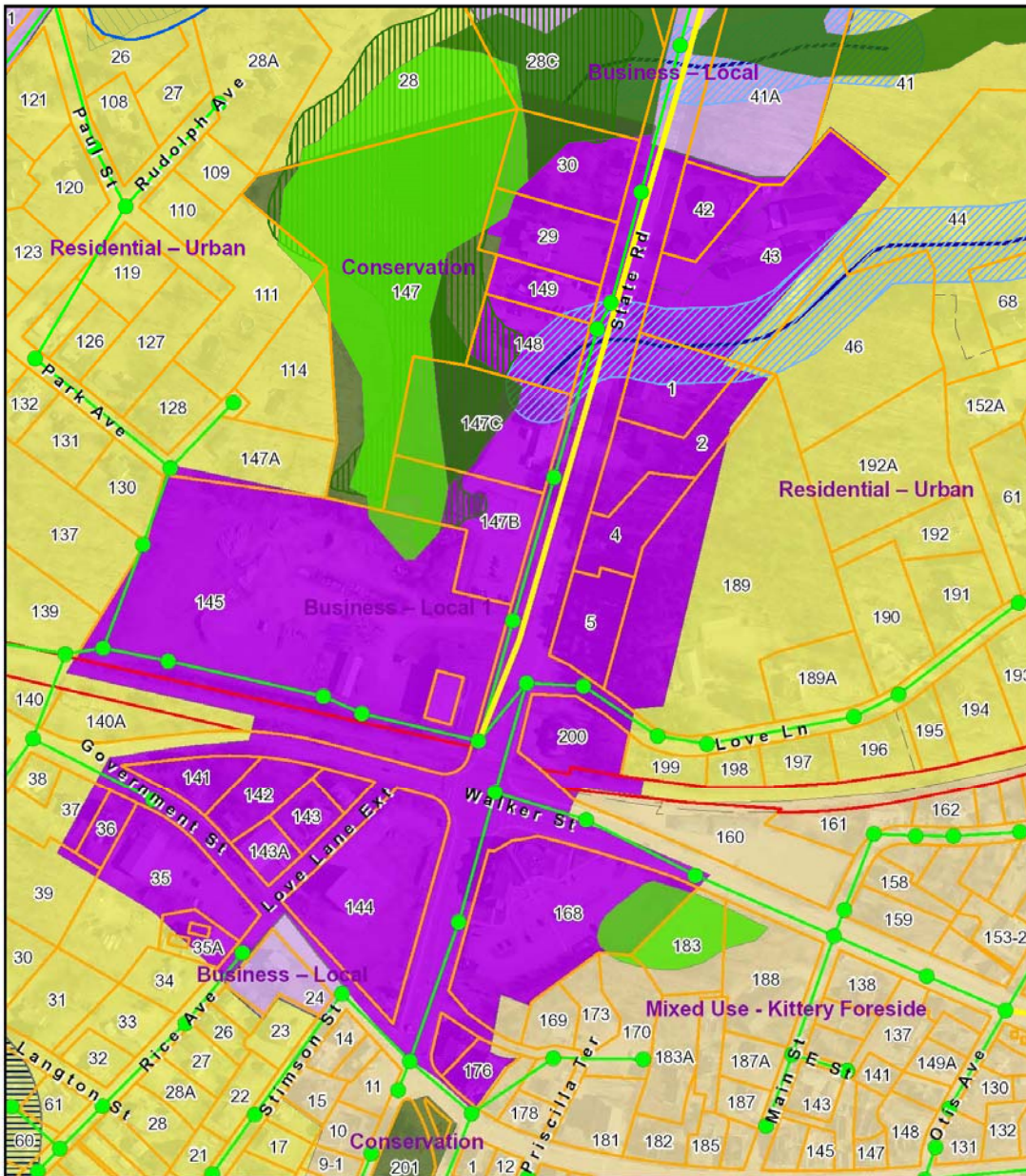
0 1000 2000 3000 4000 5000 Feet

Map Labels: Town of Eliot, Town of York, Spinney's Creek, Spruce Creek, Seavey Island IND, Portsmouth Harbor, Seapoint, Gulf of Maine, Atlantic Ocean, Brave Boat Harbor, Duffs Island, Gerrish Island, Wood Island, Whittaker Lighthouse, White Island, 1000' Shore Line.

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Business-Local 1 (B-L1) standards

CURRENT	PROPOSED	ALTERNATE OPTION
8,000sf per dwelling unit (DU)	2,500sf per DU	8,000sf per dwelling unit (DU)
3,500sf per DU with 1 st floor commercial	2,000sf per DU with 1 st floor commercial	3,500sf per DU with 1 st floor commercial
No affordable requirement	Subject to affordable regs, incentive for 25% affordable (1,500sf per DU)	Subject to affordable regs, incentive for 100% affordable (1,500sf per DU)
Building height: 40 feet maximum	Buildings height: 40 feet maximum but can be higher with Planning Board approval	
Front setback: 30 feet maximum	Front setback: 20 feet maximum	
Side/Rear setback: 10 feet	No change	

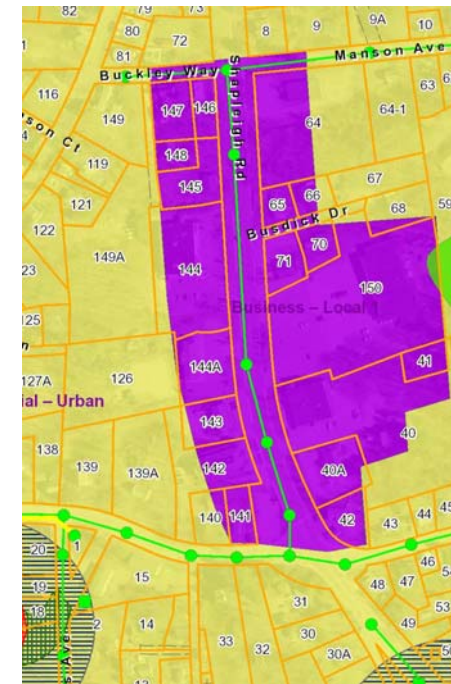


State Road (south end/Gourmet Alley)

- On public sewer
- Some overlay zone impacts
- Commercial and residential

Post Office Square/Shapleigh Road

- On public sewer
- Commercial and residential



QUESTIONS

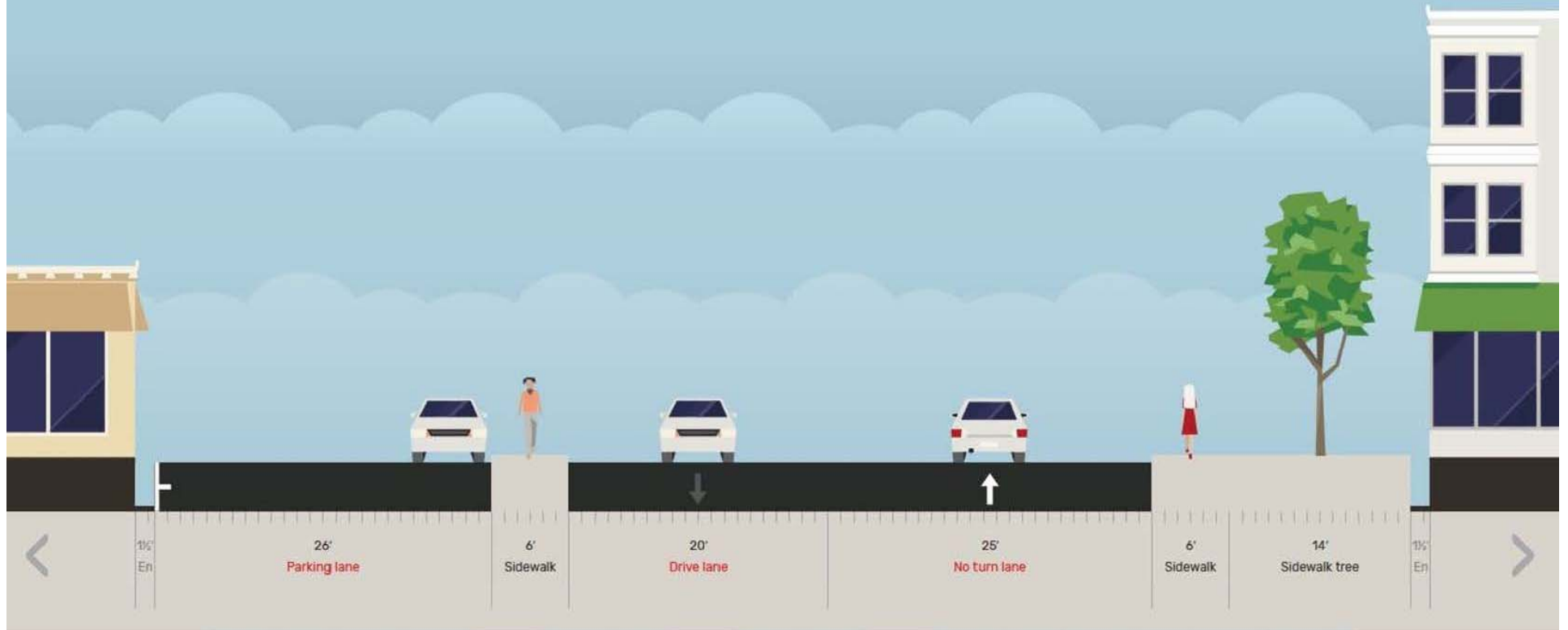
- Please use the “Raise Hand” feature or type in the Q&A box on your webinar screen.

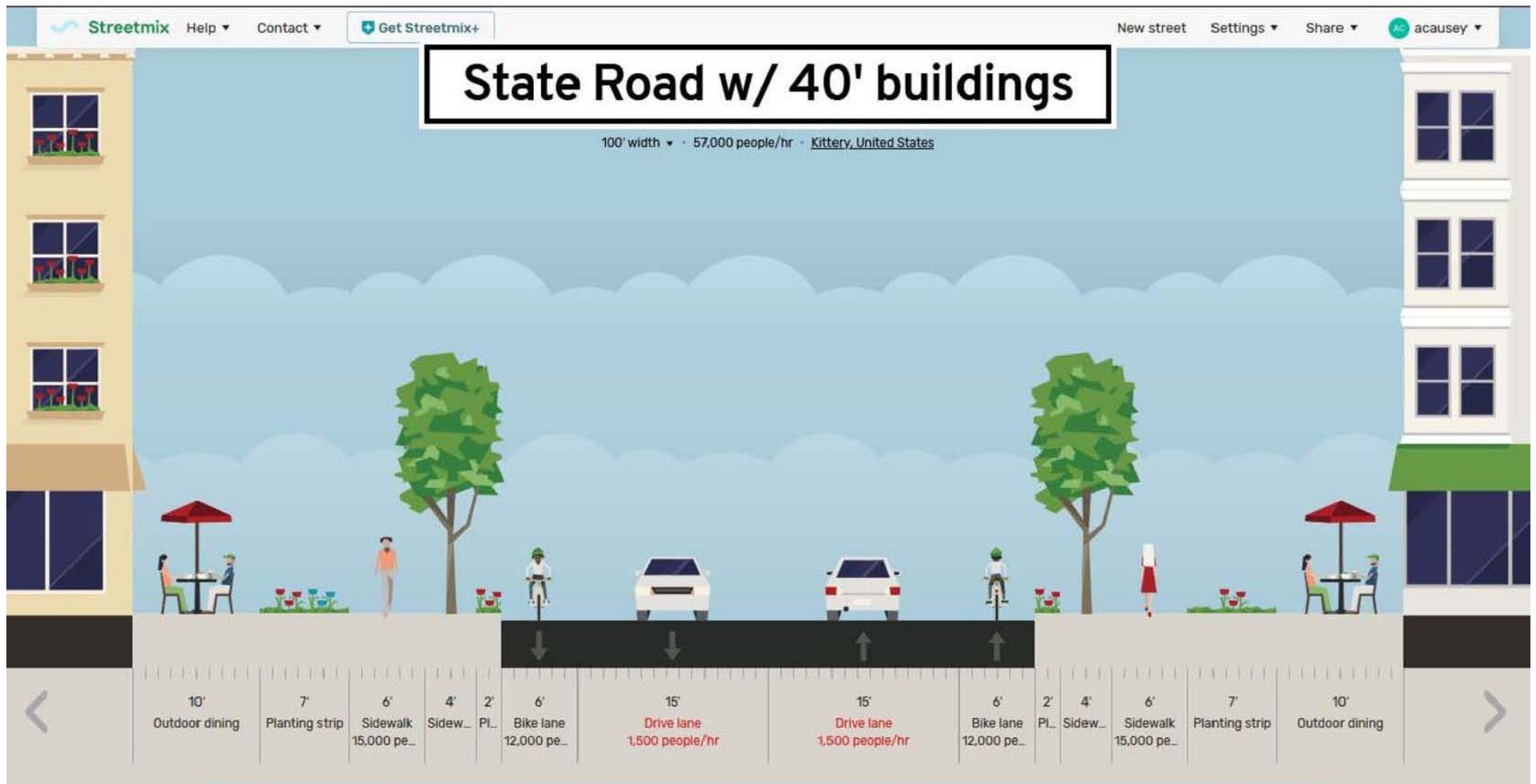
Addlt Images



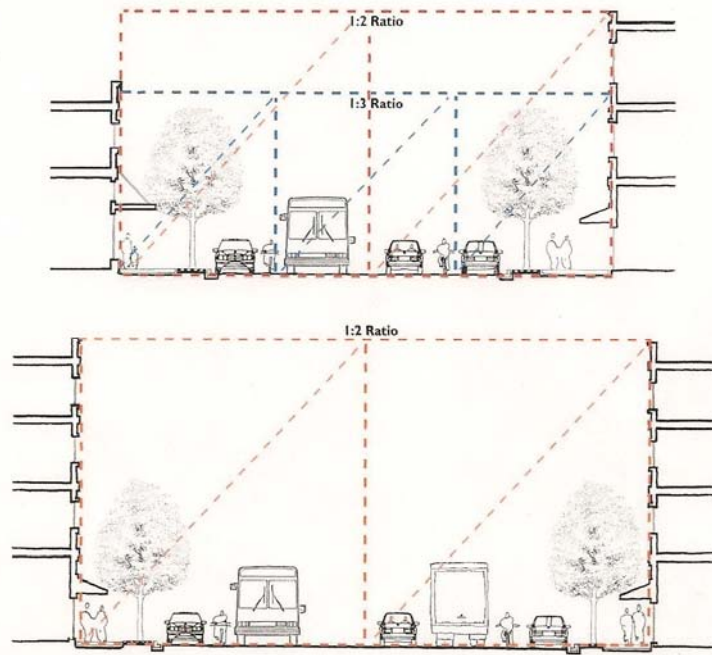
State Road

100' width (3' room) ▾ · [Kittery, United States](#)



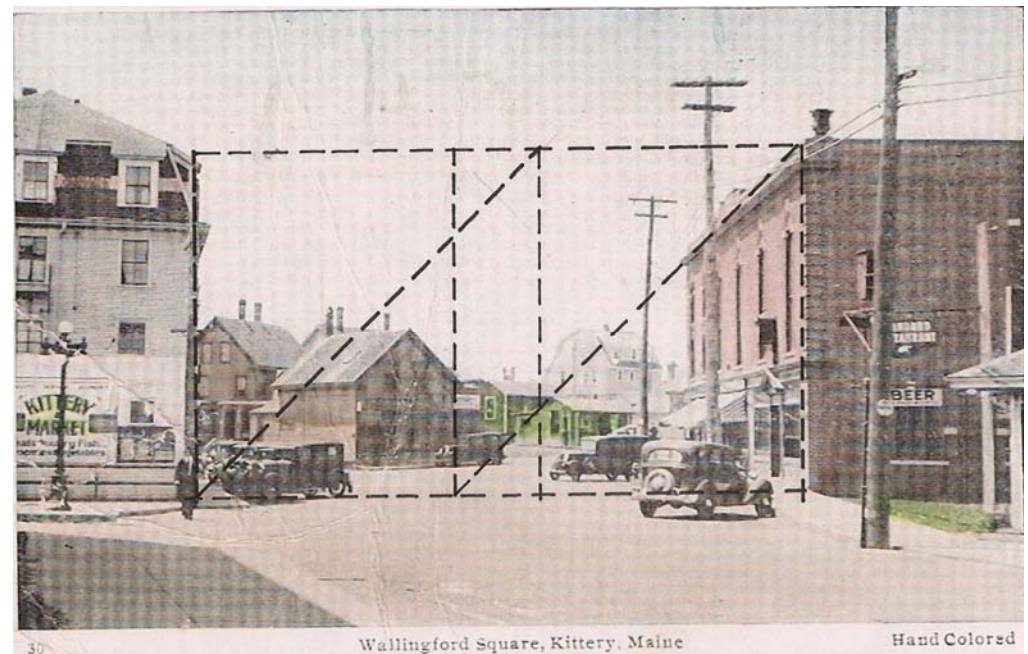
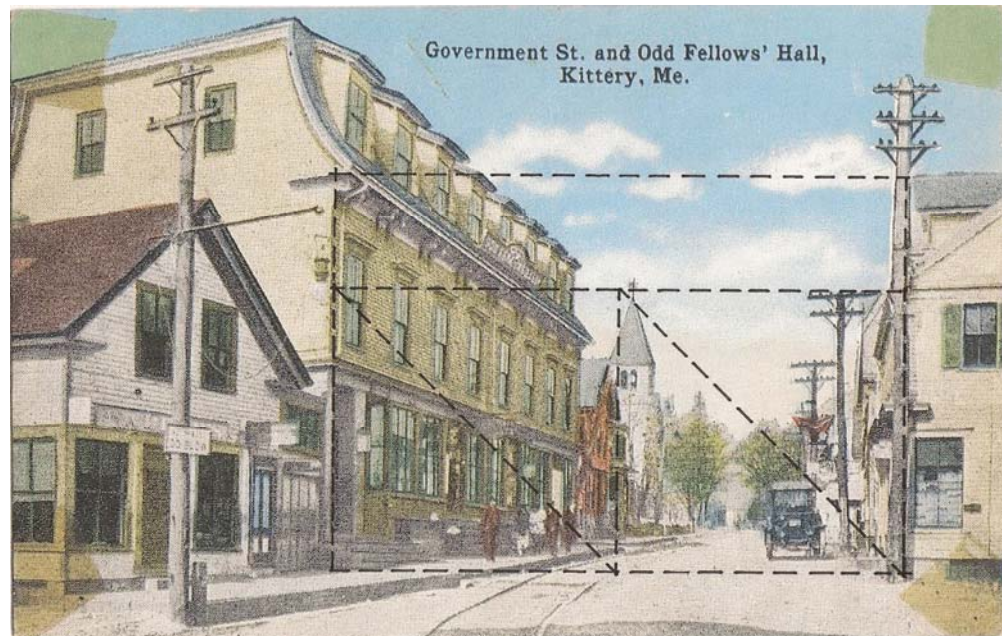


Street Enclosure



- Building height to thoroughfare width ratios:
 - 1:4 suburban
 - 1:2-1:3 urban
- Pedestrians first perceive enclosure at a 1:4 ratio

From: **Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities**
 A joint effort:
 Institute of Transportation Engineers
 Congress for the New Urbanism

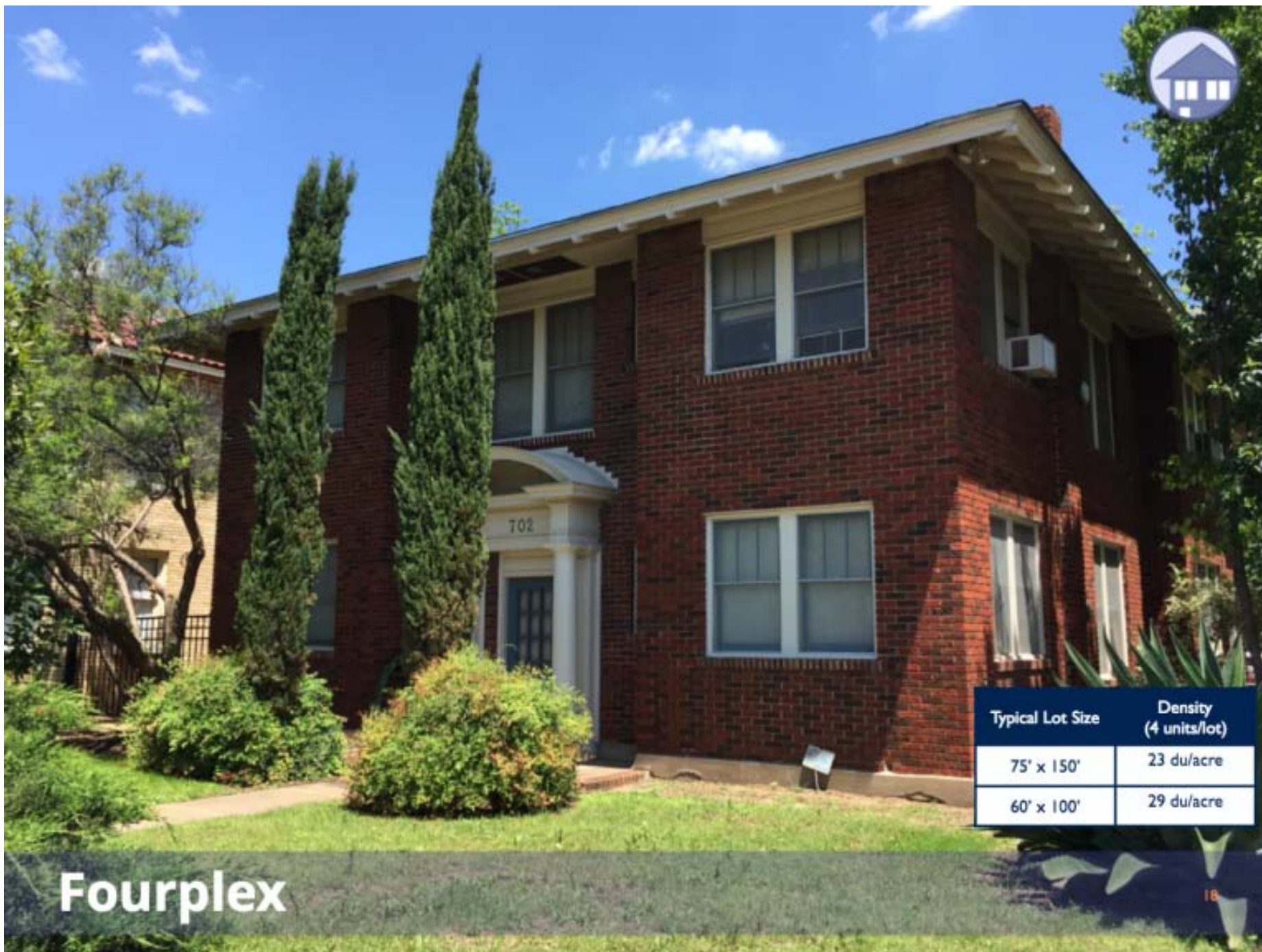


Four/Sixplexes



This type is ubiquitous in most historic neighborhoods: four units for two stories or six for three stories is typical.

Typical Lot Size	Density (4 units/lot)	Density (6 units/lot)
75' x 125'	18 DU/Acre	27 DU/Acre
60' x 125'	24 DU/Acre	35 DU/Acre
60' x 100'	28 DU/Acre	NA

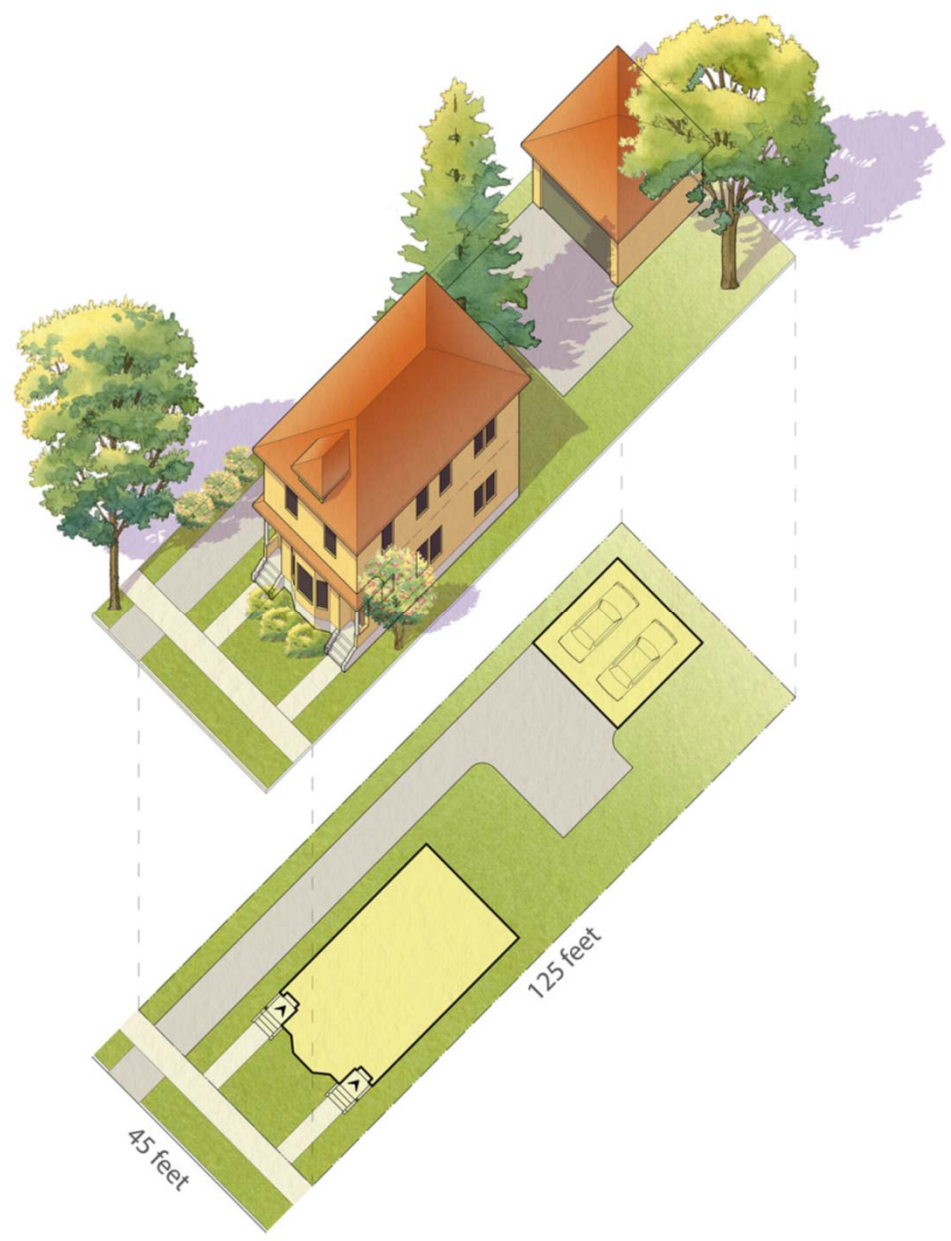


Typical Lot Size	Density (4 units/lot)
75' x 150'	23 du/acre
60' x 100'	29 du/acre

Fourplex















TITLE 16
AFFORDABLE HOUSING
HOUSING COMMITTEE PROPOSED EDITS

1. Business Local (B-L) replace lines 67 through 90:

A. Standards.

All development and the use of land in the B-L 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 Chapters §16.5, §16.7 and §16.8 must be met.

(1) The following space and dimensional standards apply:

(a) Minimum land area per dwelling unit:

[1] If served by on-site sewage disposal: 20,000 square feet;

[2] If served by the public sewerage system and:

- [a] When no frontage on State Road or Route 1 Bypass exists: All floors are residential: 3,000 square feet; ~~or~~
- [b] When less than five dwelling units are proposed ~~with~~, at minimum, one nonresidential use ~~to~~ must be located on the first floor facing State Road or Route 1 Bypass such that the use will be visible from the street: 3,000 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.
- [c] When five or more dwelling units are proposed ~~with~~, at minimum, one nonresidential use ~~to~~ must be located on the first floor facing State Road or Route 1 Bypass 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; or
- [d] 25% or more of the dwelling units will be affordable housing units as defined by this code: 2,000 square feet.

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

2. Business Local 1 (B-L1) replace lines 71 through 86:

B. 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 § 16.5, 16.7 and 16.8 must be met.

(1) The following space and dimensional standards apply:

(a) Minimum land area per dwelling unit:

- [1] When no frontage on State Road or Shapleigh Road: ~~When all floors are residential:~~ 2,500 square feet
- [2] When less than five dwelling units are proposed ~~with~~, at minimum, one nonresidential use ~~to~~ 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 ~~to~~ 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 area per dwelling unit is: 1,500 square feet.

3a. Business Local 1 (B-L1) delete line 65:

~~(12) — Buildings and structures over 40 feet that conform to the provisions of Title 16.~~

3b. Business Local 1 (B-L1) amend lines 129 through 134:

~~(g) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations. Buildings and structures higher than 40 actual feet from the lowest point of grade to the highest point of the building or structure (see Height of Building in 16.3), permitted as a special exception, must have side, rear and front setbacks of sufficient depth to adequately protect the health, safety and welfare of abutting properties, which may not be less than 50% of the actual height of the proposed building.~~

(g) Maximum building height: 40 feet.

[1] the Planning Board may approve buildings above 40 feet but no higher than 50 feet if all side, rear and front setbacks have sufficient depth to adequately protect the health, safety and welfare of abutting properties, and which may not be less than 50% of the actual height of the proposed building.

[2] Solar apparatus is excluded from height determinations.

4. Amend Appendix A Payment in Lieu Fee:

Fee in lieu, per affordable housing unit required

~~\$35,000~~ \$100,000

3. Amend Affordable Housing Standards, 16.5.4.C (3):

- (3) As an alternative to providing affordable housing units, projects may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Kittery Housing Reserve Fund, as ordained by the Kittery Town Council. The fee for affordable units not provided must be established by the Kittery Town Council in the schedule of fees. The in-lieu payment alternative may be utilized for no more than 50% of the number of whole units required for affordable housing for the project.