
MEMORANDUM

TO: Adam Causey, AICP, Director of Planning and Development

CC: Jamie Steffen, Town Planner
Carl Eppich, AICP, North Star Planning
Open Space Advisory Committee (OSAC)

From: Ben Smith, AICP, North Star Planning 

RE: Code Framework – Kittery Title 16 Land Use and Development

Date: January 23, 2019

North Star Planning is working with the Town of Kittery on a project to recodify and provide ordinance updates for Title 16. Task 2.1 in the Scope of Work approved for that project is to draft up a framework for a restructured Title 16.

This framework takes the form of a table of contents to provide an outline of where ordinance elements should be placed in relation to each other to increase clarity and the ability of staff, volunteers, applicants and the public to use and understand the document.

The meeting to be scheduled in early March for Kittery's elected officials and appointed volunteers is going to be the introductory meeting for this important stakeholder group. This draft framework is envisioned to be a centerpiece of that introductory discussion. As a result, fine tuning this draft will be another important work item for this committee.

Title 16: Land Use and Development Code

Section 100 – General Provisions

- 101. Title
- 102. Purpose
- 103. Conflicting Requirements
- 104. Severability
- 105. Rules of Construction
- 106. Amendments

Section 200 – Administration and Enforcement

- 201. Planning Board
- 202. Board of Appeals
- 203. Port Authority
- 204. Town Planner
- 205. Code Enforcement Officer (CEO)
- 206. Violations
- 207. Enforcement and Penalties

Section 300 – Definitions

Section 400 – Land Use Zone Regulations

- 401. General
- 402. Establishment of Zones
- 403. Zoning Map
- 404. Zoning District Boundaries
- 405. Overlay Zones
- 406. Zone Definitions, Uses and Standards
 - a. Residential – Rural (R-RL)
 - b. Residential – Suburban (R-S)
 - c. Residential – Kittery Point Village (R-KPV)
 - d. Residential – Urban (R-U)
 - e. Residential – Village (R-V)
 - f. Residential – Rural Conservation (R-RLC)
 - g. Conservation (CON)
 - h. Business – Local (B-L)
 - i. Business – Local 1 (B-L1)
 - j. Business – Park (B-PK)
 - k. Commercial 1 (C-1)
 - l. Commercial 2 (C-2)
 - m. Commercial 3 (C-3)
 - n. Industrial (IND)
 - o. Mixed-Use (MU)
 - p. Mixed-Use – Badger Island (MU-BI)
 - q. Mixed-Use – Kittery Foreside (MU-KF)
 - r. Transportation – Maine Turnpike (T-MT)
- 407. Overlay Zones
 - a. Shoreland Overlay Zone – Water Body/Wetland Protection Area – 250 feet (OZ-SL-250)
 - b. Shoreland Overlay Zone – Stream Protection Area – 75 Feet (OZ-SL-75)
 - c. Commercial Fisheries/Maritime Uses Overlay Zone (OZ-CFMU)
 - d. Resource Protection Overlay Zone (OZ-RP)

Section 500 – General Performance Standards

(This section will contain Performance Standards that apply to uses Town-wide, as opposed to zone standards for uses specific to particular zones in Section 406, or to Performance Standards that are part of Site Plans and Subdivisions, Section 704 and 804, respectively.)

- 501. Signs
- 502. Mobile Home Parks, Seasonal Trailer Parks and Campgrounds
- 503. Manufactured Housing
- 504. Junkyards and/or Automobile Salvage Yards
- 505. Piers, Wharves, Marinas and other uses projecting into water bodies
- 506. Lots
- 507. Sprinkler Systems
- 508. Temporary Intrafamily Dwelling Unit
- 509. Home Occupation
- 510. Wireless Communication Services Facilities
- 511. Accessory Dwelling Units
- 512. Campgrounds and Campsites
- 513. Essential Services
- 514. Single and Duplex Family Dwellings
- 515. Agriculture
- 516. Mineral/Earth Material Exploration and Removal

Section 700 – Site Plan Review

- 701. Applicability
- 702. Review Procedures
 - a. Pre-Application and Conference
 - b. Sketch Plan Review Process
 - c. Final Plan Review Process
- 703. Submission Requirements
 - a. Pre Application and Conference
 - b. Sketch Plan Submission
 - i. Plan Submissions
 - ii. Written Submissions
 - c. Final Plan Submission
 - i. Plan Submissions
 - ii. Written Submissions
- 704. Performance Standards and Approval Criteria
 - a. *(This section will have to be filled in based on conversations around General Performance Standards, zoning standards and development review standards)*
- 705. Post-Approval Activities

Section 800 – Subdivision Review

- 801. Applicability
- 802. Review Procedures
 - a. Pre-Application and Conference
 - b. Sketch Plan Review Process
 - c. Preliminary Plan Process
 - d. Final Plan Review Process
- 803. Submission Requirements
 - a. Sketch Plan Submission
 - i. Plan Submissions
 - ii. Written Submissions
 - b. Preliminary Plan Submission
 - i. Plan Submissions
 - ii. Written Submissions
 - c. Final Plan Submission

- i. Plan Submissions
 - ii. Written Submissions
- 804. Performance Standards and Approval Criteria
 - a. *(The list below is the list of performance standards that are not Use Based, which are in Section 500 – General Performance Standards, but are used by the Board when making judgements about proposed development. Some will apply to Site Plan as well, and will be part of a larger conversation around Performance Standards.)*
 - b. Monuments
 - c. Street Signage
 - d. Streets and Sidewalks/Pedestrian Ways
 - e. Water Supply
 - f. Sewers
 - g. Stormwater and Surface Drainage
 - i. Post-Construction Stormwater Management
 - ii. Prevention of erosion
 - h. Parking, Loading and Traffic
 - i. Cluster Residential and Cluster Mixed-Use Development
 - j. Utilities
 - k. Landscaping
 - l. Noise
 - m. Exterior Lighting
 - n. Soil suitability
 - o. Water Quality and Wastewater Pollution
 - p. Air Pollution
 - q. Buffer Areas
 - r. Floodplain Areas
 - s. Radiation
- 805. Post-Approval Activities
 - a. Acceptance of Streets and Ways

Section 900 – Shoreland and Marine-Related Development

- 901. Authority and Scope
- 902. Applicability
- 903. Review Procedures
- 904. Submission Requirements
 - i. Plan Submissions
 - ii. Written Submissions