



TOWN OF KITTERY

Planning & Development Department
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TO: Kittery Land Issues Committee
FROM: Jason Garnham, Director of Planning and Development
SUBJECT: Business Park/ Neighborhood Mixed Use Zoning
DATE: March 20, 2023

Kittery's Town Council voted to repeal §16.4.26 Neighborhood Mixed Use zoning in July 13, 2022 in response to a petition from residents and replaced those provisions with the Business Park zoning which preceded them. Council also simultaneously enacted a moratorium on development permits within this zoning district. This moratorium was extended by Council to August 8, 2023 during the December 12, 2022 meeting. Since the Business Park zoning provisions may generally be misaligned with current goals and land use trends, the Town has a strong interest in re-considering the applicable zoning uses and standards for this zoning district. Completing a review and recommendation process for the Business Park zoning district is consequently among the Town Manager's expressly stated goals for 2023 and the Town is undertaking a hydrologic study of its vicinity to help inform this effort.

Business Park vs. Neighborhood Mixed Use Zoning: What's the Difference?

In general, the Neighborhood Mixed Use zoning provisions reflect goals and trends by allowing a wider variety and higher density of residential uses, limiting the size of certain commercial developments such as retail stores, and providing clearer and more stringent controls on impacts to environmentally sensitive areas and neighboring properties. Maximum residential density is 16 units per acre and maximum building height is 50 feet. Combined with open space, setbacks, landscaping, and other requirements, these standards encourage residential or mixed-use developments that are feasible under current conditions while minimizing impacts to environmental resources or neighboring residents. Planning and Development staff find that major changes may not be needed to achieve community goals.

Next Step: Development Scenario Visualization

Staff propose engaging qualified independent consultants to:

1. Describe the range of feasible use/ development outcomes within this zoning district under current and forecasted market conditions.
2. Prepare graphic representations of those feasible development outcomes including conceptual site plans and building renderings to help inform stakeholders and residents what

The purpose of this visualization effort is to educate staff, residents, and stakeholders about what may feasibly be developed in this zoning district under market conditions. Visualizing realistic outcomes may also help identify those specific uses or elements of a development plan that are deemed unacceptable or

desired for the purpose of refining the Neighborhood Mixed Use zoning standards that were previously adopted. Some questions for the consultant to study are:

- Residential development: How many, and what types, of base units are needed in order for owner/ developer to include affordable units?
- What are the scale(s) and variation of housing types that can fit within that scope?
- Commercial development: what types and scales of commercial uses are viable with or without residential development on the lots?

Preliminary findings from an ongoing hydrologic study should provide additional clarity about locations of natural resources that should be avoided by future development.

Draft Work Plan:

1. Consultant selection/ RFP
2. Consultant meet with KLIC for kickoff meeting
3. Consultant meet with public/ stakeholders to introduce project and gather input
4. Consultant develop sketches and draft report/ finding
5. Consultant Present Draft Concept Plans & Report to KLIC (HC?)
6. Draft Concept Plans & Report Public Workshop
7. Staff prepare draft zoning amendments
8. Draft Amendments: KLIC, HC, and PB workshop(s)
9. Draft Amendments: PB hearing
10. Draft Amendments: PB/ Council workshops
11. Draft Amendments: Council process → adoption

Staff are currently reviewing programs offered by Urban Land Institute's Boston office that may achieve these results at a reasonable cost. A broader community education effort may be undertaken prior to implementing this project.

Discussion Items:

Information to share with consultant

Key questions for consultant

Draft work plan feedback

Resources:

Title 16: [Town of Kittery, ME Title 16: Land Use and Development Code \(ecode360.com\)](http://ecode360.com)

Business Park Zoning: [Microsoft Word - 2022.07 MU-N B-P Corrected Proposed Ordinance Revision \(ecode360.com\)](http://ecode360.com)

Urban Land Institute Urban Plan program: [UrbanPlan | ULI Boston/New England](http://UrbanPlan|ULIBoston/NewEngland)

Urban Land Institute Technical Assistance Panels: [Technical Assistance Panels \(TAPs\) | ULI Boston/New England](http://TechnicalAssistancePanels(TAPs)|ULIBoston/NewEngland)

Cumberland Development Feasibility Study by Viewshed: [Viewshed - Development Feasibility Study](http://Viewshed-DevelopmentFeasibilityStudy)