

1 **Miscellaneous amendments related to the proposed Conservation Subdivision**

2 **Under 16.3 Definitions**

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4 ~~CLUSTER MIXED USE DEVELOPMENT~~

5 ~~A form of land use improvements and/or change, with residential and commercial elements in~~  
6 ~~mixed use or single use buildings, in which the dimensional requirements are reduced below that~~  
7 ~~normally required in the applicable zone in return for a requirement providing traffic~~  
8 ~~improvements, utility extensions, permanent open space, and other such improvements that the~~  
9 ~~Planning Board may determine contribute to the enhancement of the project and/or the~~  
10 ~~surrounding environment.~~

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12 ~~CLUSTER RESIDENTIAL DEVELOPMENT CONSERVATION SUBDIVISION~~

13 ~~A form of land use improvements and/or change in which the dimensional requirements are~~  
14 ~~reduced below that what is normally required in the zoning district in which the land use~~  
15 ~~improvements and/or change is located in return for the provision to set aside a portion of the~~  
16 ~~tract as of permanent open space and other environmental enhancements owned and maintained~~  
17 ~~jointly in common by individual lot/unit owners, the Town, or a land conservation organization.~~

18 A type of land use which in its simplest form allows a reduction of the pertinent zoning district's  
19 dimensional requirements on a property to be subdivided while permanently protecting open  
20 space on the property based on certain criteria and objectives.

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22 **OPEN SPACE**

23 Includes all dedicated portions of a parcel that has vegetated surfaces or is in an undisturbed  
24 natural state. "Open space" does not include areas occupied by a building or a parking area,  
25 except where required by the management plan in place to govern the open space and as  
26 approved by the Planning Board. Vegetated surfaces of outdoor commercial uses may be used to  
27 satisfy up to 50% of the required open space on any parcel, except those parcels within a  
28 conservation subdivision. ~~cluster residential or cluster mixed use development.~~

29 [Added 9-24-2012 by Ord. No. 12-10]

30 **OPEN SPACE, RESERVED**

31 Dedicated land that is permanently protected from further development and remains in a natural  
32 condition or is managed according to an approved management plan for natural resource  
33 functions, e.g., forestry, agriculture, habitat protection, passive recreation, or limited uses as  
34 approved by the Planning Board as part of a conservation subdivision. ~~cluster residential and~~  
35 ~~cluster mixed use developments.~~

36 [Added 9-24-2012 by Ord. No. 12-10]

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**Under 16.4 Land Use Zones**

**§16.3.2.1 Residential – Rural R-RL.**

- B. Permitted uses. The following uses are permitted in the R-RL Zone:
  - (9) Conservation subdivision ~~Cluster residential development~~. [Added 9-24-2012 by Ord. No. 12-10]
  
- D. Standards. The following standards must be met unless modified per Chapter 16.8, ~~Article XI~~ **Section 16.8.10.H**, Conservation Subdivision ~~Cluster Residential and Cluster Mixed-Use Development~~: [Amended 9-24-2012 by Ord. No. 12-10]
  - (3) Subdivision types and standards. Subject to net residential acreage and net residential density per §16.5.17. [Amended 9-28-2015 by Ord. No. 15-05]
    - (a) ~~Cluster residential development~~. In a conservation subdivision ~~cluster residential development~~, the above standards may be modified in accordance with special provisions of ~~Article XI~~ **Section 16.8.10.H** of Chapter 16.8, including that there is no minimum lot size, and with the conditions that:

**§16.3.2.2 Residential – Suburban R-S.**

- B. Permitted uses. The following uses are permitted in the R-S Zone:
  - (9) Conservation subdivision ~~Cluster residential development~~. [Added 9-24-2012 by Ord. No. 12-10]
  
- D. Standards. The following standards must be met unless modified per Chapter 16.8, ~~Article XI~~ **Section 16.8.10.H**, Conservation Subdivision ~~Cluster Residential and Cluster Mixed-Use Development~~: [Amended 9-24-2012 by Ord. No. 12-10]
  - (3) Subdivision types and standards. Subject to net residential acreage and net residential density per §16.5.17. [Amended 9-28-2015 by Ord. No. 15-05]
    - (a) ~~Cluster residential development~~. In a conservation subdivision ~~cluster residential development~~, the above standards may be modified in accordance with special provisions of ~~Article XI~~ **Section 16.8.10.H** of Chapter 16.8, including that there is no minimum lot size, and with the conditions that:

**§16.3.2.3 Residential - Kittery Point Village R-KPV.**

- B. Permitted uses. The following uses are permitted in the R-KPV Zone:
  - (8) Conservation subdivision ~~Cluster residential development~~. [Added 9-24-2012 by Ord.

71 No. 12-10]

72 D. Standards. The following standards must be met unless modified per Chapter 16.8,  
73 ~~Article XI~~ **Section 16.8.10.H**, Conservation Subdivision ~~Cluster Residential and Cluster~~  
74 ~~Mixed-Use Development~~: [Amended 9-24-2012 by Ord. No. 12-10]

75 (3) Subdivision types and standards. Subject to net residential acreage and net  
76 residential density per §16.5.17. [Amended 9-28-2015 by Ord. No. 15-05]

77 (a) ~~Cluster residential development~~. In a conservation subdivision ~~cluster~~  
78 ~~residential development~~, the above standards may be modified in accordance  
79 with special provisions of ~~Article XI~~ **Section 16.8.10.H** of Chapter 16.8,  
80 including that there is no minimum lot size, and with the conditions that:

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82 §16.3.2.4 **Residential - Urban R-U.**

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

84 (8) Conservation subdivision ~~Cluster residential development~~. [Added 9-24-2012 by Ord.  
85 No. 12-10]

86 D. Standards. The following standards must be met unless modified per Chapter 16.8,  
87 ~~Article XI~~ **Section 16.8.10.H**, Conservation Subdivision ~~Cluster Residential and Cluster~~  
88 ~~Mixed-Use Development~~: [Amended 9-24-2012 by Ord. No. 12-10]

89 (3) Subdivision types and standards. Subject to net residential acreage and net  
90 residential density per §16.5.17. [Amended 9-28-2015 by Ord. No. 15-05]

91 (a) ~~Cluster residential development~~. In a conservation subdivision ~~cluster~~  
92 ~~residential development~~, the above standards may be modified in accordance  
93 with special provisions of ~~Article XI~~ **Section 16.8.10.H** of Chapter 16.8,  
94 including that there is no minimum lot size, and with the conditions that:

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96 §16.3.2.6 **Residential - Conservation R-C.**

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

98 (7) Conservation subdivision ~~Cluster residential development~~. [Added 9-24-2012 by Ord.  
99 No. 12-10]

100 D. Standards. The following standards must be met unless modified per Chapter 16.8,  
101 ~~Article XI~~ **Section 16.8.10.H**, Conservation Subdivision ~~Cluster Residential and Cluster~~  
102 ~~Mixed-Use Development~~: [Amended 9-24-2012 by Ord. No. 12-10]

103 (3) Subdivision types and standards. Subject to net residential acreage and net  
104 residential density per §16.5.17. [Amended 9-28-2015 by Ord. No. 15-05]

105 (a) ~~Cluster residential development~~. In a conservation subdivision ~~cluster~~  
106 ~~residential development~~, the above standards may be modified in accordance  
107 with special provisions of ~~Article XI~~ Section 16.8.10.H of Chapter 16.8,  
108 including that there is no minimum lot size, and with the conditions that:

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110 **Additional sections**

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112 **16.8.10.L Soil Suitability**

113 5. ~~Cluster residential and cluster mixed-use~~ Conservation subdivision, commercial or  
114 industrial development and similar intensive land uses require a Class A (high-intensity)  
115 soil survey by a Maine-certified soil scientist.

116 6. Where ~~nonclustered~~ development is limited in scale and intensity and is not a conservation  
117 subdivision, the developer may request the Class A (high-intensity) soil survey required by  
118 ~~§16.9.1.4E~~ 16.8.10.L.5 above be waived by the Planning Board

119 **16.5.2.C Street Classification**

120 (9) Private streets function exclusively as residential streets serving high-density housing  
121 developments, including ~~clustered housing~~ conservation subdivisions, apartments,  
122 elderly housing, and mobile home parks, and may not be dedicated for public  
123 acceptance.

124 **16.5.6.G Wetland Alteration Approval Criteria**

125 7. The applicant must submit applicable documentation that demonstrates there is no  
126 practicable alternative to the proposed alteration of the wetland. In determining if no  
127 practicable alternative exists, the Planning Board will consider the following:

128 a. The proposed use:

129 7. Provides alternative project designs, such as ~~cluster development~~ conservation  
130 subdivision, roof gardens, bridges, etc., that avoid or lessen the wetland  
131 impact; and

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134 16.8.9.C **Preliminary Plan Review**

135 (6) Written submission requirements, Preliminary Plan

- 136 1. Additional submissions as may be required by other sections of this title such as for  
137 ~~clustered development~~ conservation subdivisions, mobile home parks, or junkyards must  
138 be provided