

*Revisions to C-1 and C-3 Zones related to housing – September 24, 2020 – DRAFT*

Underlined and bolded text represent proposed additions to the ordinance and ~~strikethrough text as proposed deletions~~ from the ordinance.

1 §16.3.2.11 Commercial (C-1, C-2, C-3).

2 A. Purpose.

3 (1) **The C-1 (Route 1 Commercial) Zone proposes to add a range of uses and building types, including**  
 4 **residential, to a vehicle-dependent predominately retail-oriented shopping area with proximity to**  
 5 **several small neighborhoods. The presence of significant existing infrastructure and the**  
 6 **opportunity to redevelop under-utilized properties for a diversity of housing types, restaurants,**  
 7 **services and shops with increased pedestrian access will allow the Town to advance**  
 8 **Comprehensive Plan housing and economic development goals and meet the needs of residents**  
 9 **into the future.**

10 (2) The purpose of the ~~Commercial (C-1, C-2, C-3~~ **Route 236 Commercial**) Zone is to provide ~~general~~  
 11 ~~retail—~~sales, services, **industry** and business space within the Town in a locations capable of  
 12 conveniently serving community-wide and/or regional trade areas and oriented primarily to ~~automobile~~  
 13 **vehicular** access.

14 (3) **The C-3 (Bypass/Old Post Road Commercial) Zone proposes to introduce a mix of housing,**  
 15 **businesses and services to an area that serves as one of the gateways to and through Kittery.**  
 16 **Existing infrastructure, proximity to residential neighborhoods and direct access to I-95 give this**  
 17 **zone opportunities for housing and commercial uses, as well as advancing pedestrian access,**  
 18 **serving residents and the region.**

19 To reflect the differing character of various parts of the commercial areas, it is divided into three zones  
 20 that are shown on the Zoning Map:

C-1	Route 1 Commercial Zone
C-2	Route 236 Commercial Zone
C-3	Bypass/Old Post Road Commercial Zone

21 (24) Where the standards or requirements for the zones vary, the provisions for the zone in which the parcel  
 22 is located apply.

23 B. Permitted **and special exception** uses for **each of the Commercial Zones follow:** ~~The following uses~~  
 24 ~~are permitted in the Commercial Zones:~~

25 (1) C-1 permitted uses.

26 (a) Public open space recreational uses, recreational facilities and selected commercial recreation;

27 (b) School (including nursery school), hospital, long-term nursing care facility, convalescent care  
 28 facility, municipal or state building or use, church or any other institution of educational, religious,

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- 29           philanthropic, fraternal, political or social nature;
- 30           (c) Accessory uses and buildings including minor or major home occupations;
- 31           (d) Business and professional offices;
- 32           (e) Mass transit station;
- 33           (f) Commercial parking lot or parking garage;
- 34           (g) Retail uses and wholesale businesses, excluding used car lots and junkyards;
- 35           (h) Service establishments;
- 36           (i) Public utility facilities, including substations, pumping stations and sewage treatment facilities;
- 37           (j) Restaurant;
- 38           (k) Veterinary hospital;
- 39           (l) Motel, hotel, rooming house, inn;
- 40           (m) Art studio/gallery;
- 41           (n) Grocery, food store, convenience store;
- 42           (o) Day-care facility;
- 43           (p) Business service;
- 44           (q) Personal service;
- 45           (r) Building materials and garden supply;
- 46           (s) Conference center;
- 47           (t) Repair services;
- 48           (u) Accessory dwelling unit; ~~and~~
- 49           (v) Specialty food and/or beverage facility; [Added 6-10-2013 by Ord. No. 13-02] **and**

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- 50        **(w) Dwelling, two-family.**
- 51    (2) C-1 special exception uses.
- 52        ~~(a) Used car lot not connected with new car sales;~~
- 53        ~~(b)~~**(a)** Gasoline sales if: i) not located within 1,000 feet of an existing station or private residence; and
- 54                      ii) not located within 150 feet of an existing structure;
- 55        ~~(e)~~**(b)** Funeral home;
- 56        ~~(d)~~**(c)** Place of assembly, including theater;
- 57        ~~(e)~~**(d)** Transportation terminal excluding truck stops;
- 58        ~~(f)~~**(e)** Warehousing and storage;
- 59        ~~(g)~~**(f)** Mini storage **not located within 2,000 feet from an existing mini storage facility located in**
- 60                      **the same zoning district;**
- 61        ~~(h)~~**(g)** Research and development;
- 62        ~~(i)~~**(h)** Manufacturing operations that conform to the provisions of §16.1.3.2.2 and Chapters 16.8 and
- 63                      16.9;
- 64        ~~(j)~~**(i)** Repair garages not located within 150 feet of a private dwelling or existing structure;
- 65        ~~(k)~~**(i)** Buildings and structures over 40 feet that conform to the provisions of Chapters 16.8 and 16.9.
- 66                      Buildings and structures, **other than multifamily dwellings and dwelling units as part of a**
- 67                      **mixed-use building in the C-1 Zone, west of Route 1, which are taller as allowed in**
- 68                      **16.X.C.2.(e)**, higher than 40 actual feet from the lowest point of grade to the highest point of
- 69                      the building or structure must have side, rear and front yards of sufficient depth to adequately
- 70                      protect the health, safety and welfare of abutting properties and which may not be less than
- 71                      current standards or 50% of actual height, whichever is greater;
- 72        ~~(l)~~**(k)** Temporary, intrafamily dwelling unit;
- 73        ~~(m) New motor vehicle sales;~~
- 74        ~~(n)~~**(l)** Mechanical services, excluding junkyard; ~~and~~
- 75        ~~(o)~~**(m)** Aquaculture;

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- 76        **(n) Cottage cluster;**
- 77        **(o) Dwelling, attached single-family;**
- 78        **(p) Dwelling, multifamily; and**
- 79        **(q) Dwelling units as part of a mixed-used building.**
- 80        (3) C-2 permitted uses... [Note to Planning Board and Town Council: no changes in uses proposed so  
81        section removed for brevity].
- 82        (4) C-2 special exception uses... [Note to Planning Board and Town Council: no changes in uses proposed,  
83        section removed for brevity]
- 84        (5) C-3 permitted uses.
- 85        (a) Public open space recreational uses, recreational facilities and selected commercial recreation;
- 86        (b) School (including nursery school), hospital, elder-care facility, long-term nursing care facility,  
87        convalescent care facility, municipal or state building or use, church or any other institution of  
88        educational, religious, philanthropic, fraternal, political or social nature;
- 89        (c) Accessory uses and buildings including minor or major home occupations;
- 90        (d) Business and professional offices;
- 91        (e) Mass transit station;
- 92        (f) Commercial parking lot or parking garage;
- 93        (g) Retail uses and wholesale businesses, excluding used car lots and junkyards;
- 94        (h) Service establishments;
- 95        (i) Public utility facilities, including substations, pumping stations and sewage treatment facilities;
- 96        (j) Restaurant;
- 97        (k) Veterinary hospital;
- 98        (l) Motel, hotel, rooming house, inn;

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- 99 (m) Art studio/gallery;
- 100 (n) Grocery, food store, convenience store;
- 101 (o) Day-care facility;
- 102 (p) Business service;
- 103 (q) Personal service;
- 104 (r) Building materials and garden supply;
- 105 (s) Conference center;
- 106 (t) Repair services;
- 107 ~~(u) New motor vehicle sales;~~
- 108 ~~(v)~~**(u)** Boatyard;
- 109 ~~(w)~~**(v)** Mechanical services, excluding junkyard;
- 110 ~~(x)~~**(w)** Commercial boating and fishing uses and facilities, provided only incidental cleaning and  
 111 cooking of seafood occur at the site;
- 112 ~~(y)~~**(x)** Aquaculture;
- 113 ~~(z)~~**(v)** Accessory dwelling unit; ~~and~~
- 114 ~~(aa)~~**(z)** Specialty food and/or beverage facility; **;** [Added 6-10-2013 by Ord. No. 13-02] **and**
- 115 **(aa) Dwelling, two-family.**
- 116 ~~C. Special exception uses. The following uses are permitted as special exception uses in the Commercial~~  
 117 ~~Zones:~~
- 118 (6) C-3 special exception uses.
- 119 ~~(a) Used car lot not connected with new car sales;~~
- 120 ~~(b)~~**(a)** Gasoline sales if: i) not located within 1,000 feet of an existing station or private residence; and  
 121 ii) not located within 150 feet of an existing structure;

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- 122        ~~(e)~~**(b)**     Funeral home;
- 123        ~~(d)~~**(c)**     Place of assembly, including theater;
- 124        ~~(e)~~**(d)**     Transportation terminal excluding truck stops;
- 125        ~~(f)~~**(e)**     Warehousing and storage;
- 126        (g)**(f)**     Mini storage **not located within 2,000 feet from an existing mini storage facility located in**  
127                    **the same zoning district.**
- 128        ~~(h)~~**(g)**     Research and development;
- 129        ~~(i)~~**(h)**     Manufacturing operations that conform to the provisions of §16.1.3.2.2 and Chapters 16.8 and  
130                    16.9;
- 131        ~~(j)~~**(i)** Repair garages not located within 150 feet of a private dwelling or existing structure;
- 132        ~~(k)~~**(j)**     Buildings and structures over 40 feet that conform to the provisions of Chapters 16.8 and 16.9.  
133                    Buildings and structures **other than multifamily dwellings and dwelling units as part of a**  
134                    **mixed-use building in the C-1 Zone, west of Route 1, which are taller as allowed in**  
135                    **16.X.C.2.(e),** higher than 40 actual feet from the lowest point of grade to the highest point of  
136                    the building or structure must have side, rear and front yards of sufficient depth to adequately  
137                    protect the health, safety and welfare of abutting properties, and which may not be less than  
138                    current standards or 50% of actual height, whichever is greater;
- 139        ~~(l)~~**(k)**     Temporary, intrafamily dwelling unit;
- 140        ~~(m)~~**(l)**     Commercial greenhouses;
- 141        ~~(n)~~ ~~Adult entertainment establishment not located within 1,000 feet of an existing private residence,~~  
142                    ~~school or place of worship;~~
- 143        ~~(o)~~**(m)**     Shops in pursuit of trade; and
- 144        ~~(p)~~**(n)**     Construction services.
- 145        **(o) Cottage cluster;**
- 146        **(p) Dwelling, attached single-family;**
- 147        **(q) Dwelling, multifamily; and**

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148 (r) Dwelling units as part of a mixed-used building-

149 (7). Undefined Uses in C-1 and C-3 Zones

150 Undefined uses: will be considered by the Planning Board based on the following criteria:

151 (a) If the use is consistent with the Comprehensive Plan and zoning district purposes; and

152 (b) If the use meets special exception criteria found in § 16.6.4.4.

153 In addition, the undefined use must meet one or both of the following criteria:

154 (a) If the proposed use has substantially similar impacts as a listed use.

155 (b) If the proposed use is compatible with existing uses within the zoning district for which it is  
 156 proposed.

157 DC. Standards.

158 (1) C Zone standards. All development and the use of land in the C Zones must meet the following  
 159 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design  
 160 and performance standards of Chapters 16.8 and 16.9 must be met unless noted otherwise below.

161 (2) The following space standards apply in the C-1, C-2 and C-3 Zones:

162 (a) Minimum lot size or density:

<u>C-1 and C-3 Zones</u>		<u>C-2 Zone</u>	
<u>Cottage Cluster; Dwelling, Attached Single-Family, Dwelling, Multi-Family, Dwelling, Two-Family, Dwelling Units as part of a Mixed-Use Building *</u>	<u>16 units per acre unless 25% of units are affordable housing units as defined by this code, in which case 20 units per acre are allowed.*</u>	<u>All uses</u>	40,000 square feet

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<u>All other uses</u>	40,000 square feet		
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163 **\*NOTE: These uses are exempt from net residential acreage calculations but are subject to**  
 164 **minimum land area per dwelling unit requirements as described in § 16.7.8.4 Exemptions to**  
 165 **net residential acreage calculations.**

166 (b) Minimum street frontage:

<u>C-1 and C-3 Zones</u>		<u>C-2 Zone</u>	
<u>All uses</u>	<u>No minimum*</u>	<u>All uses</u>	150 feet

167 **\*NOTE: All lots must meet the requirements of Article XVI Lots unless specifically modified by**  
 168 **this section (16.3.2.11). Street frontage must provide sufficient vehicular and pedestrian**  
 169 **access for the uses proposed while meeting public health and safety requirements (e.g. Fire**  
 170 **Department, Department of Public Works). The applicant must demonstrate to the**  
 171 **municipal permitting authority, that the street frontage and lot design meet these**  
 172 **requirements to the extent practicable.**

173 (c) Maximum ~~Minimum~~ front yard setback:

<u>C-1 and C-3 Zone</u>		<u>C-2 Zone</u>	
<u>All uses</u>	<del>50</del> <u>15 feet*</u>	<u>All uses</u>	50 feet

174 **\*NOTE: The Planning Board may, at its discretion, allow a greater setback when public**  
 175 **amenities such as benches, pocket parks, outdoor dining or seating areas are proposed.**  
 176 **Properties in the C-3 Zone with frontage on Old Post Road, including those lots which also**  
 177 **have frontage on Route 1 Bypass, are required to have at least a 15-foot setback on Old Post**  
 178 **Road.**

180 (d) Minimum rear and side yards setbacks:

<u>C-1 Zone</u>		<u>C-2 Zone</u>		<u>C-3 Zone</u>	
<u>All uses</u>	<del>30</del> <u>10 feet*</u>	<u>All uses</u>	30 feet**	<u>All uses</u>	<del>30</del> <u>10 feet***</u>



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**\*NOTE: Except where side and/or rear setbacks of proposed new uses abut a single-family use and/or any properties located on the east side of Route 1 from the southernmost extent of the C-1 zone north to properties abutting Ox Point Drive in which case a minimum of 30 feet is required. See 16.3.2.11.C.(4).(e) for buffer requirements.**

(\*\*NOTE: Except as may be required by the buffer provisions of this title, and where the side and/or rear yards of the proposed nonresidential use abut a residential zone or use; in which case a minimum of 40 feet is required.)

**\*\*\*NOTE: Except where side and/or rear setbacks of proposed new uses abut a single-family use in which case a minimum of 15 feet is required.**

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191 (e) Maximum building height:

<u>C-1 Zone</u>		<u>C-3 Zone</u>	<u>C-2 Zone</u>	
<u>Dwelling, Multifamily, Dwelling Units as part of a Mixed-Use Building</u>	<u>50 feet on the west side of Route 1, not including solar apparatus* and 40 feet on the east side of Route 1, not including solar apparatus*.</u>	<u>40 feet*</u>	<u>All uses</u>	40 feet
<u>All other uses</u>	40 feet	40 feet		

192 \*NOTE: Flat roofs, proposed to locate heating, cooling, or other such mechanical or electrical  
 193 apparatus off the ground, are acceptable provided that such apparatus is screened from view  
 194 and the screening is designed as an integral part of the building to aid both aesthetics and noise  
 195 attenuation. Flat roofs proposed for the purpose of solar array installations are also acceptable.

196 \*\*NOTE: For properties in the C-3 Zone with frontage on Old Post Road, including those lots  
 197 which also have frontage on Route 1 Bypass, the setback on Old Post Road must be 15 feet or  
 198 greater as provided by section (c) above and building heights must not exceed 25 feet for the  
 199 first 15 feet beyond the minimum 15-foot setback.

200 (f) ~~Maximum building and outdoor stored material coverage~~ Impervious surface:

201 For lots in the C-1 and C-3 zones which are currently developed and for which new multi-  
 202 family, attached single-family or two-family dwellings, cottage clusters, or dwelling units as  
 203 part of mixed-use building are proposed, either with or without existing or new commercial  
 204 uses on the same lot, the maximum impervious surface, including but not limited to  
 205 driveways, buildings, sidewalks and parking areas:

206 [1] Is 70%; or

207 [2] The Planning Board may, at its discretion, allow greater than 70% if proof that all  
 208 stormwater will be managed on-site, utilizing LID (Low Impact Development) and BMP  
 209 (Best Management Practice) systems based on Maine DEP’s Maine Stormwater Best

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210 Management Practices Manual, Volumes 1-III as amended from time to time. The  
 211 stormwater report and plan demonstrating that this requirement is met must be  
 212 included with the application at the time of submission.

213 For lots in the C-3 zone which are currently vacant (no existing structure) and for which new  
 214 multi-family, attached single-family, or two-family dwellings, cottage clusters, or dwelling  
 215 units as part of mixed-use building are proposed, the maximum impervious surface, including  
 216 driveways, buildings, sidewalks and parking areas:

217 [1] Is 60% or

218 [2] The Planning Board may, at its discretion, allow greater than 60% if proof that all  
 219 stormwater will be managed on-site utilizing LID (Low Impact Development) and BMP  
 220 (Best Management Practice) systems based on Maine DEP's Maine Stormwater Best  
 221 Management Practices Manual, Volumes 1-III as amended from time to time. The  
 222 stormwater report and plan demonstrating that this requirement is met must be  
 223 included with the application at the time of submission.

224 For lots in the C-1 or C-3 zones which are currently developed and for which redevelopment  
 225 is proposed with new non-residential structures, the maximum impervious surface, including  
 226 but not limited to driveways, buildings, sidewalks and parking areas:

227 [1] Is 70%; and all stormwater must be managed on-site, utilizing LID (Low Impact  
 228 Development) and BMP (Best Management Practice) systems based on Maine DEP's  
 229 Maine Stormwater Best Management Practices Manual, Volumes 1-III as amended  
 230 from time to time. The stormwater report and plan demonstrating that this  
 231 requirement is met must be included with the application at the time of submission.

232 For all uses in the C-2 Zone, building and outdoor material coverage must not exceed 40%.

233 (g) ~~Minimum setback from water body and wetland~~ setback for functionally water-dependent uses:  
 234 zero feet.

235 (h) Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9,  
 236 §16.3.2.17 and Appendix A, Fee Schedules.

237 (i) Affordable housing requirements:

238  
 239 [1] All requirements in 16.X. Affordable Housing must be met.  
 240

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- 241 [2] Density incentives outlined above in (2).(a) may be applied to projects that create  
 242 affordable housing units, as defined by this code. No proportional payment-in-lieu is  
 243 required if the affordable dwelling unit requirements for the density incentives are met.  
 244
- 245 (j). Mixed-use buildings must have non-residential uses comprising at least 50% of the street-  
 246 facing first floor.  
 247
- 248 (k) Underground utilities are required. The Planning Board may allow an alternative but it is  
 249 incumbent upon the applicant to demonstrate why such a modification request should be  
 250 granted.
- 251 (l) Cottage cluster requirements:  
 252
- 253 [1] Cottage cluster dwelling units must either face the required common open space or the  
 254 street. The required open space must be held in common for use by all the cottage cluster  
 255 residents and must be immediately accessible to each dwelling unit, via either the front or  
 256 the back of each unit.  
 257
- 258 [2] Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing  
 259 between units must comply with the requirements of the Fire Department and/or the  
 260 State Fire Marshall's office.  
 261
- 262 [3] Shared parking areas must be connected to each dwelling unit via a sidewalk.  
 263
- 264 (3) C-1 Zone standards. All development and the use of land except for new multi-family, attached  
 265 single-family or two-family dwellings, cottage clusters, or dwelling units as part of a mixed-use  
 266 building within the C-1 Zone must meet the following standards:
- 267 [Note to Kittery Planning Board and Town Council: No changes are proposed, section removed for  
 268 brevity].
- 269 (4) C-1 and C-3 Zone standards for attached single-family dwellings, multi-family dwellings, two-  
 270 family dwellings where more than one two-family dwelling is proposed for a single lot, cottage  
 271 clusters, and dwelling units as part of a mixed-use building:
- 272 (a) Design standards.  
 273
- 274 See Kittery's Design Handbook for further information on how these standards can be met.  
 275
- 276 [1] Sidewalks must be installed within the right-of-way to meet minimum requirements as  
 277 specified in 16.8 Table 1, subject to review and approval by the Department of Public  
 278 Works and MaineDOT if required.  
 279

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- 280 [2] Connectivity between new housing development and adjacent existing or new commercial  
 281 areas is required. This connectivity must, at minimum, include sidewalks or walkways. In  
 282 the C-1 zone, connectivity may also include vehicular access coupled with sidewalks or  
 283 walkways between residential and commercial areas. Connectivity must be pedestrian-  
 284 friendly with appropriately scaled improvements such as eight-foot wide sidewalks and  
 285 human-scaled lighting.  
 286
- 287 [3] On-street parking is encouraged on new or existing private roads off Route 1, and may be  
 288 considered as a part of a joint use parking plan when such on-street parking is proposed  
 289 as part of a development or redevelopment plan.  
 290
- 291 [4] All service areas for dumpsters, compressors, generators and similar items must be  
 292 screened by a fence at least six feet tall, constructed of a material similar to surrounding  
 293 buildings, and must surround the service area except for the necessary ingress/egress.  
 294
- 295 [5] Parking must be located behind multifamily dwellings and mixed-use buildings with  
 296 residential dwelling units when viewed from the street. The Planning Board may allow  
 297 parking to the side or front of such residential or mixed-use buildings at its discretion, but  
 298 it is incumbent upon the applicant to demonstrate why rear parking is not feasible.  
 299
- 300 [6] Lighting plans, including lighting fixture designs and photometric plans must be included  
 301 at the time of application submission. All fixtures must be cut-off to prevent light trespass  
 302 and meet all requirements of Chapter 16.8 Article XXIV.  
 303
- 304 [7] A single new two-family dwelling proposed for a lot, the addition of another dwelling unit  
 305 to an existing single-family residence to create a two-family dwelling and the addition of  
 306 an ADU (Accessory Dwelling Unit) to a single-family residence is exempt from these design  
 307 standards.  
 308
- 309 (b) Open space standards.  
 310
- 311 [1] Open space must be provided as a percentage of the total area of the lot, and may include  
 312 wetlands, water bodies, streams, and setbacks. Fifteen percent (15%) of each lot must be  
 313 designated as open space.  
 314
- 315 [2] For multifamily dwellings, mixed-use buildings with residential dwelling units and  
 316 attached single-family dwellings, in cases where the property does not meet the 15%  
 317 requirement due to existing development, and where redevelopment will remain at the  
 318 same or comprise a lower percentage of the lot, the Planning Board may, at its discretion,  
 319 allow a smaller percentage of open space. In granting this concession, the Board may  
 320 require more intensive landscape plantings.  
 321
- 322 (c) Parking standards.

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**The following minimum off-street parking requirements must be provided and maintained in case of new construction, alterations, and changes of use:**

- [1] **Parking requirements must be met on site unless an existing building covers so much of the lot as to make the provision of parking impractical in whole or in part. If meeting the parking requirements is not practical, then the parking demand may be satisfied off site or through joint-use agreements as specified herein. Notwithstanding the off-street parking requirements in Article IX of Chapter 16.8, minimum parking requirements for the uses below are modified as specified:**
- [a] **Dwelling units: 1 parking space per dwelling unit.**
- [b] **For multifamily dwellings, if more than ten parking spaces are required, up to 20% of the parking may be designated for compact cars. See 16.8.9.4 Off-Street Parking Standards.**
- [2] **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;**
- [3] **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.**
- [a] **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;**
- [b] **Determination of parking adequacy will be based on a most frequent basis, not a "worst case" scenario;**
- [c] **Joint use parking areas must be located within 1,500 feet of the uses served, but do not need to be located on the same lot as the uses served;**
- [d] **Ease and safety of pedestrian access to shared parking by the users served must be demonstrated to the municipal permitting authority's satisfaction, including any proposed improvements, such as crosswalks or shuttle service that may be offered and its requisite loading/unloading areas;**
- [e] **Such joint parking areas must not be located in residential zones of the Town.**

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- [4] 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.

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373

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

374

375

(d) Landscaping and screening

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- [1] For new multi-family, attached single-family, or dwelling units as part of a mixed-use building or any new residential use that will create more than three dwelling units on a site, the following standards apply:

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- [a] 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.

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- [b] A minimum of one street tree must be planted for each 25 feet of street frontage. Trees may be planted in groups or spaced along the frontage. However, trees must be planted to ensure survival, using silva cells, bioretention cells or tree wells. Trees are to be a minimum of 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 right-of-way must remain under 20 feet tall at maturity.

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

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- i. One tree per 25 feet of street frontage backed by a fence constructed of a material similar to surrounding buildings which must 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 right-of-way must remain under 20 feet tall at maturity.
- ii. A combination of trees and shrubs including at least 50% evergreen species, all at least six feet high at time of planting, in a planting bed at least

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407 eight feet wide. Plantings must be sufficient, as determined by the Planning  
 408 Board, to screen the parking area from the street except for necessary  
 409 vehicular and pedestrian access. Planting beds may be mulched but no  
 410 dved mulching material may be used.

411  
 412 [d] A minimum of 10% of any surface parking area consisting of 10 or more spaces must  
 413 be landscaped with trees and vegetated islands. This requirement is in addition to the  
 414 forementioned screening and street tree requirements.

415  
 416 [e] Native trees are preferred and must be drought and salt tolerant when used along  
 417 streets. A diversity of tree species (three to five species per every 12 trees) is required  
 418 to provide greater resiliency to threats from introduced insect pests and diseases.

419  
 420 [f] Any required plantings that do not survive must be replaced within one year. This  
 421 requirement does not expire and runs with the land.

422  
 423 [g] If 25% of the proposed development will be affordable dwelling units, the Planning  
 424 Board may, at its discretion, modify surface parking lot landscaping and screening  
 425 requirements under [c] and [d].

426  
 427 (e) Buffers.

428  
 429 [1] Buffers are required between new residential uses and existing nonresidential uses and  
 430 must be at least 10 feet wide. A buffer plan must be prepared in conjunction with the  
 431 landscape plan as described in [d].[1].(a) above and consist of:

432  
 433 [a] A fence at least six feet high, constructed of material similar to surrounding  
 434 buildings, with plantings of trees at least six feet tall at time of planting and shrubs on  
 435 the new residential side of the fence.

436  
 437 [b] Ground cover plantings such as perennials or ornamental grasses must be used  
 438 where appropriate.

439  
 440 [c] Plantings must be provided with irrigation to enhance survival unless they are part of  
 441 a bioretention cell, rain garden or tree well.

442  
 443 [d] Any required plantings that do not survive must be replaced within one year. This  
 444 requirement does not expire and runs with the land.

445  
 446 [e] If 25% of the proposed development will be affordable housing dwelling units, the  
 447 Planning Board may, at its discretion, modify buffer requirements under [a] and [b].  
 448



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449 **[2] Buffers are required between new residential uses and existing single-family uses and**  
 450 **must be at least 10 feet wide. A buffer plan must be prepared in conjunction with the**  
 451 **landscape plan as described in [d].[1].(a) above and consist of:**

452  
 453 **[a] A fence at least six feet high, constructed of material similar to surrounding**  
 454 **buildings, with plantings of trees and shrubs at least six feet tall on the new**  
 455 **residential side of the fence; or**

456  
 457 **[b] Plantings of trees at least six feet tall and shrubs, including at least 50% evergreen**  
 458 **species. Such plantings must ensure adequate buffering and screening is achieved as**  
 459 **determined by the Planning Board.**

460  
 461 **[c] Ground cover plantings, such as perennials or ornamental grasses must be used**  
 462 **where appropriate.**

463  
 464 **[d] Plantings must be provided with irrigation to enhance survival unless they are part of**  
 465 **a bioretention cell, rain garden or tree well.**

466  
 467 **[e] Any required plantings that do not survive must be replaced within one year. This**  
 468 **requirement does not expire and runs with the land.**

469  
 470 **[f] If 25% of the proposed development will be affordable housing dwelling units, the**  
 471 **Planning Board may, at its discretion, modify buffer requirements under [a], [b] and**  
 472 **[c].**

473  
 474 **(45)** C-2 Zone standards. All development and the use of land within the C-2 Zone must meet the following  
 475 standards:

476 [Note to Planning Board and Town Council: No changes are proposed, section removed for brevity].

477 **(56)** C-3 Zone standards. All development and the use of land **except for new multi-family, attached**  
 478 **single-family or two-family dwellings, cottage clusters or dwelling units as part of a mixed-use**  
 479 **building,** within the C-3 Zone must meet the following standards:

480 [Note to Planning Board and Town Council: No changes are proposed, section removed for brevity].

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481 16.2 Definitions

482

483 **Affordable - The percentage of income a household is charged in rent and other housing expenses, or**  
 484 **must pay in monthly mortgage payments (including insurance, HOA fees, and taxes), does not exceed**  
 485 **30% of a household's gross income, or other amount established in town regulations that does not vary**  
 486 **significantly from this amount.**

487

488 **Affordable Housing Unit -One dwelling unit of either affordable housing for rent or affordable**  
 489 **housing for sale.**

490

491 **Affordable Housing For Rent - A dwelling unit that may be rented for year-round occupancy for**  
 492 **which the rental cost does not exceed the maximum cost set forth for households making up to 80% of**  
 493 **area median income, as determined by HUD's York-Kittery-South Berwick Metro Fair Market Area**  
 494 **(HMFA) limits. Annual rent increases are limited by deed restriction, lease agreement or other legally**  
 495 **binding agreement to the percentage increase in the HUD York-Kittery-South Berwick Metro Fair**  
 496 **Market Area (HMFA) median income figures for a household of that size.**

497

498 **Affordable Housing For Sale - A dwelling unit that may be purchased for year-round occupancy for**  
 499 **which the selling price does not exceed the maximum price set forth for households making up to**  
 500 **120% of area median income, as determined by HUD's York-Kittery-South Berwick Metro Fair**  
 501 **Market Area (HMFA) limits. The resale price is limited by deed restriction or other legally binding**  
 502 **agreement for all future sales of the unit, or a lesser term if permitted by regulations, to the percentage**  
 503 **increase in the HUD York-Kittery-South Berwick Metro Fair Market Area (HMFA) median income**  
 504 **figures for a household of that size.**

505

506 **Cottage Cluster - A group of size-restricted single-family detached dwelling units that share a common**  
 507 **lot as well as common open space and may share a parking area and/or accessory structures.**

508

509 **Distribution Center – A warehouse or specialized building with refrigeration or climate control,**  
 510 **stocked with products to be shipped to retailers, wholesalers or directly to consumers.**

511

512 Dwelling Unit -\_A room or group of rooms forming a habitable unit for one ~~family~~ **household**, with facilities  
 513 used or intended to be used for living, sleeping, cooking, eating and sanitary facilities. ~~It comprises at least~~  
 514 ~~650 square feet of habitable floor space, except for elderly housing, an accessory dwelling unit or a~~  
 515 ~~temporary, intrafamily dwelling unit. The term does not include a trailer. **Such a unit must meet the**~~  
 516 **building code standards adopted and amended from time to time by Maine's Bureau of Building**  
 517 **Codes and Standards.**

518

519 **Fulfillment Center – A physical location, often a warehouse or a specialized building with automation,**  
 520 **from which a fulfillment provider fills customer orders from multiple e-commerce retailers.**

521

522 **Impervious surface - The total area of a parcel that consists of buildings and any associated structures**  
 523 **as well as roads, driveways, and parking areas, whether paved or unpaved and any additional area**  
 524 **that is covered with a low-permeability material such as asphalt, stone or concrete or compacted**  
 525 **through design or use to reduce permeability.**

526

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527 **Shopping Fulfillment Centers – A physical location that combines a business’s retail functions and its**  
528 **warehouse or distribution activities into one building. These facilities provide customers options for**  
529 **viewing goods and placing orders online or onsite. Products are stored and orders are processed onsite.**  
530