



TOWN OF KITTERY
Planning and Development Department
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TO: PLANNING BOARD
FROM: KATHY CONNOR, PROJECT PLANNER
SUBJECT: BUSINESS-LOCAL AND BUSINESS LOCAL-1 ZONES
DATE: JANUARY 19, 2022

This memo outlines the changes being proposed to the B-L and B-L1 zoning districts. For details on these zone locations, please consult the Town's zoning map, available through the Town's on-line GIS here: <https://www.axisgis.com/KitteryME/>. Click "agree" and select Layers on the left and then click the Zoning checkbox. You can pan and zoom in from there.

These draft amendments have been reviewed by the Housing Committee, the Economic Development Committee and the Kittery Land Use Issues Committee within the last 12-18 months with subsequent suggestions incorporated. The Planning Board saw a draft early last year just for information – no formal action was taken since the Board needed to work through the recodification first.

The intent of these amendments is to encourage and incentivize a variety of housing types, including modestly priced housing for sale or rent, within these zones. The zones currently allow multi-family and/or mixed-use structures, along with various types of commercial uses, but setbacks and density requirements make it difficult to develop housing projects in reality. With these amendments, the Town's affordable housing policy becomes a requirement in these zones, such that any development that includes five or more dwelling units will be required to provide affordable housing or a payment-in-lieu.

Highlights include:

- Multi-family dwellings of 3-4 dwelling units are permitted by minor site plan review.
- Density incentive for a mixed-use building that proposes 5 or more units of housing and at least one commercial use on the first floor.
- Density incentive for affordable housing.
- Setback adjustments.
- Reduced parking for studio and one-bedroom dwelling units or affordable units.
- Reduced parking if within ¼ mile of public transit stop in the B-L1 zone.
- Impervious surface limits replace building coverage limits (as in the C-1 and C-3 zones).
- Stormwater standards strengthened (as in the C-1 and C-3 zones).
- Landscaping requirements clarified.

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§16.3.2.8 §16.4.17 **Business – Local 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;
 - (b) Development proposing five or more dwelling units are permitted through major site plan review;
- (5) Dwelling, Single-Family
- (6) Dwellings Two-Family
- (7) Dwelling Units as part of a Mixed-Use Building
- (8) Convalescent Care Facility
- (9) Nursing Care Facility, Long-term
- (10) Residential Care Facility
- (11) Accessory Buildings, Structures, and Uses
- (12) Home Occupation, Major
- (13) Home Occupation, Minor
- (14) Day Care Facility
- (15) Hospital
- (16) Nursery School
- (17) Private Assembly
- (18) Public Facility
- (19) Public or Private School
- (20) Religious Use
- (21) Recreation, Public Open Space
- (22) Aquaculture
- (23) Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of seafood occur at the site)

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

53

54 C. Special exception uses.

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

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

68

69 D. Standards. ~~(1)~~

70 All development and the use of land in the B-L Zone must meet the following standards. Kittery's
71 Design Handbook illustrates how these standards can be met. In addition, the design and performance
72 standards of Chapters ~~16.8 and 16.9~~ 16.5 must be met.

73

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74 (1-a)(2) The following space and dimensional standards apply:

75 (a) Minimum land area per dwelling unit ~~when all floors are residential:~~

76 [1] If served by on-site sewage disposal: 20,000 square feet;

77 [2] ~~8,000 square feet~~ If served by the public sewerage system and:

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

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

82 [ii] When less than five dwelling units are proposed with, at minimum, one nonresidential
83 use to be located on the first floor facing State Road or Route 1 Bypass such that the
84 use will be visible from the street: 3,000 square feet. Such a nonresidential use or uses
85 need not occupy the entire first floor but must be an independent nonresidential use,
86 e.g., not a home office marketed with a dwelling unit as a work/live unit.

87
88 [iii] When five or more dwelling units are proposed with, at minimum, one nonresidential
89 use to be located on the first floor facing State Road or Route 1 Bypass such that the
90 use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses
91 need not occupy the entire first floor but must be an independent nonresidential use,
92 e.g. not a home office marketed with a dwelling unit as a work/live unit; or

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

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

98 (b) ~~Parking. One row of parking spaces and a related access drive may be located between the~~
99 ~~front property line and the front wall of the building extending the full width of the lot. All~~
100 ~~other parking must be located to the side and/or rear of the building. All new or revised~~
101 ~~parking must be visually screened through the use of landscaping, earthen berms and/or~~
102 ~~fencing from adjacent public streets or residential properties. (See the Design Handbook for~~
103 ~~appropriate examples.)~~ Parking requirements are to be met on site. If meeting the parking
104 requirements is not possible, the parking demand may be satisfied off site or through joint-
105 use agreements as specified herein. Notwithstanding the off-street parking requirements in
106 16.7.11.F(4), minimum parking requirements for the uses below are modified as specified:

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107 [1] Dwelling units: 1.5 parking space per dwelling unit; unless:
108

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

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

115 [2] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of
116 the parking may be designated for compact cars. See 16.7.11.F.(4) Off-Street Parking
117 Standards.

118 [3] Electric car charging stations are allowed and encouraged in parking lots but must not
119 interfere with pedestrian movement on sidewalks.

120 (c) Off-site parking. Required off-street parking may be satisfied at off-site locations, provided
121 such parking is on other property owned by the applicant or is under the terms of a contractual
122 agreement that will ensure such parking remains available for the uses served. Applicant must
123 present evidence of a parking location and a contractual agreement prior to final approval and
124 file the same with Planning and Code office each time the contract is renewed. Any changes
125 to the contractual agreement must be reviewed by the Code Enforcement Officer and if the
126 location of the off-site parking changes, will require approval from the municipal permitting
127 authority which originally approved the off-site parking.

128
129 (d) Joint-use parking. Required off-street parking may also be satisfied by the joint use of parking
130 space by two or more uses if the applicant can show that parking demand is nonconflicting
131 and will reasonably provide adequate parking for the multiple uses without parking
132 overflowing into undesignated areas. Nonconflicting periods may consist of daytime as
133 opposed to evening hours of operation or weekday as opposed to weekends or seasonal
134 variation in parking demand.

135
136 [1] Such joint parking areas must be held under ownership of the applicant or under terms of
137 a contractual agreement that ensures such parking remains available to all users of the
138 shared parking spaces. Applicant must present evidence of the parking location and a
139 contractual agreement prior to final approval and file the same with the Planning and Code
140 office each time the contract is renewed. Any changes to the contractual agreement must
141 be reviewed by the Code Enforcement Officer and if the municipal permitting authority
142 which originally approved the off-site parking.

143 [2] Determination of parking adequacy will be based on a most frequent basis, not a "worst
144 case" scenario;

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145 [3] Joint use parking areas must be located within 1,500 feet to the use served, but do not need
146 to be located on the same lot as the uses served;

147 [4] Ease and safety of pedestrian access to shared parking by the users served must be
148 demonstrated, including any proposed improvements or shuttle service that may be
149 offered and its requisite loading/unloading areas;

150 [5] Such joint parking areas must not be located in residential zones of the Town.

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

155

156 (f) Special parking and access situations.

157 [1] In instances where one row of parking spaces and/or a related access drive is located
158 between the front property line and the front wall of the building extending the full
159 width of the lot and was utilized in accordance with previous permits or approvals, for
160 parking, display, storage, building or necessary vehicle circulation, the Planning Board
161 may allow such improvements to remain provided all other parking meets the location
162 requirements and provided that a landscaping plan for the property frontage is
163 reviewed and approved by the Planning Board.

164 (~~bg~~) Minimum lot size: none. (NOTE: Except that all screening, open space, buffering and
165 landscaping requirements must be met or in instances where the Planning Board may
166 modify such requirements, such modifications must be found satisfactory by the Board.
167 otherwise required by the buffer provisions of this title, and except where the side and/or
168 rear yards abut a residential district or use; in which case a minimum of 15 feet or 50% of
169 the building height is required.)

170 (~~eh~~) Minimum street frontage: none. (NOTE: Except as otherwise required by the buffer
171 provisions of this title, and except where the side and/or rear yards abut a residential district
172 in which case a minimum of 15 feet or 50% of the building height is required.) NOTE: All
173 lots must meet the requirements of 16.5.13 Lots unless specifically modified by this section
174 (16.4.17). Street frontage must provide sufficient vehicular and pedestrian access for the
175 uses proposed while meeting public health and safety requirements (e.g. Fire Department,
176 Department of Public Works). The applicant must demonstrate to the municipal permitting
177 authority that the street frontage and lot design meet these requirements to the extent
178 practicable.

179 (~~di~~) Minimum-Maximum-front setback yard: 20 feet. (NOTE: Except as otherwise required by
180 the buffer provisions of this title, and eExcept when where side and/or rear yards abut a

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181 ~~residential district or use~~ multistory building comprising 1) three or more residential
182 dwelling units; 2) nonresidential uses or 3) a combination of residential and nonresidential
183 uses is proposed directly across the street from a residential district or single-family use; in
184 which case a minimum of 15-feet or 50% of the building height is required.)

185 NOTE: The Planning Board may, at its discretion, allow a greater setback when public amenities
186 such as pocket parks, outdoor dining or seating areas are proposed within the front setback.
187 Pocket parks must be at least 200 square feet with a minimum of three trees and a bench for
188 sitting required. Park must be vegetated with ground cover except for walkways. Outdoor
189 dining areas must meet any additional requirements specific to that use. Parking is
190 prohibited in the front setback except as allowed in subsection (1).(f).[1] above.).

191 (e) ~~Maximum front setback of the principal building: 60 feet.~~

192 (fj) Minimum rear and side yards setbacks: 10 feet. (NOTE:-Except as otherwise required by
193 the buffer provisions of this title, and except where the side and/or rear yards setbacks abut
194 a residential district or single-family use; in which case a minimum of 15 feet or 50% of the
195 building height is required, whichever is greater.)

196 (gk) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.
197 (NOTE: Except that space height standards for single- and two-family residential uses are
198 the same as for those of the Urban Residential District.)

199 (jl) ~~Maximum building and outdoor stored material coverage: none, except that side, rear and~~
200 ~~front yards must be maintained~~ Impervious surface: No maximum allowable, but all open
201 space, landscaping, setbacks, buffers, screening and street tree requirements apply. For
202 development that is proposing 70% or more impervious surface, the stormwater
203 requirements in (m) below may not be modified.

204 (km) Stormwater: All new development must use LID (Low Impact Development) and BMP
205 (Best Management Practices), based on Maine DEP's Maine Stormwater Best Management
206 Practices Manual Volumes 1-III as amended from time to time, to manage 100% of the total
207 stormwater generated on-site. The stormwater report and plan demonstrating that this
208 requirement is met must be included with the application at the time of submission. A
209 request for a modification may be submitted to the Planning Board but it is incumbent on
210 the applicant to prove to the Planning Board's satisfaction that such a modification is
211 necessary. The Town reserves the right to submit such modification requests for
212 independent engineering review at the applicant's expense. The Board may also require
213 additional landscaping/plantings and/or LID-design features when granting such
214 concessions.

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

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

219 (p) Minimum setback from streams, water bodies and wetlands: in accordance with ~~Table 16.9~~
220 §16.4.28, §16.3.2.17 §16.5.30 and Appendix A, Fee Schedules.

221 (2) Parking design.

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

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

229 [1] Fewer curb cuts required;

230 [2] Improved or new pedestrian access between buildings or lots;

231 [3] Improved internal circulation between buildings or lots; and

232 [4] Improved overall site design with shared access.

233

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

239 [1] A landscape plan showing screening and other landscaping requirements prepared by a
240 registered landscape architect is a submission requirement. However, a landscape plan
241 done by other design professionals may be allowed at the Planning Board's discretion.

242 [2] Any required plantings that do not survive must be replaced within one year. This
243 requirement does not expire and runs with the land.

244 [3] Surface parking lots designed for five or more cars that will service multi-family or
245 mixed-use buildings with dwelling units and which abut a street, single-family use or
246 residential zone must provide screening in one of the following ways:

247 i. Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a
248 planting bed at least eight (8) feet wide. Climate-change tolerant Northeastern

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249 native plants are preferred. Plantings must be sufficient, as determined by the
250 Planning Board, to screen the parking area from the street except for necessary
251 vehicular and pedestrian access. Planting beds may be mulched but no dyed
252 mulching material may be used. Drip irrigation is recommended.

253
254 ii. One tree per 25 feet of street frontage within a planting bed at least eight (8) feet
255 wide which will include other plantings such as perennials. Plantings must be
256 sufficient to screen the parking area from the street except for necessary
257 vehicular and pedestrian access. To ensure survival, trees must be planted using
258 silva cells, bioretention cells or tree wells. Trees must be at least 2.5-inch caliper
259 and 12 feet high at the time of planting. Existing large healthy trees must be
260 preserved if practical and will count towards this requirement. Trees proposed
261 within the public right-of-way must remain under 20 feet tall at maturity. Trees
262 native to the Northeast, selected for climate change tolerance, are preferred and
263 must be drought and salt tolerant when used along streets. A diversity of tree
264 species (three to five species per every 12 trees) is required to provide greater
265 resiliency to threats from introduced insect pests and diseases. Planting beds may
266 be mulched but no dyed mulching material may be used. Drip irrigation is
267 recommended for plantings proposed to accompany the trees.

268
269 iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a
270 view and made of a material compatible with surrounding buildings. Chain link
271 fences are not allowed unless they have a PVC color coating to blend in with
272 surroundings. Stockade fences may only be allowed to buffer a parking lot along
273 the lot line that abuts a single-family use or residential zone. A planting bed at
274 least six (6) feet wide, including the fence, is required, with a combination of
275 trees, shrubs and perennials located on the proposed development’s side of the
276 fence. Planting beds may be mulched but no dyed mulching material may be
277 used. Drip irrigation is recommended.

278
279 (d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be
280 landscaped with trees and vegetated islands. This requirement is in addition to other required
281 landscaping and street tree requirements.

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

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287 (3b) Building design standards.

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

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

308 (b) Roofs. ~~A building's prominent roofs must be pitched a minimum of 4:12 unless~~
309 ~~demonstrated to the Planning Board's satisfaction that this is not practicable. Acceptable~~
310 ~~roof styles such as are gabled, gambrel, and hipped roofs are preferred. Flat roofs,~~
311 ~~shed roofs and roof facades (such as "stuck on" mansards) are not acceptable as~~
312 ~~prominent roof forms unless demonstrated to the Planning Board's satisfaction that~~
313 ~~another design is not practicable, except as provided above. Roof colors must be muted.~~
314 ~~(See Design Handbook for examples.) Flat roofs proposed to locate heating, cooling, or~~
315 ~~other such mechanical or electrical apparatus off the ground, are acceptable provided that~~
316 ~~such apparatus are screened from view and the screening is designed as an integral part~~
317 ~~of the building to aid both aesthetics and noise attenuation. Flat roofs proposed for the~~
318 ~~purpose of solar array installations are also acceptable. The roof design must screen or~~
319 ~~camouflage rooftop protrusions to minimize the visual impact of air conditioning units,~~
320 ~~air handler units, exhaust vents, transformer boxes, and the like. (See Design Handbook~~
321 ~~for examples of appropriate treatments.)~~

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- 323 (c) Loading docks and overhead doors. Loading docks and overhead doors must be located
324 on the side or rear of the building and screened from view from adjacent properties in
325 residential use.
- 326 (d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be
327 included at the time of application submission. All lighting fixtures must be cutoff (dark
328 sky compliant).
- 329 ~~(g)~~(4) Landscaping and site design standards. A landscape plan prepared by a registered landscape
330 architect is a submission requirement. However, a landscape plan done by other design
331 professionals may be allowed at the Planning Board’s discretion. To achieve attractive and
332 environmentally sound site design and appropriate screening of parking areas, in addition to
333 the landscaping standards contained in Chapters ~~16.8 and 16.9~~ 16.5, the following
334 landscaping requirements apply to new and modified existing developments:
- 335 (a) Landscape plantering strip. A vegetated landscape plantering strip must be provided a
336 minimum of ~~10~~5 feet in depth adjacent to the right-of-way of all public roads or the
337 sidewalk if it already exists. If a sidewalk does not yet exist on-site but sidewalks do
338 exist on adjacent properties, the planting strip must be located so that it does not
339 interfere with connectivity to existing sidewalks. Planting strips which demonstrate
340 LID functionality to assist in stormwater capture are preferred. The Planning Board
341 may reduce the required ~~depth~~ width of the landscape plantering strip if a sidewalk is
342 provided in front of the parcel and the area between the front property line and the front
343 wall of the building will be designed and used as a pedestrian space, outdoor dining as
344 defined by this title, or a seating area. The landscape plantering strip must include the
345 following landscape elements:
- 346 [1] Ground cover Plantings. The entire landscape plantering strip must be vegetated
347 with a combination of shrubs, perennials, and ornamental grasses except for
348 approved driveways, walkways, bikeways and screened utility equipment. Climate-
349 change tolerant Northeastern native plants are preferred. Planting beds may be
350 mulched but no dyed mulching material may be used. Street trees required below
351 may be included in this planting strip. Drip irrigation is recommended.
- 352 [2] Street-side trees. A minimum of one tree must be planted for each 25 feet of street
353 frontage. The trees may be spaced along the frontage or grouped or clustered to
354 enhance the visual quality of the site. (See Design Handbook for examples.) The trees
355 must be a minimum ~~two and one half inch~~ 2.5-inch caliper and be at least 12 feet high
356 at the time of planting. Trees must be planted to ensure survival, using silva cells,
357 bioretention cells or tree wells. The species must be selected from the A list of
358 approved street-side trees can be found in the Design Handbook. Trees native to the
359 Northeast, selected for climate change tolerance, are preferred and must be drought
360 and salt tolerant when used along streets. A diversity of tree species (three to five

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361 species per every 12 trees) is required to provide greater resiliency to threats from
362 introduced insect pests and diseases. Existing large healthy trees must be preserved if
363 practical and will count toward this requirement. Trees located within the public right-
364 of-way must not exceed 20 feet in height at maturity. [Amended 9-26-2011 by Ord. No.
365 11-15]

366 [3] Any required plantings that do not survive must be replaced within one year. This
367 requirement does not expire and runs with the land.

368 (b) Special situations.

369 [1] Expansions of less than 1,000 square feet to existing uses including single-family or
370 two-family dwellings are exempt from the landscaping standards of this subsection.

371 [2] ~~Depth~~ Width of landscape planter strip. In instances where the required minimum
372 ~~depth~~ width of the landscape planter strip is legally utilized in accordance with
373 previous permits or approvals, for parking, display, storage, building or necessary
374 vehicle circulation, the ~~depth~~ width may be narrowed by the Planning Board to the
375 minimum extent necessary to achieve the objective of the proposed project, provided
376 that shrubs and perennials are planted along the street frontage to soften the
377 appearance of the development from the public street.

378 [3] Additions and changes in use. For additions to existing buildings, and changes of
379 residential structures to a nonresidential use, one street-side tree (see list of street
380 trees in Design Handbook) is required to be planted for every 1,000 square feet of
381 additional gross floor area added or converted to nonresidential use. In instances
382 where parking, display area, storage, building or necessary vehicle circulation exists
383 ~~at the time of enactment of this section,~~ the required trees may be clustered and/or
384 relocated away from the road as is necessary to be practicable. The preservation of
385 existing large trees is encouraged; therefore, the Planning Board may permit the
386 preservation of existing healthy, large, mature trees within the landscape plantering
387 strip or other ~~developed~~ landscaped areas of the site to be substituted for the planting
388 of new trees.

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

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

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

417 [1] In cases where creating or preserving open space to meet the 15% requirement above
418 is not practicable, the Planning Board may allow the required landscaping in 4.(a)
419 above to count towards meeting the open space requirement provided the proposed
420 landscaped planting strip is expanded beyond the required width and the Planning
421 Board finds that all criteria for open space above has been met to the greatest extent
422 possible.

423 ~~(2) The following space standards apply:~~

424 ~~(a) Minimum land area per dwelling unit if all floors are residential: 20,000 square feet if~~
425 ~~served by the on-site sewage disposal; 8,000 square feet if served by the public sewerage~~
426 ~~system. (NOTE: Except as otherwise required by the buffer provisions of this title, and~~
427 ~~except where the side and/or rear yards abut a residential district or use; in which case a~~
428 ~~minimum of 15 feet or 50% of the building height is required.)~~

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

432 ~~(c) Minimum lot size: none. (NOTE: Except as otherwise required by the buffer provisions of~~

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- 433 ~~this title, and except where the side and/or rear yards abut a residential district or use; in~~
434 ~~which case a minimum of 15 feet or 50% of the building height is required.)~~
- 435 ~~(d) Minimum street frontage: none. (NOTE: Except as otherwise required by the buffer~~
436 ~~provisions of this title, and except where the side and/or rear yards abut a residential district~~
437 ~~or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~
- 438 ~~(e) Minimum front yard: 15 feet. (NOTE: Except as otherwise required by the buffer provisions~~
439 ~~of this title, and except when where side and/or rear yards abut a residential district or use in~~
440 ~~which case a minimum of 15 feet or 50% of the building height is required.)~~
- 441 ~~(f) Maximum front setback of the principal building: 60 feet.~~
- 442 ~~(g) Minimum rear and side yards: 10 feet. (NOTE: Except as otherwise required by the buffer~~
443 ~~provisions of this title, and except where the side and/or rear yards setbacks abut a~~
444 ~~residential district or use; in which case a minimum of 15 feet or 50% of the building height~~
445 ~~is required.)~~
- 446 ~~(h) Maximum building height: 40 feet. (NOTE: Except that space height standards for single-~~
447 ~~and two-family residential uses are the same as for those of the Urban Residential District.)~~
- 448 ~~(i) Maximum building and outdoor stored material coverage: none, except that side, rear and~~
449 ~~front yards must be maintained~~
- 450 ~~(j) Minimum setback from functionally water body and wetland water dependent uses: zero~~
451 ~~feet.~~
- 452 ~~(k) Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9,~~
453 ~~§16.3.2.17 and Appendix A, Fee Schedules.~~
- 454 (5) Cottage cluster requirements:
- 455 (a) Cottage cluster dwelling units must either face the required common open space or the
456 street. The required open space must be held in common for use by all the cottage cluster
457 residents and must be immediately accessible to each dwelling unit, via either the front or
458 the back of each unit.
- 459 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing
460 between units must comply with the requirements of the Fire Department and/or the State
461 Fire Marshall’s office.
- 462 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.
463
464

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465 (6) Affordable housing requirements:

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

467

468 (b) Density incentives outlined above in subsection D.(1).(a).[2].iv may be applied to projects
469 that create affordable housing units, as defined by this code. No proportional payment-in-lieu
470 is required if the affordable dwelling unit requirements for the density incentives are met.

471

472 (7) Gasoline Sales

473 Gasoline sales must ~~not~~ be located:

474 (a) Greater than 1,000 feet ~~of~~ from an existing station;

475 (b) Greater than 1,000 feet ~~of~~ from any private residence; and

476 (c) Greater than 150 feet ~~of~~ from any existing structure.

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

478 (1) Permitted uses.

479 (a) Accessory Buildings, Structures, and Uses

480 (b) Dwellings if located farther than 100 feet from the normal high-water line of any water
481 bodies, or the upland edge of a wetland

482 [1] Dwelling, Attached Single-family

483 [2] Dwelling, Manufactured Housing

484 [3] Dwelling, Multi-family

485 [4] Dwelling, Single-family

486 [5] Dwellings, Two-family

487 (c) Recreation, Public Open Space

488

489 (2) Special exception uses.

490 (a). Art Studio or Gallery

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

493 (c). Business Services

494 (d). Business & Professional Offices

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

497 (f). Parking Area

498 (g). Conference Center

499 (h). Retail Sales, Convenience

500 (i). Home Occupation, Major

501 (j). Home Occupation, Minor

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- 502 (k). Mass Transit Station
- 503 (l). Motel
- 504 (m). Hotel
- 505 (n). Inn
- 506 (o). Rooming House
- 507 (p). Personal Services
- 508 (q). Public Assembly Area
- 509 (r). Theater
- 510 (s). Public Utility Facility
- 511 (t). Restaurant
- 512 (u). Retail Sales, but (excluding those of which the principal activity entails outdoor sales and/or
- 513 storage)
- 514 (v). Commercial School
- 515 (w). Public or Private School
- 516 (x). Nursery School
- 517 (y). Day Care Facility
- 518 (z). Elder Care Facility
- 519 (aa). Hospital
- 520 (bb). Nursing Care Facility, Long-term
- 521 (cc). Convalescent Care Facility
- 522 (dd). Public Facility
- 523 (ee). Religious Use
- 524 (ff). Private Assembly
- 525 (gg). Specialty Food and/or Beverage Facility
- 526 (hh). Dwellings, Cottage Cluster

527

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

529

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

531 (1) Permitted Uses.

532 (a) Recreation, Public Open Space

533

534 (2) Special Exception Uses.

535 (a) Accessory Uses & Buildings

536 (b) Aquaculture

537 (c) Home Occupations, Major

538 (d) Home Occupations, Minor

539 (e) Public Utility Facilities,

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540
541
542
543

(f) Dwelling, Single-Family

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

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1 ~~§16.3.2.9-§16.4.18~~ **Business – Local 1 B-L1.**

2 A. Purpose.

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

9 B. Permitted uses.

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

- 11 (1) Accessory Dwelling Unit
- 12 (2) Dwelling, Attached Single-Family
- 13 (3) Dwelling, Manufactured Housing
- 14 (4) Dwelling, Multi-Family
 - 15 (a) Development proposing three or four dwelling units are permitted through minor site
 - 16 plan review;
 - 17 (b) Development proposing five or more dwelling units are permitted through major site
 - 18 plan review;
- 19 (5) Dwelling, Single-Family
- 20 (6) Dwelling, Two-Family
- 21 (7) Dwelling Units as part of a Mixed-Use Building
- 22 (8) Convalescent Care Facility
- 23 (9) Nursing Care Facility, Long-term
- 24 (10) Residential Care Facility
- 25 (11) Accessory Buildings, Structures, and Uses
- 26 (12) Home Occupation, Major
- 27 (13) Home Occupation, Minor
- 28 (14) Inn
- 29 (15) Day Care Facility
- 30 (16) Hospital
- 31 (17) Nursery School
- 32 (18) Private Assembly
- 33 (19) Public Facility
- 34 (20) Public or Private School

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

52

53 C. Special exception uses.

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

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

67

68

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69 D. Standards. All development and the use of land in the B-L1 Zone must meet the following
70 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the
71 design and performance standards of Chapters ~~16.8 and 16.9~~ 16.5 must be met.

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

73 (a) Minimum land area per dwelling unit:

74 [1] When all floors are residential: ~~82,500~~ 82,500 square feet.

75 [2] When less than five dwelling units are proposed with, at minimum, one nonresidential
76 use to be located on the first floor facing State Road or Shapleigh Road such that the
77 use will be visible from the street: 2,500 square feet. Such a nonresidential use or uses
78 need not occupy the entire first floor but must be an independent nonresidential use,
79 e.g., not a home office marketed with a dwelling unit as a work/live unit.

80 [3] When ~~the entire first floor is in nonresidential use: 3,500 square feet~~ five or more
81 dwelling units are proposed with, at minimum, one nonresidential use to be located on
82 the first floor facing State Road or Shapleigh Road such that the use will be visible
83 from the street: 2,000 square feet. Such a nonresidential use or uses need not occupy
84 the entire first floor but must be an independent nonresidential use, e.g., not a home
85 office marketed with a dwelling unit as a work/live unit.

86 [4] When 25% or more of the dwelling units will be affordable housing units as defined by
87 this code, the minimum land area per dwelling unit is: 1,500 square feet.

88 (b) Parking:

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

94 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

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

98
99 [ii] Housing is proposed within ¼ mile of a public transit stop, in which case the parking
100 requirements may be reduced to a minimum of 1/2 spaces per dwelling unit at the
101 Planning Board's discretion; and/or

102

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

106 [2] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of
107 the parking may be designated for compact cars. See 16.7.11.F.(4) Off-Street Parking
108 Standards.

109 [3] Electric car charging stations are allowed and encouraged in parking lots but must not
110 interfere with pedestrian movement on sidewalks.

111 (c) Minimum lot size: ~~20,000 square feet~~ None. (NOTE: Except that all screening, open space,
112 buffering and landscaping requirements must be met or in instances where the Planning
113 Board may approve modifications to such requirements, such modifications must be found
114 satisfactory by the Board.

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

116 (e) Maximum front ~~yard setback~~: ~~30~~ 20 feet. (NOTE: This area must be designed to promote a
117 pedestrian public space which includes, but is not limited to, landscaping, sidewalks and
118 sitting areas. The Planning Board may, at its discretion, allow a greater setback when public
119 amenities such as pocket parks, outdoor dining or seating areas are proposed within the
120 front setback. Pocket parks must be at least 200 square feet with a minimum of three trees
121 and a bench for sitting required. Park must be vegetated with ground cover except for
122 walkways. Outdoor dining areas must meet any additional requirements specific to that use.
123 ~~Parking and~~ Outdoor storage are is prohibited anywhere in the front setback of the
124 structure, except for seasonal sales items. Parking is also prohibited in the front setback
125 except as allowed in subsection (2).(e) below).

126 (f) Minimum rear and side ~~yards setbacks~~: 10 feet. (NOTE: Except as otherwise required by the
127 buffer provisions of this title, and except where the side and/or rear ~~yards setbacks~~ abut a
128 residential zone or single-family use; in which case a minimum of 15 feet or 50% of the
129 building height, whichever is greater, is required.) [**Amended 9-26-2011 by Ord. No. 11-**
130 **15]**

131 (g) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.
132 Buildings and structures higher than 40 actual feet from the lowest point of grade to the
133 highest point of the building or structure (see Height of Building in 16.3), permitted as a
134 special exception, must have side, rear and front setbacks of sufficient depth to adequately
135 protect the health, safety and welfare of abutting properties, which may not be less than
136 50% of the actual height of the proposed building.

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137 (h) ~~Maximum building and outdoor stored material coverage: 50%.~~

138 The maximum impervious surface is:

139 [1] 70%; or

140 [2] The Planning Board may, at its discretion, allow greater than 70% if:

- 141 (i) Additional landscaped or natural areas are proposed or preserved and such areas are
142 integrated into the site design in an environmentally conscious way utilizing LID to
143 provide stormwater filtration and/or water quality improvements. Such areas must
144 exceed the requirement that 15% of the lot be landscaped or natural. See (4)
145 Landscaping/Site Improvements. When granting such a concession, the Board must
146 find that the proposed additional landscaping and/or natural areas and the site design
147 provide enough benefit to outweigh the impact of greater impervious surface; or
148 (ii) Affordable housing to be built, rather than a payment-in-lieu, is proposed.

149 If using either option above, the stormwater requirements in (i) below may not be
150 modified.

151 (i) Stormwater: All new development must use LID (Low Impact Development) and BMP
152 (Best Management Practices), based on Maine DEP’s Maine Stormwater Best Management
153 Practices Manual Volumes 1-III as amended from time to time, to manage 100% of the total
154 stormwater generated on-site. The stormwater report and plan demonstrating that this
155 requirement is met must be included with the application at the time of submission. A
156 request for a modification may be submitted to the Planning Board but it is incumbent on
157 the applicant to prove to the Planning Board’s satisfaction that such a modification is
158 necessary. The Town reserves the right to submit such modification requests for
159 independent engineering review at the applicant’s expense. The Board may also require
160 additional landscaping/plantings and/or LID features when granting such concessions.

161 (j) Minimum area dedicated to landscaped or natural areas: 15%.

162 [1] For the purposes of this zone, a natural area is an area that is not regularly mowed,
163 and contains trees and/or shrubs which may not have been deliberately planted.
164 Invasive plants, as defined by the State of Maine, must be removed.

165
166 [2] For multifamily dwellings, mixed-use buildings with dwelling units and attached
167 single-family dwellings, in cases where the property cannot meet the 15%
168 requirement due to existing development (including parking areas), and where
169 redevelopment will remain at the same or a lower percentage of the lot, the Planning
170 Board may, at its discretion, allow a smaller percentage of landscaped and/or natural
171 area. In granting this concession, the Board may require more intensive landscape
172 plantings and/or LID-designed features.

173

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

177 (kl) ~~Minimum setback from water body and wetland~~ water setback for functionally water-
178 dependent uses: zero feet.

179 (lm) Minimum setback from streams, water bodies and wetlands: in accordance with ~~Table 16.9~~
180 §16.4.28, §16.3.2.17 §16.5.30 and Appendix A, Fee Schedules.

181 (2) Parking design.

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

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

- 189 [1] Fewer curb cuts required;
190 [2] Improved or new pedestrian access between buildings or lots;
191 [3] Improved internal circulation between buildings or lots; and
192 [4] Improved overall site design with shared access.

193 ~~and~~

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

201 [1] A landscape plan showing screening and other landscaping requirements prepared by a
202 registered landscape architect is a submission requirement. However, a landscape plan done
203 by other design professionals may be allowed at the Planning Board's discretion.

204 [2] Any required plantings that do not survive must be replaced within one year. This
205 requirement does not expire and runs with the land.

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206 [3] Surface parking areas designed for less than five cars must use solid fencing, berms and/or
207 stone walls along the parking lot where it abuts any single-family use or residential zone
208 must be used to prevent vehicle headlights trespass. from shining on any abutting
209 residential property. Incorporating flowering vines and other plantings such as trees and
210 shrubs on next to fences and blank exterior walls is encouraged.

211 [4] Surface parking lots designed for five or more cars that will service multi-family or mixed-
212 use buildings with dwelling units and which abut a street, single-family use or residential
213 zone must provide screening in one of the following ways:

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

220
221 ii. One tree per 25 feet of street frontage within a planting bed at least eight (8) feet wide
222 which will include other plantings such as perennials. Plantings must be sufficient, as
223 determined by the Planning Board, to screen the parking area from the street except
224 for necessary vehicular and pedestrian access. To ensure survival, trees must be
225 planted using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-
226 inch caliper and 12 feet high at the time of planting. Existing large healthy trees must
227 be preserved if practical and will count towards this requirement. Trees proposed
228 within the public right-of-way must remain under 20 feet tall at maturity. Trees native
229 to the Northeast, selected for climate change tolerance, are preferred and must be
230 drought and salt tolerant when used along streets. A diversity of tree species (three to
231 five species per every 12 trees) is required to provide greater resiliency to threats from
232 introduced insect pests and diseases. Planting beds may be mulched but no dyed
233 mulching material may be used. Drip irrigation is recommended for plantings
234 proposed to accompany the trees.

235
236 iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and
237 made of a material compatible with surrounding buildings. Chain link fences are not
238 allowed unless they have a PVC color coating to blend in with surroundings.
239 Stockade fences may only be allowed to buffer a parking lot along the lot line that
240 abuts a single-family use or residential zone. A planting bed at least six (6) feet wide,
241 including the fence, is required, with a combination of trees, shrubs and perennials
242 located on the proposed development's side of the fence. Climate-change tolerant
243 Northeastern native plants are preferred. Planting beds may be mulched but no dyed
244 mulching material may be used. Drip irrigation is recommended.

245
246

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

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

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

259 (3) Building design standards.

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

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

282 (b) Roofs. ~~A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated~~

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283 ~~to the Planning Board's satisfaction that this is not practicable. Acceptable r~~Roof styles such as
284 ~~are~~ gabled, gambrel and hipped roofs are preferred. Flat roofs, sShed roofs and roof facades
285 (such as "stuck on" mansards) are not acceptable as prominent roof forms unless demonstrated
286 to the Planning Board' satisfaction that another design is not practicable. except as provided
287 ~~above.~~ Roof colors must be muted. (See Design Handbook for examples.) Flat roofs proposed
288 to locate heating, cooling, or other such mechanical or electrical apparatus off the ground, are
289 acceptable provided that such apparatus are screened from view and the screening is designed
290 as an integral part of the building to aid both aesthetics and noise attenuation. Flat roofs
291 proposed for the purpose of solar array installations are also acceptable. The roof design must
292 screen or camouflage rooftop protrusions to minimize the visual impact of air conditioning
293 units, air handler units, exhaust vents, transformer boxes and the like. (See Design Handbook
294 for examples of appropriate treatments.)

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

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

301 (4) Landscaping/site improvements. A landscape plan prepared by a registered landscape architect is a
302 submission requirement. However, a landscape plan done by other design professionals may be
303 allowed at the Planning Board's discretion. Climate change-tolerant Northeastern native plants are
304 preferred. To achieve an attractive and environmentally sound site design and appropriate screening
305 of parking areas, in addition to the landscaping standards contained in Chapters 16.8 and 16.9 16.5,
306 the following landscaping requirements apply to new and modified existing developments:

307 (a) Fifteen percent of site area must be landscaped and/or in a natural state as described in
308 D.(1).(j).[1], unless otherwise provided above;

309 (b) Outdoor spaces must be created to reinforce commercial and community activities and
310 pedestrian-friendly access. Outdoor spaces are encouraged throughout the site ~~with special~~
311 ~~attention~~ especially in those areas to the front and sides of buildings when viewed from along
312 the sidewalk and street. Architectural features such as decorative pavers, planters and benches
313 seating areas, as well as outdoor dining where applicable, are encouraged in the creation of
314 these spaces;

315 (c) The setback between the ~~roadway~~ street and any buildings must be attractively landscaped
316 using trees, ~~flowers~~, shrubs, perennials, ornamental grasses, fencing or stone walls to reinforce
317 the site's unique character and building design and complement the public use of the space;

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- 318 (d) ~~A Required buffers setbacks that function as buffers between commercial and residential~~
319 ~~zones/single-family uses must be established and be landscaped at minimum with a~~
320 ~~combination of trees and shrubs in a planting bed at least six (6) feet wide. Planting beds may~~
321 ~~be mulched but no dyed mulching material may be used;~~
- 322 (e) ~~Solid fencing, berms and/or stone walls must be used to prevent headlights from shining on~~
323 ~~abutting residential property. Incorporating flowering vines and other plantings on fences and~~
324 ~~blank exterior walls is encouraged;~~
- 325 (e) Provide street trees in a pattern reflecting the existing streetscape. For new buildings, a
326 minimum of one street tree must be planted for each 25 feet of street frontage. The trees may
327 be spaced along the frontage or grouped or clustered to enhance the visual quality of the site.
328 (See Design Handbook for examples.) The trees must be a minimum two-and-one-half-inch
329 caliper and be at least 12 feet high at the time of planting. ~~The species must be selected from~~
330 ~~the A list of approved street trees may be found in the Design Handbook. Trees native to the~~
331 ~~Northeast, selected for climate change tolerance, are preferred and must be drought and salt~~
332 ~~tolerant when used along streets. A diversity of tree species (three to five species per every 12~~
333 ~~trees) is required to provide greater resiliency to threats from introduced insect pests and~~
334 ~~diseases. Existing large healthy trees must be preserved if practical and will count toward this~~
335 ~~requirement. Trees located within the public right-of-way must not exceed 20 feet at maturity.~~
- 336 (f) For additions to existing buildings and changes of residential structures to a nonresidential use,
337 one street-side tree (see list of street trees in Design Handbook) is required to be planted for
338 every 1,000 square feet of additional gross floor area added or converted to nonresidential use.
339 In instances where parking, display area, storage, building or necessary vehicle circulation
340 exists at the time of enactment of this section, the required trees may be clustered and/or
341 relocated away from the road as is necessary to be practicable. The preservation of existing
342 large trees is encouraged; therefore, the Planning Board may permit the preservation of
343 existing healthy, large, mature trees within developed areas of the site to be substituted for the
344 planting of new trees; **[Amended 9-26-2011 by Ord. No. 11-15]**
- 345 (g) Service and storage areas must be located to the rear of the building. All service areas for
346 dumpsters, compressors, generators and similar items must be screened by a fence at least six
347 feet tall, constructed of a material similar to surrounding buildings, and must surround the
348 service area except for the necessary ingress/egress. and be shielded using plantings and/or
349 fencing. Facilities for waste storage such as dumpsters must be located within an enclosure
350 and be visually buffered by fencing, landscaping and/or other treatments (see Design
351 Handbook for examples of appropriate buffering);
- 352 (h) No storage may be in front of buildings except seasonal sales items;

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- 353 (i) Lighting, including lighting fixture designs and photometric plans, and landscape plans must
354 be provided and approved as a part of final plan.
- 355 (j) Lighting along the street must be of a pedestrian scale using a full cutoff architectural fixture
356 in an architectural style appropriate to the neighborhood.
- 357 (k) Any required plantings that do not survive must be replaced within one year. This requirement
358 does not expire and runs with the land.
- 359 (l) If 15% or more of the proposed development will be affordable dwelling units, the Planning
360 Board may, at its discretion, modify landscaping requirements under [c], [d] and [e] above.
- 361 (5) Traffic and circulation standards. Sidewalks and/or roadways must be provided ~~within the site~~ to
362 internally join abutting properties ~~that are~~ if determined feasible by the Planning Board using the
363 criteria in subsection D.(2).(b). to be compatible. In addition, safe pedestrian route(s) must be
364 provided to allow pedestrians to move within the site and between the principal customer entrance
365 and the front lot line where a sidewalk exists or will be provided or where the Planning Board
366 determines that such a route is needed for adequate pedestrian safety and movement. (See Design
367 Handbook for appropriate examples.)
- 368 (6) Cottage cluster requirements:
- 369
- 370 (a) Cottage cluster dwelling units must either face the required common open space or the street.
371 The required open space must be held in common for use by all the cottage cluster residents
372 and must be immediately accessible to each dwelling unit, via either the front or the back of
373 each unit.
- 374
- 375 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between
376 units must comply with the requirements of the Fire Department and/or the State Fire
377 Marshall's office.
- 378
- 379 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.
- 380
- 381 (7) Affordable housing requirements:
- 382
- 383 (a) All requirements in 16.5.4 Affordable Housing must be met.
- 384
- 385 (b) Density incentives outlined above in subsection D.(1).(a).[4] may be applied to projects that
386 create affordable housing units, as defined by this code. No proportional payment-in-lieu is
387 required if the affordable dwelling unit requirements for the density incentives are met.
- 388

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- 389 A. Shoreland Overlay Zone OZ-SL – Business Local Zone (B-L1)
- 390 (1) Permitted uses
- 391 (a) Accessory Uses & Building
- 392 (b) Aquaculture
- 393 (c) Recreation, Public Open Space
- 394
- 395 (2) Special exception uses
- 396 (d) Art Studio or Gallery
- 397 (e) Business & Professional Offices
- 398 (f) Business Services
- 399 (g) Retail Sales, Building Materials & Garden Supply (excluding those of which the principal
- 400 activity entails outdoor sales and/or storage)
- 401 (h) Conference Center
- 402 (i) Retail Sales, Convenience
- 403 (j) Commercial Fisheries/Maritime Activities (provided only incidental cleaning and cooking of
- 404 seafood occur at the site)
- 405 (k) Parking Area
- 406 (l) Dwelling, Manufactured Housing
- 407 (m) Dwelling, Single-Family
- 408 (n) Dwelling, Two-Family
- 409 (o) Farmers market
- 410 (p) Funeral Home
- 411 (q) Home Occupation, Major
- 412 (r) Home Occupation, Minor
- 413 (s) Inn
- 414 (t) Mass Transit Station
- 415 (u) Motel
- 416 (v) Hotel
- 417 (w) Inn
- 418 (x) Rooming House
- 419 (y) Personal Service
- 420 (z) Public Assembly Area
- 421 (aa) Theater
- 422 (bb) Public Utility Facility
- 423 (cc) Restaurant
- 424 (dd) Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 425 storage)
- 426 (ee) Specialty Food and/or Beverage Facility
- 427

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

429

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

431 (1) Permitted Uses

432 (a) Recreation, Public Open Space

433

434 (2) Special Exception Uses

435 (a) Accessory Uses & Buildings

436 (b) Home Occupations, Major

437 (c) Home Occupations, Minor

438 (d) Public Utility Facility

439 (e) Dwelling, Single-Family, including modular homes

440

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

442