

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

§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) Dwellings, single-family ~~or modular homes~~, exclusive of mobile homes;
- (2) Dwellings, attached single-family;
- (3) Dwellings, two-family;
- (4) Dwelling units as part of a mixed-use building
- (5) Dwelling, multi-family ~~Apartment building;~~
 - (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;
- (6) Public open space recreational uses;
- (7) School or educational facility (including nursery schools), day-care facility, elder-care facility, hospital, long-term nursing care facility, convalescent care facility, municipal, county or state building or use, church or any other institution of educational, religious, philanthropic, fraternal, political or social nature;
- (8) Accessory uses and buildings including minor or major home occupations;
- (9) Retail business and service establishments, but excluding those of which the principal activity entails outdoor sales and/or storage and excluding those specifically mentioned under Subsection C of this section;
- (10) Business and professional offices;
- (11) Mass transit station;
- (12) Commercial parking lot or parking garage;

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 30 (13) Restaurant;
- 31 (14) Art studio or gallery;
- 32 (15) Convenience store, food store, grocery store;
- 33 (16) Personal service;
- 34 (17) Business service;
- 35 (18) Building materials, but excluding those of which the principal activity entails outdoor sales
- 36 and/or storage;
- 37 (19) Garden supply;
- 38 (20) Conference center;
- 39 (21) Commercial boating and fishing uses and facilities, provided only incidental cleaning and
- 40 cooking of seafood occur at the site;
- 41 (22) Aquaculture;
- 42 (23) Accessory dwelling units; and
- 43 (24) Specialty food and/or beverage facility-; **[Added 6-10-2013 by Ord. No. 13-02]**
- 44 C. Special exception uses. The following uses are permitted as special exception uses in the B-L Zone:
- 45 (1) Motel, hotel, inn or rooming house;
- 46 (2) Funeral home;
- 47 (3) Gasoline sales: (a) not located within 1,000 feet of an existing station; (b) not located within
- 48 1,000 feet of any private residence; and (c) not located within 150 feet of any existing
- 49 structure;
- 50 (4) Place of public assembly, including theater;
- 51 (5) Public utility facilities, including substation, pumping stations and sewage treatment facilities;
- 52 ~~(6) Apartment building;~~
- 53 (6) Temporary, intrafamily dwelling unit;
- 54 (7) Mechanical service; and

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

55 (8) ~~Residential dwelling units as part of a mixed-use building;~~

56 (9) Cottage cluster.

57 D. Standards.~~(4)~~ All development and the use of land in the B-L Zone must meet the following
58 standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the
59 design and performance standards of Chapters ~~16.8 and 16.9~~ 16.5 must be met.

60 (~~a1~~) (~~2~~) The following space and dimensional standards apply:

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

62 [1] If served by on-site sewage disposal: 20,000 square feet;

63 [2] ~~4,000 square feet~~ If served by the public sewerage system and:

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

65 [ii] The entire first floor is in nonresidential use: 2,500 square feet; or

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

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

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

76 (b) ~~Parking. One row of parking spaces and a related access drive may be located between the~~
77 ~~front property line and the front wall of the building extending the full width of the lot. All~~
78 ~~other parking must be located to the side and/or rear of the building. All new or revised~~
79 ~~parking must be visually screened through the use of landscaping, earthen berms and/or~~
80 ~~fencing from adjacent public streets or residential properties. (See the Design Handbook for~~
81 ~~appropriate examples.)~~ Parking requirements are to be met on site. If meeting the parking
82 requirements is not possible, the parking demand may be satisfied off site or through joint-
83 use agreements as specified herein. Notwithstanding the off-street parking requirements in
84 16.7.11.F(4), minimum parking requirements for the uses below are modified as specified:

85

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123

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

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

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

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

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

(c) 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 prior to final approval and file the same with Planning and Code office each time the contract is renewed. Any changes to the contractual agreement must be reviewed by the Code Enforcement Officer and if the location of the off-site parking changes, will require approval from the municipal permitting authority which originally approved the off-site parking.

(d) 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.

[1] 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. Applicant must present evidence of the parking location and a contractual agreement prior to final approval and file the same with the Planning and Code office each time the contract is renewed. Any changes to the contractual agreement must be reviewed by the Code Enforcement Officer and if the municipal permitting authority which originally approved the off-site parking.

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

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

124 [3] Joint use parking areas must be located within 1,500 feet to the use served, but do not need
125 to be located on the same lot as the uses served;

126 [4] Ease and safety of pedestrian access to shared parking by the users served must be
127 demonstrated, including any proposed improvements or shuttle service that may be
128 offered and its requisite loading/unloading areas;

129 [5] Such joint parking areas must not be located in residential zones of the Town.

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

134
135 (f) Special parking and access situations.

136 [1] In instances where one row of parking spaces and/or a related access drive is located
137 between the front property line and the front wall of the building extending the full
138 width of the lot and was utilized in accordance with previous permits or approvals, for
139 parking, display, storage, building or necessary vehicle circulation, the Planning Board
140 may allow such improvements to remain provided all other parking meets the location
141 requirements and provided that a landscaping plan for the property frontage is
142 reviewed and approved by the Planning Board.

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

149 (eh) Minimum street frontage: none. (NOTE: Except as otherwise required by the buffer
150 provisions of this title, and except where the side and/or rear yards abut a residential district
151 in which case a minimum of 15 feet or 50% of the building height is required.) NOTE: All
152 lots must meet the requirements of 16.5.13 Lots unless specifically modified by this section
153 (16.4.17). Street frontage must provide sufficient vehicular and pedestrian access for the
154 uses proposed while meeting public health and safety requirements (e.g. Fire Department,
155 Department of Public Works). The applicant must demonstrate to the municipal permitting
156 authority that the street frontage and lot design meet these requirements to the extent
157 practicable.

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

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

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

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

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

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

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

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

183 (k) ~~Stormwater: All new development must use LID (Low Impact Development) and BMP~~
184 ~~(Best Management Practices), based on Maine DEP's Maine Stormwater Best Management~~
185 ~~Practices Manual Volumes 1-III as amended from time to time, to manage 100% of the total~~
186 ~~stormwater generated on-site. The stormwater report and plan demonstrating that this~~
187 ~~requirement is met must be included with the application at the time of submission. A~~
188 ~~request for a modification may be submitted to the Planning Board but it is incumbent on~~
189 ~~the applicant to prove to the Planning Board's satisfaction that such a modification is~~
190 ~~necessary. The Town reserves the right to submit such modification requests for~~
191 ~~independent engineering review at the applicant's expense. The Board may also require~~
192 ~~additional landscaping/plantings when granting such concessions.~~

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

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

195 (o) Minimum setback from functionally water body and wetland ~~water~~-dependent uses: zero
196 feet.

197 (p) Minimum setback from streams, water bodies and wetlands: in accordance with ~~Table 16.9~~
198 §16.4.28, ~~§16.3.2.17~~ §16.5.28 and Appendix A, Fee Schedules.

199 (2) Parking design.

200 (a) Parking must be located to the side or rear of the building. If all parking cannot be located to
201 the rear or side, the Planning Board may allow limited parking in front of the building, but it
202 is incumbent upon the applicant to demonstrate why such a modification request should be
203 granted. In granting this concession, the Board may require more intensive landscape
204 plantings.

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

207 [1] Fewer curb cuts required;

208 [2] Improved or new pedestrian access between buildings or lots;

209 [3] Improved internal circulation between buildings or lots; and

210 [4] Improved overall site design with shared access.

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

216 [1] A landscape plan showing screening and other landscaping requirements prepared by a
217 registered landscape architect is a submission requirement. However, a landscape plan
218 done by other design professionals may be allowed at the Planning Board's discretion.

219 [2] Any required plantings that do not survive must be replaced within one year. This
220 requirement does not expire and runs with the land.

221 [3] Surface parking lots designed for five or more cars that will service multi-family or
222 mixed-use buildings with dwelling units and which abut a street, single-family use or
223 residential zone must provide screening in one of the following ways:

224 i. Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a
225 planting bed at least eight (8) feet wide. Plantings must be sufficient, as

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

226 determined by the Planning Board, to screen the parking area from the street
227 except for necessary vehicular and pedestrian access. Planting beds may be
228 mulched but no dyed mulching material may be used. Drip irrigation is
229 recommended.

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

245
246 iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a
247 view and made of a material compatible with surrounding buildings. Chain link
248 fences are not allowed unless they have a PVC color coating to blend in with
249 surroundings. Stockade fences may only be allowed to buffer a parking lot along
250 the lot line that abuts a single-family use or residential zone. A planting bed at
251 least six (6) feet wide, including the fence, is required, with a combination of
252 trees, shrubs and perennials located on the proposed development's side of the
253 fence. Planting beds may be mulched but no dyed mulching material may be
254 used. Drip irrigation is recommended.

255
256 (d) A minimum of 10% of any surface parking area consisting of 10 or more spaces must be
257 landscaped with trees and vegetated islands. This requirement is in addition to other required
258 landscaping and street tree requirements.

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

263 (~~3b~~) Building design standards.

264 Kittery's characteristic buildings reflect its historic seacoast past. The primary architectural
265 styles are New England Colonial (such as Cape Cod and saltbox), Georgian, Federal and

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

266 Classical Revival. New buildings must be compatible with Kittery's characteristic styles in
267 form, scale, material and color. In general, buildings should be oriented with the front of the
268 building facing the street ~~on~~ from which the building ~~is~~ derives its street frontage ~~located~~. The
269 front or street facade must be designed as the front of the building. The front elevation must
270 contain one or more of the following elements: 1) a "front door," although other provisions for
271 access to the building may be provided; 2) windows; or 3) display cases. (See Design
272 Handbook for examples of acceptable materials and designs.) Strict imitation is not required.
273 Design techniques can be used to maintain compatibility with characteristic styles and still
274 leave enough flexibility for architectural variety. To achieve this purpose, the following
275 design standards apply to new and modified existing building projects:

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

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

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

301

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

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

305 ~~(g)~~(4) Landscaping and site design standards. A landscape plan prepared by a registered landscape
306 architect is a submission requirement. However, a landscape plan done by other design
307 professionals may be allowed at the Planning Board’s discretion. To achieve attractive and
308 environmentally sound site design and appropriate screening of parking areas, in addition to
309 the landscaping standards contained in Chapters 16.8 and 16.9 16.5, the following
310 landscaping requirements apply to new and modified existing developments:

311 (a) Landscape plantering strip. A vegetated landscape plantering strip must be provided a
312 minimum of 1045 feet in depth adjacent to the right-of-way of all public roads or the
313 sidewalk if it already exists. If a sidewalk does not yet exist on-site but sidewalks do
314 exist on adjacent properties, the planting strip must be located so that it does not
315 interfere with connectivity to existing sidewalks. The Planning Board may reduce the
316 required depth-width of the landscape plantering strip if a sidewalk is provided in front
317 of the parcel and the area between the front property line and the front wall of the
318 building will be designed and used as a pedestrian space, outdoor dining as defined by
319 this title, or a seating area. The landscape plantering strip must include the following
320 landscape elements:

321 [1] ~~Ground cover~~ Plantings. The entire landscape plantering strip must be vegetated
322 with a combination of shrubs, perennials, and ornamental grasses except for
323 approved driveways, walkways, bikeways and screened utility equipment. Planting
324 beds may be mulched but no dyed mulching material may be used. Street trees
325 required below may be included in this planting strip. Drip irrigation is
326 recommended.

327 [2] Street-side trees. A minimum of one tree must be planted for each 25 feet of street
328 frontage. The trees may be spaced along the frontage or grouped or clustered to
329 enhance the visual quality of the site. (See Design Handbook for examples.) The trees
330 must be a minimum ~~two and one half inch~~ 2.5-inch caliper and be at least 12 feet high
331 at the time of planting. Trees must be planted to ensure survival, using silva cells,
332 bioretention cells or tree wells. The species must be selected from the A list of
333 approved street-side trees can be found in the Design Handbook. Trees native to the
334 Northeast, selected for climate change tolerance, are preferred and must be drought
335 and salt tolerant when used along streets. A diversity of tree species (three to five
336 species per every 12 trees) is required to provide greater resiliency to threats from
337 introduced insect pests and diseases. Existing large healthy trees must be preserved if
338 practical and will count toward this requirement. Trees located within the public right-
339 of-way must not exceed 20 feet in height at maturity. [Amended 9-26-2011 by Ord. No.
340 11-15]

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

341 [3] Any required plantings that do not survive must be replaced within one year. This
342 requirement does not expire and runs with the land.

343 (b) Special situations.

344 [1] Expansions of less than 1,000 square feet to existing uses including single-family or
345 two-family dwellings are exempt from the landscaping standards of this subsection.

346 [2] ~~Depth~~ Width of landscape planter strip. In instances where the required minimum
347 ~~depth~~ width of the landscape planter strip is legally utilized in accordance with
348 previous permits or approvals, for parking, display, storage, building or necessary
349 vehicle circulation, the ~~depth~~ width may be narrowed by the Planning Board to the
350 minimum extent necessary to achieve the objective of the proposed project, provided
351 that shrubs and perennials are planted along the street frontage to soften the
352 appearance of the development from the public street.

353 [3] Additions and changes in use. For additions to existing buildings, and changes of
354 residential structures to a nonresidential use, one street-side tree (see list of street
355 trees in Design Handbook) is required to be planted for every 1,000 square feet of
356 additional gross floor area added or converted to nonresidential use. In instances
357 where parking, display area, storage, building or necessary vehicle circulation exists
358 ~~at the time of enactment of this section~~, the required trees may be clustered and/or
359 relocated away from the road as is necessary to be practicable. The preservation of
360 existing large trees is encouraged; therefore, the Planning Board may permit the
361 preservation of existing healthy, large, mature trees within the landscape planter
362 strip or other ~~developed~~ landscaped areas of the site to be substituted for the planting
363 of new trees.

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

371 (d) Traffic and circulation standards. Sidewalks and/or roadways must be provided ~~within the~~
372 ~~site~~ to internally join abutting properties ~~that are~~ if determined feasible by the Planning
373 Board using the criteria in subsection D.(2).(b).to be compatible. In addition, safe
374 pedestrian route(s) must be provided to allow pedestrians to move within the site and
375 between the principal customer entrance and the front lot line where a sidewalk exists or
376 will be provided or where the Planning Board determines that such a route is needed for

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

377 adequate pedestrian safety and movement. (See Design Handbook for appropriate
378 examples.)

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

391 [1] In cases where creating or preserving open space to meet the 15% requirement above
392 is not practicable, the Planning Board may allow the required landscaping in 4.(a)
393 above to count towards meeting the open space requirement provided the proposed
394 landscaped planting strip is expanded beyond the required width and the Planning
395 Board finds that all criteria for open space above has been met to the greatest extent
396 possible.

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

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

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

406 (c) ~~Minimum lot size: none. (NOTE: Except as otherwise required by the buffer provisions of~~
407 ~~this title, and except where the side and/or rear yards abut a residential district or use; in~~
408 ~~which case a minimum of 15 feet or 50% of the building height is required.)~~

409 (d) ~~Minimum street frontage: none. (NOTE: Except as otherwise required by the buffer~~
410 ~~provisions of this title, and except where the side and/or rear yards abut a residential district~~
411 ~~or use; in which case a minimum of 15 feet or 50% of the building height is required.)~~

Revisions to B-L Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 412 (e) ~~Minimum front yard: 15 feet. (NOTE: Except as otherwise required by the buffer provisions~~
413 ~~of this title, and except when where side and/or rear yards abut a residential district or use in~~
414 ~~which case a minimum of 15 feet or 50% of the building height is required.)~~
- 415 (f) ~~Maximum front setback of the principal building: 60 feet.~~
- 416 (g) ~~Minimum rear and side yards: 10 feet. (NOTE: Except as otherwise required by the buffer~~
417 ~~provisions of this title, and except where the side and/or rear yards setbacks abut a~~
418 ~~residential district or use; in which case a minimum of 15 feet or 50% of the building height~~
419 ~~is required.)~~
- 420 (h) ~~Maximum building height: 40 feet. (NOTE: Except that space height standards for single-~~
421 ~~and two-family residential uses are the same as for those of the Urban Residential District.)~~
- 422 (i) ~~Maximum building and outdoor stored material coverage: none, except that side, rear and~~
423 ~~front yards must be maintained~~
- 424 (j) ~~Minimum setback from functionally water body and wetland water dependent uses: zero~~
425 ~~feet.~~
- 426 (k) ~~Minimum setback from streams, water bodies and wetlands: in accordance with Table 16.9,~~
427 ~~§16.3.2.17 and Appendix A, Fee Schedules.~~
- 428 (5) Cottage cluster requirements:
- 429 (a) Cottage cluster dwelling units must either face the required common open space or the
430 street. The required open space must be held in common for use by all the cottage cluster
431 residents and must be immediately accessible to each dwelling unit, via either the front or
432 the back of each unit.
- 433 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing
434 between units must comply with the requirements of the Fire Department and/or the State
435 Fire Marshall's office.
- 436 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.
437
- 438 (6) Affordable housing requirements:
- 439 (a) All requirements in 16.12 Affordable Housing must be met.
440
- 441 (b) Density incentives outlined above in subsection D.(1).(a).[3] may be applied to projects that
442 create affordable housing units, as defined by this code. No proportional payment-in-lieu is
443 required if the affordable dwelling unit requirements for the density incentives are met.

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

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

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

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

(1) Dwellings, ~~single-family or modular homes~~, exclusive of mobile homes;

(2) Dwellings, attached single-family;

(3) Dwellings, two-family;

(4) Dwelling units as part of a mixed-use building;

(5) ~~Apartments;~~ Dwellings, 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;

(6) Public open space recreational uses;

(7) Inn;

(8) School or educational facility (including nursery schools), day-care facility, elder-care facility, hospital, long-term nursing care facility, convalescent care facility, municipal, county or state building or use, church or any other institution of educational, religious, philanthropic, fraternal, political or social nature;

(9) Accessory uses and buildings including minor or major home occupations;

(10) Retail business and service establishments, excluding those of which the principal activity entails outdoor sales and/or storage and excluding those specifically mentioned under Subsection C of this section;

(11) Business and professional offices;

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 29 (12) Mass transit station;
- 30 (13) Commercial parking lot or parking garage;
- 31 (14) Restaurant;
- 32 (15) Art studio or gallery;
- 33 (16) Convenience store, food store, grocery store;
- 34 (17) Personal service;
- 35 (18) Business service;
- 36 (19) Building materials, but excluding those of which the principal activity entails outdoor sales
37 and/or storage;
- 38 (20) Garden supply;
- 39 (21) Conference center;
- 40 (22) Accessory dwelling units; and
- 41 (22) Specialty food and/or beverage facility. **[Added 6-10-2013 by Ord. No. 13-02]**
- 42 C. Special exception uses. The following uses are permitted as special exception uses in the B-L1
43 Zone:
 - 44 (1) Motel, hotel, rooming house;
 - 45 (2) Funeral home;
 - 46 (3) Gasoline sales: (a) not located within 1,000 feet of an existing station; (b) not located within
47 1,000 feet of any private residence; and (c) not located within 150 feet of any existing
48 structure;
 - 49 (4) Place of public assembly, including theater;
 - 50 (5) Public utility facilities, including substation, pumping stations and sewage treatment facilities;
 - 51 (6) Farmer's market;
 - 52 (7) Temporary, intrafamily dwelling unit;

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

53 (8) Mechanical service;

54 (9) Cottage cluster; and

55 (10) Buildings and structures over 40 feet that conform to the provisions of Title 16.

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

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

60 (a) Minimum land area per dwelling unit:

61 [1] When all floors are residential: 82,500 square feet.

62 [2] When five or more dwelling units are proposed with, at minimum, one nonresidential
63 use to be located on the first floor facing State Road or Shapleigh Road such that the
64 use will be visible from the street: 2,000 square feet. Such a nonresidential use or uses
65 need not occupy the entire first floor but must be an independent nonresidential use,
66 e.g. not a home office marketed with a dwelling unit as a work/live unit.

67 [3] When 25% or more of the dwelling units will be affordable housing units as defined by
68 this code, the minimum land area per dwelling unit is: 1,500 square feet.

69 (b) Parking:

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

75 [1] Dwelling units: 1.5 parking spaces per dwelling unit; unless:

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

79

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

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

83 [2] For multifamily dwellings, if more than ten parking spaces are required, up to 20% of
84 the parking may be designated for compact cars. See 16.7.11.F.(4) Off-Street Parking
85 Standards.

86 [3] Electric car charging stations are allowed in parking lots but must not interfere with
87 pedestrian movement on sidewalks.

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

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

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

103 (f) Minimum rear and side ~~yards setbacks~~: 10 feet. (NOTE: Except as otherwise required by the
104 buffer provisions of this title, and except where the side and/or rear ~~yards setbacks~~ abut a
105 residential zone or single-family use; in which case a minimum of 15 feet or 50% of the
106 building height, whichever is greater, is required.) [Amended 9-26-2011 by Ord. No. 11-
107 **15]**

108 (g) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.
109 Buildings and structures higher than 40 actual feet from the lowest point of grade to the
110 highest point of the building or structure (see Height of Building in 16.3), permitted as a
111 special exception, must have side, rear and front setbacks of sufficient depth to adequately
112 protect the health, safety and welfare of abutting properties, which may not be less than
113 50% of the actual height of the proposed building.

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

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

115 The maximum impervious surface is:

116 [1] 70%; or

117 [2] The Planning Board may, at its discretion, allow greater than 70% if:

118 (i) Additional landscaped or natural areas are proposed or preserved and such areas are
119 integrated into the site design in an environmentally conscious way. Such areas must
120 exceed the requirement that 15% of the lot be landscaped or natural. See (4)
121 Landscaping/Site Improvements. When granting such a concession, the Board must
122 find that the proposed additional landscaping and/or natural areas and the site design
123 provide enough benefit to outweigh the impact of greater impervious surface; or

124 (ii) Affordable housing to be built, rather than a payment-in-lieu, is proposed.

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

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

137 (ij) Minimum area dedicated to landscaped or natural areas: 15%.

138 [1] For the purposes of this zone, a natural area is an area that is not regularly mowed,
139 and contains trees and/or shrubs which may not have been deliberately planted.

141 [2] For multifamily dwellings, mixed-use buildings with dwelling units and attached
142 single-family dwellings, in cases where the property cannot meet the 15%
143 requirement due to existing development (including parking areas), and where
144 redevelopment will remain at the same or a lower percentage of the lot, the Planning
145 Board may, at its discretion, allow a smaller percentage of landscaped and/or natural

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

146 area. In granting this concession, the Board may require more intensive landscape
147 plantings.

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

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

153 (lm) Minimum setback from streams, water bodies and wetlands: in accordance with ~~Table 16.9~~
154 §16.4.28, §16.3.2.17 §16.5.28 and Appendix A, Fee Schedules.

155 (2) Parking design.

156 (a) Parking must be ~~located on~~ located on to the side or ~~back rear of the building yard.~~ back rear of the building yard. If all parking cannot
157 be located to the rear or side, the Planning Board may allow limited parking in front of the
158 building but it is incumbent upon the applicant to demonstrate why such a modification
159 request should be granted. In granting this concession, the Board may require more intensive
160 landscape plantings.

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

163 [1] Fewer curb cuts required;

164 [2] Improved or new pedestrian access between buildings or lots;

165 [3] Improved internal circulation between buildings or lots; and

166 [4] Improved overall site design with shared access.

167 ~~and~~

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

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 175 [1] A landscape plan showing screening and other landscaping requirements prepared by a
176 registered landscape architect is a submission requirement. However, a landscape plan done
177 by other design professionals may be allowed at the Planning Board’s discretion.
- 178 [2] Any required plantings that do not survive must be replaced within one year. This
179 requirement does not expire and runs with the land.
- 180 [3] Surface parking areas designed for less than five cars must use solid fencing, ~~berms and/or~~
181 stone walls along the parking lot where it abuts any single-family use or residential zone
182 ~~must be used~~ to prevent vehicle headlights trespass. ~~from shining on any abutting~~
183 ~~residential property.~~ Incorporating ~~flowering vines and other~~ plantings such as trees and
184 ~~shrubs on next to fences and blank exterior walls~~ is encouraged.
- 185 [4] Surface parking lots designed for five or more cars that will service multi-family or mixed-
186 use buildings with dwelling units and which abut a street, single-family use or residential
187 zone must provide screening in one of the following ways:
- 188 i. Any combination of trees, shrubs, tall ornamental grasses or perennial plants in a
189 planting bed at least eight (8) feet wide. Plantings must be sufficient, as determined
190 by the Planning Board, to screen the parking area from the street except for necessary
191 vehicular and pedestrian access. Planting beds may be mulched but no dyed mulching
192 material may be used. Drip irrigation is recommended.
- 193
- 194 ii. One tree per 25 feet of street frontage within a planting bed at least eight (8) feet wide
195 which will include other plantings such as perennials. Plantings must be sufficient, as
196 determined by the Planning Board, to screen the parking area from the street except
197 for necessary vehicular and pedestrian access. To ensure survival, trees must be
198 planted using silva cells, bioretention cells or tree wells. Trees must be at least 2.5-
199 inch caliper and 12 feet high at the time of planting. Existing large healthy trees must
200 be preserved if practical and will count towards this requirement. Trees proposed
201 within the public right-of-way must remain under 20 feet tall at maturity. Trees native
202 to the Northeast, selected for climate change tolerance, are preferred and must be
203 drought and salt tolerant when used along streets. A diversity of tree species (three to
204 five species per every 12 trees) is required to provide greater resiliency to threats from
205 introduced insect pests and diseases. Planting beds may be mulched but no dyed
206 mulching material may be used. Drip irrigation is recommended for plantings
207 proposed to accompany the trees.
- 208
- 209 iii. Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and
210 made of a material compatible with surrounding buildings. Chain link fences are not
211 allowed unless they have a PVC color coating to blend in with surroundings.
212 Stockade fences may only be allowed to buffer a parking lot along the lot line that
213 abuts a single-family use or residential zone. A planting bed at least six (6) feet wide,

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

214 including the fence, is required, with a combination of trees, shrubs and perennials
215 located on the proposed development's side of the fence. Planting beds may be
216 mulched but no dyed mulching material may be used. Drip irrigation is
217 recommended.
218

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

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

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

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

246 (a) Exterior building materials and details. Building materials and details strongly define a
247 project's architectural style and overall character. (See Design Handbook for examples of
248 acceptable materials, building scale, and designs.) "One-sided" schemes are prohibited; similar
249 materials and details must be used on all sides of a building to achieve continuity and
250 completeness of design. Predominant exterior building materials must be of good quality and

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

251 characteristic of Kittery, such as horizontal wood board or fiber cement siding, vertical wood
252 boards, wood shakes, brick, stone or simulated stone, glass and vinyl, or metal clapboard.

253 (b) ~~Roofs. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated~~
254 ~~to the Planning Board's satisfaction that this is not practicable. Acceptable r~~Roof styles such as
255 ~~are~~ gabled, gambrel and hipped roofs are preferred. Flat roofs, sShed roofs and roof facades
256 (such as "stuck on" mansards) are not acceptable as prominent roof forms unless demonstrated
257 to the Planning Board' satisfaction that another design is not practicable. except as provided
258 ~~above.~~ Roof colors must be muted. (See Design Handbook for examples.) Flat roofs proposed
259 to locate heating, cooling, or other such mechanical or electrical apparatus off the ground, are
260 acceptable provided that such apparatus are screened from view and the screening is designed
261 as an integral part of the building to aid both aesthetics and noise attenuation. Flat roofs
262 proposed for the purpose of solar array installations are also acceptable. The roof design must
263 screen or camouflage rooftop protrusions to minimize the visual impact of air conditioning
264 units, air handler units, exhaust vents, transformer boxes and the like. (See Design Handbook
265 for examples of appropriate treatments.)

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

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

272 (4) Landscaping/site improvements. A landscape plan prepared by a registered landscape architect is a
273 submission requirement. However, a landscape plan done by other design professionals may be
274 allowed at the Planning Board's discretion. To achieve an attractive and environmentally sound site
275 design and appropriate screening of parking areas, in addition to the landscaping standards
276 contained in Chapters 16.8 and 16.9 16.5, the following landscaping requirements apply to new and
277 modified existing developments:

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

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

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 286 (c) The setback between the ~~roadway street~~ and any buildings must be attractively landscaped
287 using trees, ~~flowers~~, shrubs, perennials, ornamental grasses, fencing or stone walls to reinforce
288 the site's unique character and building design and complement the public use of the space;
- 289 (d) ~~A Required buffers setbacks that function as buffers between commercial and residential~~
290 ~~zones/single-family uses must be established and be landscaped at minimum with a~~
291 combination of trees and shrubs in a planting bed at least six (6) feet wide. Planting beds may
292 be mulched but no dyed mulching material may be used;
- 293 ~~(e) Solid fencing, berms and/or stone walls must be used to prevent headlights from shining on~~
294 ~~abutting residential property. Incorporating flowering vines and other plantings on fences and~~
295 ~~blank exterior walls is encouraged~~;
- 296 (e) Provide street trees in a pattern reflecting the existing streetscape. For new buildings, a
297 minimum of one street tree must be planted for each 25 feet of street frontage. The trees may
298 be spaced along the frontage or grouped or clustered to enhance the visual quality of the site.
299 (See Design Handbook for examples.) The trees must be a minimum two-and-one-half-inch
300 caliper and be at least 12 feet high at the time of planting. ~~The species must be selected from~~
301 ~~the~~ A list of approved street trees may be found in the Design Handbook. Trees native to the
302 Northeast, selected for climate change tolerance, are preferred and must be drought and salt
303 tolerant when used along streets. A diversity of tree species (three to five species per every 12
304 trees) is required to provide greater resiliency to threats from introduced insect pests and
305 diseases. Existing large healthy trees must be preserved if practical and will count toward this
306 requirement. Trees located within the public right-of-way must not exceed 20 feet at maturity.
- 307 (f) For additions to existing buildings and changes of residential structures to a nonresidential use,
308 one street-side tree (see list of street trees in Design Handbook) is required to be planted for
309 every 1,000 square feet of additional gross floor area added or converted to nonresidential use.
310 In instances where parking, display area, storage, building or necessary vehicle circulation
311 exists at the time of enactment of this section, the required trees may be clustered and/or
312 relocated away from the road as is necessary to be practicable. The preservation of existing
313 large trees is encouraged; therefore, the Planning Board may permit the preservation of
314 existing healthy, large, mature trees within developed areas of the site to be substituted for the
315 planting of new trees; **[Amended 9-26-2011 by Ord. No. 11-15]**
- 316 (g) Service and storage areas must be located to the rear of the building. All service areas for
317 dumpsters, compressors, generators and similar items must be screened by a fence at least six
318 feet tall, constructed of a material similar to surrounding buildings, and must surround the
319 service area except for the necessary ingress/egress. and be shielded using plantings and/or
320 fencing. Facilities for waste storage such as dumpsters must be located within an enclosure
321 and be visually buffered by fencing, landscaping and/or other treatments (see Design

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

- 322 ~~Handbook for examples of appropriate buffering);~~
- 323 (h) No storage may be in front of buildings except seasonal sales items;
- 324 (i) Lighting, including lighting fixture designs and photometric plans, and landscape plans must
325 be provided and approved as a part of final plan.
- 326 (j) Lighting along the street must be of a pedestrian scale using a full cutoff architectural fixture
327 in an architectural style appropriate to the neighborhood.
- 328 (k) Any required plantings that do not survive must be replaced within one year. This requirement
329 does not expire and runs with the land.
- 330 (l) If 15% or more of the proposed development will be affordable dwelling units, the Planning
331 Board may, at its discretion, modify landscaping requirements under [c], [d] and [e] above.
- 332 (5) Traffic and circulation standards. Sidewalks and/or roadways must be provided ~~within the site~~ to
333 internally join abutting properties ~~that are~~ if determined feasible by the Planning Board using the
334 criteria in subsection D.(2).(b). to be compatible. In addition, safe pedestrian route(s) must be
335 provided to allow pedestrians to move within the site and between the principal customer entrance
336 and the front lot line where a sidewalk exists or will be provided or where the Planning Board
337 determines that such a route is needed for adequate pedestrian safety and movement. (See Design
338 Handbook for appropriate examples.)
- 339 (6) Cottage cluster requirements:
- 340
- 341 (a) Cottage cluster dwelling units must either face the required common open space or the street.
342 The required open space must be held in common for use by all the cottage cluster residents
343 and must be immediately accessible to each dwelling unit, via either the front or the back of
344 each unit.
- 345
- 346 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between
347 units must comply with the requirements of the Fire Department and/or the State Fire
348 Marshall's office.
- 349
- 350 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.
- 351
- 352 (7) Affordable housing requirements:
- 353
- 354 (a) All requirements in 16.12. Affordable Housing must be met.
- 355

Revisions to B-L1 Zone related to housing – 2/16/21 – DRAFT for Planning Board

356 (b) Density incentives outlined above in subsection D.(1).(a).[3] may be applied to projects that
357 create affordable housing units, as defined by this code. No proportional payment-in-lieu is
358 required if the affordable dwelling unit requirements for the density incentives are met.