



## TOWN OF KITTERY

Planning & Development Department  
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**TO:** Kittery Planning Board  
**FROM:** Jason Garnham, Director of Planning and Development  
**SUBJECT:** Agenda Item 4: Business Park/ Neighborhood Mixed Use Zoning Map Amendment  
PUBLIC HEARING  
**DATE:** May 25, 2023

### Summary:

Kittery's Town Council voted to repeal §16.4.26 Neighborhood Mixed Use zoning in July 13, 2022 in response to a petition from residents and replaced those provisions with the Business Park zoning which preceded them. Council also simultaneously enacted a moratorium on development permits within this zoning district. This moratorium was extended by Council to August 8, 2023 during the December 12, 2022 meeting. The moratoria were intended to provide time for staff, committees, and the Planning Board to devise new Neighborhood Mixed Use zoning provisions for adoption. However, staffing issues at the Town and supporting consultants have delayed the project and the moratorium is set to expire prior to drafting or adoption of updated zoning provisions.

Meanwhile, the zoning map was not amended by Town Council during the July 13, 2022 vote. When the moratorium expires on August 8, the zoning map would contain a zoning district (MU-N) which does not relate to adopted standards in Title 16. The purpose of this amendment is to correct this inconsistency before the moratorium expires.

### Action:

**Public hearings** are required to be held by the Planning Board and by Town Council to formally adopt these revisions. The Planning Board voted on May 11 to schedule a public hearing to occur during the May 25 meeting.

### Recommendation:

Staff recommend forwarding a **positive recommendation** for Town Council to adopt the proposed zoning map amendment after holding and closing a public hearing.

### **Suggested motion:**

*I move to forward a positive recommendation for Kittery Town Council to amend Kittery's Land Use Zoning Map by replacing the MU-N Mixed-Use Neighborhood zoning district with a BP Business Park zoning district.*

Background:

The zoning text amendment adopted by Council in response to resident petition is published as an attachment to Kittery's online ordinance at: [Microsoft Word - 2022.07 MU-N B-P Corrected Proposed Ordinance Revision \(ecode360.com\)](#)

The July 13, 2022 Town Council packet: [Town Council and Planning Board Special Meeting 7/13/2022 | Kittery ME](#)

**Public notice** is required for public hearings to discuss zoning amendments and was provided as follows:

1. Mailed to all owners of property located in the subject zoning district
2. Published in the *The Weekly Sentinel* on May 12, 2023 and in the *Portsmouth Herald* on May 18, 2023
3. Posted in Town Hall and on the Planning Board webpage

Section 4352 of Title 30-A of Maine Revised Statutes requires "a zoning map describing each zone established or modified" to be adopted or incorporated. This amendment maintains the consistency between Kittery's zoning map and ordinance that is required by law.

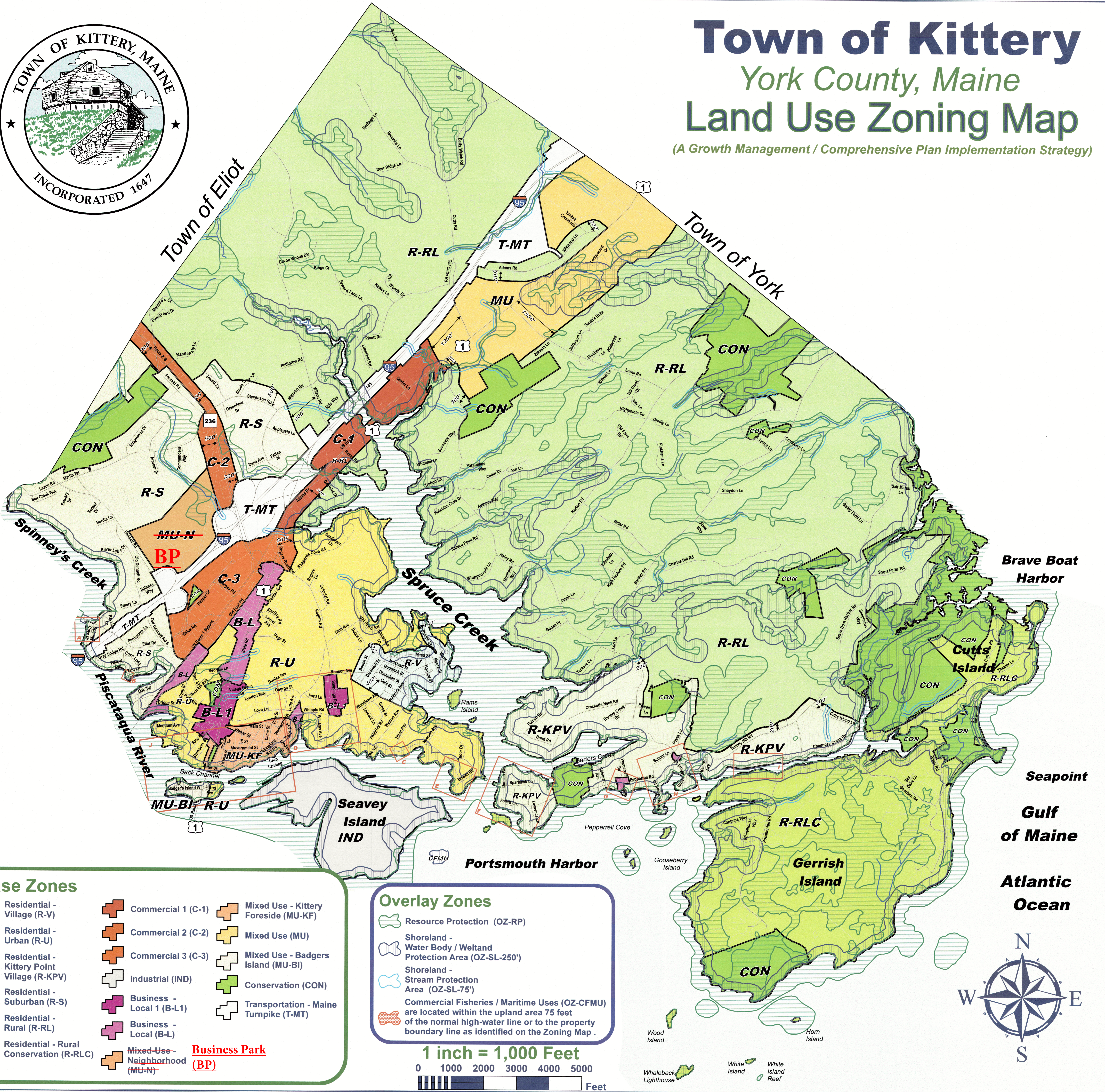


# Town of Kittery

## York County, Maine

### Land Use Zoning Map

(A Growth Management / Comprehensive Plan Implementation Strategy)



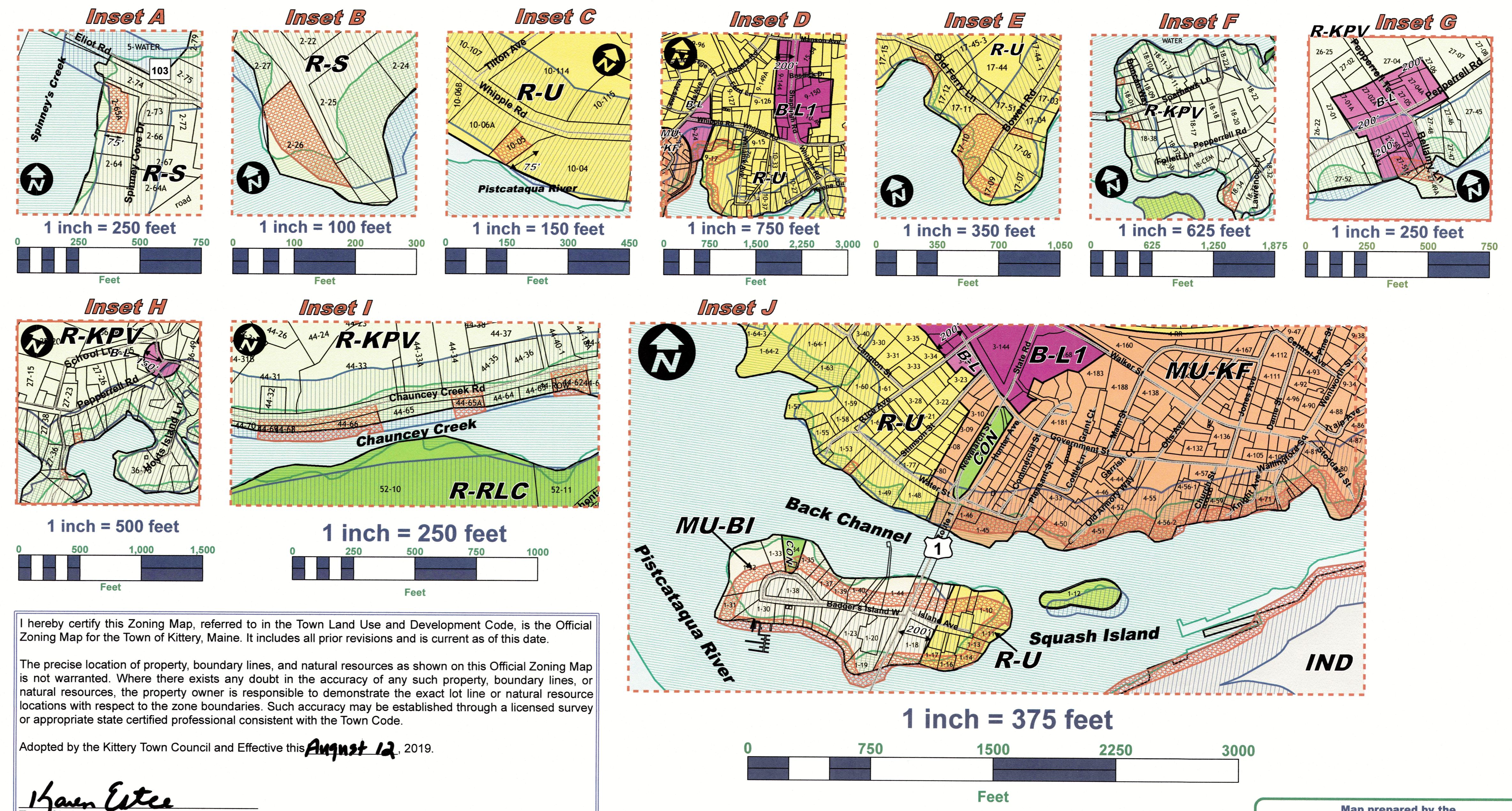
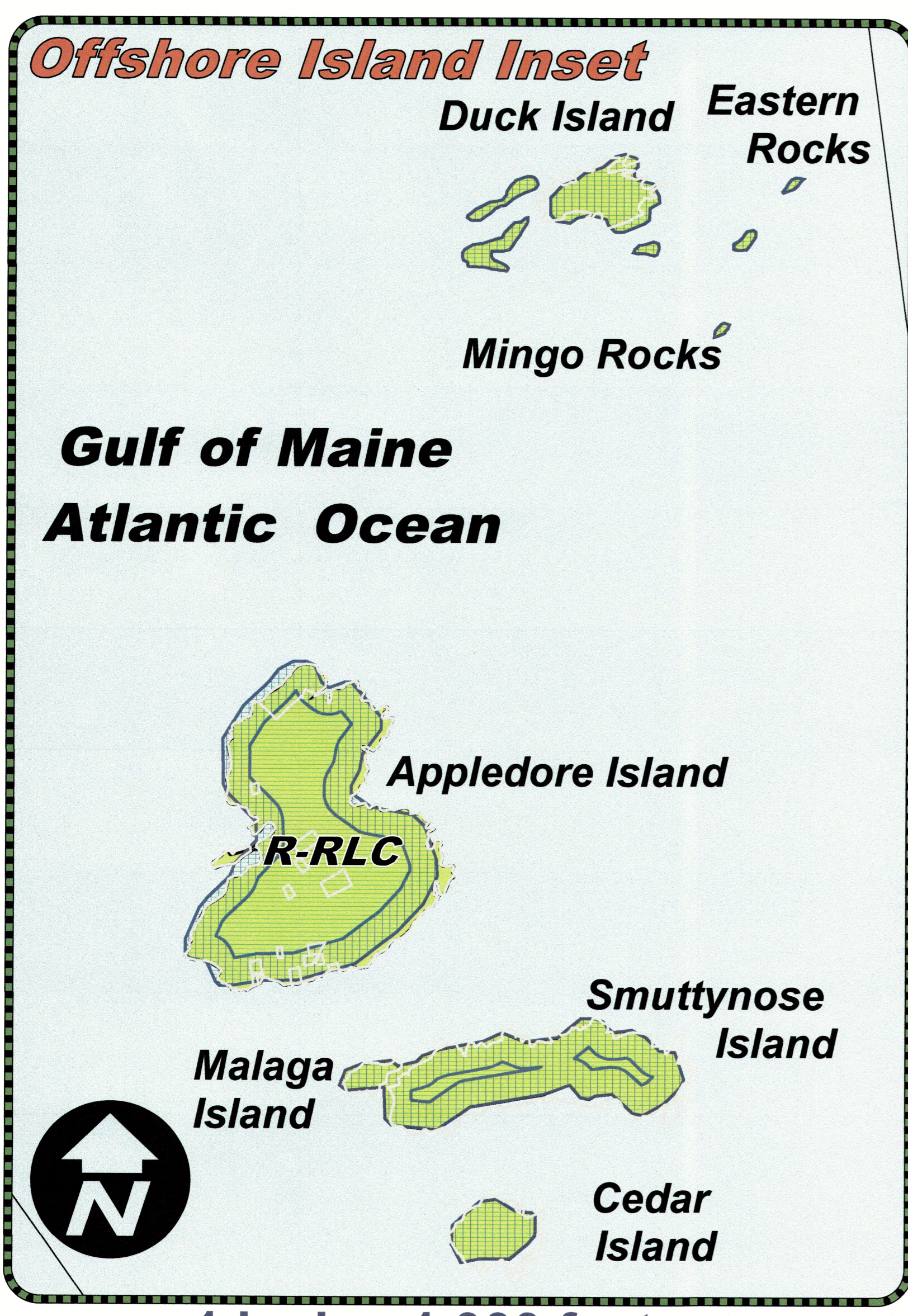
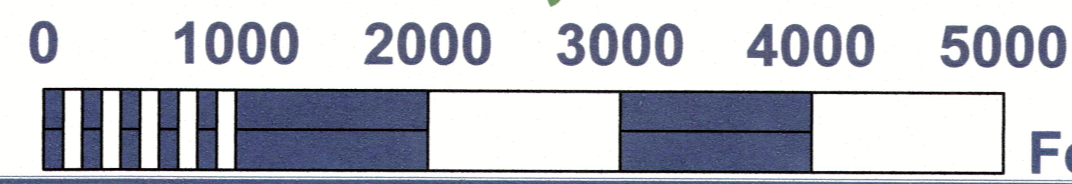
#### Base Zones

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#### Overlay Zones

- Resource Protection (OZ-RP)
- Shoreland - Water Body / Wetland Protection Area (OZ-SL-250')
- Shoreland - Stream Protection Area (OZ-SL-75')
- Commercial Fisheries / Maritime Uses (OZ-CFMU) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

1 inch = 1,000 Feet



I hereby certify this Zoning Map, referred to in the Town Land Use and Development Code, is the Official Zoning Map for the Town of Kittery, Maine. It includes all prior revisions and is current as of this date.

The precise location of property, boundary lines, and natural resources as shown on this Official Zoning Map is not warranted. Where there exists any doubt in the accuracy of any such property, boundary lines, or natural resources, the property owner is responsible to demonstrate the exact lot line or natural resource locations with respect to the zone boundaries. Such accuracy may be established through a licensed survey or appropriate state certified professional consistent with the Town Code.

Adopted by the Kittery Town Council and Effective this August 12, 2019.

*Kevin Elice*  
Town Clerk