

**TITLE 16
AFFORDABLE HOUSING
BUSINESS LOCAL ZONE**

1. AMEND §16.4.17 Business – Local (B-L) to include affordable housing provisions as follows:

1 16.4.17 Business – Local Zone (B-L)

2 A. Purpose

3 The purpose of the Business – Local B-L Zone is to provide local ~~sales retail~~, services, and business
4 space as well as a variety of housing types within a walkable context. Much of this zone serves a well-
5 traveled corridor through Kittery with many buildings, including residential structures, oriented ~~within~~
6 ~~the Town.~~ to Route 1. Other portions of the zone serve as business hubs for the neighborhoods they are
7 situated in.

8 B. Permitted uses

9 The following uses are permitted in the B-L Zone:

10 (1) Accessory Dwelling Unit

11 (2) Dwelling, Attached Single-Family

12 (3) Dwelling, Manufactured Housing

13 (4) Dwelling, Multi-Family

14 a. Development proposing three or four dwelling units are permitted through minor site plan
15 review;

16 ~~(4)~~b. Development proposing five or more dwelling units are permitted through major site plan
17 review;

18 (5) Dwelling, Single-Family

19 (6) Dwellings Two-Family

20 ~~(6)~~(7) Dwelling Units as part of a Mixed-Use Building

21 ~~(7)~~(8) Convalescent Care Facility

22 ~~(8)~~(9) Nursing Care Facility, Long-term

23 ~~(9)~~(10) Residential Care Facility

24 ~~(10)~~(11) Accessory Buildings, Structures, and Uses

25 ~~(11)~~(12) Home Occupation, Major

26 ~~(12)~~(13) Home Occupation, Minor

27 ~~(13)~~(14) Day Care Facility

28 ~~(14)~~(15) Hospital

29 ~~(15)~~(16) Nursery School

30 ~~(16)~~(17) Private Assembly

31 ~~(17)~~(18) Public Facility

32 ~~(18)~~(19) Public or Private School

33 ~~(19)~~(20) Religious Use

34 ~~(20)~~(21) Recreation, Public Open Space

- 35 ~~(21)~~(22) ___ Aquaculture
- 36 ~~(22)~~(23) ___ Commercial Fisheries/Maritime Activities (provided only incidental cleaning and
- 37 cooking of seafood occur at the site)
- 38 ~~(23)~~(24) ___ Commercial School
- 39 ~~(24)~~(25) ___ Art Studio or Gallery
- 40 ~~(25)~~(26) ___ Business & Professional Offices
- 41 ~~(26)~~(27) ___ Business Service
- 42 ~~(27)~~(28) ___ Conference Center
- 43 ~~(28)~~(29) ___ Personal Service
- 44 ~~(29)~~(30) ___ Restaurant
- 45 ~~(30)~~(31) ___ Retail Sales (excluding those of which the principal activity entails outdoor sales and/or
- 46 storage and excluding those specifically mentioned under Subsection C of this section)
- 47 ~~(31)~~(32) ___ Retail Sales, Building Materials & Garden Supply (excluding those of which the
- 48 principal activity entails outdoor sales and/or storage)
- 49 ~~(32)~~(33) ___ Retail Sales, Convenience
- 50 ~~(33)~~(34) ___ Specialty Food and/or Beverage Facility
- 51 ~~(34)~~(35) ___ Mass Transit Station
- 52 ~~(35)~~(36) ___ Parking Area

53 C. Special exception uses

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

55 (1) Dwellings, cottage cluster

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

67 D. Standards.

68 All development and the use of land in the B-L Zone must meet the following standards. Kittery's
69 Design Handbook illustrates how these standards can be met. In addition, the design and performance
70 standards of Chapters §16.5, §16.7 and §16.8 must be met.

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

72 (a) Minimum land area per dwelling unit:

73 [1] If served by on-site sewage disposal: 20,000 square feet;

74 [2] If served by the public sewerage system and:

75 [a] When no frontage on State Road or Route 1 Bypass exists: 3,000 square feet;

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

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

88 [d] 25% or more of the dwelling units will be affordable housing units as defined by
89 this code: 1,000 square feet.

90 Note: Except as otherwise required by the buffer provisions of this title.

91 ~~(b)(1) Parking. One row of parking spaces and a related access drive may be located between the~~
92 ~~front property line and the front wall of the building extending the full width of the lot. All~~
93 ~~other parking must be located to the side and/or rear of the building. All new or revised~~
94 ~~parking must be visually screened through the use of landscaping, earthen berms and/or~~
95 ~~fencing from adjacent public streets or residential properties. (See the Design Handbook for~~
96 ~~appropriate examples.)~~ Parking requirements are to be met on site. If meeting the parking
97 requirements is not possible, the parking demand may be satisfied off site or through joint-
98 use agreements as specified herein. Notwithstanding the off-street parking requirements in §
99 16.7.11.F(4), minimum parking requirements for the uses below are modified as specified:

100 [1] Dwelling units: 1.5 parking space per dwelling unit; unless:

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

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

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

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

112 (c) Off-site parking. Required off-street parking may be satisfied at off-site locations, provided
113 such parking is on other property owned by the applicant or is under the terms of a contractual
114 agreement that will ensure such parking remains available for the uses served. Applicant
115 must present evidence of a parking location and a contractual agreement prior to final

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

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

126 [1] Such joint parking areas must be held under ownership of the applicant or under terms
127 of a contractual agreement that ensures such parking remains available to all users of
128 the shared parking spaces. Applicant must present evidence of the parking location and
129 a contractual agreement prior to final approval and file the same with the Planning and
130 Code office each time the contract is renewed. Any changes to the contractual agreement
131 must be reviewed by the Code Enforcement Officer and if the municipal permitting
132 authority which originally approved the off-site parking.

133 [2] Determination of parking adequacy will be based on a most frequent basis, not a "worst
134 case" scenario;

135 [3] Joint use parking areas must be located within 1,500 feet to the use served, but do not
136 need to be located on the same lot as the uses served;

137 [4] Ease and safety of pedestrian access to shared parking by the users served must be
138 demonstrated, including any proposed improvements or shuttle service that may be
139 offered and its requisite loading/unloading areas;

140 [5] Such joint parking areas must not be located in residential zones of the Town.

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

145 (f) Special parking and access situations.

146 [1] In instances where one row of parking spaces and/or a related access drive is located
147 between the front property line and the front wall of the building extending the full width
148 of the lot and was utilized in accordance with previous permits or approvals, for parking,
149 display, storage, building or necessary vehicle circulation, the Planning Board may
150 allow such improvements to remain provided all other parking meets the location
151 requirements and provided that a landscaping plan for the property frontage is reviewed
152 and approved by the Planning Board.

153 (g) Minimum lot size: none.

154 NOTE: Except that all screening, open space, buffering and landscaping requirements must
155 be met or in instances where the Planning Board may modify such requirements, such
156 modifications must be found satisfactory by the Board.

157 (h) Minimum street frontage: none.

158 NOTE: All lots must meet the requirements of § 16.5.13 Lots unless specifically modified
159 by this section (§ 16.4.17). Street frontage must provide sufficient vehicular and pedestrian
160 access for the uses proposed while meeting public health and safety requirements (e.g. Fire
161 Department, Department of Public Works). The applicant must demonstrate to the municipal

162 permitting authority that the street frontage and lot design meet these requirements to the
163 extent practicable.

164 (i) Maximum-front setback: 20 feet.

165 NOTE: Except when a multistory building comprising 1) three or more residential dwelling
166 units; 2) nonresidential uses or 3) a combination of residential and nonresidential uses is
167 proposed directly across the street from a residential district or single-family use; in which
168 case a minimum of 15 is required.

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

175 (j) Minimum rear and side: setbacks: 10 feet.

176 NOTE: Except as otherwise required by the buffer provisions of this title, and except where
177 the side and/or rear setbacks about a residential district or single-family use; in which case a
178 minimum of 15 feet or 50% of the building height is required, whichever is greater.

179 (k) Maximum building height: 40 feet. Solar apparatus is excluded from height determinations.

180 NOTE: Except that height standards for single- and two-family residential uses are the same
181 as for those of the Urban Residential District.

182 (l) Impervious surface: No maximum allowable, but all open space, landscaping, setbacks,
183 buffers, screening and street tree requirements apply. For development that is proposing 70%
184 or more impervious surface, the stormwater requirements in (m) below may not be modified.

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

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

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

198 (p) Minimum setback from streams, water bodies and wetlands: in accordance with § 16.5.30
199 and Appendix A, Fee Schedules.

200 (2) Parking design.

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

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

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

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

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

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

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

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

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

[c] Fencing, no taller than six (6) feet, of a type that screens rather than blocks a view and made of a material compatible with surrounding buildings. Chain link fences are not allowed unless they have a PVC color coating to blend in with surroundings. Stockade fences may only be allowed to buffer a parking lot along

249 the lot line that abuts a single-family use or residential zone. A planting bed at least
 250 six (6) feet wide, including the fence, is required, with a combination of trees,
 251 shrubs and perennials located on the proposed development's side of the fence.
 252 Planting beds may be mulched but no dyed mulching material may be used. Drip
 253 irrigation is recommended.

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

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

261 **A(3)** Building design standards. Kittery's characteristic buildings reflect its historic seacoast past. The
 262 primary architectural styles are New England Colonial (such as Cape Cod and saltbox), Georgian,
 263 Federal and Classical Revival. New buildings must be compatible with Kittery's characteristic
 264 styles in form, scale, material and color. In general, buildings should be oriented with the front
 265 of the building facing the street on which the building is located. The front or street facade must
 266 be designed as the front of the building. The front elevation must contain one or more of the
 267 following elements: 1) a "front door," although other provisions for access to the building may
 268 be provided; 2) windows; or 3) display cases. (See Design Handbook for examples of acceptable
 269 materials and designs.) Strict imitation is not required. Design techniques can be used to maintain
 270 compatibility with characteristic styles and still leave enough flexibility for architectural variety.
 271 To achieve this purpose, the following design standards apply to new and modified existing
 272 building projects:

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

280 (b) Roofs. A building's prominent roofs must be pitched a minimum of 4:12 unless demonstrated
 281 to the Planning Board's satisfaction that this is not practicable. Acceptable roof styles are
 282 gabled, gambrel, and hipped roofs. Flat roofs, shed roofs and roof facades (such as "stuck on"
 283 mansards) are not acceptable as prominent roof forms except as provided above. Roof colors
 284 must be muted. (See Design Handbook for examples.) The roof design must screen or
 285 camouflage rooftop protrusions to minimize the visual impact of air-conditioning units, air-
 286 handler units, exhaust vents, transformer boxes, and the like. (See Design Handbook for
 287 examples of appropriate treatments.)

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

291 ~~(e)~~(d) Lighting plans, including outdoor lighting fixture designs and photometric plans, must be
 292 included at the time of application submission. All lighting fixtures must be cutoff (dark sky

293 compliant).

294 (4) Landscaping and site design standards. A landscape plan prepared by a registered landscape
 295 architect is a submission requirement. However, a landscape plan done by other design
 296 professionals may be allowed at the Planning Board's discretion. To achieve attractive and
 297 environmentally sound site design ~~and appropriate screening of parking areas~~, in addition to the
 298 landscaping standards contained in ~~Chapters 16.7 and 16.8~~ 16.5, the following landscaping
 299 requirements apply to new and modified existing developments:

300 ~~B~~

301 (a) Landscape planter strip. A vegetated landscape planter strip must be provided a minimum of
 302 15 feet in depth adjacent to the right-of-way of all public roads or the sidewalk if it already
 303 exists. If a sidewalk does not yet exist on-site but sidewalks do exist on adjacent properties,
 304 the planting strip must be located so that it does not interfere with connectivity to existing
 305 sidewalks. Planting strips which demonstrate LID functionality to assist in stormwater capture
 306 are preferred.. The Planning Board may reduce the required ~~depth-width~~ of the landscape
 307 planter ~~er~~ing strip ~~if a sidewalk~~ is provided in front of the parcel and the area between the front
 308 property line and the front wall of the building will be designed and used as a pedestrian space,
 309 outdoor dining as defined by this title, or a seating area.. The landscape planter ~~er~~ing strip must
 310 include the following landscape elements:

311 (a)

312 [1] ~~Ground cover~~Plantings. The entire landscape planter ~~er~~ing strip must be vegetated with a
 313 combination of shrubs, perennials, and ornamental grasses except for approved
 314 driveways, walkways, bikeways and screened utility equipment. Climate-change tolerant
 315 Northeastern native plants are preferred. Planting beds may be mulched but no dyed
 316 mulching material may be used. Street trees required below may be included in this
 317 planting strip. Drip irrigation is recommended.

318 (b)

319 [2] Street-side trees. A minimum of one tree must be planted for each 25 feet of street
 320 frontage. The trees may be spaced along the frontage or grouped or clustered to enhance
 321 the visual quality of the site. (See Design Handbook for examples.) The trees must be a
 322 minimum ~~two and one half inch~~ 2.5-inch caliper and be at least 12 feet high at the time
 323 of planting. Trees must be planted to ensure survival, using silva cells, bioretention cells
 324 or tree wells. The species must be selected from the ~~A~~ list of ~~approved~~ approved street-side trees
 325 can be found in the Design Handbook. Trees native to the Northeast, selected for climate
 326 change tolerance, are preferred and must be drought and salt tolerant when used along
 327 streets. A diversity of tree species (three to five species per every 12 trees) is required to
 328 provide greater resiliency to threats from introduced insect pests and diseases. Existing
 329 large healthy trees must be preserved if practical and will count toward this requirement.
 330 Trees located within the public right-of-way must not exceed 20 feet in height at maturity.

331 [3] Any required plantings that do not survive must be replaced within one year. This
 332 requirement does not expire and runs with the land.

333 (e)(b) Special situations.

334 [1].[a]. Expansions of less than 1,000 square feet to existing uses including single-family
 335 or two-family dwellings are exempt from the landscaping standard of this
 336 subsection.

337 ~~[2].~~[b]. ~~Depth~~ Width-of landscape planter strip. In instances where the required minimum
 338 ~~depth~~ width of the landscape planter strip is legally utilized in accordance with
 339 previous permits or approvals, for parking, display, storage, building or necessary
 340 vehicle circulation, the ~~depth~~ width may be narrowed by the Planning Board to the
 341 minimum extent necessary to achieve the objective of the proposed project,
 342 provided that shrubs and perennials are planted along the street frontage to soften
 343 the appearance of the development from the public street.

344 ~~[3].~~[c]. Additions and changes in use. For additions to existing buildings and changes of
 345 residential structures to a nonresidential use, one street-side tree (see list of street
 346 trees in Design Handbook) is required to be planted for every 1,000 square feet of
 347 additional gross floor area added or converted to nonresidential use. In instances
 348 where parking, display area, storage, building or necessary vehicle circulation
 349 exists ~~at the time of enactment of this section~~, the required trees may be clustered
 350 and/or relocated away from the road as is necessary to be practicable. The
 351 preservation of existing large trees is encouraged; therefore, the Planning Board
 352 may permit the preservation of existing healthy, large, mature trees within the
 353 landscape planter ~~ing~~ strip or other ~~developed~~ landscaping areas of the site to be
 354 substituted for the planting of new trees.

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

362 ~~€~~(d) Traffic and circulation standards. Sidewalks and roadways must be provided ~~within the site~~ to
 363 internally join abutting properties that are determined by the Planning Board using the criteria
 364 in subsection D.(2).(b). ~~to be compatible.~~ In addition, safe pedestrian route(s) must be provided
 365 to allow pedestrians to move within the site and between the principal customer entrance and
 366 the front lot line where a sidewalk exists or will be provided or where the Planning Board
 367 determines that such a route is needed for adequate pedestrian safety and movement. (See
 368 Design Handbook for appropriate examples.)

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

380 ~~D—~~[1] In cases where creating or preserving open space to meet the 15% requirement above
 381 is not practicable, the Planning Board may allow the required landscaping in 4.(a) above

382 to count towards meeting the open space requirement provided the proposed landscaped
 383 planting strip is expanded beyond the required width and the Planning Board finds that
 384 all criteria for open space above has been met to the greatest extent possible.

385 ~~E—The following space standards apply:~~

386 ~~(a)—Minimum land area per dwelling unit when all floors are residential: 20,000 square feet if~~
 387 ~~served by on-site sewage disposal; 8,000 square feet if served by the public sewerage system.~~

388 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
 389 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
 390 ~~50% of the building height is required.)~~

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

394 ~~(c).—Minimum lot size: none.~~

395 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
 396 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
 397 ~~50% of the building height is required.)~~

398 ~~(d).—Minimum street frontage: none.~~

399 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
 400 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
 401 ~~50% of the building height is required.)~~

402 ~~(e).—Minimum front yard: 15 feet.~~

403 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
 404 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
 405 ~~50% of the building height is required.)~~

406 ~~(f).—Maximum front setback of the principal building: 60 feet.~~

407 ~~(g).—Minimum rear and side yards: 10 feet.~~

408 ~~(NOTE: Except as otherwise required by the buffer provisions of this title, and except where the~~
 409 ~~side and/or rear yards abut a residential district or use; in which case a minimum of 15 feet or~~
 410 ~~50% of the building height is required.)~~

411 ~~(h).—Maximum building height: 40 feet.~~

412 ~~(NOTE: Except that space standards for single and two-family residential uses are the same as~~
 413 ~~for those of the Urban Residential District.)~~

414 ~~(i).—Maximum building and outdoor stored material coverage: none, except that side, rear and~~
 415 ~~front yards must be maintained~~

416 ~~(j).—Minimum water body setback for functionally water-dependent uses: zero feet.~~

417 ~~(k).—Minimum setback from streams, water bodies and wetlands: in accordance with Table~~
 418 ~~16.5.30, § 16.4.28 and Appendix A, Fee Schedules.~~

419 (5) Cottage cluster requirements:

420 (a) Cottage cluster dwelling units must either face the required common open space or the street.

421 The required open space must be held in common for use by all the cottage cluster residents
 422 and must be immediately accessible to each dwelling unit, via either the front or the back of
 423 each unit.

424 (b) Each cottage cluster dwelling unit must be no greater than 1,200 square feet. Spacing between
425 units must comply with the requirements of the Fire Department and/or the State Fire
426 Marshall's office.

427 (c) Shared parking areas must be connected to each dwelling unit via a sidewalk.

428 (6) Affordable housing requirements:

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

430
431 (b) Density incentives outlined above in subsection D.(1).(a).[2].[d] may be applied to projects that
432 create affordable housing units, as defined by this code. No proportional payment-in-lieu is
433 required if the affordable dwelling unit requirements for the density incentives are met.

434 ~~(4)~~(7) Gasoline Sales

435 (a). Gasoline Sales must not be located within 1,000 feet of an existing station;

436 (b). not be located within 1,000 feet of any private residence; and

437 ~~(a)~~(c). not be located within 150 feet of any existing structure.

438 E. Shoreland Overlay Zone OZ-SL – Business – Local Zone (B-L)

439 (1) Permitted uses.

440 (a) Accessory Buildings, Structures, and Uses

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

443 [1] Dwelling, Attached Single-family

444 [2] Dwelling, Manufactured housing

445 [3] Dwelling, Multi-family

446 [4] Dwelling, Single-family

447 [5] Dwelling, Two-Family

448 ~~(b)~~(c) Recreation, Public Open Space

449 (2) Special exception uses.

450 (a). Art Studio or Gallery

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

453 (c). Business Services

454 (d). Business & Professional Offices

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

457 (f). Parking Area

458 (g). Conference Center

459 (h). Retail Sales, Convenience

460 (i). Home Occupation, Major

461 (j). Home Occupation, Minor

462 (k). Mass Transit Station

- 463 (l). Motel
- 464 (m). Hotel
- 465 (n). Inn
- 466 (o). Rooming House
- 467 (p). Personal Services
- 468 (q). Public Assembly Area
- 469 (r). Theater
- 470 (s). Public Utility Facility
- 471 (t). Restaurant
- 472 (u). Retail Sales, but (excluding those of which the principal activity entails outdoor sales and/or
- 473 storage)
- 474 (v). Commercial School
- 475 (w). Public or Private School
- 476 (x). Nursery School
- 477 (y). Day Care Facility
- 478 (z). Elder Care Facility
- 479 (aa). Hospital
- 480 (bb). Nursing Care Facility, Long-term
- 481 (cc). Convalescent Care Facility
- 482 (dd). Public Facility
- 483 (ee). Religious Use
- 484 (ff). Private Assembly
- 485 (gg). Specialty Food and/or Beverage Facility

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

487 E. Resource Protection Overlay Zone OZ-RP – Business – Local (B-L).

488 (1) Permitted Uses.

489 (a) Recreation, Public Open Space

490 (2) Special Exception Uses.

491 (a) Accessory Uses & Buildings

492 (b) Aquaculture

493 (c) Home Occupations, Major

494 (d) Home Occupations, Minor

495 (e) Public Utility Facilities,

496 (f) Dwelling, Single-Family

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