

1 **16.3.2.10 Mixed Use - Neighborhood (MU-N) [FORMER BUSINESS PARK ZONE]**

2
3 **A. Purpose:** To encourage higher density, mixed-use development that provides increased housing
4 opportunities and a desirable setting for business while balancing such increased development with
5 environmentally-conscious and ecologically sensitive use of land.

6
7 **B. Permitted Uses.**

- 8 1. Accessory buildings and uses including minor or major home occupations;
- 9 2. Art studio/gallery;
- 10 3. Business and professional offices;
- 11 4. Business Services;
- 12 5. Conference Center;
- 13 6. Convalescent care facility;
- 14 7. Convenience Store, neighborhood grocery facilities excluding the sale of gasoline;
- 15 8. Day care facility;
- 16 9. Dwellings, limited to the following:
 - 17 i. Multiunit residential;
 - 18 ii. Dwelling units on the upper floors of a mixed-use building that is served by public sewer;
- 19 10. Eldercare facility, excluding single-family detached dwelling units;
- 20 11. Elderly daycare facility;
- 21 12. Food Store;
- 22 13. Grocery store;
- 23 14. Hospital;
- 24 15. Hotel;
- 25 16. Industry, light (less than or equal to twenty thousand (20,000) square feet in gross floor area);
- 26 17. Inn;
- 27 18. Low intensity recreation;
- 28 19. Nursing care facility, long term;
- 29 20. Personal services;
- 30 21. Public open space or recreation;
- 31 22. Public utility facilities including substations, pumping stations, and treatment facilities;
- 32 23. Shop in pursuit of trades;
- 33 24. Selected commercial recreation, except shooting and archery ranges;
- 34 25. Research and development;
- 35 26. Repair service;
- 36 27. Restaurant;
- 37 28. Retail use, a single use not to exceed thirty thousand (30,000) square feet in gross floor area unless
38 part of a mixed-use building;
- 39 29. Theater;
- 40 30. Veterinary hospital;
- 41 31. Specialty food and/or beverage facility.

42
43 **C. Special Exception Uses.**

- 44 1. Commercial kennel;
- 45 2. Commercial parking lot or garage
- 46 3. Construction services
- 47 4. Equipment sales and rentals (only on lots with frontage on Route 236)
- 48 5. Gas service station (only on lots with frontage on Route 236);
- 49 6. Industry, light (greater than twenty thousand (20,000) square feet in gross floor area);

- 50 7. Mass transit station;
- 51 8. Mechanical service;
- 52 9. New or used motor vehicle sales, (only on lots with frontage on Route 236);
- 53 10. Repair garage; (only on lots with frontage on Route 236)
- 54 11. Retail use, a single use greater than thirty thousand (30,000) square feet in gross floor area and
- 55 less than fifty thousand (50,000) square feet in gross floor area;
- 56 12. Warehousing and;
- 57 13. Wholesale business.

58

59 **D. Standards.**

- 60 1. All development and the use of land in the MU-N zone must meet the following standards. Kittery's
61 Design Handbook illustrates how these standards can be met. In addition, the design and
62 performance standards of Chapters 16.8 and 16.9 must be met unless noted otherwise below.

63

64 All submissions must include a lighting plan. Hours of operation and number of employees for
65 businesses must also be provided.

66

- 67 2. The following space standards apply:

68

69 Minimum land area per dwelling unit – mixed-use building: 4,000 square feet for first
70 residential unit plus 3,000
71 square feet for each additional
72 unit, no minimum land area for
73 business or commercial uses
74 when combined in a building
75 with residential uses except that
76 the total lot size must be at least
77 20,000 square feet.

78

79

80 Minimum land area per dwelling unit – multiunit residential: 5,000 square feet for first unit,
81 plus 2,500 square feet for each
82 additional unit up to six units,
83 then 5,000 square feet for each
84 additional unit beyond six units.

85

86 Mixed-use or multiunit residential buildings which include ground
87 level parking or underground parking within the building: One additional residential unit
88 may be added to each story
89 above the first story with no
90 additional land area required.

91

92 Mixed-use buildings which encompass ground
93 level parking and include a liner building buffering the
94 parking from the street: One/half an additional
95 residential unit may be added
96 for each story (.5 units x 4
97 stories would yield 2 additional
98 units for example) with no
99 additional land area required.

101 Minimum land area per bed for long-term nursing care and convalescent
102 care facilities that are connected to public sewer 2,000 square feet

104 Minimum land area per residential unit for eldercare facilities which
105 are connected to public sewer 3,000 square feet

107 Minimum lot size 20,000 square feet

108 Minimum street frontage 75 feet

109 Maximum front setback 20 feet

110 Maximum rear and side setbacks 20 feet*

111 *Except as may be required by the buffer provisions
112 of this Code, and where the side and/or rear yards of a
113 proposed nonresidential use abut a residential zone or
114 use, in which case a minimum of forty (40) feet is required.
115 See Landscaping, Screening and Buffer requirements.

117 Maximum building height 50 feet
118 (exclusive of solar apparatus)

120 Maximum building and outdoor stored material coverage 70%*

122 ***NOTE:**

123 1) With MDEP Best Management Practices (BMPs) and Low Impact
124 Development Practices (LIDs) incorporated in site design only, otherwise,
125 60%.

127 Minimum setback from streams, water bodies and wetlands in accordance with
128 Table 16.9*

129 ***NOTES:**

130 1) With MDEP Best Management Practices (BMPs) and Low Impact
131 Development Practices (LIDs) incorporated in site design then Wetland
132 setbacks pursuant only to Maine Department of Environmental Protection
133 (MDEP) Rules Chapters 305 and 310.

135 Without MDEP Best Management Practices (BMPs) and Low Impact
136 Development Practices (LIDs) incorporated in site design Wetland setbacks
137 pursuant to Kittery Town Code Title 16, Table 16.9.

138

139
140 2) The Town shall retain expert consultation (qualified wetland scientist
141 and/or Maine-certified soil scientist) to determine wetland delineations and
142 classifications and to perform soil testing as needed, all of which shall be
143 paid for by the applicant at the time of sketch plan. The qualified wetlands
144 scientist and/or Maine certified soil scientist must determine through field
145 investigation the presence, location and configuration of wetlands on the
146 area proposed for use. Any wetland alterations proposed shall also be
147 reviewed by the Town's consultant(s) at the applicant's expense. These
148 requirements are in addition to engineering, stormwater management, traffic
149 or other types of peer review that may also be required.

150
151 Minimum open space:

152 <u>Lot size less than 100,000 square feet</u>	<u>15 percent*</u>
153 <u>Lot size greater than 100,000 square feet</u>	<u>25 percent*</u>

154
155 ***NOTE:**

156 This requirement may be met by a payment-in-lieu to the Wetland Mitigation Fund. Landscaping,
157 screening and buffer requirements must still be met.

158
159 **3. Parking:**

160 Parking is encouraged within buildings. New or revised surface parking areas, garages, and
161 entrances to parking within buildings shall be located to the rear of buildings. If a rear location isn't
162 achievable, as determined by the Planning Board, parking shall be located to the side of the building.
163 Screening and/or fencing is required for surface parking areas along a street. See 8. Landscaping,
164 Screening and Buffers.

165
166 Joint use agreements (between businesses and residences) for parking is encouraged. A plan
167 describing how joint use parking would work is required as part of any development that proposes such
168 parking.

169
170 Electric car charging stations are allowed in parking lots but must not interfere with pedestrian
171 movement on sidewalks.

172
173
174 **a. Parking for development that includes trails and low intensity recreation**

175
176 Development that includes the creation of public trails and low intensity recreational opportunities
177 such as wildlife observation stations or boardwalks may apply the pertinent off-street parking
178 standards below. All other off-street parking standards as found in 16.8.9.4 shall apply.

179 <u>Multiunit residential buildings and mixed-use buildings that include residential</u>	<u>1 parking space for studio and one bedroom dwelling units</u>
	<u>1.5 parking spaces for two bedroom dwelling units plus 1 guest parking space per every 4 dwelling units.</u>
	<u>2 parking spaces for more than two bedroom dwelling units</u>

180

- 181
182 4. Loading Docks, Overhead Doors, Service Areas and Outdoor Storage Areas:
183 Loading docks and overhead doors shall be located on the rear or side of the building. Loading docks
184 must be screened from view by adjacent residential uses. This screening shall consist of the
185 following:
186
187 a. A fence, constructed of a material similar to surrounding buildings, of sufficient height as
188 determined by the Planning Board to accomplish the screening. No fence shall be less than
189 six feet tall.
190
191 All service areas for dumpsters, compressors, generators and similar items as well as any outdoor
192 storage areas shall be screened by a fence at least six feet tall, constructed of a material similar to
193 surrounding buildings, and must surround the service or storage area except for the necessary
194 ingress/egress.
195
196 5. Site Design
197 Site design and building placement shall be attentive to the surrounding environment including sun,
198 wind and shade patterns related to proposed and existing buildings. A sun/shade analysis may be
199 required by the Planning Board.
200
201 6. Energy and Sustainability
202 Energy efficiency is allowed and encouraged through the use of solar power, geothermal, and other
203 alternative and sustainable power sources.
204
205 7. Building Design Standards
206 New buildings shall meet the general design principles set forth in the Design Handbook except as
207 noted below. In general, buildings should be oriented to the street from which they derive frontage,
208 with the front of the building facing the street. The front façade must contain the following:
209
210 a. A front door for pedestrian access
211 b. Windows
212
213 Flat roofs, proposed to locate heating, cooling, or other such mechanical or electrical apparatus off
214 the ground, are acceptable provided that such apparatus are screened from view and the screening is
215 designed as an integral part of the building to aid both aesthetics and noise attenuation. Flat roofs
216 proposed for the purpose of solar array installations are also acceptable.
217
218 8. Landscaping, Screening and Buffers:
219 A landscape plan prepared by a registered landscape architect is a submission requirement.
220 However, a landscape plan done by other design professionals may be allowed at the Planning
221 Board's discretion.
222
223 Native trees, shrubs and herbaceous plantings are preferred and shall be drought and salt tolerant
224 when used along streets.
225
226 Any required plantings approved by the Planning Board that do not survive shall be replaced within
227 one year.
228
229 a. Landscaping along the street frontage of each building shall consist of one of the following:
230

- 231 i. Street Trees. A minimum of one street tree must be planted for each 20 feet of street
232 frontage. Trees may be planted in groups or spaced along the frontage. However, trees must
233 be planted to ensure survival, using silva cells, bioretention cells or tree wells. Trees shall be
234 a minimum of 2.5" caliper and 12 feet high at the time of planting. Existing large healthy trees
235 must be preserved if practical and will count towards this requirement.
236 ii. Pocket Park. The park must be at least 200 square feet. A minimum of three trees and a
237 bench for sitting are required. Park must be vegetated with ground cover except for
238 walkways.
239
240 b. Surface parking areas that abut a street shall provide screening in one of the following ways:
241
242 i. One tree per 25 feet of street frontage backed by a fence constructed of a material similar to
243 surrounding buildings which shall screen the parking area from the street except for
244 necessary vehicular and pedestrian access. Trees must be at least 2.5" caliper and 12 feet
245 high at the time of planting
246
247 ii. A combination of trees and shrubs including at least 50% evergreen species, all at least 6
248 feet high at time of planting, in a planting bed at least 8 feet wide. Plantings must be
249 sufficient, as determined by the Planning Board, to screen the parking area from the street
250 except for necessary vehicular and pedestrian access. Planting beds may be mulched but no
251 orange or red-dyed mulching material may be used.
252
253 c. A minimum of 10% of any surface parking area consisting of 10 or more parking spaces shall be
254 landscaped with trees and vegetated islands. This requirement is in addition to the screening
255 requirements in b. above if the parking area abuts a street. Bioretention cells and rain gardens
256 can be utilized to meet the landscaping requirements and perform stormwater management.
257
258 d. Buffers required between non-residential uses and residential uses shall be forty feet wide and
259 consist of one of the following as determined by the Planning Board:
260
261 a. Existing natural woodland and vegetation
262 b. Existing natural woodland augmented by the planting of additional trees at least
263 2.5" caliper and 12 feet high
264 c. A fence at least six feet high, constructed of material similar to surrounding buildings, with
265 plantings of trees and shrubs at least 6 feet tall on either side of the fence.
266
267 9. Open Space
268 Open space must be provided as a percentage of the total parcel area including freshwater wetlands,
269 water bodies, streams and setbacks. Required open space must be shown on the site plan with a
270 note dedicating it as open space. The open space must be situated to protect significant natural
271 features and resources, minimize environmental impacts and promote an aesthetically pleasing site.
272
273 a. Wherever possible, large healthy trees and areas with mature tree cover shall be included in the
274 open space.
275 b. Location of open space shall promote the continuity of open space networks across adjacent
276 parcels
277 c. Where possible, open space and open space networks shall include public trails and low intensity
278 recreational opportunities.
279

- 280 10. Special Situations
281 Expansions or modifications of 1,000 square feet or less to existing uses are exempt from
282 landscaping, screening and buffer requirements.
283
284 11. Conditions for Approving Special Exception Uses in the Neighborhood Mixed Use Zone
285 All applications must include a narrative describing why the use proposed will promote the general
286 welfare (specifics may be found in Chapter 2 Definitions for **special exception**) of the Town of
287 Kittery.
288

289 **16.7.8.4 Exemptions to Net Residential Acreage Calculations**

- 290
291 A. The maximum number of dwelling units for residential development not subject to subdivision is
292 based on minimum land area per dwelling unit defined in Chapter 2 Definitions of this Title.
293
294 B. The creation of dwelling units subject to subdivision within existing buildings that are connected to
295 town sewer and are located in the Mixed Use -Kittery Foreside; Mixed Use-Badgers Island;
296 Residential Village; Business Local; or Business Local -1 zones are exempt from the net residential
297 acreage calculations in 16.7.8.1. Total number of dwelling units permitted is determined by dividing
298 the gross lot area by the minimum land area per dwelling unit allowed in the zone. The exemption is
299 allowed in the above base zones when subject to the Shoreland Overlay Zone.
300
301 C. The Mixed-Use – Neighborhood Zone (MU-N) is exempt from Title 16.7.8.2 Net Residential Acreage
302 Calculation but is subject to the **minimum land area per dwelling unit** as defined in Chapter 2
303 Definitions except that 50% of all wetlands shall be subtracted, rather than 100%.
304
305
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