Proposed Zoning Amendments

as forwarded to a Town Vote by the Board of Selectmen on August 12, 2013

(date tentatively set for November 5, 2013)

a) **Article 10, Section 17** to amend the restriction regarding Cooking Facilities within Hotels, Motels and Inns; (see attached amendment)

b) **Article 10, Section 23** to add a new performance standard called Design Review which shall apply to new development occurring in the commercial zones along the Portland Road and York Street corridors; and **Article 8, Section 8, Section 11 & Section 13** to amend related permitted use listing. (see attached amendment)

Copies of the proposed amendment(s) are on file and may be reviewed in the Town Planner's Office.

a)

Proposed Amendment(s) to Zoning Ordinance Article 10, Section 17

The proposed new language is shown with underlines and language to be deleted is shown with ~~strikethroughs~~.

Section 17. Motels, Hotels, and Inns

A. Cooking Facilities

No cooking ~~or eating~~ facilities shall be permitted in any individual motel, hotel, or inn rental unit unless said unit is protected by a fire sprinkler system per the NFPA13 Code Standards.

B. Minimum Unit Size

Each motel, hotel, or inn rental unit shall contain not less than two hundred (200) square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel, hotel, or inn rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions, exclusive of bath. Each rental unit shall include a private bath.

C. Series of Motel Units

(1) This paragraph applies to motel structures, but not to hotel structures or inns.

(2) Each motel structure shall contain not less than five, nor more than ten individual motel rental units, unless each section of ten units is separated from any additional sections by an unbroken firewall. Each motel structure may be connected with other similar structures by a covered walkway, if the walkway is constructed of fire resistive materials. Whether or not so connected, the nearest parts of the walls or corners of such structure shall be separated by a land space, open and unbuilt on, of not less than thirty feet, and in which, within the area unbounded by the intersecting projections of the side lines of adjacent buildings, there shall be no automobile parking or loading.

D. On-Site Manager

On each motel or hotel lot there shall be provided and occupied at least one apartment for a resident owner, manager, or other responsible staff person.

b)

August 14, 2013
(As passed to town vote by Board of Selectmen)

Proposed new zoning section –

Art. 10, Section 23 DESIGN REVIEW Standards

A. Purpose

The purpose of these design review standards is to allow for growth and development while preserving the historical integrity, habitat and ecosystem integrity, architectural integrity, and visual integrity of the community. Kennebunk's major design goals are:

- Develop and maintain attractive gateway(s) to our community;
- Create a functional and safe environment for pedestrian, bicycle and vehicle activity;
- Encourage habitat preservation and natural ecosystem integrity;
- Respect Kennebunk's unique character and sense of place;
- Support development and redevelopment that enhances the town's positive image to our residents, to visitors and to businesses;
- Prevent the loss of community character by prohibiting the repetition of generic architectural forms frequently used by commercial chains throughout the country, and instead encourage site-specific architectural building based on traditional New England design; and
- To ensure that all sites, including sites with drive-through facilities, enhance pedestrian amenity and are designed to provide a safe environment for users, employees, adjacent uses and pedestrians on both public and private sidewalk areas.

B. Applicability of Design Review

1. The provisions of this article shall apply to activities that are subject to design review, per subsections B.2. and B.3 below and which are located in **one or more of** the following zoning districts:
Suburban Commercial, York St. Mixed Use, Portland Rd. Mixed Use, and Business Park and Branch Brook B - BPA.

2. Activities subject to design review include the following:

a) Any new construction or relocation of a principal or accessory building or structure on a site that is to be used for other than single family residential purposes;

b) Addition to or alteration of the exterior of any building on a lot which fronts on/or faces Route 1 and proposes to increase or decrease the square footage of the building, whether enclosed or not;

c) Alteration of the exterior wall of a building by tearing down or removing any portion thereof, or by filling in of an existing window or door opening;

d) The construction or relocation of site features, including parking areas, drive – through lanes, and loading docks;

Any material change in the exterior appearance of an existing building, sign, light, fence, landscape and/ or structure - other than routine maintenance, repair and/or minor renovations of such features as determined by the Staff Review Committee to be exempt minor renovations. Exempt minor renovations would include replacing windows, siding, signs and/or doors with new of same size, material, color, and style.

3. Undeveloped pad sites that are part of a Site Plan or Subdivision Plan that received plan approval prior to the enactment of these design standards shall be exempt from these design review standards if such plans included the pad site's building layout and design, the pad site's parking layout and the vehicle circulation route to and from the pad site.

C. Design Review Application Procedure

1. Submissions - An applicant for design review shall submit the following additional information if the information is not already included in the "subdivision" or "site plan" submission for the proposal:

a) A site plan, drawn to scale, showing the proposed layout, dimensions and height of all structures and other site improvements , including:

- Location and design of buildings, including façade treatment, roof pitch, canopies, window and door openings and other architectural features,
- Driveways,
- Drive–through , ATM , and other customer service areas,
- Pedestrian walks, sidewalks, crosswalks, and pedestrian connections to abutting properties,
- Fences, Walls,
- Existing and proposed landscaped areas – with type and size of materials proposed, as well as identification of existing trees to be retained ,
- Off-street parking, loading , storage and utility service areas, with the methods / materials proposed for use in screening such areas from public view,
- Photo documentation showing abutting sites in relation to subject lot - including an aerial image of site if available,
- Entrances, exits and traffic flow – with dimensions for each in order to provide enough detail to review adequacy of turning and vehicle maneuvering areas, and

- Attached and freestanding signage and lighting ;

b) Proposed architectural elevations/renderings, drawn to scale, and showing the front, side, and rear elevations of the proposed building(s) and indicating components such as windows, doors, roof configuration, visible mechanical hardware and utility structures, and the materials and colors to be used. In the case of minor plan revision applications, Staff may waive this submission if they determine that adequate information regarding the proposed appearance of the building has been submitted.

2. Review Process: The additional standards of this Art. 10. Section 23 shall be made a part of the Site Plan Review Standards/Process (Zoning Art. 11) or the Subdivision Review Standards/Process, as applicable. (Please note that in some cases, these standards and the Design Standards Manuals are more stringent than the Site Plan Review Standards.) In the event that a proposal meets the applicability criteria of Section B. 2. And B.3. above but is not subject to the applicability criteria of either Site Plan Review or Subdivision Review, it will be reviewed by the Site Plan Review Board under the provisions of this Section. A pre application informational meeting with Town Staff is required as part of this process.

3. Design Review Standards Manual(s) : Reference is made to the Kennebunk Design Review Standards Manual and the Better Models for Commercial Development booklet (prepared by Ed McMahon and The Conservation Fund) which are provided as guides to understand what the Town's design goals are for development along Route 1 North and Route 1 South. These manuals provide direction and shall be used by both the applicant and the review board in the plan review and approval process.

4. Waiver of Criteria: All requests for waivers of any of the Art. 10, Section 23. Design Review Standards shall be decided by the applicable review board utilizing the waiver provision of Zoning Art. 11, Section 9.

D. Design Criteria

In considering the application before it, the applicable review authority shall determine that the following site layout and building design standards have been met:

1. Site Layout and Design -

a) **Site Design for new buildings and infill development** – Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity of the proposed building(s). The design of the site shall be based on existing topography, vegetation and drainage characteristics and shall retain significant and /or unique site features such as historic resources, existing ponds or streams and mature trees to the greatest practical extent. In addition, building layout shall conform to the following:

- Building frontages shall be located at the street edge where possible, and new buildings shall be compatible with the front facades of existing buildings which are presently located along the Route 1 street edge;

- Buildings shall be aligned to the front setback line from the Route 1. R.O.W., and from both streets if building will be located on a corner lot. The review board may permit a reduction in the front setback requirement and green buffer requirement - to a minimum of 15 feet - where applicant provides a plan for locating the new building(s) in line with front facades of existing buildings in the area. In addition, when the creation of an outside seating area or outdoor use area is part of the design for front of building, some variation in this front setback standard will be permitted;

  In addition, the review board may require that a maximum front setback from the edge of Route 1 R.O.W. be set at 40 feet ; with a greater setback from street permitted only if the location of the building and the proposed setback will enhance the public realm;

- Locate main entrance, or at least one functional entrance, on the side of building(s) directly facing Route 1;

- Drive – through lanes shall not cross a business's principal entrance to the building;

- Walls along the street(s) should be transparent (not opaque); with windows and doors to maximize views in and out of the building;

- Parking shall be located entirely to the side or rear of the building. In the case of sites where existing buildings will be retained or reconfigured, every effort shall be made to locate the new parking to the side or rear of building closest to Route 1; and

- For multi-building developments , a conceptual master plan shall be prepared to show the general location of both current buildings and proposed future buildings, parking areas, driveways, walkways and natural features to be retained or protected (such as wetlands).

b) **Site Features**

Internal Traffic Flow and Connections to Adjacent Sites - To ensure safety of motorists, delivery trucks, bicyclists and pedestrians, the site plan shall clearly delineate internal traffic patterns for both vehicles and pedestrians. Special attention shall be given to location, number of access points, increased traffic to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient. In addition, the plan shall show potential connections between parking lots and driveways on adjacent parcels (whether developed or undeveloped) in order to minimize turning movements on Route 1 and to provide safe, direct access between adjacent lots.

Shared Driveway Access - Entrances to and exits from uses located along the Portland Rd. and the York St. corridors shall be combined and shared with neighboring uses to the maximum extent possible in order to minimize the number of curb cuts and increase vehicular and pedestrian safety.

Connections to abutting streets – Where a development abuts or receives its primary site access from Route 1 , the Board may require that the site provide a connection to an abutting street or R.O.W. or to a rear access road if available.

Parking – Where new off –street parking areas are proposed, they shall be located to the side or the rear of the principal building, and no parking shall be located closer than 25 feet of Route 1 R.O.W. In no case shall parking be located closer to Route 1 than building located closest to Route 1. No more than 50 % of the lot's frontage width may be used for parking. Parking lots shall be designed as inviting, pedestrian friendly places with careful attention to landscaping, lighting, and internal walkways. Shared parking is encouraged, especially where abutting uses have differing hours of peak parking demand. (Cross access easements may be required to allow shared parking.) Where multiple buildings are proposed, parking should be located within the core/central area if possible, to provide adequate ADA adjacency and also street screening. Parking lots shall be screened from Rt. 1 and visually broken up through the use of trees, landscaped parking islands, building locations, hedges, shrubs, or a combination of all these elements.

Pedestrian and Bicycle Movement – The circulation plan shall provide safe pedestrian and bicycle movement – both within the site and to abutting sites and public sidewalks. The plan shall also demonstrate how linkage(s) can be made to adjacent properties, both developed and undeveloped. Internal crosswalks shall be provided and marked by a change in pavement texture, pattern, and/or color to maximize pedestrian safety.

Service Areas – Service areas (e.g. solid waste/recycling facilities, above ground transformers, mechanical equipment, utility areas and loading areas) shall be located to the side or rear of the building and, wherever possible, shall be hidden and incorporated into the design of the building – with maximum screening from public view.

Service areas shall be screened with privacy fencing, walls and/or landscaping in order to minimize visibility from public and private roadways, main entrances, abutting neighborhoods, public open spaces, and pathways.

Additionally, the location of proposed ATMs and /or vending machines shall be shown on the plan and screened from Route 1 view.

Roof Top Equipment - Where roof top utility and/or equipment areas are necessary, they shall be hidden and incorporated into the architecture of building and screened from all visible sides.

Landscaping - A Landscape Plan, conforming to the standards of Art. 11, Section 6.B. (7) and Art. 11, Section 8. (1) and (2) of this Ordinance - as well as the standards of this Section, shall be provided as part of any plan involving new building construction, parking lot, and/or drive through development. Landscaping shall be used to complement the architecture, enhance the human scale, reinforce circulation paths, highlight entrances, provide shade, and add color and seasonal interest to site.

Existing mature trees and natural vegetation along the street frontage and edges of the site shall be evaluated and, when determined to be in good condition, shall be retained. Within the green perimeter strip abutting Route 1, the plan shall include one shade tree per 30 linear feet, or fraction thereof, for the length of the property line, exclusive of the driveway, with most trees being evenly spaced within such strip. Shade trees shall have a minimum caliper of 2 ½ inches.

Advertising Features – The size, number, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from or adversely affect the design, appearance, and environmental

and aesthetic qualities of proposed building and structures and the surrounding properties.

Snow Storage – Provisions shall be made for adequate snow storage in the design of all parking areas, and shall avoid conflicts with landscaping, visibility, drainage and icing during winter months. Alternatively, a snow management plan indicating how the snow removal will be handled shall be reviewed and included in the plan approval process.

c) **Additional Standards for Auto oriented uses and Drive -Throughs** – Auto oriented establishments such as gas stations, convenience stores, fast food restaurants (in zones where they are permitted) , car wash facilities, and drugstores or banks with drive through windows/ATMs, shall orient the building close to the Route 1 and shall locate all the automobile-related activities such as parking, fuel pumps, drive through windows and drive through lanes to the side or rear of the building – with no such auto oriented activities to be located between the building and Route 1. Drive-through facilities are permitted only as accessory uses to a permitted use within the zoning district, and not as a principal or sole use.

Queuing and Circulation – Each drive-through or queuing lane shall be separated from the general circulation lanes necessary either for entering or exiting the property or for providing interior circulation within the property. This separation shall be done by means of an island, and the lanes shall be distinctly marked and striped.

Pedestrian Circulation – Pedestrian safety shall be an important consideration in the design of access routes leading to or from auto - oriented uses. Site layout shall minimize conflicts with pedestrian access to the on-site businesses, to businesses on adjacent sites, and to public sidewalks. Drive - through lanes shall not cross a business's principal entrance to the building. Traffic calming measures shall be included where appropriate to discourage speeding within the site and between abutting sites. Measures may include raised crosswalks, curbing, roadside plantings, curbed islands, and appropriate signage.

Facility Design - Drive-through operations and other automobile-oriented facilities shall be designed with façade and roofline elements that reduce their scale and are consistent with the architectural character of the main building.

Traffic Standards - All streets and intersections to be impacted by a proposed drive-through facility shall show that they will meet the Maine DOT Level of Service Standards after development and shall provide evidence of such conformance as part of the review process. No vehicular entrance to or exit from a drive-through facility shall be located within two hundred feet (200) of a street intersection. Entrances to drive-through facilities shall be located off of interior roadways, interior drives, or

parking areas , rather than off the public street. Queuing lane(s) shall be designed so they do not result in vehicles needing to back into or block public streets.

Buffer / Screening - Landscaped buffers in addition to walls and/or fences, shall be used to soften the visual impact of parking areas, service areas, commercial buildings, drive through lanes, street frontages and adjacent properties.

2) **Building Design – The Town encourages high quality architectural design that is inspired by Kennebunk's traditional building style. The following standards shall be addressed as part of the proposed building design:**

Architecture - The goal of these standards is to produce architecture that draws its inspiration from traditional New England vernacular. Traditional building styles and materials shall be used in a way to accommodate contemporary building needs.

Buildings shall present an inviting, human-scaled façade to the street, internal drives, parking areas, and abutting properties.

Scale of Building(s) – The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence", that is, it makes it seem so big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

Linear commercial structures, e.g. shopping centers, multi-tenant office buildings, and other large commercial structures, shall be visually unified through the use of complimentary architectural forms, similar materials and colors, variations in rooflines, detailing, and building heights, and coordinated signage.

Facades greater than 100 feet in length shall be designed with façade and roofline elements that reduce their scale and add architectural interest. Where the plane of a wall is broken, the offset shall be proportional to the building's height and length. Projections used to break up the mass of the building shall extend to the ground.

Height – Heights of new buildings and reconstruction of existing buildings should be visually compatible with the heights of the buildings in the neighborhood. A sudden dramatic change in the building height can have a jarring effect on the overall look of the street. If a building's proposed height is 50% or higher than neighboring buildings, the applicant shall incorporate architectural features in the building's design that limit the visual impact of the proposed building.

Roof Shape – The shape and proportion of the roof shall be articulated so as to lend visual interest and reduce the apparent size of new building(s) and should be visually compatible with the architectural style of the building and with neighboring buildings.

National Franchises – National franchises (e.g., restaurants, service stations, retail stores,) are welcome and permitted forms of land use otherwise permitted in some of the zoning districts covering the Route One corridor. Since the design of these buildings can contribute to a loss of identity for Kennebunk by repeating the generic architectural forms that are repeated throughout the country, buildings that are stylized to the point where the structure is a form of advertising are not permitted.

Façade Design and Materials – The first impression that a building gives is very important. All buildings shall present an inviting, human scaled façade to the street, internal drives, parking areas, and surrounding neighborhoods. Buildings with Rt. 1 frontage shall have at least one entrance to the building along the Route 1 frontage.

-- All sides of a building should receive design consideration. Blank walls facing public or private streets, residential neighborhoods, or abutting properties are prohibited. Where side or rear facades are visible from adjacent properties or roadways, they shall be designed to complement the architectural treatment of the primary façade to give scale and visual interest.

-- The pattern of solids and voids, windows and doors in the front façade of a new or altered building should be visually compatible with the architectural style of the building and with that of its neighbors.

-- Materials used on facades help to provide added character to a building – clapboards, shingles, brick, etc. – and therefore should be visually compatible to those of other buildings around it. For facades of buildings visible from a public way, preference shall be given to clapboard, brick, shingle and other materials commonly used in local architecture. (Cinder block, highly reflective metal siding, stucco type siding are discouraged.)

Canopies - Canopies should incorporate features to help them fit the scale and architectural character of the building A pitched roof or other traditional roof form shall be used and the fascia of the canopy shall be short in height, generally not to exceed two feet.

Primary Entrance - The primary building entrance shall face the street unless the applicant can demonstrate that the circumstances of a given application merit an alternative orientation. The entrance shall be identified through the use of architectural details that may include awnings or roofs for shelter, recessing, decorative lighting, trim or railings, in addition to pedestrian walkways connecting to parking areas and public sidewalks.

Street Corners - Buildings located on street corners are important because these high visibility locations help define the character of both streets, therefore the building facades along both streets shall be articulated. No parking, vehicular travel ways, or service areas shall be located between the building and the property lines along both streets.

Signage - The size, scale, materials, illumination, colors, style and location of signs on the site have a visual impact on the streetscape. Signs shall state clearly the name of the business without overwhelming either the architecture or the streetscape. Multi-use sites shall prepare a signage master plan that provides size, design and locations of the signs for all the proposed business spaces proposed for the site, as well as any shared or joint identification signage proposed.

Color – Colors used on building exteriors should integrate a building's various design elements or features. The use of bright colors should be avoided. Softer, muted or earth-toned colors are preferred. Colors should be compatible with the architectural character of surrounding buildings and neighborhood, unless such surrounding buildings are not in conformance with these design standards. To view examples of acceptable paint choices please see Historic Colors of America Palette by California Paints.

Lighting - The proposed lighting plan shall be consistent with the architectural style of the principal building and shall conform to the standards of Art 10, Section 6.

Section 8. Downtown Business District (DB)

A. Purpose

The purpose of the Downtown Business District is to provide for and enhance the central commercial area of Kennebunk, to allow a complementary mix of activities that support a vital, community retail center, and to help preserve the character of downtown as a walkable, livable, historic center.

B. Permitted Uses

The following uses are permitted in the Downtown Business District:

1. The following residential uses:
   - 1-1 Convalescent and rest homes
   - 1-2 Single family detached dwellings
   - 1-3 Multifamily dwellings
   - 1-4 Two-family dwellings
   - 1-5 Elderly congregate housing
   - 1-6 Accessory apartments
   - 1-7 Multifamily lots

2. The following institutional uses:
   - 2-1 Churches
   - 2-2 Community buildings
   - 2-3 Libraries
   - 2-4 Municipal uses
   - 2-5 Museums
   - 2-6 Public and private schools

3. The following commercial uses:
   - 3-1 Banks
   - 3-2 Business and professional offices
   - 3-3 Business services
   - 3-4 Commercial schools
   - 3-5 Day care centers
   - 3-6 Eating places, provided no service is furnished directly to customers in their motor vehicles
   - 3-7 Funeral homes
   - 3-8 Halls and theaters
   - 3-9 Hotels and motels
   - 3-10 Inns
   - 3-11 Personal services
   - 3-12 Rental of equipment, provided there is no outdoor storage
   - 3-13 Retail sales
   - 3-14 Studios of artisans
   - 3-15 Veterinary clinics
   - 3-16 Wholesale sales

Section 11. Lower Village Business District (LVB)

A. Purpose

The purpose of the Lower Village Business District is to provide for and enhance the commerce that serves both harbor- and tourist-oriented trade and the day-to-day needs of residents of the area. It is the intent of the district to foster this activity in a setting that is safe and pleasant for pedestrians and that preserves the scale of this historic village area. The dimensional standards within the Lower Village Business District are intended to emulate the types of dimensions found by the Comprehensive Plan and by subsequent inventories to be already present in the Lower Village.

B. Permitted Uses

The following uses are permitted in the Lower Village Business District:

1. The following resource production uses:
   - 1-1 Keeping of horses

2. The following residential uses:
   - 2-1 Convalescent and rest homes
   - 2-2 Single family detached dwellings
   - 2-3 Multifamily dwellings
   - 2-4 Two-family dwellings
   - 2-5 Elderly congregate housing
   - 2-6 Accessory apartments
   - 2-7 Multifamily lots

3. The following institutional uses:
   - 3-1 Churches
   - 3-2 Community buildings
   - 3-3 Libraries
   - 3-4 Municipal uses
   - 3-5 Museums
   - 3-6 Public and private schools

4. The following commercial uses:
   - 4-1 Banks
   - 4-2 Business and professional offices
   - 4-3 Business services
   - 4-4 Commercial schools
   - 4-5 Day care centers
   - 4-6 Eating places, provided no service is furnished directly to customers in their motor vehicles
   - 4-7 Funeral homes
   - 4-8 Theaters
   - 4-9 Inns

Section 13. Suburban Commercial District (SC)

A. Purpose

The purpose of the Suburban Commercial District is to provide an area well suited for automobile-oriented commercial and industrial activity. The intent is to allow the district to evolve with a mixture of uses, including retail, services, offices, and light industrial, close to commercial services and of a scale and density that is compatible with a commercial district.

B. Permitted Uses

The following uses are permitted in the Suburban Commercial District:

1. The following resource protection uses:
   - 1-1 Forest management
   - 1-2 Harvesting of wild crops

2. The following resource production uses:
   - 2-1 Horticulture

3. The following institutional uses:
   - 3-1 Municipal Uses

4. The following commercial uses:
   - 4-1 Auto repair garages
   - 4-2 Banks
   - 4-3 Business and professional offices
   - 4-4 Business services
   - 4-5 Commercial schools
   - 4-6 Day care centers
   - 4-7 Eating places~~, provided no service is furnished directly to customers in their motor vehicles.~~, may include drive-through provided it meets the standards of Article 10, Section 23.
   - 4-8 Funeral homes
   - 4-9 Gas stations
   - 4-10 Health service facilities
   - 4-11 Theaters
   - 4-12 Hotels and motels
   - 4-13 Inns
   - 4-14 Motor vehicles sales and service
   - 4-15 Personal services
   - 4-16 Rental of equipment
   - 4-17 Retail sales
   - 4-18 Studios of artisans
   - 4-19 Veterinary clinics
   - 4-20 Warehouses
   - 4-21 Wholesale sales

5. The following recreation and marine uses:
   - 5- 1 Marine sales and services
   - 5-2 Fully enclosed places of recreation