

ARTICLE 8 DISTRICT REGULATIONS

Note: Throughout this Article, permitted uses and special exceptions are organized by categories of use, such as "resource production" uses and "institutional" uses. The language introducing each category of use shall of itself carry no legal meaning, but rather serves an organizational purpose only.

Section 1. Resource Protection District (RP)

A. Purpose

The purpose of the Resource Protection District is to protect fragile shorelines and other lands of unique geologic and natural features, especially those that include steep slopes with unstable soils, wetlands, and flood plains, on which development would degrade water quality, disrupt productive habitat and biotic systems, or destroy scenic value. Permitted uses in this district are those that respect the natural characteristics of the land while still offering productive activity on the land.

B. Permitted Uses

The following uses are permitted in the Resource Protection 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 Timber harvesting

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following resource production uses:
 - 1-1 Agriculture, excluding structures
 - 1-2 Horticulture, excluding structures
2. The following residential uses:
 - 2-1 Single family detached dwellings and their accessory uses.(on lots of record and in conformance with the additional standards of Article 7 of this ordinance).
3. The following institutional uses:
 - 3-1 Municipal uses
 - 3-2 Nonresidential facilities for educational, scientific and nature interpretation purposes
4. The following recreation and marine uses:
 - 4-1 Outdoor recreation involving minimal structural development or regrading of the land, such as fishing, hunting, hiking, and cross-country skiing
 - 4-2 Temporary and permanent piers, docks, wharves, and uses projecting into water bodies
 - 4-3 Marinas

5. The following utility uses:
- 5-1 Essential services to a permitted use in the Resource Protection District, except that essential services may be installed in the district to serve other uses if the applicant demonstrates that no reasonable alternative exists for the location of such services.
 - 5-2 Public utilities, provided the applicant demonstrates that no reasonable alternative exists for the location of such services.

D. Prohibited Uses

Except as allowed under Article 5 of this Ordinance, uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and bulk standards

The following space and bulk standards apply in the Resource Protection District:

Minimum Net Lot Area	40,000 sq. ft.
Minimum Lot Width	100 Feet
Minimum Setbacks	
Front Yard	25 Feet
Side Yards (each)	20 Feet
Rear Yard	40 Feet
From Edge of Marsh (does not include water-dependant uses)	75 Feet
Maximum Height	35 Feet
Maximum Lot Coverage	20 Percent
Minimum Shore Frontage	200 Feet

- (2) Excavation and earth moving
The dumping of materials of any kind, the excavation or filling of earth materials, and the transfer or relocation of earth are prohibited in this district.
- (3) Other standards
All uses within the Resource Protection District shall comply with the provisions of Article 8, Section 16, Shoreland Overlay District and Resource Protection District, and of Article 10, Section 3, of this Ordinance.

Section 2. Branch Brook Aquifer Protection District (BB)

A. Purpose

The purpose of this district is to protect the quality and quantity of present and future groundwater resources which recharge Branch Brook and its tributaries by regulating activities and land use practices. The protection of these groundwater resources is critical to promoting the health, safety and general welfare of the residents of the municipality.

The purpose of Zones A and B is to restrict or control uses involving hazardous or leachable materials which, if introduced to the ground or groundwater, cannot be rendered harmless by dilution or by the attenuative capacity of the soil prior to reaching the water supply. In addition, the purpose of Zone A is to prohibit sources of viral and bacterial contamination which can contaminate the water supply.

B. Delineation of Aquifer Protection Area

- (1) For the purposes of this Ordinance, the Branch Brook Aquifer Protection District shall be delineated on copies of the Assessor's maps, shall be entitled "Branch Brook Aquifer Protection District Map: Town of Kennebunk," and as are dated 10-16-86. This map shall be deemed an integral part of this Ordinance and shall be maintained on file at the Town office.
- (2) The Branch Brook Aquifer Protection District consists of aquifers and aquifer recharge areas comprised of the following elements:

Zone A, as delineated on the official aquifer protection district map, which shall control, consists of the area in which it would take a leachable material introduced into the groundwater 200 days or less to reach Branch Brook or one of its tributaries. The travel time boundary of this zone is based on the length of time viruses present in wastewater can survive in the soil.

Zone B, as delineated on the official aquifer protection district map, which shall control, consists of the recharge area for Branch Brook and its tributaries.

- (3) If any portion of a lot is located in Zone A or Zone B, all the land located in Zone A shall be governed by the regulation for Zone A, and all the land located in Zone B shall be governed by the regulations for Zone B.
- (4) Where the boundary between Zone A and Zone B crosses a single lot, land in Zone A may be used to fulfill the minimum net lot area requirement for a one-family detached dwelling, provided no land in Zone A is used in lot development.
- (5) The delineation of aquifers, aquifer recharge areas, and Zones A and B may be revised by amendment to the official aquifer protection district maps in accordance with procedures listed below and in Article 12 of this Ordinance.

Where the bounds of Zone A or Zone B as delineated are in doubt or dispute, the Planning Board shall hold a public hearing to receive evidence from the concerned party. Within 30 days of the hearing the Planning Board shall decide whether to recommend to the Selectmen that an amendment to the official aquifer protection map be placed on the next Town meeting warrant. If

an amendment to the official aquifer protection map is approved by vote of the Town's legislative body, the date of the revision and the signature of the Chairman of the Planning Board certifying the revision shall be noted on the map.

In determining where the bounds should be properly located, the burden of proof shall be upon the party challenging the present definition of the bounds or the Town's interpretation thereof. The evidence shall include a report from a geologist licensed in the State of Maine with proven experience in hydrogeology. The Town may hire a hydrogeologist to review all information submitted by the concerned party and may charge the concerned party for the cost of the consultant. Or, at the request of the owner, the Town may engage a licensed geologist to determine more accurately the location and extent of aquifers, aquifer recharge areas, and Zones A and B, and may charge the concerned party for the cost of the investigation.

- (6) In the case of any proposed amendment to this district, the Planning Board shall notify the Kennebunk, Kennebunkport, Wells Water District of any hearing to amend the provisions of the district at least seven (7) days prior to the date of the hearing.

C. Permitted Uses

The following uses are permitted in Zone A or Zone B of the Branch Brook Aquifer Protection District, as indicated:

	Zone A		Zone B
1.	<u>The following resource protection uses:</u>		
	1-1 Forest management		1-1 Forest management
	1-2 Harvesting of wild crops		1-2 Harvesting of wild crops
2.	<u>The following resource production uses:</u>		
	2-1 Agriculture, excluding animal husbandry		2-1 Agriculture, excluding animal husbandry
	2-2 Timber harvesting		2-2 Timber harvesting
3.	<u>The following residential uses:</u>		
	3-1 Single-family detached dwellings which are not part of a mobile home park, only in conformance with Paragraph F(2)(c)		3-1 Single-family detached dwellings which are not part of a mobile home park
			3-2 Accessory apartments
4.	<u>The following recreation and marine uses:</u>		
	4-1 Outdoor recreation involving minimal structural development or regrading of the land, such as fishing, hunting, hiking, and cross-country skiing		4-1 Outdoor recreation involving minimal structural development or regrading of the land, such as fishing, hunting, hiking, and cross-country skiing
5.	<u>The following utility uses:</u>		
	5-1 Essential services		5-1 Essential services
6.	<u>The following accessory uses:</u>		
	6-1 Accessory uses		6-1 Renting of rooms; furnishing board, not to exceed four rented

- bedrooms
- 6-2 Accessory uses
- 6-3 Required subdivision improvements per Section 2.F.(2).(e)

D. Special Exceptions

The following uses may be permitted in Zone A or Zone B of the Branch Brook Aquifer Protection District, as indicated, only upon approval as special exceptions in accordance with Article 7 of this Ordinance, and only upon submission of the materials required in Subsection G of this Section.:

- | | Zone A | | Zone B |
|----|--|-----|--|
| 1. | <u>The following resource production uses:</u> | 1-1 | Animal husbandry |
| | | 1-2 | Horticulture |
| 2. | <u>The following institutional uses:</u> | 2-1 | Municipal uses |
| | | 2-2 | Nonresidential facilities for educational, scientific, and nature interpretation purposes |
| | | 2-3 | Day Care Centers |
| 3. | <u>The following utility uses</u> | 3-1 | Public utilities |
| | 3-1 Public utilities | | |
| 4. | <u>The following accessory uses:</u> | 4-1 | Home occupations |
| | 4-1 Home occupations | | |
| 5. | <u>The following commercial uses:</u> | 5-1 | Business and professional offices |
| | | 5-2 | Business services |
| | | 5-3 | Commercial schools |
| | | 5-4 | Rental of equipment |
| | | 5-5 | Veterinary clinics |
| | | 5-6 | Uses accessory to these uses |
| | | | Any special exception use allowed under this subsection 5 shall be limited to the area delineated on the Town's Zoning Map as the Branch Brook-Zone B-BPA. Structures located in this area shall be served by public sewer |
| 6. | <u>The following industrial uses:</u> | 6-1 | Warehouses |
| | | 6-2 | Wholesale sales |
| | | 6-3 | Boat building |
| | | 6-4 | Manufacturing |
| | | 6-5 | Research and development |
| | | 6-6 | Testing facilities |

6-7 Tradesmen shops, excluding
vehicle repair

6-8 Uses accessory to these uses
Any special exception use allowed under this
subsection 6 shall be limited to the area delineated
on the Town's Zoning Map as the Branch Brook
Zone B-BPA. Structures located in this area shall
be served by public sewer

E. Prohibited Uses

Except as allowed under Article 5, Section 6, of this Ordinance, uses not allowed as permitted uses or special exceptions are prohibited within this district.

F. Standards

(1) Space and bulk standards

Minimum net lot area	3 acres
Minimum net lot area per dwelling unit	3 acres, provided further that only one such dwelling is allowed per lot
Minimum lot width	200 feet
Minimum setbacks	
Front yard	35 feet
Side yards (each)	35 feet
Rear yard	50 feet
Shoreland area	See Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	15 percent
Maximum impervious area of lot	25 percent
Maximum area stripped of existing vegetation	45 percent

(2) Performance standards

(a) Branch Brook Aquifer

Uses within the Branch Brook Aquifer Protection District shall conform to the performance standards set forth in Article 10, Section 4, of this Ordinance. These performance standards address clearing and timber harvesting, agriculture, animal husbandry, stormwater runoff, pollution levels, petroleum storage, subsurface waste disposal, home occupations, sand and gravel extraction, junkyards, and

automobile graveyards, off-road vehicles, solid waste disposal, and use of pesticides. Any lawful use or structure which is made nonconforming by the enactment of the provisions of this district may be continued but must meet all applicable performance standards by December 16, 1988.

(b) Shoreland Overlay District

All uses within the shoreland area, as defined in this Ordinance, shall comply with the provisions of Article 8, Section 13, and of Article 10, Section 3, of this Ordinance. Where the performance standards for the Branch Brook Aquifer and for the shoreland area differ, the stricter shall apply.

(c) One-Family Dwellings

Any single lot of record existing legally as of December 16, 1986, and lying totally within Zone A may have one single-family dwelling and one wastewater disposal system located on it providing the landowner secures a use variance from the Board of Appeals and providing this use conforms with all other applicable laws and regulations. The applicant must produce proof from the Registry of Deeds that the lot existed prior to December 16, 1986.

(d) Open Space Subdivisions

Open space subdivisions are prohibited within the Branch Brook Aquifer Protection District.

(e) Subdivisions

For subdivisions located within this district, the Planning Board shall apply the purpose, terms and criteria of this Article 8, Section 2 and of Article 10, Section 4 in its review. Recreation and other improvements which are required by the Planning Board as part of the subdivision plan approval process, shall be reviewed according to these same terms and criteria; however, any use of fertilizer or sanitary facilities shall additionally require approval of the Kennebunk, Kennebunkport, Wells Water District.

(f) Other Performance Standards

Uses within the Branch Brook Aquifer Protection District shall, additionally, conform to the following performance standards:

- | | | |
|------|--------------------------|------------------------|
| i. | Private outdoor lighting | Article 10, Section 6 |
| ii. | Signs | Article 10, Section 7 |
| iii. | Off-street parking | Article 10, Section 9 |
| iv. | Accessory apartments | Article 10, Section 15 |

G. Special Submission Requirements

Any person proposing a one-family home in Zone B shall submit the following materials to the Code Enforcement Officer with his building permit application; any person applying for a special exception in Zone B shall submit the following materials to the Planning Board as part of his special permit application. Any person proposing to continue the nonconforming use of "limited" or "restricted" use of herbicides shall submit the following materials to the Hazardous Materials Control Board as part of his application for a permit to do so. The Code Enforcement Officer, Planning Board, or Hazardous Materials Control Board, as provided by this Ordinance, shall review these materials and approve the application only if the proposal meets all standards for the

Branch Brook Aquifer Protection District, including those contained in this Article 8, Section 2 and in Article 10, Section 4.

- (1) A site plan to a scale no smaller than 1 inch equals 100 feet showing:
 - (a) Aquifer Protection District boundaries if they cross the parcel;
 - (b) Boundaries of the site and abutting streets;
 - (c) Outlines of all buildings;
 - (d) Layout and location of access drives, parking areas, and vehicular maneuvering areas;
 - (e) Location of all storage tanks;
 - (f) Location of buffers, landscaping, and existing vegetation which will be retained;
 - (g) Location and description of storage areas and types of materials to be stored;
 - (h) Location of subsurface waste disposal systems, sewage lift stations, force mains, and grease traps; and
 - (i) Location of nearby wells or surface water bodies which are part of a public or private drinking water supply.
- (2) A description of the manner in which the applicant shall meet all applicable Performance Standards.
- (3) Where applicable:
 - (a) A complete list of all chemicals, fertilizers, herbicides, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of leaks or spills.
 - (b) For a permit to continue grandfathered use of pesticides and herbicides, a complete list of products proposed for application to the land, quantities to be applied, schedule of application, and a detailed description of the application program.
 - (c) For animal husbandry operations, a Conservation Plan, reviewed by the York County Soil and Water Conservation District.
 - (d) For single-family homes with wastewater disposal systems, a completed site evaluation form (HHE-200).
- (4) In addition, when necessary to ensure compliance with the approved standards, the reviewing agency may require:

- (a) A site plan showing groundwater contours of the seasonal high water table.
- (b) A hydrogeological study of the proposed use or activity's impact on groundwater.
- (c) Water quality data from on-site monitoring wells.
- (d) Any other information needed to prove that the use will not adversely affect water quality.

H. Water Quality Monitoring Wells

The Planning Board, acting on its own or upon referral from the Code Enforcement Officer, may require installation and regular sampling of water quality monitoring wells for any existing or proposed use for which there is evidence of its being a significant actual or potential source of pollutants.

- (1) The number, location, and depth of monitoring wells shall be determined by a hydrogeologist chosen or approved by the Town and shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Monitoring wells shall be installed on the property, at the expense of the owner or occupant, within 500 feet of actual or potential pollution sources.
- (2) The Planning Board shall determine, in consultation with the Kennebunk, Kennebunkport, Wells Water District and/or a hydrogeologist, how often monitoring wells shall be sampled. Water quality sample results from monitoring wells shall be submitted to the Planning Board and the Kennebunk, Kennebunkport, Wells Water District with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

Section 3. Rural Conservation District (RC)

A. Purpose

The Rural Conservation District includes lands with multiple natural resource constraints; and/or that are especially important for their recreational, scenic, or other resource-based opportunities, including farming and woodlands; and/or that are especially important for long-term protection of water quality. The Comprehensive Plan found that while these lands are not as fragile as areas designated for resource protection, their development would be problematical for the environment and/or would deny opportunity for long-term management of the land for forestry, agriculture, and wildlife. The purpose of this district is to allow a level of development and activity consistent with the conservation of the natural features of these lands.

B. Permitted Uses

The following uses are permitted in the Rural Conservation 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 Agriculture
 - 2-2 Horticulture
 - 2-3 Keeping of horses
 - 2-4 Timber harvesting
3. The following residential uses:
 - 3-1 Single family detached dwellings
 - 3-2 Accessory apartments
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Municipal uses
 - 4-4 Nonresidential facilities for educational, scientific and nature interpretation purposes
5. The following commercial uses:
 - 5-1 Kennels
6. The following recreation and marine uses:
 - 6-1 Outdoor recreation
 - 6-2 Summer camps
7. The following utility uses:
 - 7-1 Essential services
8. The following accessory uses:
 - 8-1 Accessory uses and buildings

- 8-2 Home occupations
- 8-3 Renting of rooms; furnishing of board, not to exceed four rented bedrooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following commercial uses:
 - 1-1 Day care centers
2. The following recreation and marine uses:
 - 2-1 Permanent or temporary piers, docks, and wharves
3. The following utility uses:
 - 3-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and bulk standards
 - (a) Lots that are part of subdivisions created after the date of adoption of this amendment (November 2, 1993) and lots that are the result of an amendment or revision of a subdivision approved prior to 11/2/93 shall comply with the terms of Article 9, Open Space Standards.
 - (b) For all other lots, the following space and bulk standards shall apply:

Minimum net lot area	3 acres
Minimum net lot area per dwelling unit	3 acres provided that, except for accessory apartments, only one such dwelling is allowed per lot; and provided that accessory apartments shall not require an increase in the minimum net lot area.
Minimum lot width	200 feet
Minimum setbacks	
Front yard	35 feet
Side yards (each)	20 feet
Rear yard	50 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	15 percent

- (2) Performance standards
Uses within the Rural Conservation District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

(a)	Soils	Article 10, Section 2
(b)	Private outdoor lighting	Article 10, Section 6
(c)	Signs	Article 10, Section 7
(d)	Off-street parking	Article 10, Section 9
(e)	Home occupations	Article 10, Section 14
(f)	Accessory apartments	Article 10, Section 15
(g)	Keeping of horses	Article 10, Section 18
(h)	Kennels	Article 10, Section 19

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 4. Rural Residential District (RR)

A. Purpose

The Rural Residential District includes lands that the Comprehensive Plan found are distant from villages, and/or to which public water and sewer lines are not expected to be extended within the next 10 years, and/or that have large tracts of land intact, suitable for woodland production, farming, and unbroken wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character and traditional use of rural lands and that does not impose an undue burden on the provision of municipal services.

B. Permitted Uses

The following uses are permitted in the Rural Residential 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 Agriculture
 - 2-2 Horticulture
 - 2-3 Keeping of horses
 - 2-4 Timber harvesting
3. The following residential uses:
 - 3-1 Single family detached dwellings
 - 3-2 Accessory apartments
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Libraries
 - 4-4 Municipal uses
 - 4-5 Nonresidential facilities for educational, scientific and nature interpretation purposes
5. The following commercial uses:
 - 5-1 Kennels
6. The following recreation and marine uses:
 - 6-1 Outdoor recreation
 - 6-2 Summer camps
7. The following utility uses:
 - 7-1 Essential services
8. The following accessory uses:
 - 8-1 Accessory uses and buildings
 - 8-2 Home occupations
 - 8-3 Renting of rooms; furnishing of board, not to exceed four rented bedrooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

- 1. The following commercial uses:
1-1 Day care centers
- 2. The following recreation and marine uses:
2-1 Permanent or temporary piers, docks, and wharves
- 3. The following utility uses:
3-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and bulk standards
 - (a) Lots that are part of subdivisions created after the date of adoption of this Ordinance (November 2, 1993) and lots that are the result of an amendment or revision of a subdivision approved prior to 11/2/93 shall comply with the terms of Article 9, Open Space Standards.
 - (b) For all other lots, the following space and bulk standards shall apply:

Minimum net lot area	3 acres
Minimum net lot area per dwelling unit	3 acres, provided that, except for accessory apartments, only one such dwelling is allowed per lot; and provided that accessory apartments shall not require an increase in the minimum net lot area.
Minimum lot width	200 feet
Minimum setbacks	
Front yard	35 feet
Side yards (each)	20 feet
Rear yard	50 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	15 percent

- (2) Performance standards
Uses within the Rural Residential District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

(a) Soils	Article 10, Section 2
(b) Private outdoor lighting	Article 10, Section 6
(c) Signs	Article 10, Section 7
(d) Off-street parking	Article 10, Section 9
(e) Home occupations	Article 10, Section 14
(f) Accessory apartments	Article 10, Section 15
(g) Keeping of horses	Article 10, Section 18
(h) Kennels	Article 10, Section 19

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit

Section 5. Coastal Residential District (CR)

A. Purpose

The Coastal Residential District encompasses what the Comprehensive Plan found to be well established coastal residential neighborhoods, beaches, wetlands, and wildlife habitat, and important coastal scenery. The purpose of this district is to preserve the character, architectural scale, and quality of the residential neighborhoods and surrounding natural resources.

B. Permitted Uses

The following uses are permitted in the Coastal Residential 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 Agriculture
 - 2-2 Horticulture
 - 2-3 Keeping of horses
 - 2-4 Timber harvesting

3. The following residential uses:
 - 3-1 Single family detached dwellings
 - 3-2 Two-family dwellings
 - 3-3 Multifamily dwellings, with a maximum of six units per building
 - 3-4 Multifamily lots

4. The following utility uses:
 - 4-1 Essential services

5. The following accessory uses:
 - 5-1 Accessory uses and buildings
 - 5-2 Home occupations, excluding retail sales, personal services, real estate sales/brokerage offices, insurance agency offices, commercial stables, or commercial kennels

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following residential uses:
 - 1-1 Convalescent and rest homes

2. The following institutional uses:
 - 2-1 Churches
 - 2-2 Libraries
 - 2-3 Municipal uses
 - 2-4 Museums
 - 2-5 Nonresidential facilities for educational, scientific, and nature interpretation purposes

3. The following commercial uses:
 - 3-1 Day care centers

4. The following recreation and marine uses:
 - 4-1 Marinas
 - 4-2 Outdoor recreation
 - 4-3 Permanent or temporary piers, docks, and wharves
 - 4-4 Recreational fishing and boating services

5. The following utility uses:
 - 5-1 Public utilities

D. Prohibited Uses

Except as allowed under Article 5 of this ordinance, uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and bulk standards

The following space and bulk standards shall apply in the Coastal Residential District:

Minimum net lot area	
Residential uses	20,000 sq. ft.
Other uses	40,000 sq. ft.
Minimum net lot area per dwelling unit	
Single family detached dwellings	20,000 sq. ft., only one such dwelling is allowed per lot, except as approved multifamily lots where permitted.
Two-family dwellings	20,000 sq. ft.
Multifamily dwellings	20,000 sq. ft.
Multifamily lots	20,000 sq. ft.
Minimum lot width	100 feet
Minimum setbacks	
Front yard	25 feet
Side yards (each)	
Single family detached dwellings	20 feet
Two-family dwellings	20 feet
Other uses	25 feet

Rear yard	
Single family detached dwellings	20 feet
Two-family dwellings	20 feet
Other uses	40 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent
Minimum width of green perimeter strip	
Residential uses containing more than two dwellings	25 feet
Nonresidential uses	25 feet
Minimum distance between principal buildings on the same lot	40 feet

(2) Performance Standards

Uses within the Coastal Residential District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9
- (e) Multifamily dwellings Article 10, Section 10
- (f) Home occupations Article 10, Section 14
- (g) Keeping of horses Article 10, Section 18

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 6. Suburban Residential (SR)

A. Purpose

The purpose of the Suburban Residential District is to acknowledge and respect an established pattern of residential development, predominantly on one- and two-acre lots, such as exists along the Sea Road and Route 35 corridors between Kennebunk Village and Lower Village. The intention of the district is to allow additional development that (a) is harmonious with the established neighborhoods in these areas, (b) can safely coexist with the rural and suburban landscape of these areas, including wooded lands, adjacent wetlands, and a gently rolling topography and roadways that are fitted to that topography, and (c) will not unduly change the historic character of segments of these areas. The Comprehensive Plan recognized that public sewer lines serve portions of the Suburban Residential District and may be extended to other parts of the district to replace failing septic systems on poor soils; but the Plan's intention for the district is to maintain a relatively low density of development as a break between the more intensely developed Kennebunk Village and Lower Village.

B. Permitted Uses

The following uses are permitted in the Suburban Residential 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 Agriculture
 - 2-2 Horticulture
 - 2-3 Keeping of horses
 - 2-4 Timber harvesting
3. The following residential uses:
 - 3-1 Single family detached dwellings
 - 3-2 Accessory apartments
 - 3-3 Two-family dwellings
 - 3-4 Multifamily dwellings, with no more than six units per building
 - 3-5 Multifamily lots
4. The following institutional uses:
 - 4-1 Cemeteries
5. The following recreation and marine uses:
 - 5-1 Outdoor recreation
6. The following utility uses:
 - 6-1 Essential services
7. The following accessory uses:
 - 7-1 Accessory uses and buildings
 - 7-2 Home occupations
 - 7-3 Renting of rooms, not to exceed four rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following institutional uses:
 - 1-1 Churches
 - 1-2 Municipal uses
 - 1-3 Nonresidential facilities for educational, scientific, and nature interpretation purposes

2. The following commercial uses:
 - 2-1 Day care centers
 - 2-2 Funeral homes

3. The following recreation and marine uses:
 - 3-1 Permanent or temporary piers, docks, and wharves

4. The following utility uses:
 - 4-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and bulk standards

The following space and bulk standards shall apply in the Suburban Residential District:

Minimum net lot area	40,000 sq. ft.
Minimum net lot area per dwelling unit	
Single family detached dwellings	40,000 sq. ft., provided that, except for accessory apartments, only one such dwelling is allowed per lot, except as approved multifamily lots where permitted.; and provided that accessory apartments shall not require an increase in the minimum net lot area.
Two-family dwellings	40,000 sq. ft.
Multifamily dwellings	40,000 sq. ft.
Multifamily Lots	40,000 sq. ft.
All other uses	40,000 sq. ft.
Minimum lot width	100 feet
Minimum setbacks	
Front yard	25 feet

Side yards (each)	
Single family detached dwellings	20 feet
Other uses	25 feet
Rear yard	
Single family detached dwellings	20 feet
Other uses	25 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent
Minimum width of green perimeter strip	
Residential uses containing more than two dwellings	25 feet
Nonresidential uses	25 feet
Minimum distance between principal buildings on the same lot	20 feet

(2) Performance Standards

Uses within the Suburban Residential District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- | | | |
|-----|--------------------------|------------------------|
| (a) | Soils | Article 10, Section 2 |
| (b) | Private outdoor lighting | Article 10, Section 6 |
| (c) | Signs | Article 10, Section 7 |
| (d) | Off-street parking | Article 10, Section 9 |
| (e) | Multifamily dwellings | Article 10, Section 10 |
| (f) | Home occupations | Article 10, Section 14 |
| (g) | Accessory apartments | Article 10, Section 15 |
| (h) | Keeping of horses | Article 10, Section 18 |

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 7. Village Residential District(s) (VR) & (WKVR)

A. Purpose

The purposes of the Village Residential District(s) are to maintain the highly livable neighborhoods near the Town's traditional village centers, where historically a majority of the Town's population lived within walking distance of business districts and civic buildings; and to provide for the expansion of neighborhoods in a manner that emulates the character of villages. This character includes a scale appropriate for walkable neighborhoods, proximity to services that can meet the routine needs of residents, efficient use of municipal services, and a secure family environment. The dimensional standards within the Village Residential District(s) are intended to be based on the types of dimensions found by the Comprehensive Plan and by subsequent inventories to be already present in the Town's villages.

B. Permitted Uses

The following uses are permitted in the Village Residential District(s):

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

2. The following resource production uses:
 - 2-1 Agriculture, limited to field, row and specialty horticultural crops; except that on parcels of five (5) acres or more, other types of agriculture are allowed, provided that the parcel and activities upon it fully comply with the space and bulk and performance standards applicable in the Rural Residential District
 - 2-2 Horticulture
 - 2-3 Keeping of horses
 - 2-4 Timber harvesting

3. The following residential uses:
 - 3-1 Convalescent and rest homes
 - 3-2 Single family detached dwellings
 - 3-3 Accessory apartments
 - 3-4 Two-family dwellings
 - 3-5 Multifamily dwellings on public water and public sewer
 - 3-6 Elderly congregate housing
 - 3-7 Mobile home parks on public water and public sewer
 - 3-8 Multifamily lots on public water and public sewer

4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Community buildings
 - 4-4 Day care centers
 - 4-5 Libraries
 - 4-6 Municipal uses
 - 4-7 Nonresidential facilities for educational, scientific, and nature interpretation purposes

- 4-8 Public and private schools
- 5. The following recreation and marine uses:
 - 5-1 Outdoor recreation
- 6. The following utility uses:
 - 6-1 Essential services
- 7. The following accessory uses:
 - 7-1 Accessory buildings and uses
 - 7-2 Home occupations
 - 7-3 Renting of rooms, not to exceed four rented rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

- 1. The following recreational uses:
 - 1-1 Permanent or temporary piers, docks, and wharves
- 2. The following utility uses:
 - 2-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and Bulk Standards

The following space and bulk standards shall apply in the Village Residential District(s):

	(VR) / (WKVR) Sewer (or engineered systems)	(VR) / (WKVR) No Sewer
Minimum net lot area		
Residential	10,000 sq. ft.	20,000 sq. ft.
Nonresidential	10,000 sq. ft.	20,000 sq. ft.
Minimum net lot area per dwelling unit		
Single -Family Dwelling	10,000 sq ft. provided that, except for accessory apartments, only one such dwelling is allowed per lot, except as approved multifamily lots where permitted; and provided that accessory apartments shall not require an increase in the minimum net lot area	20,000 sq ft. provided that, except for accessory apartments, only one such dwelling is allowed per lot; and provided that accessory apartments shall not require an increase in the minimum net lot area.

	(VR) / (WKVR) Sewer (or engineered systems)	(VR) / (WKVR) No Sewer
Two-Family Dwellings	10,000 sq. ft.	15,000 sq. ft.
Multifamily Dwellings	10,000 sq. ft.	Not permitted
Multifamily Lots	10,000 sq. ft.	Not permitted
Elderly Congregate Housing	2,000 sq. ft.	Not permitted
Minimum lot width Residential Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this ordinance	VR: 50 ft., and the average for all lots in the subdivision is between 75 ft. and 90 ft. In addition, such lots shall have a minimum lot frontage of 50 feet, unless the subdivision is designed under the open space standards in Article 9	VR: 75 ft, and the average for all lots in the subdivision is between 100 ft. and 125 ft..
Other lots	75 ft.	100 ft.
Nonresidential	75 ft.	100 ft.
Minimum setbacks		
Residential		
Front yard	20 ft.	20 ft.
Side yard	10 feet, provided the sum of both side yards is at least 30 feet	10 feet, provided the sum of both side yards is at least 30 feet
Rear yard	15 feet	15 ft.
Shoreland area	Per Article 8, Section 16	Per Article 8, Section 16

Nonresidential		
Front yard	Same as residential	Same as residential
Side yard	15 feet	15 feet
Rear yard	15 feet	15 feet
Normal high water mark	Per Article 8, Section 16	Per Article 8, Section 16
Side and rear yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum lot coverage	25%	25%
Minimum width of green perimeter strip	None, provided that standards of Article 10, Section 9.D.(3) are met	None, provided that standards of Article 10, Section 9.D.(3) are met
Maximum height		
Residential	35 feet	35 feet
Nonresidential	35 feet	35 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet

(2) Performance Standards

Uses within the Village Residential District(s) shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9
- (e) Multifamily dwellings Article 10, Section 10
- (f) Elderly congregate housing Article 10, Section 11
- (g) Affordable housing Article 10, Section 12
- (h) Mobile home park development Article 10, Section 13
- (i) Home occupations Article 10, Section 14

- (j) Accessory apartments Article 10, Section 15
- (k) Keeping of horses Article 10, Section 18

F. Overlay Districts

- (1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 (Historic Preservation) of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

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
 - 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

- 4. The following recreation and marine uses:
 - 4-1 Outdoor recreation
 - 4-2 Fully enclosed places of recreation

- 5. The following industrial uses:
 - 5-1 Limited manufacturing, provided there is no outdoor storage
 - 5-2 Tradesmen's shops, provided there is no outdoor storage

- 6. The following utility uses:
 - 6-1 Essential services

- 7. The following accessory uses:
 - 7-1 Accessory buildings and uses
 - 7-2 Home occupations
 - 7-3 Renting of rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

- 1. The following industrial uses:
 - 1-1 Manufacturing
 - 1-2 Research and development

- 2. The following utility uses:
 - 2-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and Bulk Standards
The following space and bulk standards shall apply in the Downtown Business District:

Minimum net lot area	2,500 sq. ft.
Minimum net lot area per dwelling unit	
In buildings on or eligible to be on the National Registry of Historic Places	None, provided any conversion reviewed by the Historic Preservation Commission per the standards of Article 12, Section 3
Other dwellings	1,500 sq. ft.
Multifamily Lots	1,500 sq. ft.

Minimum lot width	None
Minimum setbacks	
Front, side, and rear yards	None, provided that any off-street parking spaces that may be required or otherwise provided on the same lot as the building shall be set back at least 25 feet from the front property line; and the area between the front property line and a line that is parallel to the front property line and tangent to the wall of the building closest to this property line and running the full width of the lot shall not be used for parking, although this area may be crossed by a driveway.
Shoreland area	Per Article 8, Section 16
Maximum height	40 feet, provided that no wood frame or timber building existing on June 17, 1963, shall be increased in height, and the Board of Appeals shall not grant any appeal for any such increase in height.
Maximum lot coverage	None
Minimum width of green perimeter strip	None

(2) Performance Standards

Uses within the Downtown Business District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Mixed residential-and-commercial uses
No first floor space fronting on Main Street north of the Mousam River, or Garden Street, shall be used for residential purposes. Mixed residential-and-commercial uses shall additionally comply with the standards of Article 10, Section 16.
- (b) Soils Article 10, Section 2
- (c) Private outdoor lighting Article 10, Section 6
- (d) Signs Article 10, Section 7
- (e) Off-street parking Article 10, Section 9
- (f) Multifamily dwellings Article 10, Section 10
- (g) Elderly congregate Article 10, Section 11
- (h) Home occupations Article 10, Section 14
- (i) Accessory apartments Article 10, Section 15
- (j) Motels, hotels, and inns Article 10, Section 17

F. Overlay Districts

- (1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit

Section 9. Upper Square District (US)

A. Purpose

The purpose of the Upper Square District is to provide for a compact, transitional area between Downtown Kennebunk and surrounding residential neighborhoods. The Upper Square District covers an historic civic, cultural, and commercial area, and it is intended to accommodate this mixture of uses in a traditional setting.

B. Permitted Uses

The following uses are permitted in the Upper Square District:

1. The following residential uses:
 - 1-1 Single family detached dwellings
 - 1-2 Two-family dwellings
 - 1-3 Multifamily dwellings
 - 1-4 Accessory apartments
 - 1-5 Multifamily lots

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

3. The following commercial uses:
 - 3-1 Business and professional offices
 - 3-2 Business services
 - 3-3 Commercial schools
 - 3-4 Day care centers
 - 3-5 Funeral homes
 - 3-6 Personal services
 - 3-7 Studios of artisans
 - 3-8 Veterinary clinics

4. The following recreation and marine uses:
 - 4-1 Outdoor recreation

5. The following industrial uses:
 - 5-1 Tradesmen's shops, provided there is no outdoor storage

6. The following utility uses:
 - 6-1 Essential services

7. The following accessory uses:
 - 7-1 Accessory buildings and uses
 - 7-2 Home occupations
 - 7-3 Renting of rooms, not to exceed four rented bedrooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:
 1-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Upper Square District:

Minimum net lot area	2,500 sq. ft.
Minimum net lot area per dwelling unit	
In buildings on or eligible to be on the National Registry of Historic Places	None, provided any conversion reviewed by the Historic Preservation Commission per the standards of Article 12, Section 3
Other dwelling units	1,500 sq. ft.
Multifamily Lots	1,500 sq. ft.
Minimum lot width	None
Minimum setbacks	
Front, side, and rear yards	None, provided that any off-street parking spaces that may be required or otherwise provided on the same lot as the building shall be set back at least 25 feet from the front property line; and the area between the front property line and a line that is parallel to the front property line and tangent to the wall of the building closest to this property line and running the full width of the lot shall not be used for parking, although this area may be crossed by a driveway.
Shoreland area	Per Article 8, Section 16
Maximum height	40 feet, provided that no wood frame or timber building existing on June 17, 1963, shall be increased in height, and the Board of Appeals shall not grant any appeal for any such increase in height.
Maximum lot coverage	None

Minimum width of green perimeter strip	None
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(2) Performance Standards

Uses within the Upper Square District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9
- (e) Multifamily dwellings Article 10, Section 10
- (f) Home occupations Article 10, Section 14
- (g) Accessory apartments Article 10, Section 15
- (h) Mixed residential-and-commercial uses Article 10, Section 16

F. Overlay Districts

- (1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit

Section 10. York Street Mixed Residential and Commercial Use District (MRCU)**A. Purpose**

The purpose of the York Street Mixed Residential and Commercial Use District is to provide areas which contain a mixture of small scale businesses, such as retail shops, professional offices, and restaurants, as well as residential uses. The continuation of exterior historical architectural features on both old and new buildings and the use and reuse of existing buildings are encouraged.

B. Permitted Uses

The following uses are permitted in the York Street Mixed Residential and Commercial Use 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 residential uses:
 - 3-1 Convalescent and rest homes
 - 3-2 Single family detached dwellings
 - 3-3 Multifamily dwellings
 - 3-4 Elderly congregate housing
 - 3-5 Two-family dwellings
 - 3-6 Accessory apartments
 - 3-7 Multifamily lots
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Libraries
 - 4-4 Municipal uses
 - 4-5 Museums
 - 4-6 Public and private schools
5. The following commercial uses:
 - 5-1 Banks
 - 5-2 Business and professional offices
 - 5-3 Business services
 - 5-4 Commercial schools
 - 5-5 Day care centers
 - 5-6 Eating places, provided no service is furnished directly to customers in their motor vehicles
 - 5-7 Funeral homes
 - 5-8 Halls and theaters
 - 5-9 Hotels and motels, not to exceed 40 units

Section 10: York Street Mixed Residential and Commercial Use District

- 5-10 Inns
- 5-11 Personal services
- 5-12 Rental of equipment, provided there is no outdoor storage or display
- 5-13 Retail sales containing a maximum of 4,000 square feet of gross floor area per use
- 5-14 Studios of artisans
- 5-15 Veterinary clinics

6. The following recreation and marine uses:

- 6-1 Outdoor recreation
- 6-2 Fully enclosed places of recreation, except video arcades

7. The following industrial uses:

- 7-1 Tradesmen's shops, provided there is no outdoor storage

8. The following utility uses:

- 8-1 Essential services

9. The following accessory uses:

- 9-1 Accessory buildings and uses
- 9-2 Home occupations
- 9-3 Renting of rooms, not to exceed eight rented rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:

- 1-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Mixed Residential and Commercial Use District:

Minimum net lot area	
Hotels and motels	80,000 sq. ft.
Multifamily dwellings	40,000 sq. ft.
Other uses	20,000 sq. ft.

Minimum net lot area per dwelling unit	
Single family detached dwellings and two-family dwellings	20,000 sq. ft., provided that accessory apartments shall not require an increase in the minimum net lot area.
Multifamily dwellings	10,000 sq. ft.
Multifamily Lots	20,000 sq. ft.
Elderly congregate	2,000 sq. ft.
Minimum net lot area per dwelling unit on a mixed use lot	
Mixed use with single family detached dwelling	20,000 square feet per dwelling plus 20,000 square feet for commercial use
Mixed use with multifamily dwellings	10,000 square feet per dwelling unit plus 20,000 square feet for commercial use
Minimum lot width (see also paragraph E(2)(a) below)	
Single family detached dwellings and two-family dwellings	100 feet
Multifamily dwellings/lots	200 feet
Hotels and motels	200 feet
Other uses	150 feet
Shoreland area	Per Article 8, Section 16
Minimum setbacks	
Front yard	
Multifamily dwellings	40 feet
Hotels and motels	40 feet
Other uses	25 feet
Side yards	
Multifamily dwellings	40 feet
Hotels and motels	40 feet
Other uses	20 feet
Rear yard	

Section 10: York Street Mixed Residential and Commercial Use District

Multifamily dwellings	40 feet
Hotels and motels	40 feet
Other uses	25 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent
Total impervious surface of buildings, parking areas, driveways and all walk ways, except walk ways no wider than 10 feet made of brick, cobble stone, flag stone or granite blocks set in sand or other porous material	55 percent of the lot
Minimum width of green perimeter strip	Except where the standards below are more stringent, all lots will have a strip a minimum of 10 feet wide, exclusive of area for a sidewalk, along the front property line that shall be maintained in plants (grass, flowers, shrubs and/or trees) and shall not be used for off-street parking. Further, the green perimeter area for any lot, unless it contains only a single family residence, whose side or rear yard borders a residential district shall provide landscaping and/or a fence to create an opaque screen at least six feet high in that side or rear yard.
Multifamily dwellings	20 feet
Hotels and motels	20 feet
Other uses	10 feet

(2) Performance Standards

Uses within the Mixed Residential and Commercial Use District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Shared access
 - Any lot with a use that shares its sole access to Route One with at least one other lot or that gains its access from a public way other than Route One may reduce its minimum lot width to 75 feet.
- (b) Conceptual plan required
 - (i) Any application for new development on or subdivision of a lot of two or more acres in existence as of the effective date of this Ordinance shall, if the proposal does not involve the entire site, be accompanied by a conceptual plan for the use of the remainder of the site. The conceptual plan shall show, at a minimum,

Section 10: York Street Mixed Residential and Commercial Use District

natural constraints, such as wetlands, that exist on the rest of the site, the potential locations of other lots or development on the site, the way in which roads, driveways, and pedestrian ways will serve the future lots or development, and the way in which all proposed development will relate to and potentially connect with adjacent lands.

- (ii) To the greatest extent possible, the conceptual plan shall demonstrate that future lots created from the site and development on the site will share access to and minimize curb cuts along Route One, that provision has been made for convenient, direct connections between all lots or developments, and that provision has been made to avoid wetlands and other significant natural resources.
- (c) **Sight distance**
Commercial uses, including home occupations, may not block sidewalks or obstruct sight distances of entering or exiting traffic with exterior storage or merchandise or displays.
- (d) **Operating hours**
Business hours shall begin no earlier than 6 a.m. and end no later than 1 a.m. Lodging offices in hotels, motels, and renting of rooms are excluded.
- (e) **Mixed residential-and-commercial uses**
Mixed residential-and-commercial uses shall comply with the space and bulk standards of the York Street Mixed Residential and Commercial Use District. However, mixed uses are allowable on a lot that is legally nonconforming as to one or more space and bulk standards if (1) they are located wholly within a residential structure or a structure accessory thereto in existence as of the effective date of this ordinance, (2) the residential appearance of the structure is preserved without substantial alteration, and (3) the nonconforming aspect of the lot is not worsened.
- (f) **Off-street parking** shall conform to the performance standards in Article 10, Section 9. In addition, parking shall be arranged so it is not necessary for vehicles to back into the street. New parking lots shall not be created between York Street and the principal structure on the lot bordering York Street.
- (g) **Soils** Article 10, Section 2
- (h) **Private outdoor lighting** Article 10, Section 6
- (i) **Signs** Article 10, Section 7
- (j) **Multifamily dwellings** Article 10, Section 10
- (k) **Elderly congregate housing** Article 10, Section 11
- (l) **Home occupations** Article 10, Section 14
- (m) **Accessory apartments** Article 10, Section 15
- (n) **Motels, hotels, and inns** Article 10, Section 17

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

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
 - 4-7 Funeral homes
 - 4-8 Theaters
 - 4-9 Inns
 - 4-10 Personal services
 - 4-11 Rental of equipment, provided that except for marine related items, there is no outdoor storage visible from the public road frontage

- 4-12 Retail sales
- 4-13 Studios of artisans
- 4-14 Veterinary clinics
- 4-15 Wholesale sales

5. The following recreation and marine uses:

- 5-1 Marine sales and service
- 5-2 Recreational fishing and boating services, excluding marinas
- 5-3 Outdoor recreation
- 5-4 Fully enclosed places of recreation, except video arcades

6. The following industrial uses:

- 6-1 Boat building
- 6-2 Limited manufacturing, provided there is no outdoor storage visible from the public road frontage, except marine-related items
- 6-3 Tradesmen's shops, provided there is no outdoor storage visible from the public road frontage, except marine-related items

7. The following utility uses:

- 7-1 Essential services

8. The following accessory uses:

- 8-1 Accessory buildings and uses
- 8-2 Home occupations
- 8-3 Renting of rooms, not to exceed eight rented rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following recreation and marine uses:

- 1-1 Marinas
- 1-2 Permanent or temporary piers, docks, and wharves

2. The following utility uses:

- 2-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Lower Village Business District:

Minimum net lot area	10,000 sq. ft.
Minimum net lot area per dwelling unit	
Single Family	10,000 sq. ft., provided that accessory apartments shall not require an increase in the minimum net lot area
Two-Family	10,000 sq. ft.
Multifamily	10,000 sq. ft.
Multifamily Lots	10,000 sq. ft.
Elderly Congregate Housing	2,000 sq. ft.
Minimum net lot area per dwelling unit on a mixed use lot	See paragraph E(2)(a) below
Minimum lot width	75 feet
Minimum setbacks	
Front yard	5 feet
Side yards	10 feet
Rear yard	20 feet
Shoreland	Per Article 8, Section 16
Maximum height	35 feet, and no more than 2-½ stories
Maximum lot coverage	30 percent
Minimum width of green perimeter strip	None
Minimum distance between principal buildings on the same lot	
Residential	20 feet
Nonresidential	None

- (2) Performance Standards
Uses within the Lower Village Business District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:
- (a) Mixed residential-and-commercial uses
- Mixed residential-and-commercial uses shall comply with the space and bulk standards of the Lower Village Business District, except that the following minimum net lot area and minimum net lot area per unit standards shall apply:

If the mixed residential and commercial development consists of one residential unit plus a commercial use or uses, the minimum net lot area shall be 10,000 square feet, provided all other standards with respect to parking and buffering are met. Further, the addition of one residential unit to one commercial unit in an existing structure, with no expansion of the footprint of the structure, shall not necessitate any increase in the existing lot area if all other space and bulk standards are met.

If the mixed residential and commercial development includes multiple residential dwelling units, the minimum net lot area shall increase by 10,000 square feet for each additional dwelling unit.

- | | | |
|-----|----------------------------|------------------------|
| (b) | Soils | Article 10, Section 2 |
| (c) | Private outdoor lighting | Article 10, Section 6 |
| (d) | Signs | Article 10, Section 7 |
| (e) | Off-street parking | Article 10, Section 9 |
| (f) | Multifamily dwellings | Article 10, Section 10 |
| (g) | Elderly congregate housing | Article 10, Section 11 |
| (h) | Home occupations | Article 10, Section 14 |
| (i) | Accessory apartments | Article 10, Section 15 |
| (j) | Motels, Hotels, and inns | Article 10, Section 17 |
| (k) | Keeping of horses | Article 10, Section 18 |

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit

Section 12. West Kennebunk Village Mixed Use District (WKV)

A. Purpose

The purpose of the West Kennebunk Village Mixed Use District is to recognize and enhance the long-time, small-scale commerce and services provided by West Kennebunk village to the residents of the outlying areas of Town. The intent is to allow a limited degree of growth of this commercial role in concert with the growth of West Kennebunk. The district emphasizes small-scale commercial and institutional uses along with residential uses in West Kennebunk's traditional village setting.

B. Permitted Uses

The following uses are permitted in the West Kennebunk Village Mixed Use 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 Agriculture
 - 2-2 Horticulture
3. The following residential uses:
 - 3-1 Convalescent and rest homes
 - 3-2 Single family detached dwellings
 - 3-3 Two-family dwellings
 - 3-4 Accessory apartments
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Community buildings
 - 4-4 Libraries
 - 4-5 Municipal uses
 - 4-6 Museums
 - 4-7 Public and private schools
5. The following commercial uses:
 - 5-1 Auto Repair Garages
 - 5-2 Banks
 - 5-3 Business and professional offices
 - 5-4 Business services
 - 5-5 Commercial schools containing a maximum of 3,000 square feet of gross floor area
 - 5-6 Day care centers
 - 5-7 Eating places, provided no service is furnished directly to customers in their motor vehicles
 - 5-8 Funeral homes

- 5-9 Inns
- 5-10 Kennels, excluding the overnight boarding of animals between 7:00pm – 6:00am
- 5-11 Theaters
- 5-12 Personal services
- 5-13 Rental of equipment, provided there is no outdoor storage
- 5-14 Retail sales
- 5-15 Studios of artisans
- 5-16 Veterinary clinics
- 5-17 Wholesale sales

6. The following recreation and marine uses:

- 6-1 Outdoor recreation
- 6-2 Fully enclosed places of recreation

7. The following industrial uses:

- 7-1 Tradesmen's shops, including motor vehicle repair, provided there is no outdoor storage
- 7-2 Limited manufacturing , provided there is no outside storage

8. The following utility uses:

- 8-1 Essential services

9. The following accessory uses:

- 9-1 Accessory buildings and uses
- 9-2 Home occupations
- 9-3 Renting of rooms, not to exceed eight rented rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:

- 1-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the West Kennebunk Village District:

Minimum Net Lot Area	
Residential	20,000 sq. ft.
Nonresidential	20,000 sq. ft.

Minimum Net Lot Area per Dwelling Unit	
Single Family	20,000 sq. ft., provided that, except for accessory apartments, only one such dwelling is allowed per lot; and provided that accessory apartments shall not require an increase in the minimum net lot area
Two-Family Dwellings	15,000 sq. ft.
Minimum Lot Width	
Residential Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this ordinance	75 ft, and the average for all lots in the subdivision is between 100 ft. and 125 ft..
Other lots	100 ft.
Nonresidential	100 ft.
Minimum Setbacks	
Residential	
Front yard	25 ft.
Side yards	20 feet
Rear yard	15 feet
Shoreland area	Per Article 8, Section 16
Nonresidential	
Front yard	Same as residential
Side yards	15 feet
Rear yard	15 feet
Normal high water mark	Per Article 8, Section 16
Side and rear yard for nonresidential use abutting a residential use	25 feet

Maximum Lot Coverage	25%
Minimum Width of Green Perimeter Strip	None, except that the area between the front property line and the wall of the building or structure closest the street and running the full width of the wall shall not be used for parking
Maximum Height	
Residential	35 feet
Nonresidential	35 feet
Minimum Distance Between Principal Buildings on Same Lot	30 feet

(2) Performance Standards

Uses within the West Kennebunk Village Mixed Use District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- | | | |
|-----|--------------------------|------------------------|
| (a) | Soils | Article 10, Section 2 |
| (b) | Private outdoor lighting | Article 10, Section 6 |
| (c) | Signs | Article 10, Section 7 |
| (d) | Off-street parking | Article 10, Section 9 |
| (e) | Home occupations | Article 10, Section 14 |
| (f) | Accessory apartments | Article 10, Section 15 |

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

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

 - 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

6. The following industrial uses:
 - 6-1 Boat building
 - 6-2 Manufacturing
 - 6-3 Research and development
 - 6-4 Testing facilities
 - 6-5 Tradesmen's shops, provided there is no outdoor storage visible from the public road frontage

7. The following utility uses:
 - 7-1 Essential services

8. The following accessory uses:
 - 8-1 Accessory buildings and uses
 - 8-2 Home occupations – if located in a legally nonconforming residence in existence prior to 6/13/2007 (the effective date of this amendment)

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:
 - 1-1 Public utilities

D. Prohibited Uses

- (1) Manufacturing and warehouse uses which are obnoxious, offensive, or detrimental to the abutters, the neighborhood, or the Town, by reason of special danger of fire or explosion, pollution of waterways, emission of corrosive, toxic, or disagreeable odors, offensive noises, or other objectionable characteristics such as, but not limited to, glare of light at night, heavy vibration, or noise.
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and Bulk Standards

The following space and bulk standards shall apply in the Suburban Commercial District:

Minimum net lot area	
Hotels and motels	80,000 sq. ft.
Other uses	40,000 sq. ft.
Minimum lot width	200 feet
Minimum setbacks	

Front yard	100 feet, except that if off-street parking is provided entirely to the side or rear of the building*, with no such parking between the building* and Route 1, the minimum shall be 40 feet [“side or rear of building” shall mean the area located behind a line which is parallel with Route 1 property line and which touches that part of the building face closest to Route 1.] [*for sites with more than one building on the lot, all parking must be kept entirely to the side or rear of the building closest to Route 1 and that building closest to Route 1 must be a principal building with a foot print of at least 1000 sq. ft.]
Side yards	25 feet
Rear yard	40 feet
Shoreland area	Per paragraph F(1) below and Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent (lot coverage in the Suburban Commercial District shall be calculated based upon net lot area)
Minimum width of green perimeter strip	50 feet, except that if off-street parking is provided entirely to the side or rear of the building*, with no such parking between the building* and Route 1, the minimum width shall be 20 feet. [“side or rear of building” shall mean the area located behind a line which is parallel with the Route 1 property line and which touches that part of the building face closest to Route 1] [* for sites with more than one building on the lot, if all parking is kept to the side or rear of the building closest to Route 1, then the 20 foot minimum green perimeter strip standard shall apply to the entire site.] In any case, the perimeter strip along any property line abutting Route 1 shall include one shade tree per 30 linear foot or fraction thereof for the length of the property line, exclusive of the width of any driveway

(2) Conceptual Plan Required

- (a) Any application for new development on or subdivision of a lot of two or more acres in existence as of the effective date of this Ordinance shall, if the proposal does not involve the entire site, be accompanied by a conceptual plan for the use of the remainder of the site. The conceptual plan shall show, at a minimum, natural constraints, such as wetlands, that exist on the rest of the site, the potential locations of other lots or development on the site, the way in which roads, driveways, and pedestrian ways will serve the future lots or

development, and the way in which all proposed development will relate to and potentially connect with adjacent lands.

- (b) To the greatest extent possible, the conceptual plan shall demonstrate that future lots created from the site and development on the site will share access to and minimize curb cuts along Route One, that provision has been made for convenient, direct connections between all lots or developments, and that provision has been made to avoid wetlands and other significant natural resources.

(3) **Performance Standards**

Uses within the Suburban Commercial District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9
- (e) Home occupations Article 10, Section 14
- (f) Motels, Hotels, and inns Article 10, Section 17

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance, except that the setback from the Kennebunk River shall be 100', notwithstanding Section 16(D) of Article 8.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

I. Portland Road Traffic Management Study Review

Any proposal requiring a building permit (but exempt from Site Review or Subdivision Review) and which is located within the Portland Road Corridor, shall submit to the Town Planner a plan of the site and driveway layout showing conformance to the recommendations of Figures 13 and 14 of the 2008 update portion of the Portland Road Traffic Management Study. The Code Enforcement Officer shall review the site layout with the Town Planner to determine conformance with the Traffic Management Study recommendations shown on Figures 13 and 14.

If conformance to the corridor recommendations cannot be achieved a waiver must be received from the Planning Board (or Site Plan Review Board if project is part of Site Plan Review) prior to receipt of a building permit. The Planning Board shall follow the standards of Article 11, Section 9 of this ordinance in determining whether to grant such a waiver.

Section 14. Business Park District (BP)

A. Purposes

The purpose of the Business Park District is to provide for an area centered along Route 1 where businesses can be established and grow without creating unsightly "strip development." The Comprehensive Plan establishes a goal for this area of allowing needed business growth without undue traffic congestion or giving up an attractive entry into the community. The emphasis in this district is on a mix of manufacturing, offices, and commercial activities that do not generate high volumes of traffic moving on and off Route 1.

B. Permitted Uses

The following uses are permitted in the Business Park District:

1. The following resource protection uses:
 - 1-1 Forest management
 - 1-2 Harvesting of wild crops
2. The following institutional uses:
 - 2-1 Municipal uses
3. The following commercial uses:
 - 3-1 Auto repair garages
 - 3-2 Business and professional offices
 - 3-3 Business services
 - 3-4 Commercial schools
 - 3-5 Eating places, provided that any such use which exceeds 2,000 square feet shall meet the definition of "low volume retail" in terms of its generation of traffic (see definition of Retail Sales)
 - 3-6 Motor vehicle retail sales and service
 - 3-7 Rental of equipment
 - 3-8 Retail sales, provided that any retail use which exceeds 2,000 square feet shall meet the definition of "low volume retail" (see definition of Retail Sales)
 - 3-9 Veterinary clinics
 - 3-10 Warehouses
 - 3-11 Wholesale sales
4. The following recreation and marine uses:
 - 4-1 Outdoor recreation
5. The following industrial uses:
 - 5-1 Boat building
 - 5-2 Manufacturing
 - 5-3 Research and development
 - 5-4 Testing facilities
 - 5-5 Tradesmen's shops
6. The following utility uses:
 - 6-1 Essential services

- 7. The following accessory uses:
 7-1 Accessory buildings and uses

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

- 1. The following utility uses:
 1-1 Public utilities
 1-2 Telecommunications Facilities

D. Prohibited Uses

- (1) Manufacturing and warehousing uses which are obnoxious, offensive, or detrimental to the abutters, the neighborhood, or the Town by reasons of special danger of fire or explosion, pollution of water ways, emission of corrosive, toxic, or disagreeable odors, offensive noises, or other objectionable characteristics such as, but not limited to, glare of light at night, heavy vibration, or noise.
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and Bulk Standards

The following space and bulk standards shall apply in the Business Park District:

Minimum net lot area	40,000 sq. ft.
Minimum lot width	100 feet, except that any lot fronting directly upon and gaining its access from Route 1 shall have a minimum lot width of 200 feet.
Minimum setbacks	
Front yard	35 feet, except that any lot fronting upon and gaining its access from Route 1 shall have a minimum front yard setback of 50 feet.
Side yards	35 feet
Rear yard	35 feet
Shoreland area	Per Article 8, Section 16
Maximum height	40 feet
Maximum lot coverage	33 percent

Minimum width of green perimeter strip	20 feet, within the green perimeter strip along Route 1 existing trees of six inches in diameter at breast height shall be preserved except as may be necessary for a driveway across the green perimeter strip and to achieve required sight distances from the driveway.
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(2) **Conceptual Plan Required**

- (a) Any application for new development on or subdivision of a lot of two or more acres in existence as of the effective date of this Ordinance shall, if the proposal does not cover the entire site, be accompanied by a conceptual plan for the use of the remainder of the site. The conceptual plan shall show, at a minimum, natural constraints, such as wetlands, that exist on the rest of the site, the potential locations of other lots or development on the site, the way in which roads, driveways, and pedestrian ways will serve the future lots or development, and the way in which all proposed development will relate to and potentially connect with adjacent lands.
- (b) To the greatest extent possible, the conceptual plan shall demonstrate that future lots created from the site and development on the site will share access to and minimize curb cuts along Route 1, that provision has been made for convenient, direct connections between all lots or developments, and that provision has been made to avoid wetlands and other significant natural resources.

(3) **Performance Standards**

Uses within the Business Park District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 15. Industrial District (I)

A. Purpose

The purpose of the Industrial District is to provide areas near transportation arteries and municipal services that can support a range of nonpolluting manufacturing and distribution and other activities that are compatible with manufacturing and distribution.

B. Permitted Uses

The following uses are permitted in the Industrial 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 Agriculture
 - 2-2 Horticulture
3. The following institutional uses:
 - 2-1 Municipal uses
4. The following commercial uses:
 - 4-1 Auto repair garages
 - 4-2 Commercial schools
 - 4-3 Eating places, provided that no service is furnished directly to customers in their motor vehicles
 - 4-4 Gas stations
 - 4-5 Hotels and motels
 - 4-6 Kennels
 - 4-7 Warehouses
 - 4-8 Rental of equipment
 - 4-9 Veterinary clinic
 - 4-10 Wholesale sales
 - 4-11 Retail sales, provided that any retail use that exceeds 2,000 square feet shall meet the definition of "low volume retail" (see definition of Retail Sales) and that the the total area of retail sales shall not exceed 5,000 square feet per lot and shall be limited to the first floor of a structure
5. The following recreation and marine uses:
 - 5-1 Outdoor recreation
 - 5-2 Fully enclosed places of recreation
6. The following industrial uses:
 - 6-1 Boat building
 - 6-2 Manufacturing
 - 6-3 Research and development
 - 6-4 Testing facilities
 - 6-5 Tradesmen's shops

- 7. The following utility uses:
 7-1 Essential services
- 8. The following accessory uses:
 8-1 Accessory buildings and uses

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

- 1. The following utility uses:
 1-1 Public utilities
 1-2 Telecommunications Facilities

D. Prohibited Uses

- (1) Manufacturing and warehousing uses which are obnoxious, offensive, or detrimental to the abutters, the neighborhood, or the Town by reasons of special danger of fire or explosion, pollution of water ways, emission of corrosive, toxic, or disagreeable odors, offensive noises, or other objectionable characteristics such as, but not limited to, glare of light at night, heavy vibration, or noise.
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) Space and Bulk Standards

The following space and bulk standards shall apply in the Industrial District:

Minimum net lot area	40,000 sq. ft.
Minimum lot width	200 feet
Minimum setbacks	
Front yard	35 feet, except where the front yard abuts a residential district, it shall be 50 feet.
Side yards	35 feet, except where a side yard abuts a residential district, it shall be 50 feet.
Rear yard	35 feet, except where a side yard abuts a residential district, it shall be 50 feet.
Shoreland area	Per Article 8, Section 16
Maximum height	40 feet

Maximum lot coverage	75 percent, except there may be built for material storage purposes unheated, open-sided structures to cover not more than ten percent additional total areas of any such lot, over and above the portion of the lot area covered by any enclosed buildings.
Minimum width of green perimeter strip Side and rear yard of lots abutting residential districts	30 feet

(2) Performance Standards

Uses within the Industrial District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Soils Article 10, Section 2
- (b) Private outdoor lighting Article 10, Section 6
- (c) Signs Article 10, Section 7
- (d) Off-street parking Article 10, Section 9
- (e) Kennels Article 10, Section 19

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 16. Shoreland Overlay District (SZ)

A. Purpose

The purpose of the Shoreland Overlay District is to provide for the protection of the Town's water bodies, and to assure the Town's compliance with the State's mandatory Shoreland Zoning Act. The principal means of protection is through performance standards for land uses within the shoreland area.

B. Permitted Uses

Uses permitted in the Shoreland Overlay District shall be only those set forth as permitted uses in the underlying zoning district which this district overlays.

C. Special Exceptions

Uses allowed in the Shoreland Overlay District as special exceptions shall be only those set forth as special exception uses in the underlying district which this district overlays.

D. Standards

(1) Space and bulk standards

The space and bulk standards shall be those of the underlying zoning district which this district overlays or the following, whichever is stricter:

Minimum shore frontage: 100 feet measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark

Lot Width: The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a ten (10) acre wetland, shall be equal to or greater than the frontage standards noted above.

Multiple Structures and Uses on a Lot: If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principle structure, or use. This provision shall not apply in the following underlying districts where served by public sewer and water: Suburban Residential, Village Residential, Coastal Residential, Downtown Business, Upper Square, York Street Mixed Use, Lower Village Business, West Kennebunk Village, West Kennebunk Village Residential, Suburban Commercial, Business Park, Industrial District. This provision shall also not apply in shoreland zoned areas adjacent to Priority 2 and Priority 3 wetlands.

Minimum Setbacks: The minimum setbacks from normal high water line of a waterbody or upland edge of a wetland shall apply in the Shoreland Overlay Zone as follows:

- areas described by Article 3, Section 3.B.1.....100 feet
- areas described by Article 3, Section 3.B.2.....50 feet

- except that areas described by Article 3, Section 3.B1.(1.) and 3.B.(2), which overlay the following Districts shall be 25 feet:

- Upper Square
- West Kennebunk Village
- Downtown Business,
- Lower Village Business,
- York Street Mixed Residential & Commercial Use,
- Suburban Commercial,
- Business Park, and
- Industrial

- areas described by Article 3, Section 3.B.3.....25 feet*

*except as otherwise approved by the Planning Board (or Site Plan Review Board in the case of a Site Plan application) in conformance with the standards of Article 10, Section 3.P or except as otherwise exempted by the provisions noted below.

These Shoreland Zoning setbacks shall apply to all buildings and structures, roads, driveways, parking areas and other non-revegetated surfaces, except those which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, bridges, and other functionally water- dependent uses. Water crossings, roads and driveways to permitted uses shall also be exempt from full compliance with these setback requirements if the Planning Board finds that such road, driveway or water crossing meets the performance standards of Article 10, Section 3.G.and 3.P.

Minimum Setbacks from Coastal Bluffs: For principal structure, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published in the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

Lot Coverage: The total area of all structures, parking lots, roads, driveways and other non-revegetated surfaces, within the shoreland zone, shall not exceed twenty (20) percent of the lot or a portion, thereof, located within the shoreland zone, including land area previously developed; except that in the following zones, Downtown Business, Upper Square, West Kennebunk Village, Lower Village Business, York Street Mixed Residential and Commercial Use, Suburban Commercial, Business Park and Industrial, lot coverage shall not exceed seventy (70) percent.

Approved Subdivision Lots: These dimensional standards shall not apply to any vacant lot shown on a subdivision plan recorded in the York County Registry of Deeds and approved by the Planning Board in compliance with all requirements of this Ordinance in effect at the time of such approval.

(2) Performance standards

- (a) Uses shall conform to the performance standards of the underlying zoning district which this district overlays.
- (b) Additionally, uses shall conform to the requirements of Article 10, Section 3, of this Ordinance.

E. **Site Plan Review**

Any proposal as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 17. Historic Preservation Overlay District (HP)

A. Purpose

The purpose in providing for the establishment of historic preservation districts is to promote, encourage and assist the educational, cultural, economic and general welfare and amenity of Kennebunk through the preservation and protection of qualifying sites, buildings, and districts, and their surroundings, and through their maintenance as landmarks in the history and architecture of Kennebunk, of York County, of Maine, and of coastal North America, and through the protection and development of appropriate settings for such buildings, places, and districts.

B. Qualifications for Inclusion in Historic Preservation Overlay District

Historic Preservation Districts, established and amended in accordance with Article 3 of this Ordinance, shall have at least one of the following characteristics and qualifications, without limitations as to cultural or chronological period:

- (1) Structures or sites at which events occur or have occurred that contribute to and are identified with, significantly represent, or exemplify the broad cultural, political, economic, military, social, or sociological history of Kennebunk and surrounding communities, or of Maine, New England, or the Nation, including sites and buildings at which visitors may gain insight to or see examples of either particular items or larger patterns in the North American heritage;
- (2) Structures or sites importantly associated with historic personages;
- (3) Structures or sites importantly associated with historic examples or a great idea or ideal;
- (4) Structures or structural remains or sites embodying examples or architectural types of specimens valuable for study of a period style or method of construction, of community organization and living, or of landscaping, or, a single notable structure of a single site representing the work of a master builder, master designer, architect, or landscape architect; or
- (5) Proximity to structures or sites described in paragraphs (1) through (4) above, with a recommendation by the Town's Comprehensive Plan that the area be considered for inclusion within the Historic Preservation Overlay District.

C. Permitted Uses

Uses permitted in the Historic Preservation Overlay District shall be only those set forth as permitted uses in the underlying district which this district overlays provided that where the district overlays the Suburban Residential District, multifamily dwellings are prohibited.

D. Special Exceptions

Uses allowed in the Historic Preservation Overlay District as special exceptions shall be only those set forth as special exception uses in the underlying district which this district overlays.

E. Standards

(1) Space and bulk standards

The space and bulk standards shall be those of the underlying zoning district which this district overlays.

(2) Performance standards

(a) Uses shall conform to the performance standards of the underlying zoning district which this district overlays.

(b) Additionally, uses shall conform to the requirements of Article 12 (Historic Preservation) of this Ordinance. No building or structure, including fieldstone walls or other wall structures, fences, steps, landscaping, and paving, shall be altered, reconstructed, erected, restored, moved, or demolished, and no sign, light, fence, wall, or other appurtenant fixtures (all hereafter called appurtenant fixtures) shall be erected or displayed on any site or lot, or on the interior of any building or structure, unless a certificate of appropriateness shall have been issued therefor by the Kennebunk Historic Preservation Commission, as described in Article 12, Section 3.

F. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

Section 18. THE 39 PORTLAND ROAD CONTRACT ZONE

**CONTRACT ZONING AGREEMENT BETWEEN
KENNEBUNK SAVINGS BANK and THE TOWN OF KENNEBUNK**

This Contract Zoning Agreement made this 12th day of February, 2004 by and between the **TOWN OF KENNEBUNK**, a body corporate and politic, located in the County of York and State of Maine (hereinafter the "Town") and **KENNEBUNK SAVINGS BANK** (hereinafter "KSB"), a Maine banking corporation with an address of 104 Main Street, P.O. Box 28, Kennebunk, Maine 04043-0028.

WHEREAS, KSB is the holder of an option on a parcel of real estate located at 39 Portland Road, Kennebunk, Maine (the "Property") which is shown on Tax Map 43, Lot 78.

WHEREAS, the Property is currently located in a Suburban Commercial Zone as established by the Kennebunk Zoning Ordinance.

WHEREAS, KSB has received approval from the Town's Site Review Board for the development of a financial center across the street from the Property at 39 Portland Road.

WHEREAS, KSB wishes to obtain additional employee parking for the financial center.

WHEREAS, there are restrictions under the requirements of the Suburban Commercial Zone which would make development of the Property as the parking lot impractical.

WHEREAS, KSB and the Town have agreed that it is desirable that the Property be developed as a parking lot rather than other intensive commercial uses.

WHEREAS, the Town has the authority to enter into contract zoning for the Property pursuant to 30-A M.R.S.A. §4352 and Article 13(3) of the Kennebunk Zoning Ordinance.

WHEREAS, after notice and hearing and due deliberation on this re-zoning proposal, the Kennebunk Planning Board recommended the re-zoning of the Property.

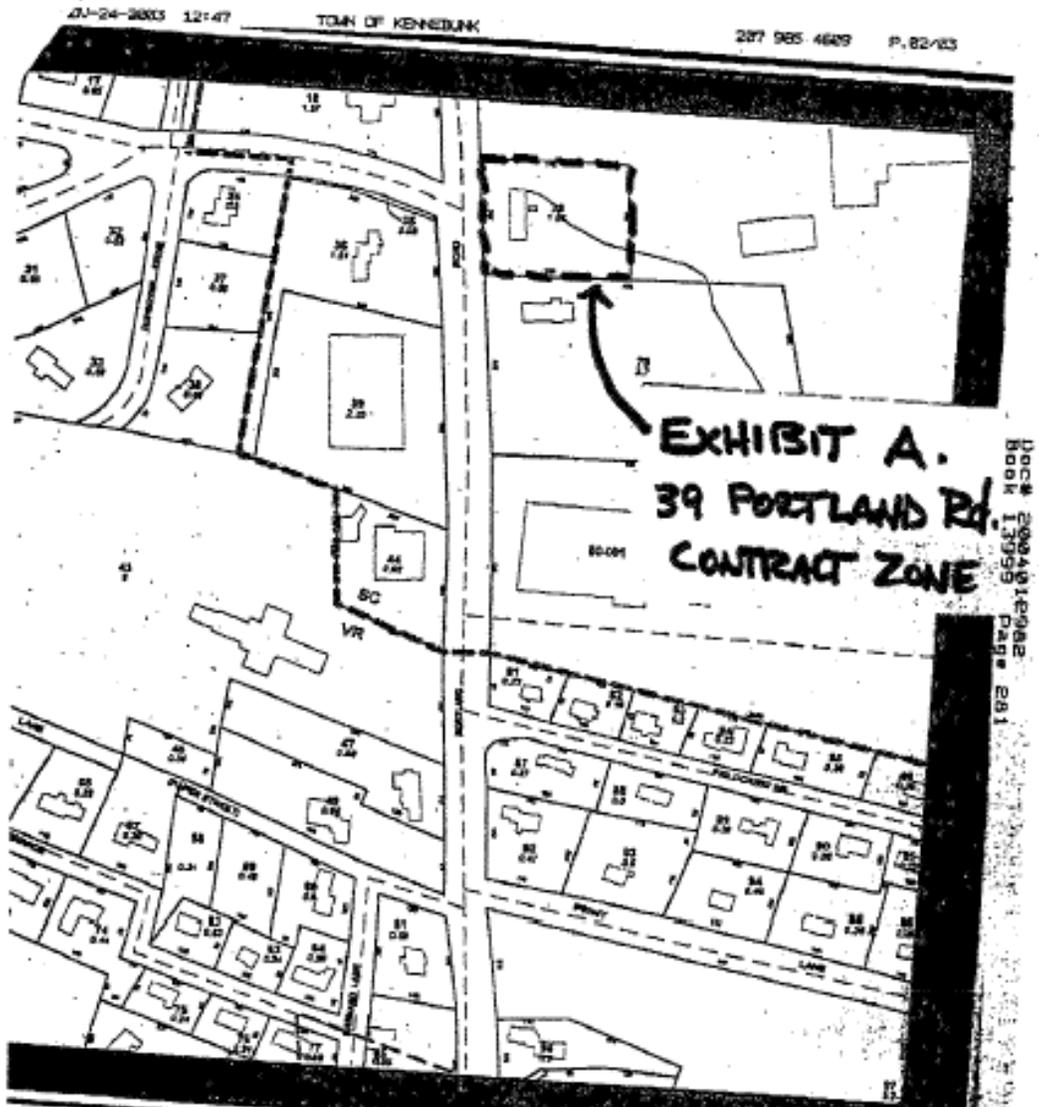
WHEREAS, the Town, by and through its Planning Board and Board of Selectmen, have determined that the re-zoning is consistent with the Comprehensive Plan.

WHEREAS, this re-zoning has been authorized by Town Meeting vote.

NOW THEREFORE, in consideration of the mutual promises made by each party, the parties covenant and agree as follows:

1. The Town will amend the Zoning Ordinance and Zoning Map of the Town of Kennebunk to create and to make reference to the 39 Portland Road Contract Zone, as shown on **Exhibit A**, attached hereto and hereby incorporated by reference.

2. Subject to final Planning Board approval, KSB will be authorized to develop a parking lot on the Property substantially in conformity with the plans attached hereto as **Exhibit B1 and B2** and incorporated herewith.
3. In reviewing the project, the Planning Board will apply the minor site plan standards set forth in the Kennebunk Zoning Ordinance except as modified as shown on the plans attached hereto as Exhibit B1 and B2 or in the description of the 39 Portland Road Contract Zone attached hereto as **Exhibit C** and incorporated herewith. KSB agrees to grant the Town a 10' right of way on the westerly side of the Property as shown on said plans.
4. KSB shall record the Contract Zoning Amendment in the York County Registry of Deeds and shall submit proof of recording to the Town's Code Enforcement Officer and Planner before any site work is undertaken or any building permits are issued.
5. The provisions of this Contract Zoning Amendment shall be deemed restrictions on the use of the Property and shall be amended only upon further written agreement of the Town and KSB or its successors in interest to the Property.
6. The above restrictions, provisions and conditions are an essential part of the re-zoning, shall run with the Property and shall bind KSB, its successors in interest and any assigns of the Property or any party in possession or occupancy of the Property or any part thereof and shall inure to the benefit of and be enforceable by the Town.
7. If any of the restrictions, provisions, conditions or portions of this Agreement is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portions shall be deemed as separate, distinct and independent provisions and such determination shall not affect the validity of the remaining portions hereof.
8. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Kennebunk Zoning Ordinance.
9. In the event that KSB or its successors or assigns fail to develop or operate the project in accordance with this Agreement or in the event of any other breach of any conditions set forth in this Agreement, the Board of Selectmen of the Town shall have the authority, after written notice to KSB, and reasonable opportunity to cure, to terminate this Agreement or to recommend to the Town Meeting to re-zone the Property to Suburban Commercial or any successor zone. In the event of such a re-zoning, the Property shall then be used for only such uses or otherwise allowed by law. The Town shall also have the ability to enforce any breach of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S.A. § 4452.



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Kennebunk
 Kennebunk, Maine

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Made Possible by 2007 Act
Geo-Systems
 Updated in January, 2003 by:
 TOWN OF KENNEBUNK

Tax Map
 43

EXHIBIT C

Doc# 2004012982
Book 13999 Page 284

39 Portland Road Contract Zone

A. Purpose

The purpose of the 39 Portland Road Contract Zone is to provide parking on a small lot on Route One (tax map 43 lot 78). This use will provide parking for a principal building. The intent is to provide additional parking on this unique site. This use is compatible with a commercial district.

B. Permitted Uses

The following uses are permitted in the Limited Use Commercial District:

1. The following commercial uses:

1-1 Parking

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C. Prohibited Uses

(1) All uses are prohibited except for parking

Debra L. Anderson

D. Standards

(1) Space and Bulk Standards/Performance Standards – as established on Exhibits B1 and B2 attached hereto.

E. Overlay Districts

(1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.

F. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebec Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

G. Planning Board Review

Except as otherwise modified by the Contract zoning Agreement, including its attachments, development of the site shall be subject to the performance standards in Article 10. The project will be approved by the Planning Board under the provisions for minor site plan review established under Article 11.

Section 19. 12 DEPOT STREET CONTRACT ZONE

CONTRACT ZONING AGREEMENT
BETWEEN RIVER TREE ARTS and THE TOWN OF KENNEBUNK

This Contract Agreement is made this 12th day of February, 2004 by and between the **TOWN OF KENNEBUNK**, a body corporate and politic located in the County of York and State of Maine (hereinafter the "Town") and **RIVER TREE ARTS**, a Maine non-profit corporation located at 35 Western Avenue, Kennebunk, Maine (hereinafter "RTA").

WHEREAS, RTA is the owner of a parcel of real estate located at Depot Street in Kennebunk, Maine which is shown on Tax Map 45, Lot 62 (hereinafter the "Property") and is shown on Exhibit A attached hereto and incorporated herewith.

WHEREAS, the Property is currently located in the Industrial Zone under the Kennebunk Zoning Ordinance.

WHEREAS, the property is improved with an historic structure that RTA and the Town wish to preserve.

WHEREAS, RTA previously operated the Property as a music school but has since relocated to Lower Village and desires to sell the Property.

WHEREAS, RTA has encountered difficulties in selling the Property because of the limited uses allowed in the Industrial Zone which prohibits such uses as professional offices.

WHEREAS, the existing building on the site limits the number of industrial uses that may be created on the site.

WHEREAS, RTA and the Town believe that other appropriate uses compatible with the neighborhood are possible for the property such as some of the uses allowed by Suburban Commercial Zone.

WHEREAS, RTA and the Town wish to create a separate zone known as the Depot Street Contract Zone which will enable uses from both the Industrial Zone and Suburban Commercial Zone to exist on the Property.

WHEREAS, RTA wishes to reasonably assure the protection of the historic character of the Property.

WHEREAS, the Town has the authority to enter into a contract re-zoning for the Property pursuant to 30-A M.R.S.A. §4352 and Article 13(3) of the Kennebunk Zoning Ordinance.

WHEREAS, after notice and hearing and due deliberation on the re-zoning phase, the Kennebunk Planning recommended re-zoning of the Property.

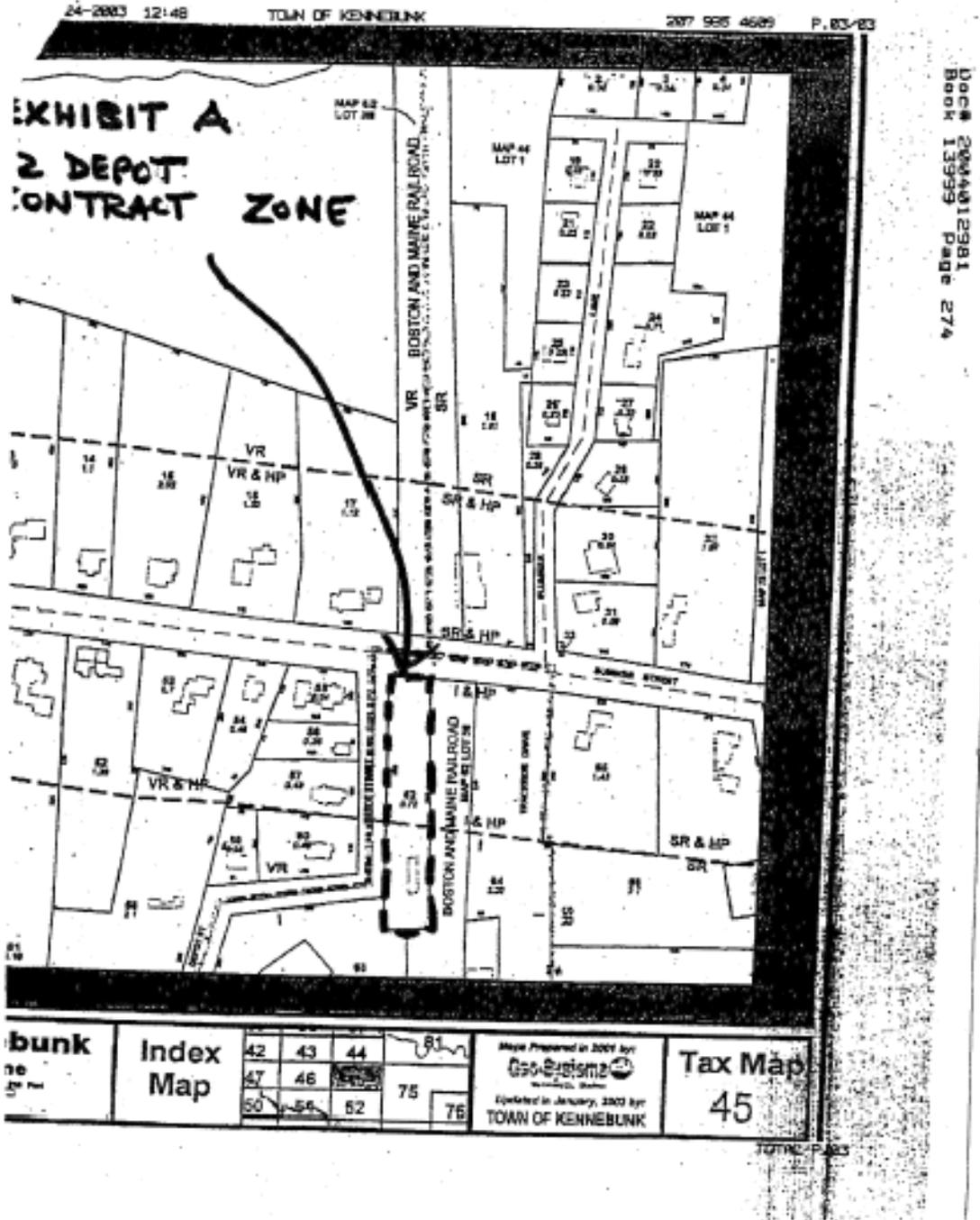
WHEREAS, the Planning Board and the Board of Selectmen have determined that the re-zoning will be pursuant and consistent with the Town's Comprehensive Plan.

WHEREAS, the re-zoning has been authorized at Town Meeting.

NOW THEREFORE, in consideration of the mutual promises made to each other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Ordinance and map to create and make reference to the 12 Depot Street Contract Zone as identified on Exhibit A.
2. Subject to final Site Review Board approval and after public hearing, RTA will be authorized to develop the Property with any of the uses set forth in the description of the zone attached hereto as ***Exhibit B*** and incorporated herewith.
3. In reviewing any redevelopment of the Property, the Site Review Board will apply the standards set forth in the Kennebunk Zoning Ordinance except as modified by the description of the 12 Depot Street Contract Zone attached hereto as Exhibit B and incorporated herewith.
4. The Property shall be redeveloped in a manner that retains and respects the historic quality of the building exterior with any change being compatible with the current architecture.
5. RTA shall record the Contract Zoning Amendment in the York County Registry of Deeds and shall submit proof of recording to the Town's Code Enforcement Officer and Planner before any site work is undertaken or any building permits are issued.
6. The provisions of this Contract Zoning Amendment shall be deemed restrictions on the use of the Property and shall be amended only upon further written agreement of the Town and RTA or its successors in interest to the Property.
7. The above restrictions, provisions and conditions are an essential part of the re-zoning, shall run with the Property and shall bind RTA, its successors in interest and any assigns of the Property or any party in possession or occupancy of the Property or any part thereof and shall inure to the benefit of and be enforceable by the Town.
8. If any of the restrictions, provisions, conditions or portions of this Agreement is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portions shall be deemed as separate, distinct and independent provisions and such determination shall not affect the validity of the remaining portions hereof.
9. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Kennebunk Zoning Ordinance.
10. In the event that RTA or its successors or assigns fail to develop or operate the project in accordance with this Agreement or in the event of any other breach of any conditions set forth in this Agreement, the Board of Selectmen of the Town shall have the authority, after written notice to RTA, and reasonable opportunity to cure, to terminate this Agreement or to recommend to the Town Meeting to re-zone the Property to Industrial or any successor zone. In the event of such a re-zoning, the Property shall then be used for only such uses or otherwise allowed by law. The Town shall also have the ability to enforce any breach

of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S.A. § 4452.



bunk 76 77	Index Map	42	43	44	81	Map Prepared in 2001 by Geo-Systems Geographic Systems Updated in January, 2003 by TOWN OF KENNEBUNK	Tax Map 45
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EXHIBIT B

12 DEPOT STREET CONTRACT ZONE

A. Purpose

The purpose of the 12 Depot Street Contract Zone is to allow the former depot building located at 12 Depot Street (Map 45, Lot 62) to be used for a limited number of industrial uses, commercial and residential uses as allowed under this Ordinance.

B. Permitted Uses

The following uses are permitted in the 12 Depot Street Contract Zone:

Horticulture; convalescent and rest homes; churches; community buildings; municipal uses; museums; public and private schools; business and professional offices; business services; commercial schools; eating places, provided no service is furnished directly to customers in their motor vehicles; funeral homes; health service facilities; theaters; Inns; personal services; rental of equipment; retail sales; studios of artisans; Veterinary clinics; warehouses; wholesale sales; outdoor recreation; marine sales and services; fully enclosed places of recreation; boat building; manufacturing; research and development; testing facilities; tradesmen's shops, provided there is no outdoor storage visible from the public road frontage; essential services; accessory buildings and uses; and home occupations. Single family dwellings and/or a two family dwelling within the existing structure. There shall be no outdoor display or storage of merchandise.

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:
 - 1-1 Public utilities

D. Prohibited Uses

- (1) Manufacturing and warehouse uses which are obnoxious, offensive, or detrimental to the abutters, the neighborhood, or the Town, by reason of special danger of fire or explosion, pollution of waterways, emission of corrosive, toxic, or disagreeable odors, offensive noises, or other objectionable characteristics such as, but not limited to, glare of light at night, heavy vibration, or noise.
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the 12 Depot Street Contract Zone:

Minimum net lot area	N/A								
Minimum net lot area per dwelling unit	N/A								
Minimum lot width	N/A								
Minimum setbacks for new structures or additions	15 feet from the Depot Street pavement, 50 feet from Summer Street and 15 feet for all other boundaries								
Shoreland area	Per paragraph F1) below and Article 8, Section 16								
Maximum height for new structures	35 feet								
Maximum lot coverage for new structures or additions	25 %								
Minimum width of green buffer strip (except surrounding existing depot building)	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Front yard</td> <td style="text-align: right;">10 feet</td> </tr> <tr> <td>Side yard</td> <td style="text-align: right;">10 feet</td> </tr> <tr> <td>Rear Yard</td> <td style="text-align: right;">10 feet</td> </tr> <tr> <td>Summer Street</td> <td style="text-align: right;">50 feet</td> </tr> </table>	Front yard	10 feet	Side yard	10 feet	Rear Yard	10 feet	Summer Street	50 feet
Front yard	10 feet								
Side yard	10 feet								
Rear Yard	10 feet								
Summer Street	50 feet								

(2) Performance Standards

Uses within the 12 Depot Street Contract Zone shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- | | | |
|-----|--------------------------|------------------------|
| (a) | Soils | Article 10, Section 2 |
| (b) | Private Outdoor lighting | Article 10, Section 6 |
| (c) | Signs | Article 10, Section 7 |
| (d) | Off-street parking | Article 10, Section 9 |
| (e) | Home occupations | Article 10, Section 14 |

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.

- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that Ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

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F. Overlay Districts

- (1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3, of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that Ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.

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REGISTER OF DEEDS

Debra L. Anderson

EXHIBIT A-1
(Tax Map 54)

EXHIBIT A-2
(CZ1 – Survey Conditions and Demolition Plan)

EXHIBIT A-3
(CZ2 – Site Plan)

EXHIBIT A-4
(CZ3 – Preliminary Grading, Drainage and Utility Plan)

EXHIBIT A
(Pg 1 of 4)

EXHIBIT A
(Pg 2 of 4)

EXHIBIT A
(Pg 3 of 4)

EXHIBIT A
(Pg 4 of 4)

EXHIBIT B
(Pg 1 of 4)
Terrace Green Contract Zone

EXHIBIT B
(Pg 2 of 4)

EXHIBIT B
(Pg 3 of 4)

EXHIBIT B
(Pg 4 of 4)

Section 24: Webber Hill Road Contract Zone

Section 25. Portland Road Mixed Use District (PRMU)

A. Purpose

The purpose of the Portland Road Mixed Use District is to provide areas which contain a mixture of small scale businesses, such as studios of artisans, professional offices and personal services, as well as residential uses. Respect for the exterior historic and architectural features of this entry to the downtown and historic district areas is considered a priority.

B. Permitted Uses

The following uses are permitted in the Portland Road Mixed Use 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 residential uses:
 - 3-1 Convalescent and rest homes
 - 3-2 Single family detached dwellings
 - 3-3 Multifamily dwellings on public water and public sewer
 - 3-4 Elderly congregate housing
 - 3-5 Two-family dwellings
 - 3-6 Accessory apartments
 - 3-7 Multifamily lots on public water and public sewer
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Libraries
 - 4-4 Municipal uses
 - 4-5 Museums
 - 4-6 Public and private schools
5. The following commercial uses:
 - 5-1 Business and professional offices
 - 5-2 Business services
 - 5-3 Commercial schools
 - 5-4 Day care centers
 - 5-5 Inns
 - 5-6 Personal services
 - 5-7 Studios of artisans
6. The following recreation and marine uses:
 - 6-1 Outdoor recreation

7. The following utility uses:
 8-1 Essential services

8. The following accessory uses:
 9-1 Accessory buildings and uses
 9-2 Home occupations
 9-3 Renting of rooms, not to exceed four rented rooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:
 1-1 Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Portland Road Mixed Use District:

Minimum net lot area	
Residential	10,000 sq. ft..
Nonresidential	10,000 sq. ft.
Inns	20,000 sq. ft.
Minimum net lot area per dwelling unit	
Single family detached dwellings and two-family dwellings	10,000 sq. ft., provided that accessory apartments shall not require an increase in the minimum net lot area.
Multifamily dwellings	10,000 sq. ft.
Multifamily Lots	10,000 sq. ft.
Elderly congregate	2,000 sq. ft.
Minimum net lot area per dwelling unit on a mixed use lot	
Mixed use with (a) one single family dwelling unit, (b) two-family dwellings or (c) multifamily dwellings	10,000 square feet per dwelling unit plus 20,000 square feet for commercial use

Minimum lot width	
Single family detached dwellings and two-family dwellings	50 feet
Other uses	75 feet
Shoreland area	Per Article 8, Section 16
Minimum setbacks	
Front yard	
Residential	20 feet
Multifamily Dwellings/ Inns	20 feet
Nonresidential Uses	25 feet
Side yards	
Residential	20 feet
Multifamily / Inns	20 feet
Nonresidential Uses	25 feet
Rear yard	
Residential	20 feet
Multifamily / Inns	20 feet
Nonresidential Uses	25 feet
Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent
Maximum building footprint	5,000 sq. ft.
Minimum width of green perimeter strip	10 feet to abutting residential uses or lots, and that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall shall not be used for parking
Minimum distance between principal buildings on same lot	30 feet

(2) Performance Standards

Uses within the Portland Road Mixed Use District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) To the greatest extent possible, the conceptual plan shall demonstrate that future lots created from the site and development on the site will share access to and minimize curb cuts along Route One, that provision has been made for convenient, direct connections between all lots or developments, and that provision has been made to avoid wetlands and other significant natural resources.
- (b) **Sight distance**
Commercial uses, including home occupations, may not block sidewalks or obstruct sight distances of entering or exiting traffic.
- (c) **Operating hours**
Business hours shall begin no earlier than 7 a.m. and end no later than 8 p.m. Lodging offices in Inns and the renting of rooms are excluded from this limitation.
- (d) **Mixed residential-and-commercial uses**
Mixed residential-and-commercial uses shall comply with the space and bulk standards of the Portland Road Mixed Use District. However, mixed uses are allowable on a lot that is legally nonconforming as to one or more space and bulk standards if (1) they are located wholly within a residential structure or a structure accessory thereto in existence as of the effective date of this ordinance, (2) the residential appearance of the structure is preserved without substantial alteration, and (3) the nonconforming aspect of the lot is not worsened.
- (e) Off-street parking shall conform to the performance standards in Article 10, Section 9. In addition, parking shall be arranged so it is not necessary for vehicles to back into the street. New parking lots shall not be created between Portland Road and the principal structure on the lot bordering Portland Road
- (f) **Soils** Article 10, Section 2
- (g) **Private outdoor lighting** Article 10, Section 6
- (h) **Signs** Article 10, Section 7
- (i) **Multifamily dwellings** Article 10, Section 10
- (j) **Elderly congregate housing** Article 10, Section 11
- (k) **Home occupations** Article 10, Section 14
- (l) **Accessory apartments** Article 10, Section 15
- (m) **Inns** Article 10, Section 17

F. Overlay Districts

- (1) Any lot or use within the Shoreland Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing.