

Section 11. Lower Village Business District (LVB)

A. Purpose

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

B. Permitted Uses

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

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

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

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

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

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| 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.

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| (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