

TOWN OF KENNEBUNK ZONING ORDINANCE

Adopted: November 2, 1993

Amended: June 15, 1994

Amended: December 14, 1994

Amended: June 14, 1995

Amended: June 12, 1996

Amended: September 4, 1996

Amended: November 20, 1996

Amended: October 21, 1997

Amended: June 10, 1998

Amended: June 9, 1999

Amended: February 29, 2000

Amended: November 14, 2001

(Effective date: 6/26/2001)

Amended: June 13, 2002

Amended: June 11, 2003

Amended: February 12, 2004

Amended: June 9, 2004

Amended: January 18, 2005

Amended: June 15 – 16, 2005

Amended: November 15, 2005

Amended: June 14, 2006

Amended: November 7, 2006

Amended: November 16, 2006

Amended: June 13, 2007

Amended: February 21, 2008

Amended: June 11, 2008

Amended: January 31, 2009

Amended: June 10, 2009

Amended: November 3, 2009

Amended: June 8, 2010

Amended: June 14, 2011

Amended: November 8, 2011

Amended: June 12, 2012

Amended: November 6, 2012

Amended: June 11, 2013

Amended November 5, 2013

Amended June 10, 2014

Amended November 4, 2014

Amended June 9, 2015

Amended November 3, 2015

Amended November 8, 2016

Amended June 12, 2018

Amended November 6, 2018

Amended June 11, 2019

Amended July 14, 2020

Amended November 2, 2021

Amended March 29, 2022

Amended June 14, 2022

Amended November 8, 2022

Amended June 13, 2023

**Synopsis of Kennebunk Zoning Ordinance
Amendments since November 2, 1993**

- I. June 15, 1994:
Amendments to Articles 2, 3, 4, 5, 6, 7, 8, and 10 concerning Shoreland Zoning and Resource Protection Zoning.
- II. December 14, 1994:
 - A. Amendments to Article 8, regarding dimensional setbacks in the Village Residential and West Kennebunk Village Districts.
 - B. Amendments to Articles 5, 8, and 10 regarding Shoreland Zoning.
- III. June 14, 1995:
Amendments to Articles 2, 8 and 10 regarding Multifamily Lots
- IV. June 12, 1996:
 - A. Amendments to Article 11, regarding Site Plan Submission Dates
 - B. Amendments to Article 12, regarding the qualifications of Historic Commission Members
- V. September 4, 1996:
Amendments to Article 10, Section 7 regarding “Off-premise” Signs
- VI. November 20, 1996:
Amendment to Article 10, Section 11 regarding Elderly Congregate Housing variance provision
- VII. October 21, 1997
Amendment to Articles 2, 7, 8, 11, and 13 regarding Telecommunications Facilities
- VIII. June 10, 1998
 - A. Amendments to Articles 2, 8, and 11 regarding implementation of recommendations of the Portland Road Traffic Management Study. [Effective Date 2/23/98]
 - B. Amendments to Articles 2, 4, 6, 7, 8, 9, 10, and 11 and including the addition of standards for outdoor lighting and day care centers.
- IX. June 9, 1999
Amendment to Article 10, Section 7.E.(3)(h)((1)) regarding sign standards
- X. February 29, 2000
 - A. Amendments to Articles 3, 8, 9, and 10 regarding the creation of a new category of Village Residential Zoning to be called West Kennebunk Village Residential [Effective Date: 11/23/99]
 - B. Amendments to Articles 10 and 11 regarding Outdoor Lighting Standards
- XI. November 14, 2001
Amendment to Article 8, Section 7.E. & Section 12.E. regarding Net Lot Area
- XII. June 13, 2002
 - A. Amendment to Articles 4 regarding the Adoption of a new Building Code
 - B. Amendment to Article 11 regarding Notice to Abutters
- XIII. June 11, 2003

- Amendment to Article 10, Section 9.B (2) regarding off-site parking standards
- XIV. February 12, 2004
- A. 39 Portland Road Contract Zone (Article 8, Section 18)
 - B. 12 Depot Street Contract Zone (Article 8, Section 19)
- XV. June 9, 2004
- Amendments to Article 10, Section(s) 7.C.(3)(C) and 7.D.(17) regarding signage
- XVI. January 18, 2005
- A. Amendments to Article 4, Section(s) 1.(F) and 1.(4). regarding blasting operations
 - B. One Alfred Road Contract Zone (Article 8, Section 20)
- XVII. June 15 -16, 2005
- 119 Main Street Contract Zone (Article 8, Section 21)
- XVIII. November 15, 2005
- A. Amendments to Article 2, Section 2. regarding definitions of Affordable Housing and Accessory Apartment
 - B. Amendment to Article 10, Section 12. regarding the Affordable Housing Applicability section
- XIX. June 14, 2006
- A. Amendment to Article 10, Section 15 regarding Accessory Apartments
 - B. Amendment to add new Article 14 Impact Fees
 - C. Amendment to Article 14, Section 4 and Section 10 to add Bicycle Facility Improvements Impact Fee
- XX. November 7, 2006
- Amendment to Article 14, Section 4 and Section 9 to add West Kennebunk Fire Station Impact Fee
- XXI. November 16, 2006
- Amendment to Article 8, Section 22 to add Cousens School Contract Zone
- XXII. June 13, 2007
- A. Amendment to Article 6, Section 2.(B)(3) regarding a change to disability variance provision.
 - B. Amendment to Article 6, Section 2.(C)(3) regarding variance notice requirements to the Department of Environmental Protection by the Zoning Board of Appeals
 - C. Amendment to Article 8, Section 13 and Article 10, Section 12.A regarding permitted uses in the Suburban Commercial District
 - D. Amendment to Article 10, Section 9.(C)(1) regarding off-street parking standards along private streets
 - E. Amendment to Article 10, Section 12 regarding use of Affordable Housing Density Bonus provision for “non-subdivision” development
 - F. Amendment to Article 11, Section 5 regarding the filing of site plans with Public Utility Agencies
 - G. Amendment to Article 13, Section 1.B. and Section 1.C. regarding zoning amendment notice requirements
- XXIII. February 21, 2008
- A. Amendment to Article 6, Section 3.F regarding Zoning Board of Appeal approval

standards.

- B. Amendment to Article 10, Section 7.(D)(7) regarding off-premise real estate signs.
- C. Amendment to Article 8, to add new Section 23 – Terrace Green Contract Zone

XXIV. June 11, 2008

- A. Amendments to Articles 2, 8 and 11 regarding implementation of the March 2008 Portland Road Traffic Management Update Study requirements.
- B. Amendment to Article 11 establishing procedures for Staff Review of Minor Plan Applications.
- C. Amendment to Article 10, Section 9 regarding off-street parking requirements

XXV. January 31, 2009

Amendment to Article 10, Section 3.E. regarding Piers, Docks, Wharves, Breakwaters, Causeway, Marinas, Bridges, and Uses extending over or below the normal high water line of a body of water or within a wetland

XXVI. June 10, 2009

- A. Amendments to Shoreland Zoning Map and to Articles 2, 3, 5, 7, 8 & 10 regarding update of Shoreland Zoning Regulations
- B. Amendment to Article 8, Section 12, to amend list of permitted uses in the West Kennebunk Village Mixed Use District
- C. Amendment to Article 10, Section 9, authorizing waiver of parking standard for retail/restaurants in Lower Village Business (LVB) District
- D. Amendment to Articles 2 & 10 regarding the placement of Small Wind Energy Systems (SWES)
- E. Amendment to Article 2, “Accessory Use” definition to permit parking lots as the sole use of a lot
- F. Amendment to Articles 2 & 11 regarding the Open Space Plan Implementation requirements for Site Plan Review

XXVII. November 3, 2009

Amendment to Article 8 to add new Section 24: Webber Hill Road Contract Zone

XXVIII. June 8, 2010

Amendment to Article 2 to change definition of Net Development Area (or Net Lot Area)

XXIX. June 14, 2011

- A. Amendment to Articles 2, 8 and 10 to address MDEP Shoreland Zoning conditions (dated 12/03/09)
- B. Amendment to Article 10, Section 9, to extend timeframe of Subsection C.(3) regarding parking space reductions applicable to Lower Village Business District until June 30, 2012
- C. Amendment to Article 8, Section 15.B, to add limited retail sales to list of permitted uses in Industrial District
- D. Amendment to Article 8, Section 2, to add some business uses to portion of Branch Brook Aquifer Zone B named B-BPA. Also includes zoning map amendment.
- E. Amendment to article 10, Section 7, regarding off-premise signs
- F. Amendment to Article 7, Section 4, and Article 10, Section 22, regarding Telecommunications Facilities
- G. Amendment to Article 2, Section 2, regarding Elderly Congregate definition
- H. Amendment to Article 3, Section 1, and Article 8, Section 25, to add new Portland Road Mixed Use Zoning District (PRMU) and associated map amendment
- I. Amendment to Article 11, Site Plan Review, regarding hearings, staff review of off street parking plans and updates to performance guarantee requirements

- XXX. November 8, 2011
- A. Amendment to Article 8, Section 7, to make WKVR standards the same as VR zoning
 - B. Amendment to Zoning Map to expand the boundary of West Kennebunk Village Residential Zoning District
 - C. Amendment to Article 9 Open Space Standards and Article 2 Definitions to add density bonus provision and to permit Open Space Subdivisions in WKVR and WKV Zoning Districts
- XXXI. June 12, 2012
- Amendment to Article 7, Special Exceptions, Section 2, regarding Special Exception Application Procedures
- XXXII. November 12, 2012
- A. Amendments to Article 2, Section 2, to clarify definitions of Abutting Property and Half-Story
 - B. Amendments to Article 4, Section 1, regarding enforcement of Building and Energy Codes and Certificates of Appropriateness
 - C. Amendment to Article 5 for clarification of review authority for non-conforming use
 - D. Amendment to Article 10, Section 7 regarding Signs
 - E. Amendment to Article 12, Sections 2, 3 & 4 regarding Historic Preservation Committee review standards
 - F. Zoning Map amendment regarding Tax Map 35/Lot 2 to extend Village Residential Zone along Portland Road
- XXXIII. June 11, 2013
- A. Amendment to Article 2, Definitions to add Aquaculture
 - B. Amendment to Article 8, Section 15, regarding lot coverage; add Agriculture and Horticulture to Industrial Zone; remove sunset provision regarding retail sales.
 - C. Amendment to Article 10, Section 7, to incorporate new banner ordinance into sign standards.
- XXXIV. November 5, 2013
- A. Amendment to Article 10, Section 17 , regarding cooking facilities in hotels, motels and inns
 - B. Amendment to Article 10, Section 23, adding new performance standard call Design Review for all new development in commercial zones along Portland Road and York Streets; and Article 8, Sections 8, 11 & 13 to amend related permit uses.
- XXXV. June 10, 2014
- A. Amendment to Article 8 to add new Section 26, Western Avenue Contract Zone
 - B. Amendment to Article 10, Section 9, Off-Street Parking
- XXXVI. November 4, 2014
- Amendment to Article 8, Section 15, Industrial District
- XXXVII. June 9, 2015
- Amendment to Article 13, Section 1.D.(11)
- XXXVIII. November 3, 2015
- Amendment to Article 10, Section 7, regarding Off-Premise Signs
- XXXIX. June 14, 2016
- Amendment to Article 8, Section 6, regarding rental of rooms
- XXXIX. November 8, 2016

- A. Amendment to Article 8, Sections, 3, 4 & 7 regarding rental of rooms
 - B. Amendment to Article 10, Sections 9 & 17 regarding standards for lodging uses
 - C. Amendment to Article 10, Section 18, regarding number of horses that may be kept
- XL 2017 – No Amendments
- XLI June 12, 2018
Amendment to Article 2 Section 2 and Article 10 Section 24 Regarding Retail Marijuana
- XLII November 6, 2018
Amendment to Article 10, Section 3 regarding VE Zones
- XLIII June 11, 2019
- A. Amendment to Article 8, Section 10.E.(1) regarding net lot area where sewer is/not located, commercial specific space & bulk requirements for mixed use
 - B. Amendment to Article 10, Section 10.D.3 regarding option to reduce landscape buffer on multifamily development
- XLIV July 14, 2020
Amendments to Article 2 Section 2, Article 8 Section 14(B)(5) and Article 10 Section 24 allow adult use marijuana testing facilities in the Business Park District and to change the term “Retail Marijuana” to “Adult-Use Marijuana” to be consistent with Title 28-B of the Maine Revised Statutes
- XLV November 2, 2021
Adopt changes to the Zoning Map through Article 3 Section 2 to change the zoning classification of property identified as Tax Map 46, Lot 40 and a portion of Tax Map 46 Lot 42 from Village Residential to Upper Square District.
- XLVI March 29, 2022
- A. Amendment to Article 8 Section 10 York Street Mixed Residential and Commercial Use (MRCU) District to change lot width for multi-family dwelling/lots from 200 to 100 feet
 - B. Amendment to Article 8 to add new Section 27, Homes for Our Troops, Inc. Contract Zone
- XLVII June 14, 2022
- A. Amendment through Article 3, Section 2 of the Ordinance, to change the zoning classification of property identified as Tax Map 43, Lot 65 from Village Residential District to Portland Road Mixed Use District
 - B. Amendment to adopt Article 15, Wetland Mitigation
 - C. Amendment to Article 8 to add new Section 28, Kyick Holdings, LLC, 2-4 Harbor Lane
- XLVII November 8, 2022
Amendment to Article 2, Wetland Definitions
- XLVIII June 13, 2023
Amendments to Article 2, Definitions, Article 8 Districts (All Districts Except, Suburban Commercial, Business Park, Industrial, Shoreland Overlay, Historic Perseveration, and Contract Zones), Article 9 Open Space, and Article 10 Sections: 8 Water & Wastewater, 9 Parking, 12 Affordable Housing, and 15 Accessory Dwelling Units. (LD2003)

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