

**TITLE 16
HOUSEKEEPING AMENDMENTS**

1. Amend § 16.1.8 – C. Nonconformance as follows:

1 (6) Nonconforming lots.

2 **(a)** Nonconforming lots of record.

3 **[1]** Nonconforming lots. In any district, notwithstanding limitations
4 imposed by other sections of this title, single noncontiguous lots legally
5 created when recorded may be built upon consistent with the uses in
6 the particular zone. These provisions apply even though such lots fail to
7 meet the minimum requirements for area or width, or both, which are
8 applicable in the zone, provided that yard dimensions and other
9 requirements, not involving area or width, or both, of the lot conform to
10 the regulation for the zone in which such lot is located. Relaxation of
11 yard and other requirements not involving area or width may be
12 obtained only through miscellaneous variation request to the Board of
13 Appeals.

14 **[2] Residential zones exception: in Residential zoning districts and**
15 **outside of Shoreland overlay zones, lots that do not conform with the**
16 **applicable minimum lot area or minimum net residential acreage**
17 **required to construct a single-family dwelling are exempt from those**
18 **standards and may construct a single-family dwelling, provided the lot**
19 **was conforming prior to October 25, 2012.**

20 **2. Amend 16.3 Definitions as follows:**

21 §16.3.1 Purpose.

22 Except where specifically defined in this chapter, all words used in this
23 title carry their customary dictionary meanings. Words used in the
24 present tense include the future, and the plural includes the singular;
25 the word "lot" includes the word "plot"; the word "building" includes the
26 word "structure"; the words "shall" or "must" are always mandatory;
27 "occupied" or "used" are considered as though followed by the words
28 "or intended, arranged or designed to be used or occupied"; and
29 gender-specific words include the equivalent **of all sexes and genders.**

30 §16.3.2 Definitions

31 **COTTAGE CLUSTER**

32 A **group of** dwelling units that shares a common lot as well as common
33 open space and may share a parking area and/or accessory structures.

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3. Amend § 16.4.10 Residential — Rural (R-RL) zoning as follows:

D. Standards

(2) Dimensional standards:

- (a) Minimum net residential acreage per dwelling unit: 40,000 square feet.

4. Amend § 16.4.11 Residential — Suburban (R-RS) zoning as follows:

B. Permitted uses. The following uses are permitted in the R-S Zone:

- (1) Accessory dwelling unit.
- (2) Conservation Subdivision.
- (3) Dwelling, multifamily (not more than four units per building)
- (4) Dwelling, single-family.
- (5) Dwelling, multifamily 2-4 Limited

D. Standards. The following standards must be met unless modified per §16.8.10, Conservation Subdivision:

- (1) Design and performance standards. The design and performance standards of Chapters **16.5**, **16.7** and **16.8** must be met. The Design Handbook provides examples of appropriate design for nonresidential and multiunit residential projects.
- (2) Dimensional standards.
 - (a) Unit density:
 - [1] For developments served by public water and sewer facilities: Minimum lot area per dwelling unit: 30,000 square feet unless reduced in accordance with Note A
 - [2] For developments served by public water and sewer facilities when more than 50% of the dwelling units proposed will be affordable as defined by this code: Minimum lot area: 12,000 square feet
 - [3] For developments that are not served by public water and sewer facilities: Minimum net residential acreage per dwelling unit: 40,000 square feet
 - [4] For developments that are not served by public water and sewer facilities when more than 50% of the dwelling units proposed will be affordable as defined by this code: Minimum net residential acreage per dwelling unit: 16,000 square feet. On-site septic facilities must be designed and installed in accordance with Maine DEP requirements.

71 **5. Amend § 16.4.12 Residential — Kittery Point Village (R-KPV) zoning as**
72 **follows:**

73 B. Permitted uses. The following uses are permitted in the R-KPV Zone:

- 74 (1) Accessory dwelling units.
- 75 (2) Conservation subdivision.
- 76 (3) Dwelling, multifamily (not more than four units per building).
- 77 (4) Dwelling, single-family.
- 78 (5) Dwelling, multifamily 2-4 Limited

79 D. Standards. The following standards must be met unless modified per
80 § **16.8.10**, Conservation subdivision.

- 81 (1) Design and performance standards in Chapters **16.5**, **16.7** and **16.8**.
82 The Design Handbook provides examples of appropriate design for
83 nonresidential and multiunit residential projects.
- 84 (2) Dimensional standards.
 - 85 (a) Minimum net residential acreage per dwelling unit: 40,000
86 square feet except to exempt properties which are unable to
87 meet the square feet required for a single-family dwelling unit,
88 provided the lot was conforming prior to October 25, 2012). See
89 Chapters 16.1.8.C for noncomformance.
 - 90 (b) Minimum lot size: 40,000 square feet.
 - 91 (c) Minimum street frontage: 150 feet unless reduced in
92 accordance with Note A.
 - 93 (d) Minimum front yard: 40 feet.
 - 94 (e) Maximum building coverage: 20%.
 - 95 (f) Minimum rear and side yards: 15 feet. (Note: Buildings higher
96 than 40 actual feet must have side and rear yards not less than
97 50% of the building height.)
 - 98 (g) Maximum building height: 35 feet. (Note: Minimum distance
99 between principal buildings on the same lot is the height
100 equivalent to the taller building.)
 - 101 (h) Minimum water body setback for functionally water-
102 dependent uses: zero feet.
 - 103 (i) Minimum setback from streams, water bodies and wetlands: in
104 accordance with Table 16.5.30, § **16.4.28** and Appendix A, Fee
105 Schedules. Subdivision types and standards.

106 **Subdivisions in KPV zone:**

- 107 (a) In a conservation subdivision, the above standards may be
108 modified in accordance with special provisions of Chapter 16.10,
109 including that there is no minimum lot size, and with the
110 conditions that:

111 [1] Minimum principal building separation as required by the
112 Fire Chief, but not less than 15 feet.

113 (b) Subdivision development (per special exception uses, § 16.4.12C).
114 In a subdivision development, standards in § 16.4.12D(1) and (2)
115 apply and include:

116 [1] Minimum percentage of common open space: 15%

117 **Amend § 16.4.13 Residential — Urban (R-U) zoning as follows:**

118 D. Standards. The following standards must be met unless modified per
119 §16.8.10 Conservation Subdivision:

120 (1) The design and performance standards in Chapters **16.5, 16.7** and
121 **16.8.**

122 (2) Dimensional standards:

123 (a)

124 Unit density:

125 [1] For developments served by public water and sewer
126 facilities: Minimum lot area per dwelling unit: 20,000 square
127 feet unless reduced

128 [2] For developments served by public water and sewer
129 facilities when more than 50% of the dwelling units
130 proposed will be affordable as defined by this code:
131 Minimum lot area: 8,000 square feet

132 [3] For developments that are not served by public water and
133 sewer facilities: Minimum net residential acreage per
134 dwelling unit: 20,000 square feet

135 [4] For developments that are not served by public water and
136 sewer facilities when more than 50% of the dwelling units
137 proposed will be affordable as defined by this code:
138 Minimum net residential acreage per dwelling unit: 20,000
139 square feet

140 (b) Minimum lot size: 20,000 square feet.

141 (c) Minimum street frontage: 100 feet.

142 (d) Minimum front yard, all buildings: 30 feet.

143 (e) Minimum rear and side yards, all buildings: 15 feet.

144 (Note: Buildings higher than 40 actual feet must have side
145 and rear yards not less than 50% of building height.)

146 (f) Maximum building height: 35 feet.

147 (Note: Minimum distance between principal buildings on the
148 same lot is the height equivalent to the taller building.)

149 (g) Maximum building coverage: 20%.

150 (h) Minimum water body setback for functionally water-

- 151 dependent uses: zero feet.
- 152 (i) Minimum setback from streams, water bodies and wetlands:
- 153 in accordance with Table 16.5.30 § **16.4.28** and Appendix A,
- 154 Fee Schedules.
- 155 (3) Subdivision types and standards.
- 156 (a) Conservation Subdivision. In a subdivision, the above
- 157 standards may be modified in accordance with special
- 158 provisions of §**16.8.10**, including that there is no minimum lot
- 159 size, and with the conditions that:
- 160 [1] Minimum principal building separation as required by
- 161 the Fire Chief, but not less than 15 feet.
- 162 (b) Subdivision development (special exception uses, §**16.4.13C**).
- 163 In a subdivision development, standards in §**16.4.13D(1)** and
- 164 **(2)** apply and include:
- 165 [1] Minimum percentage of common open space: 15%.
- 166 (4) Age-restricted housing. In the case of age-restricted housing, the
- 167 above standards may be modified in accordance with the special
- 168 provisions of §**16.5.15** and with the condition that:
- 169 (a) Public sewerage and water must be provided.
- 170 (b) A minimum lot area of three acres must be provided.
- 171 (c) The maximum density may not exceed four dwelling units
- 172 per lot area. In no event may the Planning Board authorize a
- 173 departure which increases the total number of dwelling units
- 174 greater than that specified under the applicable zoning
- 175 ordinance.
- 176 (d) A single-bedroom unit may not be less than 550 square feet
- 177 and a two-bedroom unit not less than 650 square feet.

178 **6. Amend § 16.4.14 Residential — Village (R-V) zoning as follows:**

- 179 D. Standards. All development and the use of land in the R-V Zone must
- 180 meet the following standards. In addition, the design and
- 181 performance standards of Chapters **16.5**, **16.7** and **16.8** must be met.
- 182 The Design Handbook provides examples of appropriate design for
- 183 nonresidential and multiunit residential projects.
- 184 (1) The following space standards apply:
- 185 (a) Minimum net residential acreage per dwelling unit: 4,000
- 186 square feet.

187 **7. Amend §16.4.15 Residential — Rural Conservation (R-RC) zoning as**
 188 **follows:**

- 189 D. Standards. The following standards must be met unless modified per
190 §16.8.10, Conservation Subdivision:
191 (1) The design and performance standards of Chapters 16.5, 16.7 and
192 16.8 must be met.
193 (2) The following dimensional standards apply:
194 (a) Minimum net residential acreage per dwelling unit: 80,000
195 square feet.

196 **8. Amend §16.4.17 Business — Local (B-L) zoning as follows:**
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198 D. Standards. All development and the use of land in the B-L Zone must
199 meet the following standards. Kittery's Design Handbook illustrates how
200 these standards can be met. In addition, the design and performance
201 standards of Chapters 16.5, 16.7 and 16.8 must be met. [Amended 9-12-2022]

- 202 (1)
203 If served by on-site sewage disposal: minimum net residential acreage
204 per dwelling unit: 20,000 square feet;
205 (2) If served by the public sewerage system and:
206 [a] When no frontage on State Road or Route 1 Bypass exists:
207 minimum lot area per dwelling unit: 3,000 square feet;
208 [b] When less than five dwelling units are proposed at minimum,
209 one nonresidential use must be located on the first floor facing
210 State Road or Route 1 Bypass such that the use will be visible
211 from the street: minimum lot area per dwelling unit: 3,000 square
212 feet. Such a nonresidential use or uses need not occupy the
213 entire first floor but must be an independent nonresidential use,
214 e.g., not a home office marketed with a dwelling unit as a
215 work/live unit;
216 [c] When five or more dwelling units are proposed at minimum, one
217 nonresidential use must be located on the first floor facing State
218 Road or Route 1 Bypass such that the use will be visible from the
219 street: minimum lot area per dwelling unit: 2,500 square feet.
220 Such a nonresidential use or uses need not occupy the entire first
221 floor but must be an independent nonresidential use, e.g., not a
222 home office marketed with a dwelling unit as a work/live unit; or
223 [d] 25% or more of the dwelling units will be affordable housing
224 units as defined by this code: minimum lot area per dwelling unit:
225 1,000 square feet.

226 Note: Except as otherwise required by the buffer provisions of this title.

227 **10. Amend §16.4.18 Business — Local 1 (B-L1) zoning as follows:**

228 D. Standards. All development and the use of land in the B-L1 Zone must
229 meet the following standards. Kittery's Design Handbook illustrates

230 how these standards can be met. In addition, the design and
231 performance standards of Chapter **16.5** must be met.

232 (1) The following space and dimensional standards apply:

233 (a) Minimum lot area per dwelling unit:

234 [1] When no frontage on State Road or Shapleigh Road: 2,500
235 square feet.

236 [2] When less than five dwelling units are proposed with, at
237 minimum, one nonresidential use must be located on the
238 first floor facing State Road or Shapleigh Road such that
239 the use will be visible from the street: 2,500 square feet.
240 Such a nonresidential use or uses need not occupy the
241 entire first floor but must be an independent nonresidential
242 use, e.g., not a home office marketed with a dwelling unit as
243 a work/live unit.

244 [3] When five or more dwelling units are proposed with, at
245 minimum, one nonresidential use must be located on the
246 first floor facing State Road or Shapleigh Road such that
247 the use will be visible from the street: 2,000 square feet.
248 Such a nonresidential use or uses need not occupy the
249 entire first floor but must be an independent nonresidential
250 use, e.g., not a home office marketed with a dwelling unit as
251 a work/live unit.

252 [4] When 25% or more of the dwelling units will be affordable
253 housing units as defined by this code, the minimum lot
254 area per dwelling unit is 1,500 square feet.

255 [5] When 50% or more of the dwelling units will be affordable
256 housing units as defined by this code, the minimum lot
257 area per dwelling unit is 1,000 square feet.

258 **11. Amend §16.4.19 Commercial 1, Route 1 Commercial Zone (C-1) as follows:**

259 E.Standards.

260 (1) C Zone standards. All development and the use of land in the C Zone
261 must meet the following standards. Kittery's Design Handbook
262 illustrates how these standards can be met. In addition, the design and
263 performance standards of Chapters **16.5**, **16.7** and **16.8** must be met
264 unless noted otherwise below.

265 (2) The following space standards apply in the C-1 Zones:

266 (a) Minimum lot size or density:

C-1 Zone

Cottage cluster	16 units per acre unless 25% of
Dwelling, attached single-family	units are affordable housing units
Dwelling, multifamily	as defined by this Code, in which
Dwelling, two-family	case 20 units per acres allowed*
Dwelling units as part of a	40 units per acre when over 50% of
mixed-use building	the units are affordable housing
	units as defined by this Code*.
All other uses	40,000 square feet

NOTES:

* These uses are exempt from net residential acreage calculations but are subject to minimum lot area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

267 **12. Amend §16.4.21 Commercial 3, Bypass/ Old Post Road Commercial Zone**
268 **(C-3) as follows:**

269 E.Standards.

270 (1) C Zone standards. All development and the use of land in the C Zone
271 must meet the following standards. Kittery's Design Handbook
272 illustrates how these standards can be met. In addition, the design and
273 performance standards of Chapters 16.5, 16.7 and 16.8 must be met
274 unless noted otherwise below.

275 (2) The following space standards apply in the C-3 Zones:

276 (a) Minimum lot size or density:

C-1 and C-3 Zone

Cottage cluster	16 units per acre unless 25% of
Dwelling, attached single-family	units are affordable housing units
Dwelling, multifamily	as defined by this Code, in which
Dwelling, two-family	case 20 units per acres allowed*
Dwelling units as part of a	40 units per acre when over 50% of
mixed-use building	the units are affordable housing
	units as defined by this Code*.
All other uses	40,000 square feet

NOTES:

C-1 and C-3 Zone

* These uses are exempt from net residential acreage calculations but are subject to minimum lot area per dwelling unit requirement as described in §16.5.18D, Exemptions to net residential acreage calculations.

277 13. Amend §16.4.23 Mixed Use Zone (MU) as follows:

278 D. Standards.

- 279 (1) All development and the use of land in the MU Zone must meet the
280 following standards. Kittery's Design Handbook illustrates how
281 these standards can be met. In addition, the design and
282 performance standards of Chapters 16.5, 16.7 and 16.8 must be met.
- 283 (2) Minimum dimensional standards. The following apply:
- 284 (a) Minimum lot size:
- 285 [1] Lots with frontage on Route 1: 200,000 square feet.
286 [2] Lots without frontage on Route 1: 80,000 square feet.
- 287 (b) Minimum street frontage on road with access along U.S. Route
288 1, Haley Road, Lewis Road, or Cutts Road: 250 feet.
- 289 [1] Other streets or approved ways: 150 feet.
- 290 (c) Minimum front yard: 30 feet.
- 291 (d) Minimum rear and side yards: 30 feet.
- 292 (e) Maximum building height: 40 feet.
- 293 (f) Maximum height above grade of building-mounted signs: 40
294 feet.
- 295 (g) Minimum setback from water body and wetland water-
296 dependent uses: zero feet.
- 297 (h) Minimum setback from streams, water bodies and wetlands: in
298 accordance with Table 16.5.30, § 16.4.28 and Appendix A, Fee
299 Schedules.
- 300 (i) Minimum lot area per unit for elder care facilities that are
301 connected to the public sewerage system:
- 302 [1] Dwelling unit with two or more bedrooms: 5,000 square
303 feet.
- 304 [2] Dwelling unit with less than two bedrooms: 4,000 square
305 feet.
- 306 [3] Residential care unit: 2,500 square feet.
- 307 (j) Minimum lot area per bed for nursing care and convalescent
308 care facilities that are connected to the public sewerage
309 system: 2,000 square feet.

- 310 (k) Buffer to I-95 right-of-way: 40 feet.
- 311 (l) Buffer to neighboring lot with an existing residence within 100
- 312 feet of the lot line: 40 feet.
- 313 (m) Vegetated buffer to be maintained between the MU and R-RL
- 314 Zones: 40 feet.

315
316 Note 1: For single-family dwellings, and vacant lots of record, one
317 dwelling unit is allowed for each 200,000 square feet of lot area. A lot
318 of record having a lot area of more than 200,000 square feet that
319 was improved with a single-family dwelling as of April 1, 2004, may
320 be divided into two lots provided that each of the lots contains at
321 least 40,000 square feet of lot area and meets the other dimensional
322 standards of the zone. Section **16.4.10D(1)** and **(2)** as set forth in the
323 Residential - Rural Zone apply and no further subdivision is allowed.

324 Note 2: For dwelling units that are part of a mixed-use building or a
325 multifamily building and are connected to the public sewerage
326 system, one dwelling unit is allowed for each 10,000 square feet of
327 lot area. Where over 50% of such dwelling units described above will
328 be affordable as defined by this code: 4,000 square feet of lot area.
329 [NOTE: multifamily dwellings are not allowed in either Resource
330 Protection or Shoreland Overlay Zones] If the parking for the
331 residential units is encompassed within the building, the minimum
332 required buildable lot area per dwelling unit is reduced to 7,500
333 square feet. Where over 50% of the dwelling units will be affordable
334 as defined by this code and parking is encompassed within the
335 building: 3,000 square feet of buildable lot area. In addition, for those
336 developments where more than 50% of the dwelling units will be
337 affordable, parking requirements are reduced to two parking spaces
338 per three dwelling units.

339 **14. Amend §16.4.24 Mixed-Use — Badger Island (MU-BI) as follows:**

- 340 D. Standards.
- 341 (1) The following space standards apply:
- 342 (a) Minimum lot area per dwelling unit: 3,000 square feet.
- 343 [1] If more than 50% of the dwelling units will be affordable
- 344 housing units as defined by this code: 1,200 square feet.
- 345
- 346 (4) Special parking standards.
- 347 (e) Parking demand management (PDM) strategies.
- 348 [1] Parking demand strategies are measures geared toward
- 349 affecting the demand side of the parking equation rather

350 than the supply side. They attempt to change people's
351 behavior away from traveling to work as a single occupant
352 in an automobile to be parked near the work site. To be
353 successful, they must rely on incentives or disincentives to
354 make these shifts in behavior attractive to the traveler.

355 [2] A portion of required off-street parking may be satisfied by an
356 owner incorporating PDM strategies to effectively reduce
357 demand for parking stalls as determined by the Planning
358 Board. In making this determination the Planning Board,
359 under development plan review, must consider the
360 following factors:

361 [a] The written commitment of the employer to maintain
362 and enforce parking policies to reduce demand for
363 parking stalls;

364 [b] The likelihood that specific incentives and policies
365 adopted by the applicant will reduce parking demand on
366 a regular basis throughout the year;

367 [c] Written commitments by employees to participate in
368 PDM strategies; and

369 [d] The results of any studies demonstrating the
370 effectiveness of strategies adopted by the applicant to
371 reduce parking demand.

372 (3) PDM strategies include, but are not limited to, the following:

373 [a] Increase the number of persons per parked vehicle. Potential
374 incentives:

375 [i] Preferential parking locations for car pools and van
376 pools;

377 [ii] Guaranteed ride home programs/taxi subsidies;

378 [iii] Employer provision of vans for van pools; and

379 [iv] Financial incentives to participants in car pools and
380 van pools.

381 [b] Increase the number of persons using an alternative
382 mode of travel to the automobile, such as walking,
383 bicycling, motorcycle, moped, bus and shuttle service.
384 Potential incentives:

385 [i] Preferential parking locations for alternative modes of
386 travel;

387 [ii] Provision of changing rooms, lockers and showers;

- 388 [iii] Early work release for employees using alternative
- 389 modes of travel;
- 390 [iv] Financial subsidies toward the purchase of alternative
- 391 modes of travel to be used for commuting;
- 392 [v] Guaranteed ride home programs in inclement weather;
- 393 [vi] Preferential work station locations; and
- 394 [vii] Free use of a business vehicle for errands, lunch and
- 395 off-site appointments.
- 396 [c] Influencing the time of, or need to, travel to work. Potential
- 397 incentives:
- 398 [i] Reward employees who telecommute from their home
- 399 or other remote location;
- 400 [ii] Offer an optional four-day, forty-hour workweek as an
- 401 alternative to a five-day workweek;
- 402 [iii] Allow nonoverlapping early and late work shifts; and
- 403 [iv] Flextime.

404 **15. Amend §16.4.25 Mixed-Use – Kittery Foreside Zone (MU-KF) as follows:**

405 D. Standards.

406 (2) Dimensional standards. The following space standards apply:

407 (a) Minimum lot area per dwelling unit: 5,000 square feet.

408 (a) – 1. If more than 50% of the dwelling units will be affordable

409 housing units as defined by this code: 2,000 square feet.

410 (k) Minimum lot area per unit for elder-care facilities that are

411 connected to the public sewerage system:

412 [1] Dwelling unit with two or more bedrooms: 3,000 square feet.

413 [2] Dwelling unit with less than two bedrooms: 2,500 square

414 feet.

415 [3] Residential care unit: 2,000 square feet.

416 [a] Minimum lot area per bed for nursing care and

417 convalescent care facilities that are connected to the public

418 sewerage system: 1,500 square feet.

419 (7) Revised off-street parking standards. Insofar as practical, parking

420 requirements are to be met on site unless an existing building

421 covers so much of the lot as to make the provision of parking

422 impractical in whole or in part. If meeting the parking requirements

423 is not practical, then the parking demand may be satisfied off site or

424 through joint-use agreements as specified herein. Notwithstanding

425 the off-street parking requirements in §16.7.11F(3), minimum parking
426 requirements for the uses below are modified as specified herein:

427 *(a)-(f) omitted for brevity NO CHANGES PROPOSED*

428 (g) Restaurants: one parking space for each 100 square feet of gross
429 floor area used by the public.

430 [Note: For each use in the zone, the total parking demand is
431 calculated using the standards above or in §16.7.11F(3), if not
432 modified above. Then each nonresidential use is exempt from
433 providing off-street parking for the first three required spaces.
434 For uses requiring a demand of greater than three, then the off-
435 street parking is to be provided on site and/or in accordance
436 with Subsection D(9) and (10) of this section.]

437 **16. Amend §16.4.26 Business — Park (B-P) as follows:**

438 A. Purpose. To encourage investment that promotes development of a
439 high-quality parklike setting for both the business and residential
440 communities. Mixed-use development must be used on larger tracts of
441 land where offices, retail sales, services, lodging, open space, housing
442 and light manufacturing space are blended with residential and
443 moderate entertainment to foster general business growth and a
444 sense of community. The intent of mixed-use development is to
445 provide a more efficient use of land than might be obtained through
446 segregated development procedures.

447 B. Permitted uses. The following land uses are permitted for projects that
448 are cluster mixed-use developments:

449 (7) Conservation subdivision

450 C. The following land uses are permitted for projects that are not mixed-
451 use developments:

452 (1) Business and professional offices.

453 (2) Accessory uses and buildings.

454 (3) Business services.

455

456 E. Standards. The following standards must be met unless modified per §
457 **16.10**, Conservation Subdivision. Multiple-parcel development is subject
458 to Chapter **16.6**, Master Site Development Plan.

459 (1) Design and performance standards in Chapters **16.5**, **16.7**, and **16.8**.
460 The Design Handbook provides examples of appropriate design for
461 nonresidential and multi-unit residential projects.

- 462 (2) Except for mixed-use developments, the following space standards
463 apply:
- 464 (3) Patios, sheds, parking lots and golf courses must have a minimum
465 setback of 50 feet from streams, water bodies, and wetlands.
- 466 (4) Conservation subdivision. In a conservation subdivision, the above
467 standards may be modified in accordance with the special
468 provisions of § **16.10**, Conservation subdivision, including there is no
469 minimum lot size, and with the conditions that:

470 **17. Amend §16.5.18 Net residential acreage as follows:**

- 471 A. Purpose. To protect public health, safety, and welfare by prioritizing
472 preservation of environmentally sensitive areas and land for public or
473 quasi-public facilities during development of parcels in Kittery's
474 limited growth zones by excluding those areas from development
475 density calculations.
- 476 B. Applicability. Applies to development of land located in limited growth
477 areas as designated in the Comprehensive Plan and to residential
478 development that will not be served by public water and sewer
479 facilities. Development of parcels located in targeted growth areas
480 served by public sewer and water is subject to provisions for lot area as
481 defined in Chapter 16.3 for calculating lot area, lot coverage, or unit
482 density.
- 483 C. Net residential acreage calculation. The total number of dwelling units
484 allowed is equal to the net residential acreage divided by the
485 minimum net residential acreage per dwelling unit for a given land
486 use zone. To calculate net residential acreage, the land area listed
487 below must be subtracted from a parcel's gross area. Where land
488 areas to be subtracted overlap, the area therein is subtracted once.
489 Land area within conservation easements does not need to be
490 subtracted from a parcel's gross area except where it also contains any
491 of the land areas listed below.
- 492 (1) All land located below the highest annual tide elevation as
493 published in the Maine DEP Highest Annual Tide (HAT) levels for
494 the most-current year.
- 495 (2) All land located within the floodplain as defined in the definition of
496 "flood, 100-year" in Chapter **16.3**.
- 497 (3) All wetlands as defined in the definition of "wetland" in Chapter
498 **16.3**, as well as vernal pools, ponds, lakes, streams and other water
499 bodies, including 50% of the associated setbacks described in other
500 buildings and structures, Table 16.5.30, Chapter **16.5** of this title.
- 501 (4) All land located on filled tidal lands, per the definition of "tidal land,
502 filled" in Chapter **16.3**.

- 503 (5) All land located within existing rights-of-way and other existing
504 easements for access or utilities wherein dwelling units cannot be
505 built.
- 506 (6) All land located within proposed rights-of-way, including parking
507 and travel ways. Driveways are excluded.
- 508 (7) All land isolated from the principal location for development on the
509 parcel by a road/street, existing land uses, or any physical feature,
510 natural or man-made, such that it creates a barrier to the central
511 development of the site and no means of access is proposed nor
512 likely to be provided in the future. However, to demonstrate that
513 identified isolated land may be considered developable for the
514 purpose of this calculation, the applicant must submit a plan and
515 supporting documentation for the Board's consideration.
- 516 (9) All land one acre or more of contiguous area with sustained slopes
517 of 20% or greater.
- 518 (10) All land identified as exposed bedrock, and soils with a drainage
519 class of "poorly drained" and/or "very poorly drained" as defined in
520 the definition of "soils" in Chapter **16.3**.
- 521 (11) Fifty percent of all land characterized as drainage class of
522 "somewhat poorly drained," unless public sewer is used, in which
523 case no land area is subtracted.
- 524 (12) All land area within a cemetery and burying ground as defined in
525 Chapter **16.3**, including associated setback per 13 M.R.S.A. § 1371-A,
526 Limitations on construction and excavation near burial sites.
- 527 (13) All land within a Commercial Fisheries/Maritime Uses Overlay Zone
528 or Resource Protection Overlay Zone not included in Subsection
529 **B(12)** above.

530 **18. Amend "Chapter 16.7 General Development Requirements" as follows:**

531
532 Chapter 16.7 Site Plan Review

533 **19. Amend § 16.7.2 Applicability as follows:**

- 534 A. A person who has right, title, or interest in a parcel of land shall
535 obtain site plan approval prior to commencing any of the following
536 activities on the parcel, including contracting or offering for the
537 conveyance regulated activity permit for any structure within the
538 development is issued, or undertaking work on any improvements,
539 including installation of roads or utilities or land clearing.

540 **20. Amend § 16.7.10 Review process and submission requirements as**
541 **follows:**

- 542 B. Sketch plan review.
- 543 (1) Major site plan applicants may choose to submit a development
- 544 sketch plan with design concept, at their discretion. The purpose
- 545 of sketch plan review with the Planning Board is a chance for the
- 546 applicant to ask questions and get feedback and guidance from
- 547 the Board before proceeding with an advance site plan design,
- 548 and for the Board to provide guidance on submission
- 549 requirements. Project proposals and feedback provided during
- 550 sketch plan review are non-binding on both parties. Any person
- 551 requiring site plan review must submit an application on forms
- 552 prescribed by the Planning Board. No more than one
- 553 application/plan for a piece of property may be under review
- 554 before the Planning Board.
- 555 (a) A completed application must be submitted to the Town
- 556 Planner no later than 21 days prior to the meeting date for the
- 557 item to be included on the agenda.
- 558 [1] Refer to current Planning Department application
- 559 checklist for required number of paper copies.
- 560 [2] One electronic submission in PDF format of the complete
- 561 submission including all forms, plans, and
- 562 documentation.
- 563 (2) Planning Board review. The Planning Board must, within 65 days
- 564 of sketch plan submission, act upon the sketch plan as follows:
- 565 (a) advise whether the sketch plan proposal complies with the
- 566 standards contained herein.
- 567 (b) Where it deems necessary, make specific suggestions, in
- 568 writing, to be incorporated by the applicant in subsequent
- 569 submissions.
- 570 (c) advise as to whether or not an on-site walk will be required.
- 571 (d) Project proposals and feedback provided during sketch plan
- 572 review are non-binding on both parties.
- 573 (e) The applicant should provide an indication as to whether or
- 574 not waivers from the submission requirements or
- 575 performance standards will be part of the next phase of
- 576 review.
- 577 (3) Sketch Plan Submission requirements.
- 578 (a) The sketch plan must include a locus map, and show in
- 579 simple form on a topographic map the proposed site,
- 580 subdivision, landscape architectural or architectural design
- 581 concept, including streets, lots, structures and other features,
- 582 in relation to existing conditions and municipal land use
- 583 zone(s) regulations.

- 584 (b) Project information must be provided in plan or narrative form
585 to describe or outline the existing conditions of the site,
586 including covenants or easements, streams, wetlands or other
587 natural features, and drainage features.
- 588 © Proposed development details must be provided in plan or
589 narrative form, including:
- 590 [1] Number of residential or business lots and/or dwelling
591 units;
- 592 [2] Typical lot width and depth;
- 593 [3] Vehicle parking and driveway areas;
- 594 [4] Business areas;
- 595 [5] Playgrounds, park areas and other public areas;
- 596 [6] Protective covenants;
- 597 [7] Utilities;
- 598 [8] Street improvements; and
- 599 [9] Drainage features and potential on-site or off-site points
600 of compliance for stormwater regulations.

601 C. Preliminary plan review.

- 602 (1) General process.
- 603 (a) Within six months after Planning Board acceptance of a
604 sketch plan, if applicable, the applicant must submit an
605 application for preliminary site plan approval in the form
606 prescribed herein and in accordance with current
607 Department procedures.
- 608 (b) Preliminary plan application filing and completeness review.
609 A determination as to whether the Town Planner validates an
610 application is based on a review of the application in
611 accordance with the submission contents checklist filed with
612 the plan, which indicates all elements required under
613 § **16.7.10C** and **D** have been received, or written request for
614 any waivers of submission requirements or performance
615 standards is included. The application must be accompanied
616 by a plan and the required fee, together with a certification
617 the applicant has notified abutters by mail of the filing of the
618 plan application for approval. (c) Receipt and scheduling
619 review. Upon validation, the Town Planner must place the
620 application on the Planning Board's agenda for Planning
621 Board completeness review and vote to find the preliminary
622 plan application complete and, upon Planning Board
623 approval, issue a dated notice to the applicant, which is
624 thereafter the official time of submission.

- 625 (d) Site inspection. In the course of the review of the plan, the
626 Planner must, and the Planning Board may at its discretion,
627 make a physical inspection and may make photographic
628 record of the existing conditions on the site.
- 629 (e) Advisory opinions. At any time during review, the Planner
630 may request an advisory opinion from the Planning Board,
631 Conservation Commission or Port Authority on issues related
632 to the application. Where applications are for land within
633 wetland setbacks or the Resource Protection Overlay Zone,
634 the Conservation Commission must be invited to review and
635 offer recommendations from an environmental protection
636 perspective. The Planner also must make recommendation
637 on the necessity for independent review.
- 638 (f) Planner analysis. The Planner must analyze the application
639 and forward comments and recommendations to the
640 applicant and the Planning Board.
- 641 (g) A completed application must be submitted to the Town
642 Planner no later than 28 days prior to the meeting date for
643 the item to be included on the agenda. The submission must
644 include on the plan or attached thereto, the requirements of
645 Subsection **C(4)**, Plan requirements, and Subsection **C(5)**,
646 Additional requirements, unless upon the applicant's written
647 request, the Planning Board, by formal action, waives or
648 defers any requirement(s) for submission.
- 649 (4) Plan requirements.
- 650 (a) Plan sheets drawn on a reproducible medium and must
651 measure no less than 11 inches by 17 inches and no larger than
652 24 inches by 36 inches;
- 653 (b) With scale of the drawings no greater than one inch equals 30
654 feet for developments less than 10 acres, and one inch equals
655 50 feet for all others;
- 656 (c) Code block in the lower right-hand corner. The block must
657 contain:
- 658 [1] Name(s) and address(es) of the applicant and owner;
- 659 [2] Name of the project;
- 660 [3] Name and address of the preparer of the plan, with
661 professional seal, if applicable;
- 662 [4] Date of plan preparation/revision, and a unique ID number
663 for the plan and any revisions;
- 664 (d) Standard boundary survey conducted by a surveyor licensed in
665 the State of Maine, in the manner recommended by the State
666 Board of Registration for Land Surveyors;

- 667 (e) An arrow showing true North and the magnetic declination, a
668 graphic scale, and signature blocks for the owner(s) and
669 members of the Planning Board;
- 670 (f) Locus map showing the property in relation to surrounding
671 roads, within 2,000 feet of any property line of the
672 development;
- 673 (g) Vicinity map and aerial photograph showing the property in
674 relation to surrounding properties, roads, geographic, natural
675 resource (wetland, etc.), historic sites, applicable
676 comprehensive plan features such as proposed park locations,
677 land uses, zones, and other features within 500 feet from any
678 boundary of the proposed development;
- 679 (h) Surveyed acreage of the total parcel, of rights-of-way, wetlands,
680 and area to be disturbed and amount of street frontage;
- 681 (i) Names and addresses of all owners of record of property
682 abutting the development, including those across a street;
- 683 (j) Existing development area conditions, including but not
684 limited to:
- 685 [1] Location and description of all structures, including signs,
686 existing on the site, together with accesses located within
687 100 feet of the property line;
- 688 [2] Essential physical features such as watercourses, wetlands,
689 floodplains, wildlife habitat areas, forest cover, and
690 outcroppings;
- 691 [3] Utilities existing, including power, water, sewer, holding
692 tanks, bridges, culverts and drainageways;
- 693 (k) Proposed development area conditions including, but not
694 limited to:
- 695 [1] Structures: their location and description, including signs,
696 to be placed on the site, floor plans and elevations of
697 principal structures as well as detail of all structures,
698 showing building materials and colors, and accesses
699 located within 100 feet of the property line;
- 700 [2] Utilities proposed including power, water, sewer, holding
701 tanks, bridges, culverts and drainageways;
- 702 [3] Sewage facilities type and placement. Test pit locations, at
703 least two of which must meet the State of Maine Plumbing
704 Code requirements, must be shown;
- 705 [4] Domestic water source;
- 706 [5] Parks, open space, or conservation easement locations;
- 707 [6] Lot lines, interior and exterior, right-of-way, and street
708 alignments;

- 709 [7] Road and other paved ways plans, profiles and typical
710 sections including all relevant data and adjacent snow
711 storage areas;
- 712 [8] Setbacks existing and proposed;
- 713 [9] Machinery permanently installed locations likely to cause
714 appreciable noise at the lot lines;
- 715 [10] Raw, finished or waste materials to be stored outside the
716 buildings, and any stored material of a toxic or hazardous
717 nature;
- 718 [11] Topographic contours of existing contours and finished
719 grade elevations within the development;
- 720 [12] Pedestrian ways/sidewalks, curbs, driveways, fences,
721 retaining walls and other artificial features locations and
722 dimensions proposed;
- 723 [13] Temporary marker locations adequate to enable the
724 Planning Board to readily locate and appraise the layout of
725 the development;
- 726 [14] Land proposed to be dedicated to public use and the
727 conditions of such dedication;
- 728 (l) Natural features or site elements to be preserved. Written
729 submission requirements legal interest documents showing
730 legal interest of the applicant in the property to be developed.
731 Such documents must contain the description upon which the
732 survey was based;
- 733 (m) Property encumbrances currently affecting the property, as
734 well as any proposed encumbrances;
- 735 (n) Water district approval letter, if public water is used, indicating
736 there is adequate supply and pressure to be provided to the
737 development;
- 738 (o) Erosion and sedimentation control plan prepared by a qualified
739 erosion and sedimentation control professional in accordance
740 with the requirements of § **16.7.11C**;
- 741 (p) Stormwater management preliminary plan for stormwater and
742 other surface water drainage prepared and stamped by a
743 registered professional engineer including an analysis of
744 existing and proposed drainage conditions on the site and in
745 adjacent areas.
- 746 (q) Soil survey for York County covering the development. Where
747 the soil survey shows soils with severe restrictions for
748 development, a high intensity Class "A" soil survey must be
749 provided;

- 750 (r) Vehicular traffic report estimating the amount and type of
751 vehicular traffic that will be generated by the development on a
752 daily basis and for peak hours;
- 753 (s) Traffic impact analysis in accordance with § **16.5.27E** for
754 developments involving 40 or more parking spaces or which
755 are projected to generate more than 400 vehicle trips per day;
- 756 (t) Test pit(s) analysis prepared by a licensed site evaluator when
757 sewage disposal is to be accomplished by subsurface disposal,
758 pits, prepared by a licensed site evaluator;
- 759 (u) Town Sewage Department or community system authority
760 letter, when sewage disposal is to be through a public or
761 community system, approving the connection and its location;
- 762 (v) Written or verbal evaluation of the development by the Chief of
763 Police, Fire Chief, Commissioner of Public Works, and, for
764 residential applications, the superintendent of schools, must be
765 collected and provided by the Town Planner;
- 766 (w) Additional submissions as may be required by other sections of
767 this title such as for clustered development, mobile home
768 parks, or junkyards must be provided.

769 **21. Amend §16.7.11 Performance Standards and approval criteria as follows:**

- 770 F. Parking and loading.
- 771 (4) Off-street parking standards.
- 772 (a) Off-street parking, in addition to being a permitted use, is
773 considered as an accessory use when required or provided to
774 serve conforming uses located in any district.
- 775 (b) The following minimum off-street parking and loading
776 requirements must be provided and maintained in case of
777 new construction, alterations and changes of use. Such
778 parking may be provided in the open air in design-
779 dependent spaces dimensioned as may be required to suit
780 the particular use as indicated in Table 2 of this chapter, set
781 out at the end of § **16.7.11F**, Parking loading and traffic or in
782 garages.
- 783 (c) All spaces must be accessible from lanes of adequate size and
784 location as per Table 2 of this chapter, set out at the end of
785 § **16.7.11F**, Parking loading and traffic. In cases not specifically
786 covered, the Town board or officer with jurisdiction to
787 approve the application is authorized to determine the
788 parking requirements and projected development use
789 intensity. Existing parking standards are to be used as a guide
790 where applicable to ensure that a sufficient number of

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parking spaces are provided to accommodate the number and type of vehicles attracted to the development during peak parking demand times.

- (d) When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 is counted as one parking space.

Use	Number of Parking Spaces
Automobile, truck and tractor repair and filling station	1 parking space for each regular employee plus 1 space for each 200 square feet of floor area used for service work
Dwellings	2 vehicle spaces per each dwelling unit
Age-restricted housing	1.5 parking spaces for each dwelling unit with 2 or fewer bedrooms 2 parking spaces for each dwelling unit with more than 2 bedrooms
Residential care facilities	1 parking space per dwelling unit 0.65 parking space per residential care unit
Motels, hotels, tourist homes, rooming houses, or other rooming spaces associated with a permitted use	1 parking space for each rental unit plus 1 space for each 100 square feet of meeting room
Schools	
Nursery school and day-care facilities	1 space for every 100 square feet of gross floor area used as school area
Elementary and junior high schools	1 parking space for each adult employee, plus 15 parking spaces for each 100 students or major fraction thereof of total enrollment
Senior high schools	1 parking space for each adult employee, plus 20 parking spaces for each 100 students or major fraction thereof of total enrollment
Marinas and other water-oriented recreational facilities	
With launching facilities	3 parking spaces for every 2 slips or moorings, arranged for trailers
Without launching facilities	1 parking space for each slip or mooring
Hospitals	1 parking space per each 3 beds

Long-term nursing care facilities and convalescent care facilities	1 parking space for each 4 beds
Theaters, auditoriums, churches and arenas	1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats
Mortuary chapels	5 parking spaces for each chapel
Retail stores and financial institutions	1 parking space for each 175 square feet of gross floor area
Bowling alley	4 parking spaces for each bowling lane
Drive-in restaurants, snack bars and fast-food outlets	Minimum 15 parking spaces, plus 1 space for each 3 seats; seating is calculated by dividing the total floor area with customer access by 15
Restaurant	1 parking space for each 3 seats; seating is calculated by dividing the total floor area with customer access by 15
Offices, professional and public buildings	2 parking spaces for each office unit plus 1 space for each 250 square feet of gross floor area
Convenience stores or neighborhood grocery facilities	6 spaces in the rural residential zone; all other zones, 10 parking spaces
Mobile home	2 vehicle spaces per each mobile home
Transportation terminals	In addition to meeting all applicable standards as enumerated above, transportation terminals must meet the following: 1 parking space for each employee; 1 parking space for each three 'eats of the terminal's major carrier vehicle; and 1 parking space for each rented vehicle to be based on site
Warehouse and storage	1 parking space for each 500 square feet of gross floor area except that portion of such facility which is used for retail sales and display or office area, which adds additional parking in accordance with the standards for those uses
Industry, manufacturing and business	1 parking space for each 500 square feet of floor area, or major fraction

	thereof, or 1.1 spaces per employee on the maximum shift, for that part of every business, manufacturing and industrial building not catering to retail trade
Bus parking	For each 25,000 square feet of gross floor area, retail business must provide one bus parking area. Said area(s) are to be 12 feet by 50 feet in dimension, marked on the parking lot surface and labeled as such. Bus parking must be located in the parking area as far from the store entrance(s) as possible

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- (e) A parking area is allowed in the Resource Protection Overlay Zone only where no reasonable alternative route or location is available outside the Resource Protection Overlay Zone, in which case a permit or site plan or subdivision plan approval is required by the Planning Board.
 - (f) A parking area must meet the wetland and water body setback requirements for structures for the district in which such areas are located, per Table 16.5.30, Minimum Setback from Wetlands and Water Bodies; except, in the Commercial Fisheries/Maritime Uses Overlay Zone, parking area must be set back at least 25 feet from the normal high-water line or the upland edge of a wetland. The setback requirement for a parking area serving public boat-launching facilities, in zones other than the Commercial, Business-Local, Residential-Urban Zones, and the Commercial Fisheries/Maritime Uses Overlay Zone, may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds no other reasonable alternative exists.
 - (g) Parking landscaping is required for parking areas containing 10 or more parking spaces and must have at least one tree per eight spaces. Such trees are to be located either within the lot or within five feet of it. Such trees are to be at least 1 1/2 inches in diameter, with no less than 25 square feet of unpaved soil or permeable surface area per tree. At least 10% of the interior of any parking area having 25 or more spaces is to be maintained with landscaping, including trees, in plots of at least five feet in width.
 - (h) Required off-street parking in all residential districts is to be located on the same lot as the principal building or use, except that where it cannot reasonably be provided on the

828 same lot, the Board of Appeals may authorize residential off-
 829 street parking to be located on another lot within 300 feet of
 830 the residential uses served, as measured along lines of public
 831 access. Such parking areas must be held under the same
 832 ownership or lease as the residential uses served, and
 833 evidence of such control or lease is required. Leases obtained
 834 for this purpose must be reviewed by the Town Attorney at
 835 the developer's expense and include requirement for notice
 836 to the Town upon termination of lease. Approval for uses
 837 dependent on such lease is terminated upon termination of
 838 the lease.

- 839 (i) If parking spaces are provided for employees, customers or
 840 visitors, then accessible parking spaces must be included in
 841 each such parking area in conformance with the following
 842 table:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

843 [1] Each accessible parking space must contain a
 844 rectangular area at least 19 feet long and eight feet wide
 845 with access to a designated and marked five-foot-wide
 846 aisle. All required accessible parking spaces are to be
 847 identified by a vertical sign displaying the international
 848 symbol of accessibility; pavement marking alone is not
 849 adequate to identify accessible parking spaces.

850 [2] The total number of accessible parking spaces is to be
 851 distributed to serve the various accessible entrances as
 852 well as possible.

853 [3] At least one accessible route is to connect from each
 854 accessible parking space to the accessible building
 855 entrance.

- 856 (j) Required off-street parking in all commercial, business and
 857 industrial zones must be located on the same lot with the

858 principal building or use, or within 100 feet measured along
859 lines of public access; except that, where off-street parking
860 cannot be provided within these limits, the Board of Appeals
861 may permit such off-street parking to be located a
862 reasonable distance from the principal building or use,
863 measured along lines of public access. Such parking areas
864 must be held under the same ownership or lease, and
865 evidence of such control or lease is required. Such lots must
866 be located within business or industrial districts.

- 867 (k) Where off-street parking for more than six vehicles is
868 required or provided, the following construction
869 requirements apply:

870 [1] Appropriate driveways from streets or alleys, as well as
871 maneuvering areas, must be provided. Location and width of
872 approaches over public sidewalk are to be approved by the
873 Commissioner of Public Works. When access to parking areas
874 is available from more than one street, the location of points
875 of ingress and egress are to have the approval of the Planning
876 Board.

877 [2] The surface of driveways, maneuvering areas and parking
878 areas must be uniformly graded with a subgrade consisting
879 of gravel or equivalent materials at least six inches in depth,
880 well-compacted and with a wearing surface equivalent in
881 qualities of compaction and durability to fine gravel.

882 [3] A system of surface drainage must be provided in such a
883 way that the water runoff does not run over or across any
884 public sidewalk or street or adjacent property. Where catch
885 basins are required, oil traps are to be provided.

886 [4] Where artificial lighting is provided, it must be shaded or
887 screened so that no light source is visible from outside the
888 area and its access driveways

889 [5] Where surface water drainage utilizes a municipal
890 drainage system, the parking or driveway area may be
891 required to have a bituminous asphalt surface or other
892 approved equivalent.

- 893 (l) The Planning Board or Board of Appeals may, in specific
894 cases of hardship, reduce the requirements for off-street
895 parking where it is clearly demonstrated that such reduction
896 will not detract from neighborhood values, inconvenience the
897 public or increase congestion in the streets.

- 898 (m) The Planning Board or Board of Appeals may approve the
899 joint use of a parking facility by two or more principal
900 buildings or uses where it is clearly demonstrated that said

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parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

- (n) Compact-size parking spaces, unless restricted for use by and located adjacent to a dwelling unit, must be located in one or more continuous areas and cannot be intermixed with spaces designed for full size vehicles.
- (o) Compact-size parking spaces shall be clearly designated by pavement marking and by direction sign in conformance with Table 2.

Table 2 Parking Space Design (minimum dimensions) (dimensions in feet unless otherwise indicated.)							
	A	B	C	D	E	F (Aisle Width)	
To Curb	Angle (degrees)	Stall Widt h	Stall Dept h	Stall to Cur b	Skew Widt h	One- Way Traffi c	Two- Way Traffi c
Parallel	0	9	22	9.0	22.0	13	19
Diagonal	30	9	19	17.3	18.0	11	20
Diagonal	45	9	19	19.8	12.9	13	21
Diagonal	60	9	19	21.0	10.5	18	23
Perpendicula r	90	9	19	19.0	9.0	24	24

Table 2-A Compact Car Parking Space Design (minimum dimensions) (dimensions in feet unless otherwise indicated.)							
	A	B	C	D	E	F (Aisle Width)	
To Curb	Angle (degrees)	Stall Widt h	Stall Dept h	Stall to Cur b	Skew Widt h	One- Way Traffi c	Two- Way Traffi c
Parallel	0	8	16	8.0	16.0	12	19
Diagonal	45	8	16	17.0	5.7	13	20
Diagonal	60	8	16	17.8	6.9	18	20
Perpendicula r	90	8	16	16.0	8.0	22	22



912 **22.Amend 16.7.12 Post-approval as follows:**

- 913 A. Approved plan expiration.
- 914 (1) A site plan approval will expire if work has not commenced
- 915 within one year from the date of Planning Board or Director of
- 916 Planning and Development approval. Where work has
- 917 commenced within one year of such approval, the approval will
- 918 expire if work is not complete within two years of the original
- 919 date of approval.
- 920 (2) Prior to expiration, the approval authority may, on a case-by-
- 921 case basis, grant extensions to an approved plan expiration
- 922 date upon written request by the developer for an inclusive
- 923 period from the original approval date, not to exceed three
- 924 years.
- 925 (3) When a plan's approval expires, the applicant may reapply
- 926 subject to the Town Code current at the time of reapplication.
- 927 B. Performance Guarantee: Prior to the preconstruction meeting
- 928 described in C.1, the applicant shall provide a performance
- 929 guarantee to the Town in the form of an irrevocable letter of credit
- 930 from a financial institution, or similar instrument, approved by the
- 931 Town Manager. The purpose of the performance guarantee is to
- 932 incentivize timely completion of project elements or enable the
- 933 Town to complete project elements necessary to maintain public
- 934 health, safety, and welfare and protect public facilities in the event
- 935 that work performed by the owner or developer is inadequate or
- 936 incomplete.
- 937 1. The performance guarantee shall:
- 938 a contain an amount of funds based on Town-approved
- 939 itemized construction costs for completing all project
- 940 elements located in public rights-of-way, completing or
- 941 securing on-site utilities, installing and maintaining erosion
- 942 and sedimentation control measures and drainage systems,
- 943 completing on-site grading and soil stabilization measures,
- 944 securing the site to maintain public safety, and including an
- 945 additional 10% contingency;
- 946 b establish the Town as the beneficiary and contain clear
- 947 provisions for the Town to draw funds; and,

- 948 c contain provisions for reducing or releasing the funds which
949 enable the Town to renew the guarantee or draw funds prior
950 to reduction or release.
- 951 2. Release of guarantee. Prior to the release of any part of the
952 performance guarantee, the Town Manager shall determine to
953 his/her satisfaction, in part based upon the report of the Town's
954 Engineer or other qualified individual retained by the
955 municipality and any other agencies and departments who may
956 be involved, that the proposed improvements meet or exceed
957 the design and construction requirements for that portion of
958 phase of the subdivision for which the release is requested.
- 959 (a) Performance guarantees may be reduced periodically, but in
960 no event more than one time per month. In no case shall
961 the performance guarantee be reduced by less than
962 \$10,000 at one time or in any line item where
963 improvements remain to be completed.
- 964 (b) No performance guarantee shall be reduced to less than the
965 10% contingency until all work is complete.
- 966 (c) The Town shall retain the 10% performance guarantee
967 contingency for a period of one year from the date of final
968 paving for any street to be offered for public acceptance.
969 The guarantee shall ensure the workmanship and the
970 durability of all materials used in the construction of public
971 improvements within the right-of-way that may become
972 defective within that one year period, as determined by the
973 Director of Public Works.
- 974 3. Default. If upon investigation, the Town's consulting engineer or
975 other qualified individual retained by the Town finds that any of
976 the required improvements have not been constructed in
977 general conformance with the plans and specifications filed as
978 part of the application, he or she shall so report in writing to the
979 Code Enforcement Officer, the Town Manager, the Planner and
980 the applicant or builder. The Town Manager, or his or her
981 designee, shall take any steps necessary to preserve the
982 municipality's rights.

983 **23. Amend §16.8.10 (Subdivision) Performance standards and approval**
984 **criteria as follows:**

- 985 **B. Basic subdivision layout.**
- 986 (1) Calculation of density: "Subdivisions located in targeted growth areas
987 as designated in the Comprehensive Plan and served by public water
988 and sewer facilities are subject to the lot area per dwelling unit

989 standards of the underlying zoning district. Subdivisions located in
990 limited growth areas as designated in the Comprehensive Plan and
991 that are not served by public water or sewer facilities are subject to net
992 residential acreage per unit provisions of Chapter 16.5.18.

993 **24. Amend §16.10.7 Open space requirements (Conservation Subdivision)**
994 **as follows:**
995

- 996 A. The amount of open space required varies with the zoning district in
997 which the conservation subdivision is located. The requirements are
998 as follows:
- 999 (1) In the R-C Zone, the designated open space must be a minimum
1000 of 70% of the total land area, with a minimum of 50% of that
1001 consisting of net residential acreage as defined by this title.
 - 1002 (2) In the R-RL Zone, the designated open space must be a
1003 minimum of 60% of the total land area, with a minimum of 40%
1004 of that consisting of net residential acreage as defined by this
1005 title.
 - 1006 (3) In the KP-V Zone, the designated open space must be a
1007 minimum of 50% of the total land area, with a minimum of 30%
1008 of that consisting of net residential acreage as defined by this
1009 title.
 - 1010 (4) In the R-S and R-U Zones:
 - 1011 (a) For properties of 10 acres or more, the designated open space
1012 must be at least 50% of the total land area, with a minimum of
1013 30% of that consisting of net residential acreage as defined by
1014 this title.
 - 1015 (b) For properties of less than 10 acres with public sewer or
1016 common private septic, the designated open space must be at
1017 least 25% of the total land area, with a minimum of 5% of that
1018 consisting of net residential acreage.
 - 1019 (c) For properties of less than 10 acres with private septic, the
1020 designated open space must be at least 25% of the total land
1021 area, with no minimum net residential acreage requirement.
 - 1022 (5) The following is an example of the open space calculation
1023 referenced in (1)-(4) above: With a lot of 1,000,000 sq ft, using
1024 an open space requirement of 60% of the lot, at least 600,000
1025 sq ft (60%) must be open space. Of that 600,000 sq ft, 240,000
1026 (40% of total open space, or 24% of total lot) must be land that
1027 would be considered buildable as described in the definition of
1028 net residential acreage found in §16.3.2.