

TOWN OF KITTERY LAND USE ZONE REGULATIONS

SPACE AND DIMENSIONAL STANDARDS REFERENCE TABLE

| | RESIDENTIAL RURAL | RESIDENTIAL SUBURBAN | RESIDENTIAL KITTERY POINT VILLAGE | RESIDENTIAL URBAN | RESIDENTIAL VILLAGE | RESIDENTIAL RURAL CONSERVATION | CONSERVATION | BUSINESS LOCAL | BUSINESS LOCAL-1 | BUSINESS PARK | COMMERCIAL | INDUSTRIAL | MIXED USE | MIXED USE BADGERS ISLAND | MIXED USE KITTERY FORESIDE | TRANSPORTATION MAINE TURNPIKE |
|---|----------------------------|----------------------------|-------------------------------------|---------------------|----------------------------|--------------------------------|---------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|----------------------------------|----------------------------|-------------------------------|
| KITTERY LAND USE AND DEVELOPMENT CODE (LUDC) | 16.3.2.1 | 16.3.2.2 | 16.3.2.3 | 16.3.2.4 | 16.3.2.5 | 16.3.2.6 | 16.3.2.7 | 16.3.2.8 | 16.3.2.9 | 16.3.2.10 | 16.3.2.11 | 16.3.2.12 | 16.3.2.13 | 16.3.2.14 | 16.3.2.15 | 16.3.2.16 |
| BASE ZONE STANDARDS | R - RL | R - S | R - KP V | R - U | R - V | R - RLC | CON | B - L | B - L1 | B - PK | C - 1, 2 & 3 | IND | MU | MU - BI | MU - KF | T - MT |
| MINIMUM LAND AREA PER DWELLING UNIT | 40,000 S.F. | 40,000 S.F. ³ | 40,000 S.F. | 20,000 S.F. | 4,000 S.F. | 80,000 S.F. | NONE | 20,000 S.F. ⁵ | 8,000 S.F. ¹⁰ | 10,000 S.F. w/ SEWER SERVICE | N/A | N/A | SEE NOTE 15 | 3,000 / 6,000 S.F. ²¹ | 5,000 S.F. | N/A |
| MINIMUM LOT SIZE | 40,000 S.F. | 40,000 S.F. ³ | 40,000 S.F. | 20,000 S.F. | 6,000 S.F. | 80,000 S.F. | NONE | NONE ⁹ | 20,000 S.F. | 120,000 S.F. | 40,000 S.F. | NONE | SEE NOTE 16 | 6,000 S.F. | 5,000 S.F. | N/A |
| MINIMUM STREET FRONTAGE | 150 FT. | 150 FT. | 150 FT. | 100 FT. | 50 FT. | 200 FT. | 40 FT. | NONE ⁹ | 50 FT. PER BLDG.. | 150 FT. | 150 FT. | NONE | 250/150 FT. ¹⁷ | 50 FT. | NONE | N/A |
| MINIMUM FRONT YARD | 40 FT. | 40 FT. | 40 FT. | 30 FT. | 15 FT. | 40 FT. | 40 FT. | 15 FT. ⁹ | 30 FT. ¹¹ | 50 FT. | 50 FT. | NONE | 60 FT. ¹⁸ | 5 FT. | 0/10 FT. ²³ | N/A |
| MAXIMUM BUILDING COVERAGE | 15% | 20% | 15% | 20% | 20% | 6% | 6% | NONE ⁸ | 50% | 50% | 40% | 15% | NONE | NONE | 60% | N/A |
| MINIMUM REAR AND SIDE YARDS | 20 FT. ¹ | 15 FT. ¹ | 15 FT. ¹ | 15 FT. ¹ | 15 FT. REAR 10 FT. SIDE | 20 FT. ¹ | 20 FT. ⁴ | 10 FT. ⁹ | 10 FT. ⁹ | 30 FT. ¹² | 30 FT. ¹² | 30 FT. ¹³ | 30 FT. ¹⁸ | 10 FT. | 10 FT. ²⁸ | 35 FT. |
| MAXIMUM BUILDING HEIGHT | 35 FT. ² | 35 FT. ² | 35 FT. ² | 35 FT. ² | 35 FT. ² | 35 FT. ² | 35 FT. ² | 40 FT. ⁶ | 40 FT. | 40 FT. | 40 FT. | NONE | 40 FT. ¹⁹ | 40 FT. | 40 FT. ²⁴ | N/A |
| MINIMUM OPEN SPACE REQUIREMENT | 15% | 15% | 15% | 15% | 15% | 15% | N/A | 15% | 15% | 25% | SEE NOTE 14 | 15% | 35% ²⁰ | 40% ²² | 40% | N/A |
| SHORELAND OVERLAY ZONE (OZ-SL) STANDARDS LUDC 16.3.2.17 [FOR DIMENSIONAL AND SPACE STANDARDS IN THE COMMERCIAL FISHERIES/MARITIME ACTIVITIES (OZ-CMFU) AND RESOURCE PROTECTION (OZ-RP) OVERLAY ZONES SEE APPLICABLE BASE ZONES] | | | | | | | | | | | | | | | | |
| MINIMUM LAND AREA PER DWELLING UNIT | 40,000 S.F. | 40,000 S.F. | 40,000 S.F. | 20,000 S.F. | 8,000 S.F. | 80,000 S.F. | - | 20,000 S.F. | 20,000 S.F. | 10,000 S.F. w/ SEWER SERVICE | N/A | N/A | 40,000 S.F. | - | - | N/A |
| MINIMUM LOT SIZE | 40,000 S.F. | 40,000 S.F. | 40,000 S.F. | 20,000 S.F. | 8,000 S.F. | 80,000 S.F. | - | 60,000 S.F. | 60,000 S.F. | 120,000 S.F. | 60,000 S.F. | 60,000 S.F. | NONE | - | - | N/A |
| MINIMUM SHORE FRONTAGE | 150 FT. PER LOT 100 FT. | 150 FT. PER LOT 100 FT. | 150 FT. PER LOT 100 FT. PER D.U. | 50 FT. | 50 FT. | 250 FT. | - | 150 FT. PER LOT 50 FT. PER D.U. | - | - | - |
| PRINCIPAL/ACCESSORY STRUCTURE SETBACK ²⁷ | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 100 FT. | 75 FT. ²⁷ | 75 FT. ²⁷ | N/A |
| MAXIMUM IMPERVIOUS AREA | 20% | 20% | 20% | 20% ²⁶ | 20% | 20% | 20% | 70% | 70% | 20% | 70% | 70% | 20% | 60% ²⁵ | 60% | 20% |

GENERAL NOTES

- A)** REFER TO KITTERY'S LAND USE AND DEVELOPMENT CODE (LUDC), TOWN CODE TITLE 16, CHAPTER 3 LAND USE ZONE REGULATIONS FOR INFORMATION ON REQUIRED STANDARDS IN ADDITION TO THE SPACE AND DIMENSIONAL STANDARDS OUTLINED ABOVE.
- B)** REFER TO SECTION 16.8.9 IN THE LUDC FOR STANDARDS RELATING TO OFF-STREET PARKING, INCLUDING THE NUMBER AND DIMENSION OF REQUIRED SPACES WITH THE EXCEPTION OF ZONES MU-BI AND MU-KF WHERE SPECIAL PARKING REQUIREMENTS ARE SPECIFIED IN SECTIONS 16.3.2.14.F AND 16.3.2.15.E RESPECTIVELY. IN ADDITION, ZONE B-L1 REQUIRES 1.5 SPACES PER DWELLING UNIT.
- C)** FOR ALL REQUIRED MIN. SETBACKS FROM STREAMS, WATER BODIES AND WETLANDS REFER TO TABLE 16.9 IN SECTION 16.9.4 OF THE LUDC. WITH THE EXCEPTION THAT THERE IS A MIN. 75-FOOT SETBACK IN THE MU-BI AND MU-KF ZONES, UNLESS MODIFIED BY SUBSECTION E IN THE CORRESPONDING CHAPTER 3 OF THE LUDC. THERE ARE NO MIN. SETBACKS FOR WATER DEPENDENT USES IS ZERO FEET
- D) WITH PLANNING BOARD APPROVAL THE ABOVE STANDARDS MAY BE MODIFIED IN CLUSTER DEVELOPMENT PER ARTICLE XI CHAPTER 16.8 IN KITTERY'S LUDC.**
- E)** MIN. LAND AREA PER DWELLING UNIT SUBJECT TO CHAPTER 16.2 DEFINITION OF NET RESIDENTIAL DENSITY EXCEPT TO EXEMPT PROPERTIES WHICH ARE UNABLE TO MEET THE SQUARE FEET REQUIRED FOR A SINGLE FAMILY DWELLING UNIT, PROVIDED THE LOT WAS CONFORMING PRIOR TO THE DATE OF THIS ENACTMENT.

TABLE NOTES

- 1)** BUILDINGS HIGHER THAN 40 ACTUAL FEET SHALL HAVE SIDE AND REAR YARDS NOT LESS THAN 50 PERCENT OF BUILDING HEIGHT.
- 2)** MINIMUM DISTANCES BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT MUST BE THE HEIGHT EQUIVALENT TO THE TALLER BUILDING.
- 3)** 30,000 S.F. WITH PUBLIC SEWAGE DISPOSAL, UP TO BUT NOT LESS THAN 20,000 S.F. IF IN ACCORDANCE WITH SECTION 16.3.2.2.D.2 NOTE A.
- 4)** IF BY VARIANCE OR EXISTING CONDITIONS A BUILDING IS HIGHER THAN 40 ACTUAL FEET IT MUST HAVE SIDE AND REAR YARDS NOT LESS THAN 50 PERCENT OF BUILDING HEIGHT.
- 5)** WHEN ALL FLOORS ARE RESIDENTIAL: 20,000 SQUARE FEET IF SERVED BY ON-SITE SEWAGE DISPOSAL AND 8,000 S.F. IF SERVED BY THE PUBLIC SEWERAGE SYSTEM. WHEN ENTIRE FIRST FLOOR IS NON-RESIDENTIAL: 20,000 S.F. IF SERVED BY ON-SITE SEWAGE DISPOSAL AND 4,000 SQUARE FEET IF SERVED BY THE PUBLIC SEWERAGE SYSTEM.
- 6)** EXCEPT THAT SPACE STANDARDS FOR SINGLE AND TWO-FAMILY RESIDENTIAL USES ARE THE SAME AS FOR THOSE OF THE RESIDENTIAL URBAN ZONE.
- 7)** MAXIMUM FRONT SETBACK OF PRINCIPAL BUILDING IS 60 FEET.
- 8)** EXCEPT THAT SIDE, REAR AND FRONT YARDS MUST BE MAINTAINED.
- 9)** EXCEPT AS OTHERWISE REQUIRED BY THE BUFFER PROVISIONS OF THIS TITLE, AND EXCEPT WHERE THE SIDE AND/OR REAR YARDS ABOUT A RESIDENTIAL ZONE OR USE, IN WHICH CASE A MINIMUM OF 15 FEET OR 50 PERCENT OF THE BUILDING HEIGHT SHALL BE REQUIRED.
- 10)** WHEN ALL FLOORS ARE RESIDENTIAL: 8,000 SQUARE FEET AND WHEN ENTIRE FIRST FLOOR IS NON-RESIDENTIAL: 3,500 S.F.
- 11)** THIS AREA MUST BE DESIGNED TO PROMOTE A PEDESTRIAN PUBLIC SPACE, WHICH INCLUDES, BUT IS NOT LIMITED TO, LANDSCAPING, SIDEWALKS, AND SITTING AREAS. PARKING AND OUTDOOR STORAGE ARE PROHIBITED ANYWHERE IN THE FRONT YARD OF THE STRUCTURE, EXCEPT FOR SEASONAL SALES ITEMS.
- 12)** EXCEPT AS MAY BE REQUIRED BY THE BUFFER PROVISIONS OF THIS TITLE, AND EXCEPT WHERE THE SIDE AND/OR REAR YARDS OF THE PROPOSED NONRESIDENTIAL-USE ABOUT A RESIDENTIAL ZONE OR USE, IN WHICH CASE A MINIMUM OF FORTY (40) FEET SHALL BE REQUIRED.
- 13)** EXCEPT AS MAY BE REQUIRED BY THE BUFFER PROVISIONS OF THIS TITLE, AND EXCEPT WHERE THE SIDE AND/OR REAR YARDS ABOUT A RESIDENTIAL ZONE OR USE, IN WHICH CASE A MINIMUM OF 50 FEET OR 50 PERCENT OF THE BUILDING OR OUTDOOR STORED MATERIAL HEIGHT, WHICHEVER IS GREATER, SHALL BE REQUIRED.
- 14)** OPEN SPACE MUST BE PROVIDED AS A PERCENTAGE OF THE TOTAL AREA OF THE LOT, INCLUDING FRESHWATER WETLANDS, WATER BODIES, STREAMS, AND SETBACKS. IN THE C-1 TWENTY-FIVE PERCENT (25%) AND IN THE C-3 TWENTY PERCENT (20%) OF EACH LOT MUST BE DESIGNATED AS OPEN SPACE. REQUIRED OPEN SPACE MUST BE SHOWN ON THE PLAN WITH A NOTE DEDICATING IT AS "OPEN SPACE." THE OPEN SPACE MUST BE LOCATED TO CREATE AN ATTRACTIVE

ENVIRONMENT ON THE SITE, MINIMIZE ENVIRONMENTAL IMPACTS, PROTECT SIGNIFICANT NATURAL FEATURES OR RESOURCES ON THE SITE, AND MAINTAIN WILDLIFE HABITAT. INDIVIDUAL LARGE, HEALTHY TREES AND AREAS WITH MATURE TREE COVER SHOULD BE INCLUDED IN THE OPEN SPACE. WHERE POSSIBLE,

THE OPEN SPACE MUST BE LOCATED TO ALLOW THE CREATION OF CONTINUOUS OPEN SPACE NETWORKS IN CONJUNCTION WITH EXISTING OR POTENTIAL OPEN SPACE ON ADJACENT PROPERTIES. THE REQUIRED AMOUNT OF DESIGNATED OPEN SPACE IN THE C-1 ZONE IS REDUCED TO FIFTEEN PERCENT (15%) OF EACH LOT THAT IS LESS THAN ONE HUNDRED THOUSAND (100,000) SQUARE FEET IN SIZE AND IN THE C-3 ZONE IS REDUCED TO TEN PERCENT (10%) OF EACH LOT THAT IS LESS THAN ONE FORTY THOUSAND (40,000) SQUARE FEET IN SIZE.

15) FOR SINGLE-FAMILY DWELLINGS, ONE DWELLING UNIT IS ALLOWED FOR EACH TWO HUNDRED THOUSAND (200,000) SQUARE FEET OF LAND AREA. A LOT OF RECORD HAVING A LAND AREA OF MORE THAN TWO HUNDRED THOUSAND (200,000) SQUARE FEET THAT WAS IMPROVED WITH A SINGLE-FAMILY DWELLING AS OF APRIL 1, 2004 MAY BE DIVIDED INTO TWO LOTS WITH A SINGLE-FAMILY DWELLING ON EACH LOT PROVIDED THAT EACH OF THE LOTS CONTAINS AT LEAST FORTY THOUSAND (40,000) SQUARE FEET OF LAND AREA AND MEETS THE OTHER DIMENSIONAL STANDARDS OF THE ZONE. SECTIONS 16.3.2.1 D.1 AND D.2 AS SET FORTH IN THE RESIDENTIAL - RURAL ZONE APPLY AND NO FURTHER SUBDIVISION IS ALLOWED. FOR DWELLING UNITS THAT ARE PART OF A MIXED-USE BUILDING AND ARE CONNECTED TO THE PUBLIC SEWERAGE SYSTEM, ONE DWELLING UNIT IS ALLOWED FOR EACH TWENTY THOUSAND (20,000) SQUARE FEET OF BUILDABLE LAND AREA. IF THE PARKING FOR THE RESIDENTIAL UNITS IS INTEGRATED INTO THE BUILDING, THE MINIMUM REQUIRED BUILDABLE LAND AREA PER DWELLING UNIT IS REDUCED TO FIFTEEN THOUSAND (15,000) SQUARE FEET.

16) 200,000 S.F. FOR LOTS WITH FRONTAGE ON U.S. ROUTE ONE AND 80,000 S.F. FOR LOTS WITHOUT FRONTAGE ON U.S. ROUTE ONE.

17) 250 FEET MINIMUM STREET FRONTAGE ON A STREET WITH ACCESS ALONG U.S. ROUTE 1, HALEY ROAD, LEWIS ROAD, OR CUTTS ROAD AND 150 FEET FOR ALL OTHER STREETS OR APPROVED WAYS.

18) A 40 FOOT WIDE BUFFER IS REQUIRED: TO INTERSTATE 95 RIGHT-OF-WAY; TO NEIGHBORING LOT WITH AN EXISTING RESIDENCE WITHIN 100 FEET OF THE LOT LINE; AND A VEGETATED BUFFER TO BE MAINTAINED BETWEEN THE MU AND R-RL ZONES.

19) MAXIMUM HEIGHT ABOVE GRADE OF BUILDING-MOUNTED SIGN IS 40 FEET.

20) SEE SECTION 16.3.2.13.D.8 *OPEN SPACE STANDARDS* IN THE LUDC FOR DETAILS.

21) 3,000 S.F. FOR THE FIRST TWO DWELLING UNITS AND 6,000 S.F. THEREAFTER.

22) EXCEPT THE PLANNING BOARD MAY REDUCE THE REQUIRED OPEN SPACE TO 30 PERCENT WHERE IT IS CLEARLY DEMONSTRATED THAT NO PRACTICABLE ALTERNATIVE EXISTS TO ACCOMMODATE A WATER-DEPENDENT USE.

23) ZERO FEET FOR GOVERNMENT ST. EAST OF JONES AVE. INCLUDING LOT 107 AT CORNER OF GOV'T AND WALKER STREETS AND WALLINGFORD SQUARE AND 10 FEET FOR ALL OTHER STREETS.

24) EXCEPT FOR BUILDINGS LOCATED ON LOTS THAT ABUT TIDAL WATERS THE HIGHEST POINT OF THE PRIMARY STRUCTURE IS NOT MORE THAN 35 FEET, REFER TO 16.3.2.15.D.2 FOR MORE DETAILS.

25) MAXIMUM IMPERVIOUS AREA FOR LOTS IN THE MU-BI AND MU-KF IS 60 PERCENT. THE BOARD OF APPEALS MAY APPROVE A MISCELLANEOUS APPEAL APPLICATION TO INCREASE ALLOWABLE LOT COVERAGE IN THE MU-BI ZONE TO 70 PERCENT WHERE IT IS CLEARLY DEMONSTRATED NO PRACTICABLE ALTERNATIVE EXISTS TO ACCOMMODATE A WATER-DEPENDENT USE.

26) NOTWITHSTANDING LIMITS DESCRIBED IN 16.3.2.17.D.1.d, VEGETATED SURFACES MUST EXCEED FIFTY (50) PERCENT OF THE LOT AREA WHEN THE LOT, BEING NO GREATER IN SIZE THAN TEN THOUSAND (10,000) SQUARE FEET, IS SITUATED IN BOTH THE RESIDENTIAL - URBAN ZONE (R-U) AND THE SHORELAND OVERLAY ZONE.

27) AT LEAST ONE HUNDRED (100) FEET, HORIZONTAL DISTANCE, FROM THE NORMAL HIGH WATER LINE OF ANY WATER BODIES, TRIBUTARY STREAMS, THE UPLAND EDGE OF A COASTAL WETLAND, OR THE UPLAND EDGE OF A FRESHWATER WETLAND, AND SEVENTY-FIVE (75) FEET, HORIZONTAL DISTANCE, FROM THE NORMAL HIGH-WATER LINE OF ANY WATER BODIES, OR THE UPLAND EDGE OF A WETLAND ON THE MIXED USE - BADGERS ISLAND AND THE KITTELY FORESIDE ZONES, UNLESS MODIFIED ACCORDING TO THE TERMS OF SECTIONS 16.3.2.14.D & E AND 16.3.2.15.D & E. EXCEPT THAT IN THE COMMERCIAL FISHERIES/MARITIME USES OVERLAY ZONE THERE IS NO MINIMUM SETBACK REQUIREMENT. IN THE RESOURCE PROTECTION OVERLAY ZONE THE SETBACK REQUIREMENT IS 250 FEET, HORIZONTAL DISTANCE, EXCEPT FOR STRUCTURES, ROADS, PARKING SPACES OR OTHER REGULATED OBJECTS SPECIFICALLY ALLOWED IN THE ZONE, IN WHICH CASE THE SETBACK REQUIREMENTS SPECIFIED ABOVE APPLY.

28) MINIMUM SEPERATION DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT IS 10 FEET.