

**Town of Kittery
Planning Board Meeting
May 26, 2016**

Town Code Amendment – 16.3.2.15 - Mixed Use – Kittery Foreside

Action: Hold a public hearing; Recommend to Town Council. The proposed amendment removes Design Review regulations from the Mixed Use – Kittery Foreside zone.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Initial Planning Board Meeting	4/28/2016	HELD
NO	Secondary Planning Board Meeting		
YES	Public Hearing	Scheduled for 5/26/2016	
YES	Review/Approval/ Recommendation to Town Council		

Background

The Planning Board held several discussions November 2015 – March 2016 regarding a revival of the Kittery Foreside Committee, formally the Foreside Design Review Committee. The Board determined the Kittery Foreside Committee, as it currently exists within the code, was created to address needs related to the impending growth in the Foreside neighborhood and does not reflect current needs of the neighborhood. The Board voted not to revive the Kittery Foreside Committee on March 24, 2016.

Review

The proposed amendment removes language referencing the inactive Kittery Foreside and Foreside Design Review Committee from Title 16. The amendment was reviewed by the Planning board on 4/28/2016 and Town Council at the joint workshop on 5/16/2016. The current revision incorporates comments from these reviews, are highlighted in yellow and are summarized below

1. Line 7 – Retain the final sentence, amended from “Design review” to “Design standards”.
2. Lines 98 – 102 – Replace “building footprints must **meet** the maximums set forth **above**” with “building footprints must **not exceed** the maximums set forth **within this subsection**”. During the workshop with Town Council, a revision from “**simulate** a concentrated use of space to “**stimulate** a concentrated use of space” was recommended. However, upon further review, the original objective of this standard is unclear and may have been to “simulate” a concentrated use of space by means of requiring new development meet the maximum building footprint standard (Title 16.3.2.15.D.3). The Board should review this standard and evaluate whether it remains applicable to the modern needs of the Foreside neighborhood.

Recommendation

If the Planning board is amenable to the proposed amendments and/or along with any revisions they find are warranted, the Board can...

...move to recommend to Town Council for Town Code Amendment Title 16.3.2.15 – Mixed Use – Kittery Foreside.

1 **16.3.2.15 Mixed Use - Kittery Foreside MU-KF.**

2
3 **A. Purpose.**

4 To provide business, service, and community functions within the Mixed Use - Kittery Foreside zone and
5 to provide a mix of housing opportunities in the historic urbanized center of the community and to allow
6 for use patterns which recognize the densely built-up character of the zone and the limitations for
7 providing off-street parking. **Design review is standards are used to facilitate the revitalization of**
8 **downtown Kittery Foreside as a neighborhood center, while promoting economic development of service**
9 **businesses and walk-in shopping as well as respecting the zone's historic and residential character.**

10
11 **[NOTE: The existing section 16.3.2.15.B and 16.3.2.15.C are not being amended]**

12
13 **D. Standards.**

14 1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where
15 specifically altered in this subsection.

16
17 2. Dimensional Standards. The following space standards apply:

18		
19	Minimum land area per dwelling unit	5,000 square feet
20	Minimum lot size	5,000 square feet
21	Minimum street frontage	0 feet
22	Minimum front yard along:	
23	Government Street east of Jones Avenue including	
24	Lot 107 at the corner of Government and Walker Streets	0 feet
25	other streets	10 feet
26	Wallingford Square	0 feet
27	(Ordained 9/24/12; effective 10/25/12)	
28		
29	Minimum rear and side yards	10 feet
30	Minimum separation distance between principal	
31	buildings on the same lot	10 feet
32		
33	Maximum building height	40 feet*
34	*Except that for buildings located on lots that abut tidal	
35	waters, the highest point on the primary structure of the	
36	building including the roof, but excluding chimneys, towers,	
37	cupolas, and similar appurtenances that have no floor area,	
38	may be not more than thirty-five (35) feet above the	
39	average grade between the highest and lowest elevations	
40	of the original ground level adjacent to the building.	
41	Minimum setback from:	
42	water body and wetland water dependent uses	0 feet
43	all other uses (including buildings and parking)	75 feet
44		unless modified,
45		according to the terms
46		of subsection (E) of this
47		Section.

48		
49	Maximum building coverage	60 percent
50	Minimum open space on the site	40 percent
51		
52	Minimum land area per unit for eldercare facilities	
53	that are connected to the public sewerage system:	
54	dwelling unit with two or more bedrooms	3,000 square feet
55	dwelling unit with less than two bedrooms	2,500 square feet
56	residential care unit	2,000 square feet
57		
58	Minimum land area per bed for nursing care and	
59	convalescent care facilities that are connected to	
60	the public sewerage system	1,500 square feet

61

62 3. Maximum Building Footprint.

63 The maximum area of the building footprint of any new building is one thousand five hundred (1,500)

64 square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.

65

66 A. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square

67 feet, ~~the maximum size of the footprint of the pre-existing building was larger than one thousand five~~

68 ~~hundred (1,500) square feet,~~ the maximum size of the footprint of the new building may be no larger than

69 the footprint of the pre-existing building.

70 B. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the

71 width of the new building as measured parallel to the front lot line may not be greater than the width of the

72 pre-existing building.

73

74 4. Design Standards.

75 Any new building, or additions or modifications to an existing building that:

76

77 (1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after

78 April 1, 2005, or

79

80 (2) is subject to shoreland overlay zoning as set forth in Section 16.7.3.5.1 must conform to the following

81 standards.

82

83 **NOTE:** This requirement does not apply to the replacement of a building destroyed by accidental or

84 natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not

85 increase the pre-existing building volume by more than thirty percent (30%).

86

87 a. Placement and Orientation of Buildings Within a Lot.

88

89 i. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring

90 buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site

91 and buildings, and buildings must be placed to frame, rather than block, vistas.

92

93 ii. Buildings and the front elevation must be oriented facing the street on which the building is located.

94 The siting of buildings on corner lots must consider the placement of buildings on both streets.

95

96 b. Overall Massing of Buildings.

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98 The overall massing objective is to simulate a concentrated use of space in the Foreside zone while
99 avoiding the use of large, multi-unit buildings. In the interest of this objective, building footprints must
100 meet not exceed the maximums set forth above within this subsection. Larger parcels may be developed
101 but will require the use of multiple buildings with smaller footprints. The smaller scale of the buildings will
102 allow new projects to fit in with the existing architectural styles of the Foreside zone.

103
104 c. Grouping of Smaller Buildings.

105 When smaller buildings that are part of one project are placed adjacent to one another on the same lot or
106 adjacent lots, each building must have its own structure and elevation treatment that is different from its
107 neighbor. Small decorative wings may be attached to larger structures if well integrated into the overall
108 arrangement of shapes.

109
110 d. Building Details.

111 Buildings must include architectural details that reflect the historic style of the Foreside zone. Molding and
112 trim must be used to decorate or finish the surface of buildings and doors. Eaves and overhangs should
113 be incorporated into the design.

114
115 e. Roof Slopes and Shapes.

- 116
117 i. Allowable roof shapes include a simple gable, gambrel, saltbox, and hip. The minimum roof pitch
118 must be 8:12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable.
119
120 ii. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than
121 the pitch of the roofs on the buildings that are being linked.
122
123 iii. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct
124 from the primary structure or where systems are concealed by standard roof forms.
125
126 iv. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of
127 buildings must apply the same roof plan principles to pitch and link roofs.

128
129 f. Fencing and Walls.

- 130
131 i. Fencing may be used to separate public and private spaces, mark property lines, and protect
132 plantings.
133
134 ii. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or
135 vistas.
136
137 iii. Picket and other medium height fences and low stone walls are permitted.
138
139 iv. Modern concrete walls and similar structures are prohibited.
140
141 v. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear
142 yards only if compatible with the overall design of the site.
143

144 vi. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be
145 screened with board fences, board and lattice fences, and/or landscaping.
146
147 g. Utilities.
148 All utilities serving a new building including electricity, telephone, cable, Internet, and alarm systems must
149 be placed underground from the access pole.

150
151 h. Preservation of Trees.
152 Existing large, healthy trees must be preserved if practical.

153
154 5. Signage
155 Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

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157 a. Products for sale displayed outside the building are limited to an area extending no greater than two
158 feet from the front facade of the building;

159
160 ~~b. Signboards are permitted in accordance with a design detailing style and size submitted by Kittery
161 Foreside Committee and approved by the Planning Board and on file in the planning office;~~

162
163 ~~e.~~ b. Signboards and/or products for sale must be removed from the sidewalk at the close of each
164 business day;

165
166 ~~d.~~ c. An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a
167 calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee,
168 reference Appendix A.

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170 **[NOTE: The existing section 16.3.2.15.E is not being amended]**
171

172 ~~**F. Design Review.**
173 KFC advisory design review is required for any project involving the construction of a new building, or the
174 enlargement or modification of an existing building that:~~

175
176 ~~(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after
177 April 1, 2005, or~~

178
179 ~~(2) is subject to the shoreland overlay zone requirements as set forth in Section 16.43.2.17, is subject to
180 an advisory design review by the Kittery Foreside Committee (KFC).~~

181
182 ~~**NOTE:** This requirement does not apply to the replacement of a building destroyed by accidental or
183 natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not
184 increase the pre-existing building volume by more than thirty percent (30%). This review is limited to
185 consideration of the project's conformance with the design standards set forth in subsection (E)(4) of this
186 Section. Upon receipt of an application for a project in the district that is subject to this requirement, Town
187 staff shall forward the application to the chair of the KFC. The application must contain adequate
188 information to allow the committee to evaluate the project's conformance with the design standards of
189 subsection (E)(4) of this Section.~~

190

191 ~~The KFC has a maximum of forty-five (45) days to complete its review of the project. The KFC is to~~
192 ~~provide a written report documenting its findings relative to conformance with the design standards and~~
193 ~~any recommendations for changes to the project needed to conform to the standards. The design review~~
194 ~~must be completed prior to approval of a development plan under Chapter 16.10, or the issuance of a~~
195 ~~building permit if development review is not required, unless the KFC fails to complete its review within~~
196 ~~forty-five (45) days in which case the application must be processed without the KFC review. The findings~~
197 ~~of the design review must be provided to the Planning Board and/or CEO for consideration in their actions~~
198 ~~relative to the project.~~