

Section 9. Upper Square District (US)

A. Purpose

The purpose of the Upper Square District is to provide for a compact, transitional area between Downtown Kennebunk and surrounding residential neighborhoods. The Upper Square District covers an historic civic, cultural, and commercial area, and it is intended to accommodate this mixture of uses in a traditional setting.

B. Permitted Uses

The following uses are permitted in the Upper Square District:

1. The following residential uses:
 - 1-1 Single family detached dwellings
 - 1-2 Two-family dwellings
 - 1-3 Multifamily dwellings
 - 1-4 Accessory dwelling unit
 - 1-5 Multifamily lots
2. The following institutional uses:
 - 2-1 Cemeteries
 - 2-2 Churches
 - 2-3 Libraries
 - 2-4 Municipal uses
 - 2-5 Museums
 - 2-6 Public and private schools
3. The following commercial uses:
 - 3-1 Business and professional offices
 - 3-2 Business services
 - 3-3 Commercial schools
 - 3-4 Day care centers
 - 3-5 Funeral homes
 - 3-6 Personal services
 - 3-7 Studios of artisans
 - 3-8 Veterinary clinics
4. The following recreation and marine uses:
 - 4-1 Outdoor recreation
5. The following industrial uses:
 - 5-1 Tradesmen's shops, provided there is no outdoor storage
6. The following utility uses:
 - 6-1 Essential services
7. The following accessory uses:
 - 7-1 Accessory buildings and uses
 - 7-2 Home occupations
 - 7-3 Renting of rooms, not to exceed four rented bedrooms

C. Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with Article 7 of this Ordinance:

1. The following utility uses:
1-1 Public utilities

D. Prohibited Uses

1. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
2. Lots with two existing units, either a two family or single family with accessory dwelling unit, are not permitted to add an additional dwelling unit as of June 14, 2023

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Upper Square District:

Minimum net lot area	2,500 sq. ft.
Minimum net lot area per dwelling unit	
In buildings on or eligible to be on the National Registry of Historic Places	None, provided any conversion reviewed by the Historic Preservation Commission per the standards of Article 12, Section 3
Other dwelling units	1,500 sq. ft. provided that accessory dwelling unit shall not require an increase in the minimum net lot area.
Multifamily Lots	1,500 sq. ft.
Minimum lot width	None
Minimum setbacks	
Front, side, and rear yards	None, provided that any off-street parking spaces that may be required or otherwise provided on the same lot as the building shall be set back at least 25 feet from the front property line; and the area between the front property line and a line that is parallel to the front property line and tangent to the wall of the building closest to this property line and running the full width of the lot shall not be used for parking, although this area may be crossed by a driveway.
Shoreland area	Per Article 8, Section 16

Section 10: York Street Mixed Residential and Commercial Use District

Maximum height	40 feet, provided that no wood frame or timber building existing on June 17, 1963, shall be increased in height, and the Board of Appeals shall not grant any appeal for any such increase in height.
Maximum lot coverage	None
Minimum width of green perimeter strip	None

(2) Performance Standards

Uses within the Upper Square District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- | | | |
|-----|---------------------------------------|------------------------|
| (a) | Soils | Article 10, Section 2 |
| (b) | Private outdoor lighting | Article 10, Section 6 |
| (c) | Signs | Article 10, Section 7 |
| (d) | Off-street parking | Article 10, Section 9 |
| (e) | Multifamily dwellings | Article 10, Section 10 |
| (f) | Home occupations | Article 10, Section 14 |
| (g) | Accessory dwelling unit | Article 10, Section 15 |
| (h) | Mixed residential-and-commercial uses | Article 10, Section 16 |
| (i) | Affordable housing | Article 10, Section 12 |
| (j) | Water and wastewater | Article 10, Section 8 |

F. Overlay Districts

- (1) Any lot or use within the Shoreland Area Overlay District shall additionally comply with the provisions of Article 8, Section 16, and of Article 10, Section 3 of this Ordinance.
- (2) Any lot or use within the Historic Preservation Overlay District shall additionally comply with the provisions of Article 8, Section 17, and of Article 12 of this Ordinance.

G. Flood Plains

Any construction or development within a flood plain, as defined by the Kennebunk Flood Plain Management Ordinance, shall additionally comply with the terms of that ordinance.

H. Site Plan Review

Any proposals as described in Article 11 (Site Plan Review), Section 3 of this Ordinance shall be subject to site plan review and approval prior to receipt of a building permit or plumbing permit.