

## Section 16. Shoreland Overlay District (SZ)

### A. Purpose

The purpose of the Shoreland Overlay District is to provide for the protection of the Town's water bodies, and to assure the Town's compliance with the State's mandatory Shoreland Zoning Act. The principal means of protection is through performance standards for land uses within the shoreland area.

### B. Permitted Uses

Uses permitted in the Shoreland Overlay District shall be only those set forth as permitted uses in the underlying zoning district which this district overlays.

### C. Special Exceptions

Uses allowed in the Shoreland Overlay District as special exceptions shall be only those set forth as special exception uses in the underlying district which this district overlays.

### D. Standards

#### (1) Space and bulk standards

The space and bulk standards shall be those of the underlying zoning district which this district overlays or the following, whichever is stricter:

**Minimum shore frontage:** 200 feet measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark (6/14/2011)

**Lot Width:** The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a ten (10) acre wetland, shall be equal to or greater than the frontage standards noted above.

**Multiple Structures and Uses on a Lot:** If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principle structure, or use. This provision shall not apply in the following underlying districts where served by public sewer and water: Suburban Residential, Village Residential, Coastal Residential, Downtown Business, Upper Square, York Street Mixed Use, Lower Village Business, West Kennebunk Village, West Kennebunk Village Residential, Suburban Commercial, Business Park, Industrial District. This provision shall also not apply in shoreland zoned areas adjacent to Priority 2 and Priority 3 wetlands.

**Minimum Setbacks:** The minimum setbacks from normal high water line of a waterbody or upland edge of a wetland shall apply in the Shoreland Overlay Zone as follows:

- areas described by Article 3, Section 3.B.1.....100 feet

- areas described by Article 3, Section 3.B.2.....50 feet

- except that areas described by Article 3, Section 3.B.1.(1.) and 3.B.(2), which overlay the following Districts shall be 25 feet:

- Upper Square
- West Kennebunk Village
- Downtown Business,
- Lower Village Business,
- York Street Mixed Residential & Commercial Use,
- Suburban Commercial,
- Business Park, and
- Industrial

- areas described by Article 3, Section 3.B.3.....25 feet\*

- \*except as otherwise approved by the Planning Board (or Site Plan Review Board in the case of a Site Plan application) in conformance with the standards of Article 10, Section 3.P or except as otherwise exempted by the provisions noted below.

These Shoreland Zoning setbacks shall apply to all buildings and structures, roads, driveways, parking areas and other non-revegetated surfaces, except those which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, bridges, and other functionally water- dependent uses. Water crossings, roads and driveways to permitted uses shall also be exempt from full compliance with these setback requirements if the Planning Board finds that such road, driveway or water crossing meets the performance standards of Article 10, Section 3.G.and 3.P.

**Minimum Setbacks from Coastal Bluffs:** For principal structure, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published in the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

**Lot Coverage:** The total area of all structures, parking lots, roads, driveways and other non-revegetated surfaces, within the shoreland zone, shall not exceed twenty (20) percent of the lot or a portion, thereof, located within the shoreland zone, including land area previously developed; except that in the following zones, Downtown Business, Upper Square, West Kennebunk Village, Lower Village Business, York Street Mixed Residential and Commercial Use, Suburban Commercial, Business Park and Industrial, lot coverage shall not exceed seventy (70) percent.

**Approved Subdivision Lots:** These dimensional standards shall not apply to any vacant lot shown on a subdivision plan recorded in the York County Registry of Deeds and approved by the Planning Board in compliance with all requirements of this Ordinance in effect at the time of such approval.

(2) Performance standards

- (a) Uses shall conform to the performance standards of the underlying zoning district which this district overlays.
- (b) Additionally, uses shall conform to the requirements of Article 10, Section 3, of this Ordinance.

E. **Site Plan Review**

Any proposal 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.