

Section 10. York Street Mixed Residential and Commercial Use District (MRCU)**A. Purpose**

The purpose of the York Street Mixed Residential and Commercial Use District is to provide areas which contain a mixture of small scale businesses, such as retail shops, professional offices, and restaurants, as well as residential uses. The continuation of exterior historical architectural features on both old and new buildings and the use and reuse of existing buildings are encouraged.

B. Permitted Uses

The following uses are permitted in the York Street Mixed Residential and Commercial Use District:

1. The following resource protection uses:
 - 1-1 Forest management
 - 1-2 Harvesting of wild crops
2. The following resource production uses:
 - 2-1 Horticulture
3. The following residential uses:
 - 3-1 Convalescent and rest homes
 - 3-2 Single family detached dwellings
 - 3-3 Multifamily dwellings
 - 3-4 Elderly congregate housing
 - 3-5 Two-family dwellings
 - 3-6 Accessory apartments
 - 3-7 Multifamily lots
4. The following institutional uses:
 - 4-1 Cemeteries
 - 4-2 Churches
 - 4-3 Libraries
 - 4-4 Municipal uses
 - 4-5 Museums
 - 4-6 Public and private schools
5. The following commercial uses:
 - 5-1 Banks
 - 5-2 Business and professional offices
 - 5-3 Business services
 - 5-4 Commercial schools
 - 5-5 Day care centers
 - 5-6 Eating places, provided no service is furnished directly to customers in their motor vehicles
 - 5-7 Funeral homes
 - 5-8 Halls and theaters
 - 5-9 Hotels and motels, not to exceed 40 units

NOTE: Throughout this Article, permitted uses and special exceptions are organized by categories of use, such as "resource production" uses and "institutional" uses. The language introducing each category of use shall of itself carry no legal meaning, but rather serves an organizational purpose only.

Section 10: York Street Mixed Residential and Commercial Use District

- 5-10 Inns
- 5-11 Personal services
- 5-12 Rental of equipment, provided there is no outdoor storage or display
- 5-13 Retail sales containing a maximum of 4,000 square feet of gross floor area per use
- 5-14 Studios of artisans
- 5-15 Veterinary clinics

6. The following recreation and marine uses:

- 6-1 Outdoor recreation
- 6-2 Fully enclosed places of recreation, except video arcades

7. The following industrial uses:

- 7-1 Tradesmen's shops, provided there is no outdoor storage

8. The following utility uses:

- 8-1 Essential services

9. The following accessory uses:

- 9-1 Accessory buildings and uses
- 9-2 Home occupations
- 9-3 Renting of rooms, not to exceed eight rented rooms

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

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) Space and Bulk Standards

The following space and bulk standards shall apply in the Mixed Residential and Commercial Use District:

Minimum net lot area	Sewer	No Sewer
Hotels and motels	40,000 sq. ft.	Not Permitted
Multifamily dwellings	10,000 sq. ft.	40,000 sq. ft.
Mixed Use	10,000 sq. ft.	20,000 sq. ft.
Other uses	10,000 sq. ft.	20,000 sq. ft.

Section 10: York Street Mixed Residential and Commercial Use District

Minimum net lot area per dwelling unit	Sewer	No Sewer
Single family detached dwellings and two-family dwellings	5,000 sq. ft.	20,000 sq. ft.
Multifamily dwellings	5,000 sq. ft.	20,000 sq. ft.
Elderly congregate	2,000 sq. ft.	
Minimum net lot area per dwelling unit on a mixed use lot		
Mixed use with single family detached dwelling	5,000 sq. ft.	20,000 sq. ft.
Mixed use with multifamily dwellings	5,000 sq. ft.	20,000 sq. ft.
Minimum lot width (see also paragraph E(2)(a) below)		
Single family detached dwellings and two-family dwellings	100 feet	
Multifamily dwellings/lots	100 feet	
Hotels and motels	200 feet	
Other uses	150 feet	
Shoreland area	Per Article 8, Section 16	
Minimum setbacks		
Front yard		
Multifamily dwellings	25 feet	
Hotels and motels	25 feet	
Other uses	25 feet	
Side yards		
Multifamily dwellings	20 feet	
Hotels and motels	20 feet	
Other uses	20 feet	
Rear yard		
Multifamily dwellings	25 feet	
Hotels and motels	25 feet	
Other uses	25 feet	

Section 10: York Street Mixed Residential and Commercial Use District

Shoreland area	Per Article 8, Section 16
Maximum height	35 feet
Maximum lot coverage	25 percent
Total impervious surface of buildings, parking areas, driveways and all walk ways	50 percent of the lot Total impervious surface may be increased up to 75% when the additional impervious surface, in excess of 50%, is developed utilizing the Low Impact Development (LID) techniques described in the Maine Department of Environmental Protection Storm water Best Management Practices (BMP) manual Volume III, Chapter 10.
Minimum width of green perimeter strip	Except where the standards below are more stringent, all lots will have a strip a minimum of 10 feet wide, exclusive of area for a sidewalk, along the front property line that shall be maintained in plants (grass, flowers, shrubs and/or trees) and shall not be used for off-street parking. Further, the green perimeter area for any lot, unless it contains only a single family residence, whose side or rear yard borders a residential district shall provide landscaping and/or a fence to create an opaque screen at least six feet high in that side or rear yard.
Multifamily dwellings	20 feet
Hotels and motels	20 feet
Other uses	10 feet

(2) Performance Standards

Uses within the Mixed Residential and Commercial Use District shall conform to all applicable performance standards of this Ordinance, including but not limited to the following:

- (a) Shared access
Any lot with a use that shares its sole access to Route One with at least one other lot or that gains its access from a public way other than Route One may reduce its minimum lot width to 75 feet.
- (b) Conceptual plan required
 - (i) Any application for new development on or subdivision of a lot of two or more acres in existence as of the effective date of this Ordinance shall, if the proposal does not involve the entire site, be accompanied by a conceptual plan for the use of the remainder of the site. The conceptual plan shall show, at a minimum, natural constraints, such as wetlands, that exist on the rest of the site, the potential locations of other lots or development on the site, the way in which roads, driveways, and pedestrian ways will serve the future lots or development, and the way in which all proposed development will relate to and potentially connect with adjacent lands.

Section 10: York Street Mixed Residential and Commercial Use District

- (ii) To the greatest extent possible, the conceptual plan shall demonstrate that future lots created from the site and development on the site will share access to and minimize curb cuts along Route One, that provision has been made for convenient, direct connections between all lots or developments, and that provision has been made to avoid wetlands and other significant natural resources.
- (c) **Sight distance**
Commercial uses, including home occupations, may not block sidewalks or obstruct sight distances of entering or exiting traffic with exterior storage or merchandise or displays.
- (d) **Operating hours**
Business hours shall begin no earlier than 6 a.m. and end no later than 1 a.m. Lodging offices in hotels, motels, and renting of rooms are excluded.
- (e) **Mixed residential-and-commercial uses**
Mixed residential-and-commercial uses shall comply with the space and bulk standards of the York Street Mixed Residential and Commercial Use District. Mixed use minimum net lot area shall be calculated by the sum of the minimum net lot area per residential dwelling unit. No additional lot area is required for the commercial use.

Mixed uses are allowable on a lot that is legally nonconforming as to one or more space and bulk standards if (1) they are located wholly within a residential structure or a structure accessory thereto in existence as of the effective date of this ordinance, (2) the residential appearance of the structure is preserved without substantial alteration, and (3) the nonconforming aspect of the lot is not worsened.
- (f) Off-street parking shall conform to the performance standards in Article 10, Section 9. In addition, parking shall be arranged so it is not necessary for vehicles to back into the street. New parking lots shall not be created between York Street and the principal structure on the lot bordering York Street.
- (g) Soils Article 10, Section 2
- (h) Private outdoor lighting Article 10, Section 6
- (i) Signs Article 10, Section 7
- (j) Multifamily dwellings Article 10, Section 10
- (k) Elderly congregate housing Article 10, Section 11
- (l) Home occupations Article 10, Section 14
- (m) Accessory apartments Article 10, Section 15
- (n) Motels, hotels, and inns Article 10, Section 17

A Hotel or motel proposed for construction on a lot that abuts a residential zoning district shall provide a 50 foot side or rear setback between the structure and the residential zoning district boundary.

F. Overlay Districts

(1) Any lot or use within the Shoreland 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.