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
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:

<table>
<thead>
<tr>
<th>Minimum net lot area</th>
<th></th>
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<tbody>
<tr>
<td>Hotels and motels</td>
<td>80,000 sq. ft.</td>
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<tr>
<td>Multifamily dwellings</td>
<td>40,000 sq. ft.</td>
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<tr>
<td>Other uses</td>
<td>20,000 sq. ft.</td>
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<tr>
<td>Minimum net lot area per dwelling unit</td>
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<td>--------------------------------------</td>
<td>--------------------------------------------------</td>
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<tr>
<td>Single family detached dwellings and two-family dwellings</td>
<td>20,000 sq. ft., provided that accessory apartments shall not require an increase in the minimum net lot area.</td>
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<tr>
<td>Multifamily dwellings</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>Multifamily Lots</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>Elderly congregate</td>
<td>2,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum net lot area per dwelling unit on a mixed use lot</td>
<td></td>
</tr>
<tr>
<td>Mixed use with single family detached dwelling</td>
<td>20,000 square feet per dwelling plus 20,000 square feet for commercial use</td>
</tr>
<tr>
<td>Mixed use with multifamily dwellings</td>
<td>10,000 square feet per dwelling unit plus 20,000 square feet for commercial use</td>
</tr>
<tr>
<td>Minimum lot width (see also paragraph E(2)(a) below)</td>
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<tr>
<td>Single family detached dwellings and two-family dwellings</td>
<td>100 feet</td>
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<tr>
<td>Multifamily dwellings/lots</td>
<td>200 feet</td>
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<tr>
<td>Hotels and motels</td>
<td>200 feet</td>
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<tr>
<td>Other uses</td>
<td>150 feet</td>
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<tr>
<td>Shoreland area</td>
<td>Per Article 8, Section 16</td>
</tr>
<tr>
<td>Minimum setbacks</td>
<td></td>
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<tr>
<td>Front yard</td>
<td></td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td>40 feet</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>40 feet</td>
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<tr>
<td>Other uses</td>
<td>25 feet</td>
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<tr>
<td>Side yards</td>
<td></td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td>40 feet</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>40 feet</td>
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<tr>
<td>Other uses</td>
<td>20 feet</td>
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<tr>
<td>Rear yard</td>
<td></td>
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<tr>
<td>Use</td>
<td>Minimum Width of Green Perimeter Strip</td>
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<td>----------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td>20 feet</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>20 feet</td>
</tr>
<tr>
<td>Other uses</td>
<td>10 feet</td>
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</tbody>
</table>

(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.

(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. However, 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
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.