

# **TOWN OF KENNEBUNK ZONING ORDINANCE**

**Adopted: November 2, 1993**

**Amended: June 15, 1994**

**Amended: December 14, 1994**

**Amended: June 14, 1995**

**Amended: June 12, 1996**

**Amended: September 4, 1996**

**Amended: November 20, 1996**

**Amended: October 21, 1997**

**Amended: June 10, 1998**

**Amended: June 9, 1999**

**Amended: February 29, 2000**

**Amended: November 14, 2001**

**(Effective date: 6/26/2001)**

**Amended: June 13, 2002**

**Amended: June 11, 2003**

**Amended: February 12, 2004**

**Amended: June 9, 2004**

**Amended: January 18, 2005**

**Amended: June 15 – 16, 2005**

**Amended: November 15, 2005**

**Amended: June 14, 2006**

**Amended: November 7, 2006**

**Amended: November 16, 2006**

**Amended: June 13, 2007**

**Amended: February 21, 2008**

**Amended: June 11, 2008**

**Amended: January 31, 2009**

**Amended: June 10, 2009**

**Amended: November 3, 2009**

**Amended: June 8, 2010**

**Amended: June 14, 2011**

**Amended: November 8, 2011**

**Amended: June 12, 2012**

**Amended: November 6, 2012**

**Amended: June 11, 2013**  
**Amended November 5, 2013**  
**Amended June 10, 2014**  
**Amended November 4, 2014**  
**Amended June 9, 2015**  
**Amended November 3, 2015**  
**Amended June 14, 2016**  
**Amended November 8, 2016**  
**Amended November November 6, 2018**

**Synopsis of Kennebunk Zoning Ordinance  
Amendments since November 2, 1993**

- I. June 15, 1994:  
Amendments to Articles 2, 3, 4, 5, 6, 7, 8, and 10 concerning Shoreland Zoning and Resource Protection Zoning.
- II. December 14, 1994:
  - A. Amendments to Article 8, regarding dimensional setbacks in the Village Residential and West Kennebunk Village Districts.
  - B. Amendments to Articles 5, 8, and 10 regarding Shoreland Zoning.
- III. June 14, 1995:  
Amendments to Articles 2, 8 and 10 regarding Multifamily Lots
- IV. June 12, 1996:
  - A. Amendments to Article 11, regarding Site Plan Submission Dates
  - B. Amendments to Article 12, regarding the qualifications of Historic Commission Members
- V. September 4, 1996:  
Amendments to Article 10, Section 7 regarding “Off-premise” Signs
- VI. November 20, 1996:  
Amendment to Article 10, Section 11 regarding Elderly Congregate Housing variance provision
- VII. October 21, 1997  
Amendment to Articles 2, 7, 8, 11, and 13 regarding Telecommunications Facilities
- VIII. June 10, 1998
  - A. Amendments to Articles 2, 8, and 11 regarding implementation of recommendations of the Portland Road Traffic Management Study. [Effective Date 2/23/98]
  - B. Amendments to Articles 2, 4, 6, 7, 8, 9, 10, and 11 and including the addition of standards for outdoor lighting and day care centers.
- IX. June 9, 1999  
Amendment to Article 10, Section 7.E.(3)(h)((1)) regarding sign standards
- X. February 29, 2000
  - A. Amendments to Articles 3, 8, 9, and 10 regarding the creation of a new category of Village Residential Zoning to be called West Kennebunk Village Residential [Effective Date: 11/23/99]
  - B. Amendments to Articles 10 and 11 regarding Outdoor Lighting Standards
- XI. November 14, 2001  
Amendment to Article 8, Section 7.E. & Section 12.E. regarding Net Lot Area
- XII. June 13, 2002
  - A. Amendment to Articles 4 regarding the Adoption of a new Building Code
  - B. Amendment to Article 11 regarding Notice to Abutters
- XIII. June 11, 2003

- Amendment to Article 10, Section 9.B (2) regarding off-site parking standards
- XIV. February 12, 2004
- A. 39 Portland Road Contract Zone (Article 8, Section 18)
  - B. 12 Depot Street Contract Zone (Article 8, Section 19)
- XV. June 9, 2004
- Amendments to Article 10, Section(s) 7.C.(3)(C) and 7.D.(17) regarding signage
- XVI. January 18, 2005
- A. Amendments to Article 4, Section(s) 1.(F) and 1.(4). regarding blasting operations
  - B. One Alfred Road Contract Zone (Article 8, Section 20)
- XVII. June 15 -16, 2005
- 119 Main Street Contract Zone (Article 8, Section 21)
- XVIII. November 15, 2005
- A. Amendments to Article 2, Section 2. regarding definitions of Affordable Housing and Accessory Apartment
  - B. Amendment to Article 10, Section 12. regarding the Affordable Housing Applicability section
- XIX. June 14, 2006
- A. Amendment to Article 10, Section 15 regarding Accessory Apartments
  - B. Amendment to add new Article 14 Impact Fees
  - C. Amendment to Article 14, Section 4 and Section 10 to add Bicycle Facility Improvements Impact Fee
- XX. November 7, 2006
- Amendment to Article 14, Section 4 and Section 9 to add West Kennebunk Fire Station Impact Fee
- XXI. November 16, 2006
- Amendment to Article 8, Section 22 to add Cousens School Contract Zone
- XXII. June 13, 2007
- A. Amendment to Article 6, Section 2.(B)(3) regarding a change to disability variance provision.
  - B. Amendment to Article 6, Section 2.(C)(3) regarding variance notice requirements to the Department of Environmental Protection by the Zoning Board of Appeals
  - C. Amendment to Article 8, Section 13 and Article 10, Section 12.A regarding permitted uses in the Suburban Commercial District
  - D. Amendment to Article 10, Section 9.(C)(1) regarding off-street parking standards along private streets
  - E. Amendment to Article 10, Section 12 regarding use of Affordable Housing Density Bonus provision for “non-subdivision” development
  - F. Amendment to Article 11, Section 5 regarding the filing of site plans with Public Utility Agencies
  - G. Amendment to Article 13, Section 1.B. and Section 1.C. regarding zoning amendment notice requirements
- XXIII. February 21, 2008
- A. Amendment to Article 6, Section 3.F regarding Zoning Board of Appeal approval

standards.

- B. Amendment to Article 10, Section 7.(D)(7) regarding off-premise real estate signs.
- C. Amendment to Article 8, to add new Section 23 – Terrace Green Contract Zone

XXIV. June 11, 2008

- A. Amendments to Articles 2, 8 and 11 regarding implementation of the March 2008 Portland Road Traffic Management Update Study requirements.
- B. Amendment to Article 11 establishing procedures for Staff Review of Minor Plan Applications.
- C. Amendment to Article 10, Section 9 regarding off-street parking requirements

XXV. January 31, 2009

Amendment to Article 10, Section 3.E. regarding Piers, Docks, Wharves, Breakwaters, Causeway, Marinas, Bridges, and Uses extending over or below the normal high water line of a body of water or within a wetland

XXVI. June 10, 2009

- A. Amendments to Shoreland Zoning Map and to Articles 2, 3, 5, 7, 8 & 10 regarding update of Shoreland Zoning Regulations
- B. Amendment to Article 8, Section 12, to amend list of permitted uses in the West Kennebunk Village Mixed Use District
- C. Amendment to Article 10, Section 9, authorizing waiver of parking standard for retail/restaurants in Lower Village Business (LVB) District
- D. Amendment to Articles 2 & 10 regarding the placement of Small Wind Energy Systems (SWES)
- E. Amendment to Article 2, “Accessory Use” definition to permit parking lots as the sole use of a lot
- F. Amendment to Articles 2 & 11 regarding the Open Space Plan Implementation requirements for Site Plan Review

XXVII. November 3, 2009

Amendment to Article 8 to add new Section 24: Webber Hill Road Contract Zone

XXVIII. June 8, 2010

Amendment to Article 2 to change definition of Net Development Area (or Net Lot Area)

XXIX. June 14, 2011

- A. Amendment to Articles 2, 8 and 10 to address MDEP Shoreland Zoning conditions (dated 12/03/09)
- B. Amendment to Article 10, Section 9, to extend timeframe of Subsection C.(3) regarding parking space reductions applicable to Lower Village Business District until June 30, 2012
- C. Amendment to Article 8, Section 15.B, to add limited retail sales to list of permitted uses in Industrial District
- D. Amendment to Article 8, Section 2, to add some business uses to portion of Branch Brook Aquifer Zone B named B-BPA. Also includes zoning map amendment.
- E. Amendment to article 10, Section 7, regarding off-premise signs
- F. Amendment to Article 7, Section 4, and Article 10, Section 22, regarding Telecommunications Facilities
- G. Amendment to Article 2, Section 2, regarding Elderly Congregate definition
- H. Amendment to Article 3, Section 1, and Article 8, Section 25, to add new Portland Road Mixed Use Zoning District (PRMU) and associated map amendment
- I. Amendment to Article 11, Site Plan Review, regarding hearings, staff review of off street

parking plans and updates to performance guarantee requirements

- XXX. November 8, 2011
- A. Amendment to Article 8, Section 7, to make WKVR standards the same as VR zoning
  - B. Amendment to Zoning Map to expand the boundary of West Kennebunk Village Residential Zoning District
  - C. Amendment to Article 9 Open Space Standards and Article 2 Definitions to add density bonus provision and to permit Open Space Subdivisions in WKVR and WKV Zoning Districts
- XXXI. June 12, 2012
- Amendment to Article 7, Special Exceptions, Section 2, regarding Special Exception Application Procedures
- XXXII. November 12, 2012
- A. Amendments to Article 2, Section 2, to clarify definitions of Abutting Property and Half-Story
  - B. Amendments to Article 4, Section 1, regarding enforcement of Building and Energy Codes and Certificates of Appropriateness
  - C. Amendment to Article 5 for clarification of review authority for non-conforming use
  - D. Amendment to Article 10, Section 7 regarding Signs
  - E. Amendment to Article 12, Sections 2, 3 & 4 regarding Historic Preservation Committee review standards
  - F. Zoning Map amendment regarding Tax Map 35/Lot 2 to extend Village Residential Zone along Portland Road
- XXXIII. June 11, 2013
- A. Amendment to Article 2, Definitions to add Aquaculture
  - B. Amendment to Article 8, Section 15, regarding lot coverage; add Agriculture and Horticulture to Industrial Zone; remove sunset provision regarding retail sales.
  - C. Amendment to Article 10, Section 7, to incorporate new banner ordinance into sign standards.
- XXXIV. November 5, 2013
- A. Amendment to Article 10, Section 17, regarding cooking facilities in hotels, motels and inns
  - B. Amendment to Article 10, Section 23, adding new performance standard call Design Review for all new development in commercial zones along Portland Road and York Streets; and Article 8, Sections 8, 11 & 13 to amend related permit uses.
- XXXV. June 10, 2014
- A. Amendment to Article 8 to add new Section 26, Western Avenue Contract Zone
  - B. Amendment to Article 10, Section 9, Off-Street Parking
- XXXVI. November 4, 2014
- Amendment to Article 8, Section 15, Industrial District
- XXXVII. June 9, 2015
- Amendment to Article 13, Section 1.D.(11)
- XXXVII. November 3, 2015
- Amendment to Article 10, Section 7, regarding Off-Premise Signs
- XXXVIII. June 14, 2016
- Amendment to Article 8, Section 6, regarding rental of rooms

- XXXIX November 8, 2016
  - A. Amendment to Article 8, Sections, 3, 4 & 7 regarding rental of rooms
  - B. Amendment to Article 10, Sections 9 & 17 regarding standards for lodging uses
  - C. Amendment to Article 10, Section 18, regarding number of horses that may be kept
  
- XL November 6, 2018
  - A. Amendment to Article 10, Section 3 regarding VE Zones

# Table of Contents

	<u>Article</u>	<u>Page</u>
<b>Article 1. Title and Purpose</b>	<b>1</b>	
Section 1. Short Title		1
Section 2. Purpose		1
<b>Article 2. Definitions</b>	<b>2</b>	
Section 1. Meaning of Words		1
Section 2. Definitions		1
<b>Article 3. Establishment of Districts</b>	<b>3</b>	
Section 1. Zoning Districts		1
Section 2. Boundaries of the Zoning Districts		3
Section 3. Boundaries of the Overlay Districts		5
<b>Article 4. Administration and Enforcement</b>	<b>4</b>	
Section 1. Permit Required		1
Section 2. Applications for Building Permits		2
Section 3. Access for Inspection		3
Section 4. Enforcement		3
Section 5. Violations and Penalties		3
<b>Article 5. Nonconformance</b>	<b>5</b>	
Section 1. Basic Requirement		1
Section 2. Definitions		1
Section 3. Nonconforming Lots		1
Section 4. Nonconforming Uses		2
Section 5. Nonconforming Buildings or Structures		3
Section 6. Nonconformities in the Branch Brook Aquifer Protection District		4
Section 6A. Nonconformities in the Resource Protection Zone		5
Section 7. Nonconformities in the Shoreland Zone		5
Section 8. Transfer of Ownership		9
Section 9. Changes in Nonconforming Lots, Structures and Uses		9
<b>Article 6. Board of Appeals</b>	<b>6</b>	
Section 1. Appointment and Composition		1
Section 2. Powers and Duties		1
Section 3. Appeal Procedure		5
Section 4. Recording		7
<b>Article 7. Special Exceptions</b>	<b>7</b>	
Section 1. Special Exceptions		1
Section 2. Special Exception Application Procedures		3
Section 3. Special Exception Application Procedures in the Branch Brook Aquifer Protection District		5
Section 4. Telecommunications Facilities		6
Section 5. Expansion or Enlargement of a Special Exception Use		18
Section 6. Waiver provision		18

	<u>Article</u>	<u>Page</u>
<b>Article 8. District Regulations</b>	<b>8</b>	
Section 1. Resource Protection District (RP)		1
Section 2. Branch Brook Aquifer Protection District (BB)		3
Section 3. Rural Conservation District (RC)		10
Section 4. Rural Residential District (RR)		13
Section 5. Coastal Residential District (CR)		16
Section 6. Suburban Residential District (SR)		20
Section 7. Village Residential District(s) (VR) & (WKVR)		24
Section 8. Downtown Business District (DB)		29
Section 9. Upper Square District (US)		33
Section 10. York Street Mixed Residential and Commercial Use District (MRCU)		36
Section 11. Lower Village Business District (LVB)		42
Section 12. West Kennebunk Village Mixed Use District (WKV)		46
Section 13. Suburban Commercial District (SC)		50
Section 14. Business Park District (BP)		55
Section 15. Industrial District (I)		58
Section 16. Shoreland Overlay District (SZ)		61
Section 17. Historic Preservation Overlay District (HP)		64
Section 18. 39 Portland Road Contract Zone		66
Section 19. 12 Depot Street Contract Zone		72
Section 20. One Alfred Road Contract Zone		78
Section 21. 119 Main Street Contract Zone		91
Section 22. Cousens School Contract Zone		99
Section 23. Terrace Green Contract Zone		109
Section 24. Webber Hill Road Contract Zone		123
Section 25. Portland Road Mixed Use District		135
Section 26. Western Avenue Contract Zone		140
<b>Article 9. Open Space Standards</b>	<b>9</b>	
Section 1. Purpose		1
Section 2. Applicability		1
Section 3. General Standards		1
Section 4. Density Bonus		3
Section 5. Design Standards		4
<b>Article 10. Performance Standards</b>	<b>10</b>	
Section 1. Applicability		1
<b><u>Part A. Environmental</u></b>		
Section 2. Soils		1
Section 3. Shoreland Overlay District and Resource Protection District		1
Section 4. Aquifer Protection		13
Section 5. Reserved		17
<b><u>Part B. Site Elements</u></b>		
Section 6. Private Outdoor Lighting		17
Section 7. Signs		20
Section 8. Reserved		32
Section 9. Off-Street Parking		32
<b><u>Part C. Residential Uses</u></b>		
Section 10. Multifamily Dwellings and Multifamily Lots		41
Section 11. Elderly Congregate Housing		42
Section 12. Affordable Housing		44
Section 13. Mobile Home Park Development		46
Section 14. Home Occupations		54

	<u>Article</u>	<u>Page</u>
Section 15. Accessory Apartment		54
<b><u>Part D. Mixed Uses and Nonresidential Uses</u></b>		
Section 16. Mixed Residential and Commercial Uses		55
Section 17. Motels, Hotels, and Inns		55
Section 18. Keeping of Horses		56
Section 19. Kennels		57
Section 20. Day Care Centers and Nursery Schools		57
Section 21. Small Wind Energy Systems (SWES)		57
Section 22. Telecommunications Facilities		59
Section 23. Design Review Standards		61
<b>Article 11. Site Plan Review</b>	<b>11</b>	
Section 1. Site Plan Review Board; Appointment and Composition		1
Section 2. Powers and Duties		1
Section 3. Applicability of Site Plan Review		2
Section 4. Minor and Major Site Plans		4
Section 5. Procedures for Review		4
Section 6. Submission Requirements		7
Section 7. Waiver of Submission Requirements		11
Section 8. Approval Standards and Criteria		11
Section 9. Waiver of Criteria		19
Section 10. Performance Guarantee		19
Section 11. Amendments After Approval		21
Section 12. Expiration of Approval		21
<b>Article 12. Historic Preservation</b>	<b>12</b>	
Section 1. Historic Preservation Commission: Appointment and Composition		1
Section 2. Powers and Duties		1
Section 3. Certificate of Appropriateness		2
Section 4. Approval Standards and Criteria		4
<b>Article 13. Amendment and Other Legal Provisions</b>	<b>13</b>	
Section 1. Amendment		1
Section 2. Contract or Conditional Zoning		3
Section 3. Lots		5
Section 4. Conflict with Other Ordinances		5
Section 5. Validity and Severability		5
Section 6. Effective Date		5
<b>Article 14. Impact Fees</b>	<b>14</b>	
Section 1. Purpose		1
Section 2. Authority		1
Section 3. Payment of Impact Fees		1
Section 4. Impact Fee Accounts		1
Section 5. Use of Impact Fees		1
Section 6. Refund of Impact Fees		2
Section 7. Modification of Impact Fees		2
Section 8. Review and Revision		2
Section 9. West Kennebunk Fire Station Impact Fee		2
Section 10. Bicycle Facility Improvements Impact Fee		4
Section 11. Reserved		5