

TO: South Berwick Planning Board and Town Council
FROM: Jim Fisk, RLA, Director of Planning and Economic Development
DATE: January 15, 2009, January 27, 2009 and February 6, 2009
RE: Business Residential Zone, updates

The proposed amendments reflect Planning Board review at both the January 20th and February 3rd meetings.

Proposed amendments to incorporate the Business Residential District to the Zoning Ordinance are found in articles, subsections, Land Use Table "A" and Dimensional Table "B". These changes to the code include a new BR district, adding new definitions that could apply in all business zones, purpose, description, and amendments to the tables. The exact language will be provided when ready for adoption. Please see inserted materials for each section.

Chapter 140 ZONING

ARTICLE II

Construction of Language and Definitions

Section. 140-9. Definitions (*include and modify specific definitions, i.e. "Inns and Neighborhood Convenient Store"*)

"INN: A single building containing fewer than 20 sleeping rooms and built or converted to accommodate for a fee travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at-large, unless restaurants (eating places) are otherwise allowed in the district."

(reviewed 1/20/09, and added changes to definitions below)

"HOTEL: A building containing guest rooms kept, used, maintained or held out to the public as a place where lodging and/or meals are provided."Hotel" shall include motel, guest houses, ~~inns~~, tourist courts, cabins and motor lodges. The "hotel" may contain such accessory services and facilities for the benefit of its guests and only incidentally for the general public as newsstands, personal grooming facilities and restaurants."

"Section. 140-56. Hotels/Motels and ~~Inns~~.

For traffic safety and immediately adjoining each motel *or* hotel ~~or inn~~ and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility and service design requirements shall be complied with. For the purposes of this section, the terms "hotel" *and* "motel" ~~and "inn"~~ are used interchangeably.

“NEIGHBORHOOD CONVENIENCE STORES: A store of less than one thousand five hundred (1,500) square feet of floor space intended to service the convenience of a residential neighborhood and not serving gas or food that would normally be served in either a restaurant or fast food restaurant as defined herein. *Allowed is the sale and preparation of food which is:*

- (1) *primarily intended for immediate consumption;*
- (2) *available upon a short waiting time;*
- (3) *served over the counter rather than at a table; and*
- (4) *prepackaged or presented in a manner that can be readily eaten off the premises where sold.”*

Section. 140-46. Two-Family and Multifamily Dwellings.

(Add BR to B1 column)

MINIMUM ROAD AND SHORELAND FRONTAGE

# of Units	R3, R4, R5		R1, R2, B2		B1		BR
	Road	Shore	Road	Shore	Road	Shore	
2	300	400	150	400	none	200	
3	400	600	200	600	none	300	
4	450	800	250	800	none	400	
5	500	1,000	275	1,000	none	500	
6	550	1,200	300	1,200	none	600	

Article III

Establishment of Districts

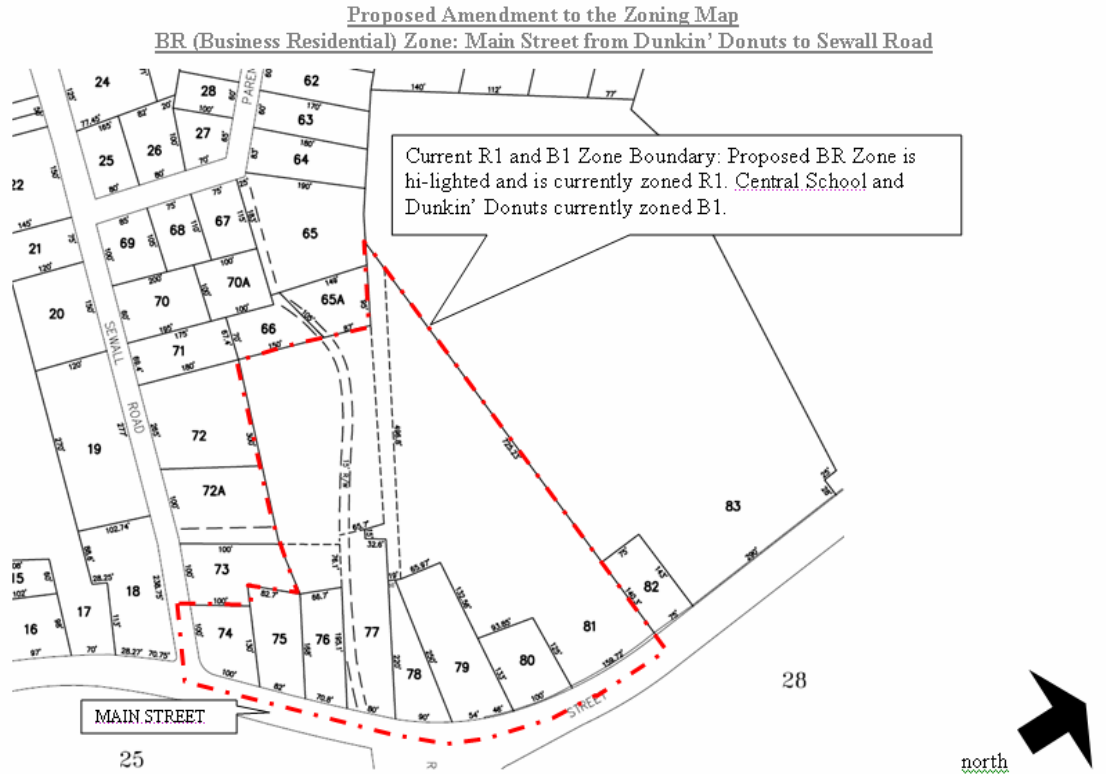
Sec. 140-10. Zoning Districts

B. Business Zones:

- (1) B1 Central Commercial District.
- (2) B2 Mixed-Use District.
- (3) *Business Residential, BR (new)*

Section. 140-11. Official Zoning Map.

A tax map schematic is provided below.



<u>MAP #</u>	<u>LOT #</u>	<u>OWNER</u>	<u>CURRENT USE (September 2008)</u>
27	74	George Gaudette, LLC	Commercial: Insulation
27	75	George Gaudette	Commercial: Insulation
27	76	JC Hayes Car Dealership	Commercial/Residential: Village Motors Sales Annex, Gary's Detailing & 2 Residential Units
27	77	Spray Maine, Inc.	Industrial
27	78	Becker	Commercial/Residential: Antique Shop and Single-Family Residence
27	79	Harrington	Residential: Single-Family Unit
27	80	Tim Allen	Residential: 2 Family Units
27	81	James Flynn	Residential: 3 Family Units

A. Said districts are located as shown on the Official Zoning Map, entitled "Zoning Map of South Berwick, Maine," based upon the written descriptions contained in Sec. 140-12 of this chapter dated, and on file in the office of the Town Clerk. The Official Map shall be signed by the Town Clerk and Chairman of the Town Council at the time of adoption or amendment of this chapter, certifying the date of such adoption or amendment. Additional copies of the Zoning Map may be seen in the municipal offices.

B. In cases of disagreement between the Zoning Map and the written descriptions in Sec. 140-12, the written description shall prevail.

Section. 140-12. District Boundaries. *(add BR)(reviewed and accepted 1/20/09)*

- A. Business Residential District- BR:** *Beginning at the centerline of Sewall Road; at a point directly across from the rear lot line of Map 27 lot 74 proceeding to the northerly corner; then proceeding westerly along side line of Map 27 lot 75 to the most westerly corner; then proceeding northerly to the most northerly corner then proceeding westerly along the side lot line of Map 27 lot 77 to the most westerly corner; then proceeding along the common line of Map 27 lot 66, 65A to the most easterly corner of Map 27 lot 65A; then turning westerly along the common line of Map 27 lot 81 to the most northerly corner; then proceeding easterly to the centerline of Main Street; then proceeding southerly to point of beginning.*

ARTICLE IV

Land Use District Requirements

Section. 140-15. Purpose. *(add BR)(amended 1/20/09 and 2/3/09)*

M. Business Residential District - BR:

- 1) To maintain the streetscape of the gateway of the town while allowing for professional and small business development.*
- 2) To provide an area with high visibility for mixed-use, including residential and commercial uses such as low-impact business enterprises.*
- 3) To preserve the existing residential streetscape while encouraging limited business uses in presently established buildings, and the residential, architectural and historical character of the area.*

TABLE A-LAND USE *(add BR provisions), (assign note #2 to the district column for restaurants, 1/20/09)*

TABLE B-DIMENSIONAL REQUIREMENTS and INDEX NOTE

(Add BR provisions, pending)

(amended 1/20/09 and 2/3/09):

Section. 140-24. Off-Street Parking and Loading (nonresidential.)

A. The following standards shall apply to all new uses or establishments, to all existing uses or establishments which expand or increase their volume or intensity of usage, all uses or establishments which propose to enlarge their parking area, or any change in use which creates the need for additional parking as based on the table below.

B. Parking spaces will be laid out in accordance with Architectural Graphic Standards (8th Edition.) Parking areas will be so arranged that it is unnecessary for vehicles to back into the street.

C. Within all districts with the exception of the Industrial District, parking is required to be located to the side or rear of the building. Parking may be placed in the front of the building if such placement will create a better traffic flow, will not detract from the neighborhood environment, or due to topography and other site considerations parking can not be reasonably placed to the side or rear of the building. In no case shall the parking and drives cover more than thirty (30%) of the front yard.

D. In the Business Residential District, no new additional parking shall be allowed within the front yard. Defined as: The area between the front property line and the extension of the front wall of the primary structure closest to the street running the width of the property with the exception of the driveway.