

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

A. PURPOSE

To purpose of this district is to provide for general retail sales, services, lodging, restaurants, civic uses and general business space within the Town of Scarborough that serves both Town residents as well as the greater region. As development and/or redevelopment occur within the district, the visual environment is enhanced, traffic flow and safety are improved, and provisions for pedestrians are made. [Amended 08/19/09]

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES [Adopted 08/19/09]

Depending on the acreage of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection F. or may be reviewed as a Planned Development applying the qualitative standards and flexible design allowable under subsections J and K of this district and Section VIIE of this Ordinance.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to:

- a. Develop or redevelop five (5) acres or more of land, or
- b. Establish a gasoline filling station

are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection J Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES

1. Retail business and service establishments including warehousing and wholesale distribution of products other than fuel stored in bulk, but exclusive of Mini-Warehouse/Storage Facilities junkyards, salvaging operations, outdoor sales and services, and gasoline stations. Personal services. [07/17/91] [08/17/94] [11/16/94] [12/03/97] [03/20/02][Amended 08/19/09]

2. Personal services [Amended 08/19/09]

3. Professional offices [Amended 08/19/09]

4. Financial insurance and real estate offices [Amended 08/19/09]

5. Business services and business offices [Amended 08/19/09]

6. Non-municipal government offices. [7/17/91] [Amended 08/19/09]

7. Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting. [4/03/02]

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

8. Clubs and lodging houses.

9. Passenger transportation facilities.

10. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [7/17/91] [Amended 05/05/10]

11. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [6/01/94]

12. High Technology Facilities, subject to the performance standards of Section IX(M) of this Ordinance. [08/17/94] [04/16/08]

13. Hotels and Motels. [11/02/94]

14. Restaurants. [11/16/94]

15. Golf Course. [12/21/94]

16. Municipal Buildings and Uses. [07/05/95]

17. Place of Worship. [05/05/99]

18. Funeral Homes. [02/21/07]

19. Health Clubs [Adopted 08/19/09]

20. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions [Adopted 08/19/09]

21. Libraries and museums [Adopted 08/19/09]

22. Elementary and secondary schools [Adopted 08/19/09]

23. Group Day Care Homes, Day Care Center Facilities and Nursery Schools [Adopted 08/19/09]

24. Telecommunication Facilities [Effective 11/15/14]

25. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

D. SPECIAL EXCEPTIONS [Amended 08/19/09]

1. Public utility buildings including substations, pumping stations and sewage treatment facilities.

2. Outdoor storage, exclusive of fuel stored in bulk. [03/20/02]

3. Outdoor sales provided that all merchandise displayed for sale is located at least 1,000 feet from any public way.

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

4. Adjunct Uses, Place of Worship. [05/05/99]

E. ADDITIONAL PERMITTED USES – PLANNED DEVELOPMENT [Adopted 08/19/09]

In addition to the permitted uses allowed in subsection C., the following uses are allowed only in planned developments:

NON-RESIDENTIAL USES:

1. Gasoline filling stations on lots abutting Payne Road between the South Portland line and Gorham Road (Route 114) whether a principal or accessory use, subject to the standards of subsection L. of this district and subject to the performance standards of Section IX.(X.) of this Ordinance.

F. SPACE AND BULK REGULATIONS [Amended 08/19/09]

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard	50 feet, except: on local Commercial Streets, which provide access to properties in the B-2 Districts and do not serve through traffic, the front yard setback may be a minimum of 35 feet when the site plans are approved by the Planning Board pursuant to the Performance and Design Standards of the Scarborough Site Plan Review Ordinance
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 100 feet and the buffering requirements of this ordinance shall be met.
Maximum percent of lot coverage by buildings	50%
Maximum percent of lot coverage by buildings and other impervious surfaces	85%
Maximum Building Height	60 feet

2. The following space and bulk regulations are applicable to planned developments:

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard	Determined by the Planning Board under subsection K. of this district
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 100 feet and the buffering requirements of this ordinance shall be met.

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection K. of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection K. of this district
Maximum Building Height	60 feet

G. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Adopted 08/19/09]

1. Streetscape Buffer Strip: A landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street. The width of the buffer strip shall be a minimum of fifteen (15) feet when it is adjacent to Payne Road or Gorham Road (Route 114) and ten (10) feet when it is adjacent to any other public street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance and Design Standards for Scarborough’s Commercial Districts. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

2. Buffering of Parking: Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough’s Commercial Districts.

3. Commercial Design Standards: All development in the B2 District must be consistent with the Design Standards for Scarborough’s Commercial Districts.

4. Pedestrian, Bicycle and Mass Transit Facilities: All developments shall provide for pedestrian movement to and within the parcel in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough’s Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

H. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Amended 08/19/09]

1. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.
2. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the B2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required. [Adopted 08/19/09]

I. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT [Amended 08/19/09]

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

J. PLANNED DEVELOPMENT STANDARDS [Adopted 08/19/09]

The following development standards shall apply to all planned developments. In addition to these requirements, planned developments may incorporate the flexible design standards under subsection K. of this district subject to Planning Board review and approval.

1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the B2 District

Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the B2 District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as connections to abutting uses and the pedestrian network along the adjacent roadways. Where pedestrian traffic and activity is likely to be intense, such as along storefronts, at the entrances to buildings, or at a common gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

2. Unified and Coordinated Building Architecture, Signage, and Lighting

Development and redevelopment of larger parcels in the B2 District requiring Planned Development Review shall exhibit a high level of architectural planning and design. Planned Developments with multiple buildings and/or building lots shall establish unified and coordinated architectural themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme and sense of place within the development.

3. Open Space and Natural Resource Conservation

Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09]

include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

4. Access Management and Interconnections

Access to Planned Developments from Payne Road and Gorham Road (Route 114) shall be strictly controlled to limit the number of curbs cuts along these roadways. Planned Developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on Payne Road and Gorham Road.

5. Required of Planned Developments to Establish a Gasoline Filling Station

Gasoline filling stations are allowed only through the planned development review process. The planned development review process is required for gasoline filling stations to ensure that the use is compatible with surrounding uses and is designed in a manner that reinforces the purpose of the B2 district. In addition to planned development review, gasoline filling stations must comply with the performance standards of Section IX.(X.) of this Ordinance.

K. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS [Adopted 08/19/09]

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. On-street parking – On-street parking is a primary characteristic of compact and pedestrian friendly development. On-street parking can provide spaces directly in front of non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or “on-driveway” parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

2. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes “green building” technology or approaches that compensate for the additional lot coverage proposed. Examples of “green building” approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection F. of this district

d. Flexible yard standards - The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection K. In reviewing a planned development, the Planning Board may use the Yard Standards under subsection F. as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to the street than conventional development to meet the standards of subsection K. and further the purpose of this district.