

AGENDA
ORDINANCE COMMITTEE

Thursday, March 21, 2019

4:30 p.m.
Chamber A

- Item 1. Call to Order.
- Item 2. Roll Call.
- Item 3. Approval of the minutes from February 21, 2019 meeting.
- Item 4. Public Comment
- Item 5. Revisions to Site Ordinance Abutter Notification
- Item 6. Revisions to Harmonization of Contract Zone Processes
- Item 7. Revisions to Chapter 601, Town of Scarborough Traffic Ordinance
- Item 8. Revisions to Chapter 1016 Garage/Yard Sale ordinance
- Item 9. Marijuana ordinance development
- Item 10. Adjournment

**CHAPTER 405B
TOWN OF SCARBOROUGH**

SITE PLAN REVIEW

III. Administrative & Review Procedures

B. Site Plan Application Procedures & Action

1. An application for site plan review shall be submitted to the Planning Board with the requisite fees and submission requirements, as outlined in Section III(C) of this ordinance. Upon receipt of any application that meets the submission requirements the Town Planner shall schedule the site plan for review on the next available Planning Board meeting agenda. An initial determination as to the completeness of the application shall be made by the Town Planner and Town Engineer, subject to final determination by the Planning Board. The Planning Board reserves the right to request additional plans or information, as stated in Section III(C)(8), depending on the nature of the proposal and its anticipated impacts. The Planning Board may also engage the services of one or more professional consultants to review the materials submitted by the applicant, the cost of which shall be paid by the applicant as provided in Section VI(B) of this ordinance.
2. When an application for site plan review is determined to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five-hundred (500) feet of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least seven (7) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For purposes of this section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to taking action on any site plan application.
3. No application for site plan review shall be considered complete nor acted upon by the Planning Board until all special exceptions or variances which may be required for a development have been approved. The Planning Board may conduct its shoreland zoning or subdivision review concurrently with a project's site plan review.

I. CONTRACT ZONING [September 19, 2001][Amended 10/03/01][Amended 11/20/02]
[Amended 07/21/2004][Amended ??????]

1. Contract Zoning Authorized

Contract zoning is authorized for zoning map and/or text changes when the Town Council, exercising its sole and exclusive judgment as the legislative body of the Town of Scarborough, determines that it is appropriate to modify the zoning district regulations applicable to a parcel of land, subject to appropriate conditions and restrictions which relate to the physical development or operation of the property, and which will allow reasonable uses of the land which would not have been permitted by the existing zoning district regulations but which remain consistent with the Town of Scarborough Comprehensive Plan and compatible with the existing and permitted uses within the existing zoning district classification. For purposes of this section the term “contract zoning agreement” shall mean either an original agreement or any subsequent amendments.

2. Relationship to Shoreland Zoning

A parcel rezoned under this Section II(I) may include land areas subject to the Shoreland Zoning Ordinance for the Town of Scarborough, but any provision of a contract zoning amendment-agreement adopted by the Town Council which removes or modifies any restrictions or limitations imposed by the Shoreland Zoning Ordinance shall not take effect until approved by the Commissioner of Environmental Protection as required by 38 M.R.S.A. Section 438-A(3).

3. Public Benefit Required

Contract zoning shall promote the general welfare of the residents of the Town of Scarborough. The Town Council shall approve a contract zoning request only if it determines, exercising its sole and exclusive judgment as the legislative body of the Town, that the proposed contract zoning is in the public interest and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification. Guidelines for the Council to apply in making those determinations are set forth in Appendix A to this Ordinance.

4. Procedures

Requests for a contract zoning agreement or an amendment to an existing contract zoning agreement shall not be subject to Section II(G), but shall be processed exclusively as provided in this Section II(I). A summary of the procedural steps is contained in Appendix B to this Ordinance.

a. Preliminary Joint Review of Application for Contract Zoning by Planning Board and Town Council.

- i. The person proposing a contract zoning agreement or an amendment to an existing contract zoning agreement shall submit an application for contract zoning to the Town Planner, which shall include, at a minimum, the following elements:

- A map showing existing and proposed zoning district lines.
 - The address or exact location of the request, including the Scarborough Assessor's map references for the property to be rezoned.
 - The name, address and telephone number of the property owner and of the applicant, if the applicant is not the owner.
 - Evidence of the applicant's right, title or interest in the property.
 - A site analysis that describes the major features of the property, allowing the Planning Board and Town Council to make informed judgments about how it will be used. Guidelines for preparation of the site analysis are contained in Appendix C to this Ordinance. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands that were not previously considered as part of the contract zone process.
 - A conceptual development plan showing the approximate layout of all buildings, structures, streets, driveways, parking areas and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development, but is not required to show subsurface infrastructure installations, building plans, engineering plans or other details which would be required for a subdivision plan or site plan. This requirement may be waived by the Town Planner for amendments that do not propose to utilize lands or other improvements that were not previously considered as part of the contract zone process.
 - A statement describing the existing use of the property and the proposed new use and development and describing how the proposed contract zone will be consistent with the Town of Scarborough Comprehensive Plan, will be consistent with existing and permitted uses within the existing zoning district classification of the property, will be in the public interest, and will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification .
 - A proposed contract zoning agreement which complies with the requirements of Section II(I)(5) below.
 - Any other information requested by the Town Planner and/or the Town Engineer.
 - A non-refundable application fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council
- ii. The Town Planner will review the application and, upon being satisfied that the application is sufficiently complete for review by the Planning Board and the Town Council, will schedule a joint meeting of the Planning Board and Town Council to commence review of the request for contract zoning. The Town Planner shall cause notice of the joint Planning Board/ Town Council meeting to be given in accordance with the requirements of 30-A M.R.S.A. § 4352(8), at the applicant's expense. Such notice shall be sent to the owners of all properties within five-hundred (500) feet abutting-of the property to be rezoned. Such notice shall indicate that the joint meeting will include a public hearing conducted by the Planning Board at which the public will be given an opportunity to speak on the proposed contract zoning amendment agreement.
- iii. The joint Planning Board/Town Council meeting shall be conducted as follows:

- Presentation by the applicant.
- Comments from Town staff.
- Comments from members of the public. (This shall constitute the public hearing by the municipal reviewing authority required by 30-A M.R.S.A. § 4352(8).)
- Response or rebuttal from applicant.
- Discussion among members of the Planning Board and the Town Council, which may include questions posed to the applicant, staff and the public.
- Comments from members of the Planning Board concerning the land use implications of the proposed contract zoning ~~amendment~~agreement.
- Preliminary Town Council discussion of contract zoning ~~amendment~~agreement.

The Joint Planning Board/Town Council meeting may be continued from time-to-time by vote of the Town Council until the Council has concluded its discussion and is prepared to give the applicant preliminary direction concerning the further processing of the contract zoning request. At the conclusion of the discussion, the Council shall, by vote, advise the applicant: (1) to withdraw the request for contract zoning; (2) to continue to process the request for contract zoning, with or without modifications suggested by the Council; or (3) to revise and resubmit the application for contract zoning, under Section II(I)(4)(a)(i) above. The vote of the Town Council shall constitute direction from the Council to the applicant as to how to proceed, but shall not be binding on either the applicant or the Council, which reserves its sole and exclusive judgment as the elected legislative body of the Town of Scarborough until its final vote on the proposed contract zoning ~~amendment~~agreement.

b. Planning Board Plan Review.

- i. Every development proposed in an application for contract zoning shall require review and approval under the Town of Scarborough Site Plan Review Ordinance. In addition, if the development proposed is a subdivision, it shall require review under the ordinance entitled “Subdivision Regulations of the Town of Scarborough, Maine” (the “Subdivision Ordinance”). The application(s) for plan review shall be submitted only after the Town Council has given its preliminary directions to the applicant pursuant to Section II(I)(4)(a)(iii) above.
- ii. The Planning Board shall hold a public hearing to consider the site plan review application and the subdivision application, if required, whether or not a public hearing is required by the Site Plan Review Ordinance or the Subdivision Ordinance. The Planning Board shall review the site plan review application under the Scarborough Site Plan Review Ordinance and the subdivision application, if required, under the Subdivision Ordinance, applying the applicable standards of each ordinance and the zoning standards of the proposed contract zoning ~~amendment~~agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant preliminary, provisional approval to the plan[s], subject to enactment of the contract zoning ~~amendment~~agreement by the Town Council.
 - a. The Planning Board shall also ~~provide an advisory opinion to the Council and advise to~~ provide an advisory opinion to the Council the applicant of any changes or revisions to the proposed

contract zoning agreement necessary to conform the agreement to the Planning Board's preliminary approval of the plan.

- iii. In the case of a subdivision, the Planning Board shall not make findings as to whether the proposed subdivision is in conformity with the Town of Scarborough Comprehensive Plan, but shall condition preliminary subdivision approval upon a determination by the Town Council under Section II(I)(4)(c)(ii), below that the proposed contract zoning amendment agreement is consistent with the Comprehensive Plan.

c. Town Council Action on the Contract Zoning Amendment Agreement. [Amended 08/20/08]

- i. Except as provided in Section II(I)(6)(b) below, the Town Council shall not take final action on the contract zoning agreement amendment until after the Planning Board has given preliminary site plan approval and preliminary subdivision approval, if required. The Council shall process the proposed contract zoning amendment agreement under the procedures of section 213 of the ~~Council Manager Charter of the~~ Town of Scarborough Charter and the Rules and Orders Procedures of the Scarborough Town Council. In addition to the public hearing required by section 213 of the Charter, the Council may also conduct as many additional hearings and meetings as the Council deems necessary for consideration of the contract zoning application.

- ii. Before taking its final vote on the contract zoning agreement request, the Town Council shall determine whether the proposed contract zoning

amendment agreement:-

_(1) is consistent with the Town of Scarborough Comprehensive Plan,

_(2) is consistent with the existing and permitted uses within the existing zoning - district classification of the property,

_(3) is in the public interest, and

_(4) will have beneficial effects on the town as a whole which would not result if the property were developed under the existing zoning district classification.

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The Council shall state its reasons for its findings and conclusions on each of those determinations, which shall constitute the legislative findings of the Town Council.

The Town Council shall then vote on the contract zoning amendment agreement, which shall include any necessary map change and a contract zoning agreement complying with the requirements of Section II(I)(5) below. Final passage of the contract zoning amendment agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four.

[Amended 05/21/03 – retroactive to 11/20/02]

- iii. The contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate and recorded by the applicant in the Cumberland County Registry of Deeds. The agreement shall not take effect until it is recorded. If the agreement is not recorded within 90 days after the Town Council approves the request for rezoning, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the agreement if the Council determines that changed circumstances warrant rescission. All contract zoning agreements approved and

recorded prior to August 20, 2008 are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval.

d. Final Planning Board Action.

After the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review of the development proposal and final subdivision review, if required. In the case of a subdivision, the Planning Board shall adopt as its findings under 30-A M.R.S.A. § 4404(9) and Sections 3(I) and 6:1 of the Subdivision Ordinance the findings made by the Council under Section II(I)(4)(c)(ii) above concerning consistency with the Town of Scarborough Comprehensive Plan.

5. The Contract Zoning Agreement

a. Contents of the Agreement.

The contract zoning agreement shall include a provision granting the Town of Scarborough the power to enforce all conditions and restrictions, both through enforcement action pursuant to this Ordinance and through legal action for specific performance. Conditions and restrictions imposed by the Town Council may include, but shall not be limited to, the following:

1. Limitations on the number and types of uses permitted.
2. Restrictions on the scale and density of development.
3. Specifications for the design and layout of buildings and other improvements, including landscaping.
4. Schedules for commencement and completion of construction.
5. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects.
6. Preservation of open space and buffers, and protection of natural areas and historic sites.
7. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewer, and special maintenance needs arising from the rezoning.
8. Provisions for enforcement and remedies for breach of any conditions or restrictions.
9. Provisions for reservation or dedication of land for public purposes.

The Town Council may impose conditions under this Section II(I) which are more restrictive than the otherwise applicable requirements of this Ordinance.

b. Effects of the Agreement.

The conditions and restrictions set forth in the agreement shall run with the land and bind all future owners of the land and any other person who claims an interest in the property, and may be removed only by subsequent action of the Town Council expressly removing, relieving or discharging one or more of the specific conditions or restrictions. If the conditions and restrictions are not fulfilled or complied with within the specified time limits, the Town Council may extend the time limits or may initiate a rezoning to the original zoning district classification or to another zoning district classification.

c. Modifications and Amendments. [Amended 07/21/2004][Amended 08/20/08]

The contract zoning agreement may allow for changes or modifications to the development, but shall specify the procedure for approval of any such changes or

modifications, setting forth categories of changes or modifications which would require Planning Board approval only, those which would require Town Council approval only, and those which would require both Planning Board and Town Council approval. Unless otherwise specified in the contract zoning agreement, a request to amend a contract zoning agreement shall be processed as ~~follows~~stated in Section II(I)(4) above.:

- (i) ~~The applicant requesting the amendment shall submit a letter to the Town Council, in care of the Town Manager, explaining the proposed amendment and the reasons for the request, together with the text of the proposed amendment and the application fee specified in the Schedule of License, Permit and Application Fees established by order of the Town Council. If the request includes any change to the boundary of the existing contract zoning district, the applicant shall also include a map of the area proposed to be rezoned.~~
- (ii) ~~The Town Manager shall transmit the request to the Town Council and shall place the proposed amendment on the Council's agenda for a first reading.~~
- (iii) ~~If the proposed amendment does not receive an affirmative vote by a majority of the Council upon first reading, the request shall be deemed denied and the application fee shall be refunded. If the proposed amendment receives an affirmative vote by a majority of the Council upon first reading, then the Council shall forward the application to the Town Planner for Planning Board review.~~
- (iv) ~~The Town Planner shall review the request and, upon being satisfied that the materials submitted are sufficiently complete for review by the Planning Board, shall schedule a public hearing before the Planning Board, causing notice of such hearing to be given in accordance with the requirements of 30A M.R.S.A. § 4352(8) at the applicant's expense.~~
- (v) ~~Upon conclusion of the public hearing, the Planning Board shall forward any recommendations or comments concerning the proposed amendment to the Town Council. In addition, if the proposed amendment requires a revision to a site plan and/or subdivision plan previously approved by the Planning Board, the Planning Board shall simultaneously consider such requested revisions, applying the applicable standards of the Site Plan Review Ordinance and/or Subdivision Ordinance and the zoning standards of the proposed amendment to the contract zoning agreement. If the Planning Board determines that the proposed development meets such standards, the Board shall grant preliminary, provisional approval to the plans, subject to enactment of the requested amendment to the contract zoning agreement by the Town Council.~~
- (vi) ~~After the Planning Board has forwarded its recommendations or comments to the Town Council and granted preliminary site plan approval and/or preliminary subdivision approval, as required, the Town Council shall proceed to a public hearing and second reading of the proposed amendment to the contract zoning agreement, under the procedures of section 213 of the~~

~~Council Manager Charter of the Town of Scarborough and the Rules and Orders of the Scarborough Town Council. Final passage of the amendment to the contract zoning agreement shall require the affirmative vote of at least two thirds of the Council members present and voting, but in no event less than four.~~

- (vii) ~~The amendment to the contract zoning agreement approved by the Town Council shall be executed by the Town Manager or by such other Town officer as the Council may designate, and recorded by the applicant in the Cumberland County Registry of Deeds. The amendment shall not take effect until it is recorded. If the amendment to the contract zoning agreement is not recorded within 90 days after the Town Council approves the request, the Council, after giving the applicant notice and an opportunity to be heard, may rescind its approval of the amendment if the Council determines that changed circumstances warrant rescission. All contract zoning amendments approved and recorded prior to August 20, 2008, are hereby ratified, notwithstanding any different recording requirements in effect at the time of their approval. [Amended 08/20/08]~~
- (viii) ~~After the amendment to the contract zoning agreement is recorded in the Registry of Deeds, the Planning Board shall complete its final site plan review and subdivision review, if required.~~

d. Performance Guarantees.

As part of the contract zoning agreement, the Town Council may, but is not obligated to, require a bond, escrow agreement, irrevocable letter of credit, or other surety in such amount as is approved by the Town Manager as being reasonably necessary to ensure compliance with the conditions or restrictions required by the rezoning and, where necessary to ensure continued compliance, may require such surety to remain in effect after occupancy of the rezoned property. Such surety shall be posted before the agreement is recorded in the Registry of Deeds.

6. General Provisions

a. Use of Consultants.

Both the Planning Board and the Town Council may obtain the services of independent technical consultants if either body considers such services necessary for adequate review of the application for contract zoning, such consultants to be retained at the applicant's expense. By submitting an application for contract zoning under this Section II(I), the applicant agrees to reimburse the Town for the reasonable and necessary costs of such consultations, and the Town will not execute the contract zoning agreement until such amounts have been paid in full.

b. Waiver of Procedures for Phased Developments.

Notwithstanding any other provision of this Section II(I), where the development proposed in a request for contract zoning is designed to be constructed in phases and the Council concludes that it would be impracticable to require preliminary subdivision and/or site plan review and approval of all phases before approval of the contract zoning amendment agreement, the Town Council, in its discretion, may waive the provisions of

Section II(I)(4)(c)(i) requiring the Planning Board to approve a preliminary plan before the Council takes final action on the contract zoning amendment agreement, but only with respect to phases subsequent to the first phase of the development to be constructed. If it grants such a waiver, the Council shall include a phasing schedule in the contract zoning agreement, specifying the dates for completion of the subdivision and/or site plan review, and may reserve in the contract zoning agreement the right of the Town Council to review the plans for subsequent phases prior to their construction.

c. No Rights Created Before Final Council Vote.

The submission of a request for contract zoning under this Section II(I), the payment of application fees, or the expenditure of funds by the applicant in presenting such a request shall not create any vested rights in the application. The conduct of meetings and hearings, the review of the application, comments by Town officials or staff, preliminary votes, findings or determinations, preliminary subdivision or site plan approval, and the availability of contract zoning under this Section II(I) shall not be construed as creating any entitlement to approval of a request for contract zoning. The decision whether or not to rezone remains committed to the Town Council exercising its sole and exclusive judgment as the elected legislative body of the Town of Scarborough and will not be made until the Council takes its final vote on the contract zoning amendment agreement.

**CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 601 - the Town of Scarborough Traffic Ordinance, is amended as follows, by adding the underlined text and deleting the text shown in strikeover type, as show below:

I. HIGGINS BEACH.[amended 01/19/2011][amended02/16/2011]

- a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).
Parking shall be allowed on the easterly side of Acorn Lane from September 16^h to April 30th.
- b. Exempt from paragraph (a) of this subsection are the following:
 - (i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)
 - (ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue. From the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1 hour parking shall not be in effect.
[amended November 4, 2015]
 - (iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street.
(amended02/16/2011)
 - (iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.
- c. Upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Dorado Drive.
- d. A five-minute drop-off zone, year round. on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.
- e. Vehicles found in the Higgins Beach Parking lot outside of the posted operational hours will be subject to ticketing as established in Section 22 of this Ordinance.

II. PROUTS NECK (from May 1 to September 15 of each year).

- a. Upon any of the public streets or highways within the area known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including the area generally South of the property at 364 Black Point Road, now or formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road). [Amended 07/16/14]
- b. Black Point Road from Kirkwood Road to Ferry Road. [Amended 11/14/94]

III. PINE POINT (from May 1 to September 15 of each year). Revised February 1980.

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]
 - b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]
 - c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]
 - d. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.
 - e. From the Westerly entrance to Conroy's Garage to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".
- (8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.
- (9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]
- (10) On the East Side of Avenue Four from Jones Creek Drive to King Street.
- (11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]
- (12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

IV-1. PINE POINT (from May 1 to September 15 of each year).

- (1) On Pine Point Road (formerly Depot Street) from East Grand Avenue to the Ocean.

- (2) On Pine Point Road, both sides, within twenty (20) feet of either side of the driveway opening of the Audubon Nature Center.
- (3) No parking shall be allowed on Pine Point Road from east Grand Avenue to Snow Canning Road, except for within the delineated on-street parking spaces on the southwesterly side of the road. [adopted 03-01-17]

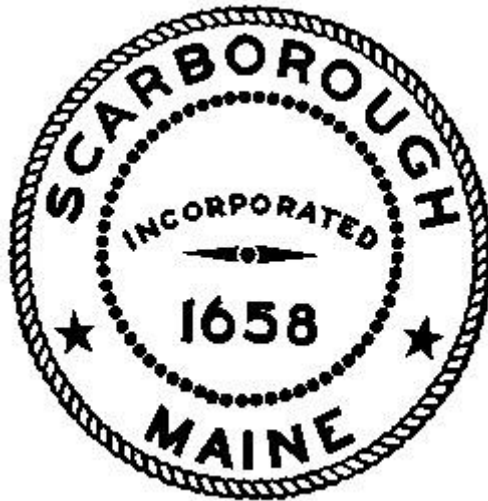
IV-2. PINE POINT - CO-OP (Time Limit) [adopted 1/06/99]

- (1) ~~The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.~~ Pine Point Co-Op (Time Limit - Adopted 11/06/99): The thirteen (13) parking spaces, three (3) of which shall be designated as handicapped parking, located along the front northeasterly corner of the site plan designated Scarborough Town Landing shall be limited to a total time limit of 30 minutes parking year round. An additional four (4) handicapped parking spaces with no time limit shall be located in the next row back.
- (2) Authorized trailer parking slot(s):
 - a) Commercial boat trailer parking (RED)
 - b) Commercial and Recreational boat trailer parking (YELLOW)
- (3) Non-Authorized commercial vehicle(s) and trailer(s) parking within the restricted commercial dirt lot. (Exception recreational drop-off)

CHAPTER 1016

TOWN OF SCARBOROUGH

GARAGE/YARD SALE ORDINANCE



Adopted March 21, 2007

**CHAPTER 1016
TOWN OF SCARBOROUGH
GARAGE/YARD SALE ORDINANCE**

PERMIT REQUIRED FOR GARAGE/YARD SALES.

No person shall conduct a garage/yard sale or similar sale of in excess of three (3) items of personal property without first having obtained from the Town Clerk a permit to conduct such sale. The Town Clerk may issue such permit, at a cost of five dollars (\$5.00), to any person proposing to conduct such sale provided that such permit and any sale conducted thereunder shall not be lawful and valid for more than three (3) consecutive days. Signs may be utilized to advertise such sale; provided, however, no such signs shall obstruct or intrude onto any public right-of-way, block the sight vision of any public right-of-way for vehicular or pedestrian traffic, be placed upon any public utility pole, or be placed upon the property of others without their prior consent. Such signs may not be erected or allowed to remain either more than twenty-four (24) hours prior to or more than twenty-four (24) hours after such sale.

The Town Clerk may issue only two (2) garage/yard sale permits for such sale, whether conducted indoors or out-of-doors, to any person or for a sale on any given residence within a consecutive six-month period. Any sale of this type conducted more frequently than three (3) consecutive days for each six (6) consecutive month period, or any sale conducted without permit, shall be considered a use of land, which must comply with the Scarborough Zoning Ordinance and all licensing ordinances of the Town of Scarborough.

EXEMPTION. Non-profit charitable organizations are exempt from the above provisions.

ATTACHING ADVERTISING MATERIAL TO VEHICLES; PLACING MATERIALS IN VEHICLES.

No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield wiper or any portion of any motor vehicle parked or standing in any street or public place, nor shall any person deposit any such material or samples of any kind within or upon any such vehicle so parked or standing.

PENALTY

The first offense would be a warning; thereafter, any person who shall violate any provision of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) may be imposed. Each day that such violation continues to exist shall constitute a separate offense.

Medical Cultivation	Adult Use Cultivation
Manufacture of Medical Marijuana Products	Manufacture of Adult Use Marijuana Products

Testing of Medical Marijuana and Marijuana Products	Testing of Adult Use Marijuana and Marijuana Products
Medical Retail Stores	Adult Use Retail Stores