



Long Range Planning Committee Meeting
June 14, 2024
8-9:30 am

In Person: Town Hall - Chambers

Virtually via Zoom: To view the meeting via Zoom, [Click Here](#)

Members of the public may attend virtually or in person. Committee members are expected to attend in person unless the member meets one of the circumstances established in the Committee's remote participation policy.

Members: Allen Paul, Rick Shinay, Peter Freiling, Robyn Saunders, Portia Hirschman

Alternates: Robert Odlin and Judith Fischer

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson

- I. Roll Call and Identify Voting Members, recognize new members
- II. Review Minutes May 10, 2024
- III. Review farm stand and farm store uses in the Rural Farming district and potential recommendation to the Ordinance Committee.
- IV. Continue the review and discussion concerning existing Parking Standards
- V. Public Comment
- VI. Staff Updates
- VII. Committee Member Updates
- VIII. Adjourn – Next Meeting July 12, 2024



MINUTES

Long Range Planning Committee Meeting

May 10, 2024

8-9:30 am

In person at Public Safety & virtually via Zoom

In attendance: Allen Paul, Portia Hirschman, Peter Freilinger, Robyn Saunders (via Zoom), Rick Shinay, Judy Fischer (via Zoom), Jean-Marie Caterina, Rachel Hendrickson, Karen Martin, Autumn Speer, Eric Sanderson

Members: Allen Paul, Rick Shinay, Peter Freilinger, Robyn Saunders, Portia Hirschman

Alternates: Robert Odlin and Judith Fischer

Planning Board Liaison: Rachel Hendrickson

Council Liaisons: Jean-Marie Caterina and Jon Anderson

I. Roll Call and Identify Voting Members, recognize new members

Allen Paul called the meeting to order at 8:00AM

II. Review Minutes March 8, 2024

Motion made by Peter Freilinger to approve the minutes, seconded by Portia Hirschman. Motion passes 5-0-0.

III. Nominate Transportation Committee liaison

Allen Paul made a motion to nominate Peter Freilinger as liaison to the Transportation Committee. Seconded by Robyn Saunders. Motion passes 5-0-0.

IV. Review Draft Environmental Standards from Conservation Commission

Autumn Speer gave an overview of the standards, which the Committee previously reviewed as a framework in the Fall. Since then the Conservation Commission has refined the standards to include specific numbers for buffer distances. There will be a developer forum to review these that is upcoming. The proposal is for a natural resource setback, some of which must be vegetated (i.e. 25 ft. natural resource setback for buildings, 15 ft. of which must be vegetated). Various setbacks are proposed based on the size of the wetland, with higher buffer from larger wetlands. Peter Freilinger asked about variances to these buffers, which Autumn anticipates will be overseen by the Planning Board as opposed to the Zoning Board of appeals. He requested training to go over the standards with town Boards. Jean-Marie Caterina clarified that existing homes in wetland areas would be subject to Shoreland Zoning, with Rachel adding for a project on Two Rod Road, the Planning Board allowed a vernal pool to be crossed for a trail, which included a wildlife crossing.

Autumn went on to show larger buffers proposed for vernal pools, coastal bluffs, and marsh migration zones, some of which have additional buffers based on highest tide (HAT). The Town has created a map showing areas affected by the proposed setback requirements, which is available

for public viewing on the Town website. Karen Martin requested to add descriptions of the setbacks to the map legend. Rachel asked about erosion and sediment control measures being prohibited in the setbacks. Her concern related to perhaps needing to get into the sensitive areas to control runoff. Robyn responded that we need to ensure construction contractors do not include these areas in their plans as having silt fences etc. in them will be problematic and impact the resources. Rachel added that specific languages should be added to prohibit this activity, short of response to stormwater and erosion emergencies. Autumn responded she would add an “emergency” use, to be overseen by MaineDEP and applicable state agencies.

V. Review and discuss existing Parking Standards

Autumn gave an overview of parking requirements in other municipalities in Maine and nationally, which were included in the agenda packet. Several uses in the existing Zoning Ordinance parking standards (i.e. restaurants) have odd ways to calculate required parking, which may be lower than what is actually needed. She added that change in use for existing buildings should trigger review to ensure required parking for uses that have higher vehicle demand and trip generation can be met. Having parking maximums can reduce impervious area and improve visual appeal of a site. Portia Hirschman noted one issue could be drivers not knowing about parking at the rear of the building, as parking at the front of the building is proposed to be limited for visual appeal purposes as part of this ordinance revision work.

Shared parking was discussed and encouraged (i.e. office parking during the day and restaurant parking at night), which could limit overall parking needed. The public should be made aware of this. Allen suggested signage along main roads to direct the public to parking area, which Peter noted this should be the responsibility of businesses. Rachel noted this can be problematic, especially for developments that initially anticipate being able to share parking, but then as tenant fit up occurs and uses change, parking issues arise. She asked for an analysis of how shared parking be provided during the Planning Board review process. For maximum parking, she would like to have developers provide space turnover data to show how long the average shopper is in a store, including during peak seasons. Change of use is also affected within uses, such as for restaurants which parking demand can change based on the time customers come and sit down, versus a place where they come in and out quickly. Autumn suggested potentially separating coffee house and restaurant uses and requiring shared points of access between development. Peter suggested more dense “in town” areas focus on this. The Committee wants to encourage walkability to limit needed parking and allowing for “pocket” parking so any impervious areas can look nice but also be accessible.

Robyn and Rick agreed that a parking needs analysis should be provided as part of the development review process, incorporating trip generation for the use prepared by a traffic engineer. Requiring agreements between developments proposing to share parking could assist in enforcement, which is the issue.

Autumn updated the committee on a parking analysis by GPCOG, and asked if the town needed to pick one area to further study to improve architecture, design, and parking, what area would be best? The consensus was generally Oak Hill.

VI. Review public request to consider Rural Farming uses

Autumn updated the Committee that a request came in for an existing farm with an ice cream shop to bring in a larger ice cream business. As written, the Ordinance allows farm stands

accessory to farms, but 50% or more of product sold must be grown on the farm. To allow the use to continue, the town would need to revise the Ordinance. This could be done by adding permitted uses to the Rural Farming (RF) district for larger parcels to allow flexibility for additional revenue to be brought in by property owners looking to hold on to their land and keep existing farms running. Jean Marie noted she is in favor of allowing this, and the limitation is nonsensical. Allen stated this feels more of a request for "spot zoning", which can be problematic. Autumn responded that by not allowing flexibility we may be forcing rural land to be sold which could increase residential development via subdivisions in the RF zone. The Committee was in support of this if size and parking could be limited, and ensuring that if commercial gathering gets large enough in size Planning Board could be included to review needs for lighting, safety, etc. Peter recommended limit of employees, square footage requirements, which the town uses in other smaller residential zones (R2).

VII. Public Comment

Denise Hamilton, of Two Rod Road, commented about the RF zone updates. She has significant concerns with allowing additional development west of the Turnpike, giving an example of this Committee creating a Light Industrial area in the middle of the RF. She encouraged the Committee to take actions to preserve the land in the RF.

VIII. Staff Updates

IX. Committee Member Updates

X. Adjourn – Next Meeting June 14, 2024

Motion to adjourn by Portia Hirschman, seconded by Rick Shinay. Motion passes 4-0-0. The meeting was adjourned at 9:38AM

SECTION XIII. RESIDENTIAL ZONING DISTRICTS

RURAL FARMING DISTRICT RF

To conserve the integrity and natural qualities of rural open space for the betterment and future of the community and encourage the continuation of agriculture and related activities in these areas of the community. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT RFM

To conserve the integrity and natural qualities of rural open space for the betterment and future use of the community, to encourage the continuation of agriculture and related activities and to provide for areas within the community where manufactured housing units can be harmoniously situated on individual lots. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

RESIDENTIAL DISTRICT R2

To provide residential areas within the Town of Scarborough of low density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre.

RESIDENTIAL DISTRICT R3

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 3 dwelling units per net residential acre in sewerred areas.

RESIDENTIAL DISTRICT R4

To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 4 dwelling units per net residential acre in sewerred areas.

RESIDENTIAL DISTRICT R4A.

To provide residential areas within the Town of Scarborough of higher density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 4 dwelling units per net residential acre. All developments in R-4A districts shall be serviced by public sewer and public water supply.

A. PERMITTED USES – RESIDENTIAL DISTRICTS

Permitted use table abbreviations are as follows:

- P – Permitted by Right
- SE – Special Exception Required
- C# – Condition Applies
- CZ – Contract Zone Required
- Blank – Not a Permitted Use

AGRICULTURAL USES	PERFORMANCE STANDARDS APPLY						
	RF	RFM	R2	R3	R4	R4A	
Accessory uses including accessory stables on lots of at least two acres	Section IX.P.	P	CZ	P			
Accessory uses including accessory agricultural activities	Section IX.P.	P	CZ	P	P	P	P
Commercial Agriculture	Section IX.Q.	P	CZ	SE			
Commercial Animal Husbandry	Section IX.Q.	P	CZ				
Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry		SE	SE				
Commercial Stables		P	CZ				
Farm Stand	Section IX.R.	P; SE	CZ	SE			
Agricultural Products Store	Section IX.S.	P; SE	CZ	SE			
Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture	Section IX.Q.			SE			
Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	P	CZ				
Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry	Section IX.Q.	SE	SE				
Forestry		P	CZ				
Wetlands Creation on Previously Excavated Property		CZ	CZ				

R. PERFORMANCE STANDARDS – FARM STANDS [Adopted 05/05/2010] [Amended 10/18/23]

A Farm Stand must conform to the following performance standards:

1. A farm stand must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use.
2. A farm stand must be located on a parcel that is actively used for the Commercial Agriculture or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.
3. A farm stand may be a free-standing structure or outdoor location or may be part of another building or structure (for example, an area in a barn or house that is used for sales).
4. The total area devoted to retail sales is limited to four hundred (400) square feet. This includes the area of a free-standing building or structure, the area for outside display and/or sales, the outdoor area used for retail sales if there is no building or structure, and the area used for sales in another building.
5. The sale of products is limited to: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which the farm stand is associated, b) processed products that are made from products grown or raised by the agricultural use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the agricultural use), c) agriculture products including processed products that are not produced by the agricultural use with which the stand is associated, d) live or fresh fish, shellfish and lobsters, and e) handmade art and craft products.
6. If the stand sells products that are not grown, raised, caught or harvested by the use or made from products grown, raised, caught or harvested by the use, at least 51% of the dollar amount of gross retail sales per calendar year must be from products associated with the Commercial Agriculture, Commercial Husbandry or Commercial Fishing and Harvesting use. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage. **If the farm stand will not meet the 51% threshold, a special exception is required. This special exception allowance only applies to properties located in the RF district. All other performance standards herein shall be met.**
7. The farm stand must be located on the parcel so that it meets side and rear setback requirements but a free-standing farm stand is not required to meet the front setback requirements.
8. The farm stand must be located so that it provides appropriate parking and access for customers. Customer vehicles must not be required to back out on to a public street.
9. The farm stand may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture or Commercial Animal Husbandry use.
10. A farm stand is not subject to site plan review but does require a permit from the Zoning Administrator.

S. PERFORMANCE STANDARDS – AGRICULTURAL PRODUCTS STORES [Adopted 05/05/2010] [Amended 10/18/2023]

An Agricultural Products Store must conform to the following performance standards:

1. An agricultural product store must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry, or Commercial Fishing and Harvesting use.
2. A store must be located on a parcel that is actively used for the Commercial Agriculture and/or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.
3. The primary vehicle access to the store must be from a street/road that is classified by the Town as an arterial, collector, or minor collector.
4. An agricultural products store may be a free-standing building or may be part of another building or structure (for example, an area in a barn or house that is used for sales)
5. A free-standing building used for retail sales or the area used for sales in another building is limited to one thousand (1,000) square feet of sales area. An additional outside area of not more than five hundred (500) square feet may be used for the display and/or sales of products. These limits shall not apply to greenhouses or areas for the growing and/or display of nursery stock or other plants for sale as part of the agricultural use.
6. The sale of products may include: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which it is associated, b) processed products that are made from products grown or raised by the use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the use), c) agriculture products including processed products that are not produced by the Commercial Agriculture or Commercial Animal Husbandry use with which the store is associated, and d) handmade art and craft products.
7. If the store sells products that are not grown, raised, caught or harvested by the use or made from products grown or raised by the use, at least 51% of the dollar amount of gross retail sales per calendar year must be from products associated with the Commercial Agriculture, Commercial Husbandry or Commercial Fishing and Harvesting use. In January of each year, the owner shall calculate and report to the Code Enforcement Officer the percentage of gross retail sales attributable to off-premises products for the preceding calendar year and, if requested by the Code Enforcement Officer, shall provide documentation of the calculated percentage. **If the farm store will not meet the 51% threshold, a special exception is required. This special exception allowance only applies to properties located in the RF district. All other performance standards herein shall be met.**
8. The building in which the store is located must meet the front, side, and rear setback requirements for the district in which it is located
9. The store must be located so that it provides appropriate parking and access for customers. Parking must be provided in accordance with the requirements of Section XI. for retail uses.
10. The store may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use.
11. The construction of a building or the conversion of an existing building for use as an agricultural products store is subject to minor site plan review.

SECTION IV. ADMINISTRATION

I. SPECIAL EXCEPTION PERMITS.

1. SPECIAL EXCEPTIONS.

Uses designated as Special Exceptions within this Ordinance are intended as potential land uses in the districts in which they are so designated, subject to the issuance of a Special Exception permit by the Board of Appeals in compliance with this Section. Any use which was commenced prior to the effective date of adoption or amendment of this Ordinance and would require a Special Exception permit under the terms of this Ordinance or subsequent amendment is a non-conforming use, and any expansion of such use shall require a Special Exception permit in compliance with this Section.

2. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

When the owner of property or the owner's authorized agent is informed by the Code Enforcement Officer or otherwise determines that a Special Exception permit is required, an application for the permit shall be filed with the Board of Appeals on forms provided for that purpose. The application shall provide all information required for a building permit application under Section IV, D of this Ordinance plus information upon which the Board of Appeals may make findings of fact as to each of the standards set forth in subsection 4 of this Section. The application shall be accompanied by an application fee in such amount as the Town Council may by rule from time to time determine, and shall be heard pursuant to the procedures set forth in Section V, C of this Ordinance.

3. BOARD OF APPEALS REVIEW.

The Board of Appeals shall hear and approve, approve with modifications or conditions, or disapprove all applications for Special Exception permits. The Board may approve a Special Exception permit only for a use which is specifically designated by this Ordinance as a Special Exception in the district where the use will be located. If the Board determines that the proposed use meets all the standards set forth in subsection 4 of this Section and in all other respects complies with the applicable provisions of this Ordinance, the Board must approve the application. If the Board determines that the proposed use can be made to comply with the standards of subsection 4 of this Section by imposition of conditions as provided in subsection 5 of this Section, then it may approve the application with conditions. If the Board determines that the proposed use does not meet one or more of the standards of subsection 4 of this Section and conditions that would cause the use to comply with those standards are not acceptable to the applicant, the Board must deny the application.

4. STANDARDS FOR SPECIAL EXCEPTIONS.

Before it issues a special exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- a. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.
- b. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

SECTION IV. ADMINISTRATION

- c.** The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood.
- d.** The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.
- e.** The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.
- f.** If located in a shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance. (8/5/92)
- g.** The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.
- h.** The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section.
- i.** The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

5. CONDITIONS ON SPECIAL EXCEPTIONS.

Upon consideration of the standards listed in subsection 4 of this Section, the Board of Appeals may attach such condition, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operation controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 01/04/2023][Amended 07/19/2023]

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 07/19/2023]

Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use. Single family and two family dwellings in existence as of January 6, 2010, shall be exempt from this provision. [adopted 01/06/10]

As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]

A. Off-street parking shall be designed, constructed and maintained as follows: [amended 01/06/10]

1. For all uses, each off-street parking space must have an area no less than 9 feet wide by 18 feet long, except that the size of parking spaces may be determined by the Planning Board in accordance with the requirements of Section IV(D)(1) of the Site Plan Ordinance.
2. Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance.
3. For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of Section IV of the Site Plan Review Ordinance.

B. The following minimum off-street parking requirements shall be provided and maintained. Where a use is not specifically mentioned in this provision, the Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined by the Planning Board based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

1. Standards for off-street parking.

USE	Number of Parking Spaces Require *FA=Floor Area *GLA=Gross Leaseable Area
Dwellings	
a. Single Family	2 for each dwelling unit.
b. Two Family	2 for each dwelling unit

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 01/04/2023][Amended 07/19/2023]

c. Multi-family	2 for each dwelling unit containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms
d. Accessory Unit	None required
e. Senior housing	1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy.
Hotels, motels and other transient lodging establishments	1 for each guest room.
Schools.....	1 per teacher and staff member, plus 1 space per 2 classroom.
a. Elementary and Middle School:	
b. High School:	1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students.
c. College:	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.
d. Group Day Care Homes, Day Care Centers, Nursery Schools	1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio
Hospitals, Boarding Care Facilities for the Elderly, nursing homes, residential and long-term care facilities for the ill, aged or disabled	1 per 3 beds, plus 1 for each employee based on the expected average employee occupancy.
Place of assembly, amusement, culture and places of worship	1 for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.
Retail sales & services	4 per 1,000 sq. ft. of FA
Business services and business offices; Professional offices	4 per 1,000 sq. ft. of GLA
Financial, Insurance and Real Estate Offices	3.5 per 1,000 sq. ft. of GLA
Personal services	3.5 per 1,000 sq. ft. of GLA
High Technology Facility	2 per 1,000 sq. ft. of FA
Data Processing/Telemarketing	6 per 1,000 sq. ft. of GLA
Medical and Dental Offices	4 per 1,000 sq. ft. of GLA
Restaurants & drinking establishments without drive-thru or take-out services	1 per 4 table or booth seats, plus 1 per 2 counter or bar seats, plus 1 for each 60 square feet of customer standing or waiting area, plus 1 for every 2 employees, based on highest employee occupancy

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 01/04/2023][Amended 07/19/2023]

Restaurants & drinking establishments with drive-thru and/or take out services	Standards described above apply, provided that the minimum number of parking spaces is 10, plus 6 stack spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street
Work space in a live/work unit	2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof. Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work unit.
Industry, manufacturing, warehousing and distribution [amended 01/06/2010]	2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) [amended 01/06/2010]
Health Club [amended 01/06/2010]	3.5 per 1,000 sq. ft. Of FA, except that areas occupied by, and only to be used for specific activities (i.e. tennis or racquetball courts, exclusive of gymnasiums) require 3 per court.
Funeral Home	10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area.

C. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

1. That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.
2. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 01/04/2023][Amended 07/19/2023]

appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

D. In specific cases where two or more uses listed in section B(1), above, occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.

E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

F. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the **Board of Appeals** may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

G. On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.

H. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within **300 feet of** principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

I. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

J. Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.

1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 01/04/2023][Amended 07/19/2023]

in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

2. No parking shall be located within a green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.

K. Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply: [Adopted 01/04/2023]

1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.

2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.

3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.

4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties.