

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 20, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Item 1. Call to Order. Yolande P. Justice, Town Clerk, called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Swearing-in of newly elected officials. The Town Clerk, swore in Scott W. Doherty and Cory R. Fellows as Town Councilors, with terms to expire in 2027, as well as William J. Donovan as a Town Councilor, with a term to expire in 2026. The Board of Education member and the Sanitary District Trustees were sworn in earlier.

Order No. 24-106. Act on the request for nominations and election of a new Town Council Chair. *[Town Clerk]* The Town Clerk, called for nominations of a new Town Council Chair. Only one nomination was made.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval of the nomination of Councilor Sither, as the new Town Council Chair.

Vote: 7 Yeas. Motion Passes.

Order No. 24-107. Act on the request for nominations and election of a new Town Council Vice-Chair. *[Town Clerk]* Chair Sither called for nominations of a new Town Council Vice Chair. Only one nomination was made.

Motion by Councilor Cushing, seconded by Councilor Shupe, to move approval of the nomination of Councilor Anderson, as the new Town Council Vice Chair.

Vote: 7 Yeas. Motion Passes.

Item 4. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, were also present. Those Councilors present:

Councilor Scott W. Doherty	Councilor Cory R. Fellows
Councilor Donald W. Cushing, Jr.	Councilor William J. Donovan
Councilor Karin B. Shupe	Councilor Jonathan E. Anderson – Vice Chair
Chair April V. Sither	

Item 5. General Public Comments.

- Nina McGee of Black Point Road, welcomed the new Councilors and congratulated the new Chair.

Item 6. Minutes: October 16, 2024 - Regular Town Council Meeting and November 6, 2024 - Regular Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of the October 16th and November 6th Town Council meeting minutes as written.

Chair Sither noted that October 16th minutes did not reflect that she and Councilor Shupe were at the joint hearing with the Planning Board and they were. The October 16th minutes will be corrected.

Vote: 7 Yeas. Motion Passes.

Item 7. Adjustment to the Agenda. Chair Sither asked the Council to consider moving Order No. 24-112, relating to the Moratorium to just after the Town Manager’s Report.

Motion by Councilor Donovan, seconded by Councilor Anderson, to move approval to adjust the agenda to move Order No. 24-112, to after the Town Managers Report.

Vote 7 Yeas. Motion Passes.

Item 8. Items to be signed: a. Treasurer’s Warrants. Treasurer’s Warrants were signed after the meeting.

Item 9. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- **School Building Project Update** -
 - Consultant Selection Complete
 - First Update - Joint Meeting TC/BOE on 11/21/24 at 6:00 PM
- **Eastern Trail - Close The Gap** –
 - State and Federal permits forthcoming - Stormwater Review
 - Solicitation of Bids - final preparations in motion
- **Route One Traffic Signal Coordination** -
 - Adaptive Technology activated
 - Provide your experience
- **Grant Opportunities** -
 - Collaborating with the Downs’ Team
 - Federal RAISE Grant for the Payne Road Corridor
- **Council Goals** -
 - Request Senior Staff/Town Council Workshop first
 - GPCOG has agreed to facilitate the Goals Workshop
- **Senior Staff Changes** –
 - Nicole Hall - Interim Director of Community Services
 - Helen Harman - Development Review Planner
- **Community Thanksgiving Dinner** –
 - November 28 - Wentworth Cafe - 11-1
 - Maximum Capacity for volunteers reached
- **Senior Property Tax Assistance Program** –
 - Checks are on track to be mailed to recipients by the end of November
 - The Ordinance requires checks to be mailed by December 15th
 - Article about program and the 2024 outcomes in the 11/15 e-newsletter
- **2024 Post Revaluation Report: "Best Practices for Communication and Public Outreach"** -
 - Final Report available on the Assessing pages of the Town website
- **Police Accreditation** –
 - Police Department has been working toward accreditation and the presentation will be conducted at the Town Council meeting.

- **Road Updates** –
 - Black Point Road design is in final review
 - Route One across the marsh is being reviewed
- **Housing Keeping Items** –
 - Due to January 1st being a holiday it was suggested Council meetings in January be moved to the 8th and 22nd
 - December 4th there will be a workshop on the Transportation Plan and on December 18th there will be a joint hearing with the Planning Board regarding a contract zone for Senior Housing.
 - The Town Audit is complete.

The Town Manager responded to questions from the Council.

Order No. 24-112. First reading and schedule a public hearing and a second reading, on a Moratorium in the Light Industrial District. [*Councilor Anderson*] Councilor Anderson gave a brief overview on this Order. Karen Martin, President of SEDCO also added comments related to this Order. The following individuals spoke on this Order:

- Denise Hamilton of Two Rod Road, spoke in favor of this Order.
- Lori Baxter of Kennebago Drive, also spoke in favor of the moratorium.
- Mike Tadema-Wielandt, an engineer working for Daniel Dickinson, spoke against the proposed moratorium and how it would impact the property owned by Mr. Dickinson.
- Daniel Dickinson of Holmes Road also voiced his concerns if the moratorium were to go through and did not support this Order.

Motion by Councilor Anderson, seconded by Councilor Shupe, to move approval of the first reading on a Moratorium in the Light Industrial District.

Motion by Councilor Doherty, seconded by Councilor Anderson, to move approval to amend the main motion to change the 180 days to 90 days.

Vote on Amended: 7 Yeas. Motion Passes.

Main Motion as amended:

TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON LIGHT INDUSTRIAL DISTRICT

WHEREAS, under the Town of Scarborough’s Zoning Ordinance the Light Industrial District (LI) is an area of small, light industrial development, with a purpose of reestablishing an attractive business/industrial park environment with a roadside buffer along the Holmes Road along with a substantial buffer for residential properties along Two Rod Road and west of the LI; and,

WHEREAS, that zoning has helped meet Town goals for redevelopment and new development in the LI; and

WHEREAS, more recently, in there has been reduction in water levels, increasing high-speed traffic, road deterioration, and concerns about pedestrian safety; and,

WHEREAS, there have recently been an increasing number of applications for site plan review in the LI; and,

WHEREAS, there is a strong likelihood that the LI District will continue to be subject to this development pressure; and,

WHEREAS, pursuant to 30-A M.R.S § 4356(1), there is a concern that the Town’s existing Zoning Ordinance does not provide an adequate mechanism to address the aforementioned development pressures in the LI District and to prevent the public harm from an overburden of public facilities and to prevent potential adverse effects on neighborhoods due to environmental concerns and traffic that may create a public nuisance or hazard; and,

WHEREAS, the Town will need at least ~~180~~ 90 days to study the L1 District and, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulates the LI Districts to minimize or eliminate the public health, safety, and welfare risks posed by the aforementioned development pressures; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Town Council of the Town of Scarborough as follows:

1. APPLICABILITY AND PURPOSE.

This Ordinance shall apply to any proposal to develop, establish, operate, or expand any permitted or special exception use in the Town of Scarborough’s Light Industrial District on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S. § 302 or any other law, this Ordinance applies to any application submitted after November 1, 2024, relating to the development, establishment, operation, or expansion of any permitted or special exception use in the LI, whether or not such application had become a “pending proceeding” as defined in 1 M.R.S. § 302.

2. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of a permitted or special exception use for any development in the Light Industrial District. No person shall develop, establish, operate, or expand a permitted or special exception use in the Light Industrial District related to any application for any approval submitted after November 1, 2024.

3. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Code Enforcement Officer of the Town of Scarborough. Any person who violates Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of ~~180~~ 90 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the City, whichever shall first occur.

5. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Vote: 7 Yeas. Motion Passes.

Order No. 24-095, 7:00 p.m. Public hearing and second reading on the proposed amendments to Chapter 405 Zoning Ordinance Section XIII Residential Zoning Districts and Section IX Performance Standards, related to farm stands in the Rural Farming District. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. Chair Sither opened the public hearing. As there were no comments either for or against, the hearing was closed at 8:24 p.m.

Motion by Councilor Anderson, seconded by Councilor Doherty, to move approval of the second reading on the proposed amendments to Chapter 405 - Zoning Ordinance Section XIII Residential Zoning Districts and Section IX Performance Standards, related to farm stands in the Rural Farming District

Motion by Councilor Cushing, seconded by Councilor Anderson, to move approval to amend the main motion to remove: Performance Standards number 6 & 7 and not make any further changes.

Vote on Amendment: 7 Yeas. Motion Passes.

Main motion as amended:

CHAPTER 405 – TOWN OF SCARBOROUGH ZONING ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

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 apply.~~

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 agricultural products 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.

Vote: 7 Yeas. Motion Passes.

Order No. 24-108, 7:00 p.m. Public hearing and action on the following new requests for a Food Handlers and Liquor License from Eight Below, LLC d/b/a Moe's Original BBQ, located at 450 Payne Road, Unit D. [Town Clerk's Office] The Town Clerk gave a brief overview on this Order. Chair Sither opened the public hearing. There being no comments either for or against, the hearing was closed at 8:27 p.m.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval on the new requests for a Food Handlers and Liquor License from Eight Below, LLC d/b/a Moe's Original BBQ, located at 450 Payne Road, Unit D.

Vote: 7 Yeas. Motion Passes.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 24-109. First reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX Performance Standards, Section XVIII.A. Town and Village Centers District (TVC), Section XVIII.B. Haigis Parkway District (HP), Section XVIII.C. Town and Village Centers Transition District (TVC2), Section XVIII.D. Town and Village Fringe District (TVC3), Section XVIII.E. Town and Village Centers 4 District (TVC4), Section XIX Regional Business District (B2), Section XIX.A General Business District (B3), Section XX Business Office Research District (BOR), Section XX.C Crossroads Planned Development (CPD), Section XXI Industrial District (I). [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order. The following individuals spoke on this Order:

- Nina McGee of Black Point Road, stated she did not support the proposed changes and felt that this was being recommended because the Downs wanted it.
- Liz Gordon of Essential Way, spoke in favor of the proposed changes.

Councilor Fellows disclosed that he works for an entity that is building in the Downs.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 Zoning Ordinance Section VI. Definitions, Section IX Performance Standards, Section XVIII.A. Town and Village Centers District (TVC), Section XVIII.B. Haigis Parkway District (HP), Section XVIII.C. Town and Village Centers Transition District (TVC2), Section XVIII.D. Town and Village Fringe District (TVC3), Section XVIII.E. Town and Village Centers 4 District (TVC4), Section XIX Regional Business District (B2), Section XIX.A General Business District (B3), Section XX Business Office Research District (BOR), Section XX.C Crossroads Planned Development (CPD), Section XXI Industrial District (I) and schedule the public hearing upon receipt of the Planning Board recommendations:

**CHAPTER 405
ZONING ORDINANCE
TOWN OF SCARBOROUGH**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance, of the Town of Scarborough, Maine, be and hereby is amended, as follows (additions are in underlined in red; deletions are struck through):

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; xx/xx/2024]

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”; the terms “building inspector” and “code enforcement officer” are synonymous. [12/01/04] [10/04/17]

Mobile Food Vendor:

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time. Mobile food vendors are subject to Chapter 1015.A Mobile Food Vendor License Ordinance.

Mobile Food Vendor Court:

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan review requirements.

SECTION IX PERFORMANCE STANDARDS

BB. Mobile Food Vendor Court. The establishment of a mobile food vendor court shall be through the site plan process. In addition, all mobile food vendors in the mobile food vendor court shall adhere to licensing requirements found in Chapter 1015.A Mobile Food Vendor License Ordinance.

The following standards shall apply to all mobile food vendor courts:

1. Minimum setbacks for the zoning district in which the mobile food vendor court is located shall apply to all mobile food vendor pad sites.
2. Each mobile food vendor located at a mobile food vendor court shall be located on a pad site that meets the standards in this ordinance.
3. Each mobile food vendor pad site shall be equipped with electrical connections.
4. Mobile food vendor pad sites shall be designed to maintain a five (5) foot clear space around each mobile food vendor.
5. Mobile food vendor pad sites shall be designed so that mobile food vendors shall be parked on asphalt, concrete or other approved surfaces. Appropriate spill control and counter-measures plan with sufficient materials to address typical shall be provided for every pad site.
6. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set-up within any ADA accessible parking space.
7. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set up within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
8. Mobile food vendor pad sites shall be designed so that no mobile food vendor is located in the public right-of-way, impedes traffic, interferes with the general ingress and egress to and from any property, public or otherwise, or presents an unsafe condition for patrons, pedestrians, or other vehicles.
9. Mobile food vendor courts shall provide temporary or permanent public restroom facilities.

**SECTION XVIII.A. TOWN AND VILLAGE CENTERS DISTRICT TVC [09/05/2007]
[Amended 01/20/16; 05/20/2020: ~~xx/xx/xx~~]**

**C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS
RESIDENTIAL USES**

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy within the Oak Hill TVC District and 8,000 square feet of floor area per unit of occupancy within the Dunstan TVC District:

7. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services
8. Personal services
9. Restaurants with no drive-through service [Amended 11/07/07]
10. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
11. Professional offices
12. Business services and business offices
13. Financial, insurance and real estate offices
14. Health clubs
15. Non-municipal government offices
16. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
17. Funeral homes
18. Place of worship
19. Group day care homes, day care facilities, and nursery schools
20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
21. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
22. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [adopted 10/07/15]
23. Hotels and Motels

SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP [Amended 05/20/2020; 02/17/2021; 09/04/2024][Amended xx/xx/2024]

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

NON-RESIDENTIAL USES [Amended 06/20/18; Amended 02/17/2021]

The following non-residential uses are permitted in both conventional and planned developments:

1. Professional offices
2. Financial, insurance, and real estate offices
3. Business services and business offices
4. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance
5. Research, development and light industrial with no outdoor storage, subject to the performance standards of Section IX(M.1) of this ordinance
6. Hotels and motels, provided all guest rooms are accessed by interior corridors
7. Restaurants, with no drive-through service [Amended 02/17/2021]
8. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
9. Group day care homes, nursery schools and day care centers

10. Retail sales and services with less than 20,000 square feet of retail floor area per unit of occupancy, excluding car washes, automobile repair and service facilities, and outdoor sales and services
11. Municipal buildings and uses
12. Public utility facilities
13. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.
14. Health clubs
15. Personal services
16. Non-municipal government offices
17. Medical/diagnostic facilities
18. Places of assembly, amusement, recreation, culture or government, exclusive of arcades, video arcades, amusement parlors, video gambling, casino gambling and off-track betting, fully enclosed within a building or buildings
19. Golf courses and campgrounds
20. Educational institutions
21. Places of worship and adjunct uses, places of worship
22. Small-scale energy facilities, subject to the performance standards of Section IX(W)
23. Commercial outdoor recreation, subject to the performance standards of Section IX(U)
24. Telecommunication Facilities
25. Food processing facilities, subject to the performance standards of Section IX.(M.2.)
26. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[adopted 10/07/15]
27. Climate Controlled/Internal Access Storage Facility, subject to Section IX(H) Performance Standards and only within an approved subdivision. [10/04/17]
28. Cannabis Manufacturing Facility. [Adopted 01/08/2020; Amended 09/04/2024]
29. Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]

**SECTION XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT, TVC2
[09/05/2007][Amended 08/19/09][Amended 05/20/2020; 07/19/2023][xx/xxx2024]**

B. PERMITTED USES [Amended 08/19/09; 07/19/2023]

NON-RESIDENTIAL USES: [Amended 08/19/09]

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

9. Retail sales and services, excluding car washes, and outdoor sales and services
10. Business services and business offices
11. Professional offices
12. Financial, insurance and real estate offices
13. Personal services
14. Non-municipal government offices
15. Restaurants with no drive-through service [Amended 08/19/09]
16. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
18. Funeral homes

19. Group day care homes, Day care center facilities and Nursery schools
20. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
21. Health clubs
22. Hotels and motels (must be served by public sewer) [Amended 08/19/09]
23. Bed and breakfast establishments [Amended 08/19/09]

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

24. Municipal buildings and uses
25. Elementary and secondary schools
26. Place of worship
27. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
28. Libraries and museums

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy and are permitted only in planned developments. [Adopted 08/19/09]

29. Restaurants with drive-through service

SECTION XVIII.D. TOWN AND VILLAGE FRINGE DISTRICT, TVC3 [adopted 11/07/2007][Amended 03/04/09][Amended 04/06/2011][Amended 05/20/2020; 07/19/2023][[Amended xx/xx/2024](#)]

NON-RESIDENTIAL USES:

The following non-residential uses are limited to 1,000 square feet of floor area per unit of occupancy.

9. Retail sales and services, excluding car washes, and outdoor sales and services

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

10. Business services and business offices
11. Professional offices
12. Financial, insurance and real estate offices
13. Personal services
14. Non-municipal government offices
15. Restaurants with no drive-through service
- [16. Mobile Food Vendor Court \(drive-through or drive-in service is prohibited\), subject to the performance standards of Section IX.BB \[Adopted xx/xx/2024\]](#)
17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
18. Funeral homes
19. Group day care homes, Day care center facilities and Nursery schools
20. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
21. Health clubs, except that health clubs are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]

The following non-residential uses are limited to 36,000 square feet of floor area per establishment.

22. Hotels, motels and bed and breakfast establishments except that hotels and motels are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]

The following non-residential uses are not limited in square footage of floor area per unit of occupancy.

23. Municipal buildings and uses
24. Elementary and secondary schools
25. Place of worship
26. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
27. Libraries and museums

SECTION XVIII.E. TOWN AND VILLAGE CENTERS 4 DISTRICT – TVC-4

[Amended 07/19/2023] [Amended xx/xx/2024]

A. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy:

1. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services except as otherwise provided.
2. Gasoline filling stations existing as of July 1, 2012.
3. Sales, services and storage of marine-related equipment and watercraft including outdoor sales, display and storage.
4. Food processing facilities.
5. Personal services.
6. Restaurants with no drive-through service.
7. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted xx/xx/2024]
8. Professional offices.
9. Business services and business offices.
10. Financial, insurance and real estate offices.
11. Health clubs.
12. Non-municipal government offices.
13. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions.
14. Place of worship.
15. Fully enclosed places of assembly, amusement, culture, and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.
16. High technology facilities.
17. Research, development and light industrial uses.
18. Group day care homes, day care facilities, and nursery schools.
19. Accessory uses (excluding outdoor storage) including accessory agricultural activities.
20. Fuel distribution facilities existing as of September 1, 2012.
21. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[Adopted 10/07/15]

The following non-residential uses are permitted in both conventional and planned developments without regard to floor area per unit of occupancy:

22. Municipal buildings and uses

The following non-residential uses are permitted only in planned developments:

23. Restaurants with drive-through service

The following residential uses are permitted in both conventional and planned developments:

24. Single family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets. Subject to the performance standards in Section IX.Z.

25. Two family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets

26. Townhouses limited to not more than eight (8) units per building

27. Accessory dwelling units subject to the performance standard in Section IX.J

The following residential uses are permitted only in planned developments:

28. Dwelling units and/or live/work units in a mixed use building only on a lot having its primary frontage on East Grand Avenue, Pine Point Road, or Snow's Canning Road

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09][Amended xx/xx/24]

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]

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. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]

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

17. Municipal Buildings and Uses. [07/05/95]
18. Place of Worship. [05/05/99]
19. Funeral Homes. [02/21/07]
20. Health Clubs [Adopted 08/19/09]
21. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions [Adopted 08/19/09]
22. Libraries and museums [Adopted 08/19/09]
23. Elementary and secondary schools [Adopted 08/19/09]
24. Group Day Care Homes, Day Care Center Facilities and Nursery Schools [Adopted 08/19/09]
25. Telecommunication Facilities [Effective 11/15/14]
26. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

SECTION XIXA. GENERAL BUSINESS DISTRICT B3 [04/16/2008] [xx/xx/2024]

C. PERMITTED USES – CONVENTIONAL AND PLANNED DEVELOPMENT

NON-RESIDENTIAL USES:

The following non-residential uses are permitted in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:

1. Retail sales and services, excluding outdoor sales and services
2. Personal services
3. Restaurants
4. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
5. Professional offices
6. Business services and business offices
7. Financial, insurance and real estate offices
8. Health clubs
9. Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting
10. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
11. Hotels and motels
12. Non-municipal government offices
13. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
14. Clubs and lodging houses
15. Passenger transportation facilities
16. Funeral homes
17. Places of worship
18. Group day care homes, day care facilities, and nursery schools, subject to the standards of Section IV(I)(6) of this Ordinance, but special exception approval by the Zoning Board of Appeals is not required
19. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
20. Telecommunication Facilities [effective 11/15/14]

The following non-residential uses are permitted in both conventional and planned developments without regard to the limitation on floor area per unit of occupancy.

21. Municipal buildings and uses
22. Elementary and secondary schools
23. Libraries and museums
24. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

SECTION XX. BUSINESS OFFICE-RESEARCH DISTRICT BOR.

[Adopted 11/07/07][Amended 12/01/10; Amended 05/20/2020; Amended 04/21/2021; Amended xx/xx/2024]

B. PERMITTED USES

1. Medical/diagnostic facilities
2. Places of worship
3. Municipal buildings and uses
4. Non-municipal government buildings and use
5. Instructional and educational services
6. Nonresidential institutional uses
7. Business and professional offices
8. Business services
9. Financial, insurance and real estate offices
10. Personal service establishments
11. Retail business and service establishments with less than 5,000 square feet of gross floor area, excluding car washes
12. Restaurants with no drive-through service
13. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
14. Funeral homes
15. Health clubs
16. Motor vehicle (automobile) sales, repair and service facilities existing as of September 1, 2007
17. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance [04/16/08]
18. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
19. Hotels and motels existing as of September 1, 2007
20. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars) existing as of September 1, 2007
21. Mini-Warehouse/Storage Facilities existing as of September 1, 2007
22. Contractor's offices, shops and storage yards existing as of September 1, 2007
23. Telecommunication Facilities
24. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]
25. Cannabis Manufacturing Facility [Adopted 01/08/2020]
26. Cannabis Testing Facility. [Adopted 01/08/2020]

SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; 05/16/18; 05/20/2020; 04/21/2021; 05/17/2023; 11/15/2023; 09/04/2024; [xx/xx/2024](#)]

B. PERMITTED USES (CPD)

i. The following uses are permitted only in planned developments:

7. Single-family dwellings but only as part of a planned development that includes a variety of housing types.
8. Two-family dwellings but only as part of a planned development that includes a variety of housing types.
9. Multifamily dwellings.
10. Multiplex dwellings.
11. Townhouses, limited to no more than eight (8) dwelling units per building.
12. Senior housing.
13. Residential and long-term care facilities for the ill, aged, or disabled. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply.
14. Dwelling units in a mixed use building.
15. Live/work units.
16. Accessory units.
17. Retail business and service establishments.
18. Personal service establishments.
19. Restaurants with no drive-through service, excluding coffee houses.
20. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]
21. Coffee Houses, drive-through service permitted. Coffee houses with drive-through service must be compatible with the character of the specific district subject to Planning Board review.
22. Hotels and motels.
23. Business and professional offices.
24. Financial, insurance and real estate offices.
25. Business services.
26. Medical/diagnostic facilities.
27. Health clubs.
28. Non-municipal government buildings and uses.
29. Elementary and secondary schools.
30. Instructional and educational services.
31. Libraries.
32. Museums.
33. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions.
34. Funeral homes.
35. Places of worship.
36. Adjunct uses, Place of worship.
37. Golf courses.
38. Casinos or slot machine facilities, as defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and are licensed by the State of Maine in accordance with the requirements of Chapter 31 of Title 8

of the Maine Revised Statutes, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.

39. Pet care facilities. [Adopted 05/16/18]

iii. The following uses are permitted only in planned developments and are subject to specific performance standards set forth in Section IX.

40. Home occupations.

41. High technology facilities.

42. Family day care homes.

43. Group day care homes and day care facilities.

44. Nursery schools.

45. Passenger transportation facilities.

46. Small-scale energy facilities.

47. Telecommunication facilities.

48. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance with the exception of size limitation. Small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing. [Adopted 10/07/15; amended 05/17/2023]

49. Research, development and light industrial. [Adopted 05/16/18]

50. Gasoline filling stations whether as a principal or accessory use and located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road. Gasoline filling stations shall also be subject to the performance standards of Section IX.(X.) of this Ordinance. [Adopted 05/16/18]

v. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.: [Adopted 05/16/18]

51. Manufacturing and assembly.

52. Food processing facilities.

53. Mini-warehouse/storage facilities.

54. Contractors offices, shops and storage yards.

55. Motor vehicle repair and service facilities including auto body shops, facilities for the repair or recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.

56. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).

57. Cannabis Manufacturing Facility. [Adopted 01/08/2020 Amended 09/04/2024]

58. Cannabis Testing Facility. . [Adopted 01/08/2020 Amended 09/04/2024]

SECTION XXI. INDUSTRIAL DISTRICT - I.

B. PERMITTED USES

1. Manufacturing and assembly. [Amended 07/18/12]

2. Research, development and light industrial.

3. High technology facilities, subject to the performance standards of Section IX(M).

4. Food processing facilities.
5. Warehousing Facility. [Amended 06/20/18]
6. Distribution, wholesale trade and transportation, including trucking terminals. [3/19/75] [05/01/96]
7. Mini-Warehouse/Storage Facilities, subject to the performance standards of Section IX(H) of this Ordinance. [12/03/97]
8. Instructional and educational services.
9. Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.
10. Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars). [05/01/96]
11. Restaurants, with less than 2,000 square feet of floor area and with no drive-up, drive-through or drive-in service. [05/06/98]
- 12. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [xx/xx/2024]**
13. Lumber yards, fuel storage and distribution yards (excluding tank farms) and building material yards (building material yards may include storage of rock, sand and gravel provided no excavation occurs on site). [05/01/96][07/18/12]
14. Retail sales or services if such sales or services are accessory to principal permitted uses. [05/01/96]
15. Professional offices, including addiction treatment facilities subject to the Performance Standards of Section IX.L. with a maximum of 2,500 square feet of floor area per use. [11/16/2005][07/18/12]
16. Business services and business offices.
17. Contractor's offices, shops and storage yards. (05/01/96)
18. Municipal buildings and uses, not including places of assembly.
19. Non-municipal government buildings and uses.
20. Health Clubs. [05/04/02]
21. Personal Services. [05/20/98][07/18/12]
22. Pet Care Facility. [09/04/02]
23. Transmission towers subject to the performance standards of Section IX(F) of this Ordinance. [5/17/95][07/18/12]
24. Recycling Facility, exclusive of junkyards, automobile graveyards or automobile recycling businesses subject to annual licensing by the Scarborough Town Council under section IX(A)(18). Notwithstanding this provision, all municipal solid waste incinerator ash processing facilities and all municipal solid waste incinerator ash recycling facilities shall be sited only within the confines of a secure, lined landfill approved by the Maine Department of Environmental Protection.[03/06/96][07/18/12]
25. Water dependent sports practice facilities. [07/18/12]
26. Accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10; 07/18/12]
27. Telecommunication facilities. [05/01/96]
28. Cannabis Manufacturing Facility [Adopted 01/08/2020]
29. Cannabis Testing Facility. [Adopted 01/08/2020]
30. Cannabis Cultivation Facility conducted within a fully enclosed structure. [Adopted 01/08/2020; 09/04/2024]
31. Utility-Scale Solar Energy Systems, subject to the performance standards of Section IX.(O.1.) of this Ordinance. [Adopted 11/03/21]

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010; 07/19/2023; xx/xx/2024]

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.

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
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
<u>Mobile Food Vendor Court</u>	<u>1 per mobile food vendor pad site; not including the required parking spaces for any other use on site. ADA parking shall be provided. Parking requirements shall be subject to Planning board site plan approval.</u>

L. Electrical Vehicle Charging Infrastructure. The purpose of this provision is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs.

Table 1. EV Charging Infrastructure Requirements
(Table based on table in section B.1)

USE	Number of Parking Spaces Required *FA = Floor Area *GLA = Gross Leasable Area	Electric Vehicle Charging Station (EVCS) Requirements				
		EVCS-installed parking spaces	EVCS-ready parking spaces	EVCS-capable parking spaces	TOTAL SPACES	Minimum type of EVCS
Commercial						
Retail sales & services (> 25,000 sq. ft.)	4 per 1,000 sq. ft. of FA	5%	10%	10%	25%	50% Level 2 50% Level 3
Retail sales & services (< 25,000 sq. ft.)	4 per 1,000 sq. ft. of FA		5%	20%	25%	Level 2

<u>Mobile food Vendor Court</u>	<u>1 per mobile food vendor pad site</u>	-	-	-	-	<u>NA</u>
Health Club	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.	5%	10%	10%	25%	Level 2
Hotels, motels and other transient lodging establishments	1 for each guest room.	10%	10%	80%	100%	Level 2
All other commercial uses	Refer to Table 1 in Ch. 405 Section XI. Off-Street Parking Regulations for required number of parking spaces		5%	20%	25%	Level 2

Vote: 6 Yeas. 1 Nay [Councilor Doherty] Motion Passes.

Order No. 24-110. First reading and schedule a public hearing on the proposed new Chapter 1015A Mobile Food Vendor Ordinance. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Fellows, to move approval of the first reading on the proposed new Chapter 1015A Mobile Food Vendor Ordinance and schedule the public hearing to coincide with the public hearing on Order No. 24-109; as follows:

CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following new Ordinance – Chapter 1015.A Mobile Food Vendor Ordinance is hereby adopted, as follows:

CHAPTER 1015.A MOBILE FOOD VENDOR ORDINANCE

A. Applicability

No person shall carry on the business of operating to sell food or beverage from a mobile food vendor within the limits of the Town of Scarborough without first having obtained a license from the Town of Scarborough. Mobile food vending may only occur on locations in Section B below.

B. Permitted Mobile Food Vendor Locations

Approved Mobile Food Vendor Court. Mobile food vendors may operate at approved Mobile Food Vendor Courts with permission of the property owner.

One-time Events. Mobile food vendors may operate on private property for a private one-time event provided the unit is not operational for more than thirty-six (36) hours. All other required licenses and permissions must be obtained (i.e. Special Event Permit, Mass Gathering Permit).

Private Catered Events. Mobile food vendors may operate at a private catered event. A private catered event is an event that sells food and beverages coinciding with an event and only to the attendees of the event. Private catered events are not open to the general public and advertising to the public is prohibited.

Town Sponsored Events. Mobile food vendors may operate at Town sponsored events. Site locations shall be approved by Public Safety Departments.

C. Definitions

Mobile Food Vendor. A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time.

Mobile Food Vendor Court. A collection of two or more mobile food vendor pad sites in a common outdoor plaza or space providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court may be an accessory use to the primary use of the site or the primary use of the site.

D. Application Process

Every mobile food vendor shall obtain a license issued by the Town Clerk to conduct business in the Town. Each mobile food vendor unit requires a separate license.

A complete and signed application shall require the following information from the applicant to be considered:

1. Name of applicant, as well as physical street address, mailing address, telephone number(s), and e-mail address.
2. Legal name of business or entity.
3. Proof of a State of Maine health certificate at the time of application
4. Signed permission form, or provide notarized affidavit from the private property owner granting permission for unit placement.
5. Phone number for the private property owner on which the mobile food vendor unit will be placed.
6. Name, phone number and driver's license number of business owner and all employees or other persons authorized to operate the mobile food vendor.
7. Valid and current vehicle/trailer registration of mobile food unit.
8. Description of product being sold and menu.
9. The name(s) and applicable pad site location(s) of the approved mobile food vendor court at which the mobile food vendor will be located, and/or the permitted location at which the mobile food vendor will be located.
10. Identification of where the food prep operations will occur. If a commissary kitchen is located in the Town of Scarborough, it will be inspected as well.

E. Public Hearing Required

The Town Council shall hold a public hearing on all new applications for mobile food vendor licenses. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the hearing, at the expense of the applicant.

F. Approval Authority

Upon submission to the Town and prior to any public hearing, an application shall receive a recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief, and the Tax Collector, for the Town Council's consideration.

An initial application for a license to operate as a mobile food vendor within Scarborough shall be approved by the Town Council following a public hearing as described in Section E of this ordinance upon a determination that the application complies with the provisions of this ordinance.

G. License Renewal

The Town Clerk shall renew a license issued under Section F above to operate a mobile food vendor unit on or before May 1st of each year, provided the applicant must still meet all of the licensing standards set forth in this ordinance.

The applicant must submit the application and the renewal fee within 30 days before expiration of the license or must reapply as a new applicant.

H. License Revocation

Any license issued pursuant to this ordinance may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine, or upon a determination that any owner or operator has violated any condition of a license, made a material misstatement on the application for the license, or has kept or operated her/his mobile food vending unit in an unsafe, unclean or unsatisfactory condition.

I. License Posting Required

Every required license shall be displayed at all times in a conspicuous place where they can be read by the general public on the mobile food vendor unit.

J. License Requirements. Any applicant for a license under this ordinance must demonstrate each of the following:

1. General Standards

- a. A license shall only be granted if the applicant demonstrates compliance with all applicable Federal, State and local requirements, the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, and that the applicant is not delinquent in the payment of any personal taxes or fees owed to the Town of Scarborough.
- b. An applicant must additionally and specifically demonstrate that the applicant:
 - i. Meets all State of Maine Health Department regulations;
 - ii. Holds a State of Maine Eating Place Mobile License;
 - iii. Complies with the State of Maine rules relating to eating and lodging places, as periodically amended; and

- iv. Shall not sell anything other than food, beverages and associated related and incidental goods.

2. Equipment Standards

- a. Use of petroleum fuel powered generators is prohibited on mobile food vendor courts
- b. Mobile food vendors shall be attended at all times during operating hours.
- c. The allowable dimensions of a mobile food vendor (including all attachments, except hinged canopies that open to reveal food serving areas) shall be no more than 30 feet long, 13 feet tall, and nine feet wide.
- d. Mobile food vendors shall have a gray water holding tank.
- e. Mobile food vendor operators shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
- f. Mobile food vendor operators shall ensure there is an adequate and safe source of electrical power.
- g. Mobile food vendor operators shall ensure all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
- h. The trailer, or vehicle, being used shall be registered, in good upkeep, and provide a neat appearance.

3. Inspections Required

- a. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including but not limited to applicable fire and electrical codes and any other safety requirements imposed by the Town.
- b. If the cooking procedures involve producing grease laden vapors, a hood suppression system with a class k fire extinguisher must be in place in the food truck with current inspection tags attached.
- c. Mobile food vendors conducting cooking operations shall obtain an annual fire inspection from the Fire Department prior to operating its business.
- d. Open flame cooking, either within or outside a food vendor, is prohibited, except where such activity is specifically permitted by the Fire Department.
- e. The mobile food vendor will be subject to inspection upon submission of the license application through the Code Enforcement Department and the Fire Department, and may be subject to random inspection and upon reissuance of the permit. The inspection must be completed by April 15th.

4. Refuse and Waste

- a. Mobile food vendors are responsible for the proper disposal of waste and trash associated with the operation and shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety.
- b. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space.
- c. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the license application.

5. Signage

- a. Mobile food vendors shall not place signs/banners in or alongside the public right-of-way or across roadways.
- b. Mobile food vendor signs must be permanently affixed to or painted on the mobile food vehicle; sandwich boards are acceptable if placed directly in front of the mobile food vendor they are advertising for.

6. Noise, Lighting and Odors

- a. Mobile food vendors shall not emit sounds, outcry, speaker, amplifier or announcements and amplified music or sounds may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

7. Hours of Operation

- a. Mobile food vendors may operate beginning at 6:00 AM and ending at 10:00 PM, unless otherwise qualified or limited by the municipal review authority.

J. License Fee Required

The initial fee and renewal fee payable for a mobile food vendor license shall be as specified in Chapter 311, the *Schedule of License, Permit and Application Fees* established by the Town Council.

K. Insurance Required

Mobile food vendors shall provide, at their expense, and keep in force during the term of their contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The mobile food vendor shall deliver certificates of such insurance to the town at the time of application.

L. License Expiration

A new license, when granted, shall be valid until May 31st, immediately following said granting of said license, except that new licenses granted during April and May shall be valid until May 31st of the following calendar year. A license issued under this section is not transferable.

Vote: 6 Yeas. 1 Nay [Councilor Doherty]

Order No. 24-111. First reading and schedule a public hearing and second reading on the proposed amendment to Chapter 311 Schedule of Fees, to add applicable Mobile Food Vendor fees and modify fee for Temporary Event Overflow Parking. [Planning Director] Autumn Speer, Planning Director, gave a brief overview on this Order.

The following individual spoke on this Order:

- Greg Wilfert, Manager of Scarborough Beach, spoke in support of a lesser fee than what is being offered and asked if the Council could consider reducing the fee to \$1,500 or even \$500.

Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval of the first reading first reading and schedule a public hearing and second reading on the proposed amendment to Chapter 311 Schedule of Fees, to add applicable Mobile Food Vendor fees and modify fee for Temporary Event Overflow Parking, as follows:

Motion by Councilor Cushing, seconded by Councilor Donovan, to amend the main motion to reduce the renewal fee \$1,500.00.

Vote on Amendment: 6 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Vote on Main motion as amended:

**CHAPTER 311
TOWN OF SCARBOROUGH
SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 311- the Town of Scarborough Schedule of License, Permit and Applications Fees, be and hereby is amended, as follows (additions are underlined; deletions are struck through):

<u>Chapter 602A – Mass Gathering</u>	<u>Fee</u>
Application Fee, each event; 1,000 – 2,500 (Number of anticipate patrons) [amended 05/05/04; 05/21/2008; 06/06/2012]	\$175.00
Application Fee, each event; 2,501 – 5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$350.00
Application Fee, each event; >5,000 (Number of anticipate patrons) [adopted 06/06/2012]	\$500.00
<u>Chapter 602B – Temporary Overflow Parking Ordinance</u>	<u>Fee</u>
Parking Permit Fee [Adopted 12-06-2023]	\$300.00 per day requested. Not to exceed \$5,000. 00
<u>Parking Permit Fee (renewal, same application, no changes)</u>	<u>\$300.00 per day</u> <u>requested.</u> <u>Not to exceed \$3,000.00</u> <u>\$1,500.00</u>
<hr/>	
<u>Chapter 1015A – Mobile Food Vendor License</u> <u>(adopted xx/xx/24)</u>	
<u>Mobile Food Vendor License (required for each unit)</u>	<u>\$250.00</u>

Vote: 6 Yeas. 1 Nay [Councilor Doherty]. Motion Passes.

Order No. 24-113. Act on the request from the Town Manager to adjust the business hours during the December holiday season to give Town Employees the day after Christmas off. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Donovan, to move approval on the request from the Town Manager to adjust the business hours during the December holiday season to give Town Employees the day after Christmas off.

Vote: 7 Yeas. Motion Passes.

Item 10. Non-Action Item. None at this time.

Item 11. Standing and Special Committee Reports and Liaison Reports. & Item 12. Council Member Comments.

- Councilor Anderson complimented the discussion that happened this evening. He welcomed the new Council members.
- Councilor Shupe welcomed the new Council members. She would be taking CPR training through public safety and recommended that all Councilors get CPR certified.
- Councilor Cushing commented on the meeting that he had with the Assessor and the Finance Director.
- Councilor Doherty thanked the Council members who contacted him and for the dinner tonight. He then spoke briefly regarding the agenda.
- Councilor Fellows thanked Council members and staff that had reached out to him.
- Chair Sither spoke on one article that was still needed for Councilor Corner, she would be reaching out. She thanked the Council for electing her Council Chair.

Item 13. Adjournment. Motion by Councilor Anderson, seconded by Councilor Cushing, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas. Motion Passes.

Meeting adjourned at 9:29 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk