TOWN OF SCARBOROUGH, MAINE

# MINUTES
## Ordinance Committee Meeting
### Wednesday, March 12, 2025 – 5:00 P.M.

**Item 1. Call to Order.** Councilor Shupe, called the meeting to order at 5:00pm

**Item 2. Roll Call.** Committee members Councilor Karin Shupe (Chair), Councilor William Donovan, and Councilor Cory Fellows were present. Liam Gallagher, Assistant Town Manager was also present.

**Item 3. Public Comment.** The following public comments were made:

- Paul Beaver of Owens Way provided documents to the Committee and spoke in regards to the history of having his landscape business on his property at 94 Broadturn Road which requires a.

**Item 4. Approval of minutes from February 12, 2025.** Motion by Councilor Fellows, seconded by Councilor Donovan, to move approval of the February 12, 2025 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

**Item 5. Review and consider amendments to Section XI Off Street Parking Regulations to amend Electric Vehicle Charging Systems (EVCS) requirements, as recommended by the Sustainability Committee, including combining parking tables, decreasing requirements for specific uses and adding new references to Sustainability Reserve Account.** Autumn Speer, Planning Director and Jami Fitch, Sustainability Manager gave an overview of this item. Discussion ensued between Committee members, Autumn Speer and Jami Fitch.

Motion by Councilor Fellows, seconded by Councilor Donovan to move amendments to Section XI Off Street Parking Regulations to amend Electric Vehicle Charging Systems (EVCS) requirements, as recommended by the Sustainability Committee, including combining parking tables, decreasing requirements for specific uses and adding new references to Sustainability Reserve Account forward to the full Town Council at the April 2, 2025 meeting, as follows:

**RED – NEW ADDITIONS AND DELETIONS**
**GREEN - MOVED**

**SECTION XI. OFF-STREET PARKING REGULATIONS. [Amended 01/06/2010; 01/04/2023; 07/19/2023; 01/08/2025; xx/xx/2025]**

## Applicability

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.

All new or redevelopment parking facilities shall be required to install electrical vehicle charging station (EVCS) infrastructure. For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.

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. 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]

Single family and two-family dwellings in existence as of January 6, 2010, shall be exempt from ~~th~~the number of parking spaces and EVCS requirements in Section XI.~~is provision.~~ [adopted 01/06/10]

Single family and two-family dwellings not constructed in an approved subdivision shall be exempt from EVCS parking standards in Section XI, but not the total number of parking spaces required.

~~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]~~

## Definitions

**Charging levels:** M~~m~~eans the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

**EVCS-capable: M ~~m~~**eans parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

**EVCS-installed**: M~~m~~eans parking spaces equipped with electrified EVCS.

~~*EVCS-ready* means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.~~

**EVCS-ready (non-residential):** Means parking spaces with necessary conduit installed and the electrical panel and equipment where EV charger circuits are to originate be designed with sufficient space to accommodate future capacity to install required EVCS.

**EVCS-ready (residential):** Electrical panel with at least 50 amp service and a 240V grounded alternating current outlet installed near where cars will be parked (garage, driveway, etc.).

**Electric vehicle infrastructure:** M~~m~~eans conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

**Electric vehicle parking space**: M~~m~~eans any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**Electrical capacity**: Means ~~shall mean~~, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

**Non-electric vehicle**: M~~m~~eans any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

**Redevelopment**: M~~m~~eans the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

**Off-Street Parking Required**

~~**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.

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.

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

For all non-residential uses, the number of required EVCS spaces shall round up to an even number.

The following minimum off-street parking requirements, including EVCS requirements, shall be provided and maintained:

| RESIDENTIAL USES | SPACES REQUIRED | EVCS Install | EVCS Ready | EVCS Capable |
|---|---|---|---|---|
| Single Family | 2 for each dwelling unit | | 100% | |
| Two Family | 2 for each dwelling unit | | 100% | |
| Multi-family | 2 for each dwelling unit Containing 2 or more bedrooms<br>1.5 for each dwelling unit containing fewer than 2 bedrooms | 5% | 30% | 65% |
| Accessory Unit | None required | | | |
| Senior Housing | 1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy | 10% | 20% | 70% |

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**SECTION XI. OFF-STREET PARKING REGULATIONS.**

| INSTITUTIONAL AND CIVIC USES | SPACES REQUIRED | EVCS Install | EVCS Ready | EVCS Capable |
|---|---|---|---|---|
| Elementary and Middle School | 1 per teacher and staff member, plus 1 space per 2 classroom. | 5% | 5% | 15% |
| High School | 1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students. | 5% | 5% | 15% |
| College | 1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period. | 5% | 5% | 15% |
| 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 | | 5% | 20% |
| 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. | | 5% | 20% |
| 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. | | 5% | 20% |
| Funeral Home | 10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms | | 5% | 20% |
| **RECREATIONAL USES** | **SPACES REQUIRED** | **EVCS Install** | **EVCS Ready** | **EVCS Capable** |
| 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. | 5% | 10% | 10% |
| Water Dependent Golf Driving Ranges | 1.5 spaces for each tee area | | 5% | 20% |

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| COMMERICAL AND RETAIL USES | SPACES REQUIRED | EVCS Install | EVCS Ready | EVCS Capable |
|---|---|---|---|---|
| Retail sales & services (< 25,000 sq ft) | 4 per 1,000 sq. ft. of FA | | 5% | 5~~20~~% |
| Retail sales & services (> 25,000 sq ft) | 4 per 1,000 sq. ft. of FA | 1~~5~~% | 4~~10~~% | 5~~10~~% |
| Mobile food Vendor Court [Amended 01/08/2025] | 1 per mobile food vendor pad site | -- | -- | -- |
| Business services and business offices; Professional offices | 4 per 1,000 sq. ft. of GLA | | 5% | 20% |
| Financial, Insurance and Real Estate Offices | 3.5 per 1,000 sq. ft. of GLA | | 5% | 20% |
| Personal services | 3.5 per 1,000 sq. ft. of GLA | | 5% | 10~~20~~% |
| High Technology Facility | 2 per 1,000 sq. ft. of FA | | 5% | 20% |
| Data Processing/ Telemarketing | 6 per 1,000 sq. ft. of GLA | | 5% | 20% |
| Medical and Dental Offices | 4 per 1,000 sq. ft. of GLA | | 5% | 10~~20~~% |
| 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 | | 5% | 10~~20~~% |
| 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 | | 5% | 5~~20~~% |
| 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 | | 5% | 20% |

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| | 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.<br><br>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. | | | |
| **LODGING USES** | **SPACES REQUIRED** | **EVCS Install** | **EVCS Ready** | **EVCS Cap-able** |
| Hotels, motels and other transient lodging establishments | 1 for each guest room | 10% | 10% | 80% |
| **INDUSTRIAL USES** | **SPACES REQUIRED** | **EVCS Install** | **EVCS Ready** | **EVCS Cap-able** |
| 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] | | 5% | 20% |

*FA=Floor Area
*GLA=Gross Leaseable Area

**Off-Street Parking Location**

~~H.~~ Required residential 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 non-residential 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.

Required residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize residential EV spaces to be combined in a centralized location with an adjacent residential project so long as the parking spaces are located within 300 feet of each principal residential structure, measured along lines of public access. 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.

Required non-residential EV parking spaces shall be located on the same lot as the principal building(s) or use except that the Planning Board may authorize non-residential EV spaces to be combined in a centralized location with an adjacent non-residential project so long as the parking spaces are located within 300 feet of each principal non-residential structure, measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the non-residential uses served and evidence of such control or lease shall be required.

~~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 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 required landscape buffer~~green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.~~

**Shared Parking**

~~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.

**Parking Design and Construction - General**

~~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.

~~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.~~

~~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~~<br>~~*FA=Floor Area~~<br>~~*GLA=Gross Leaseable Area~~ |
|---|---|
| ~~Dwellings~~<br>~~a. Single Family~~ | ~~2 for each dwelling unit.~~ |
| ~~b. Two Family~~ | ~~2 for each dwelling unit~~ |

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|---|---|
| c. Multi-family | 2 for each dwelling unit containing 2 or more bedrooms<br>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.....<br>**a.** Elementary and Middle School: | 1 per teacher and staff member, plus 1 space per 2 classroom. |
| **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 |

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|---|---|
| ~~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~~ |
| ~~Mobile Food Vendor Court [amended 01/08/2025]~~ | ~~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.~~ |
| ~~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.~~<br><br>~~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.~~ |

**Parking Design and Construction – EVCS Spaces**

Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations. ~~For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.~~

When EVCS spaces are required, they shall be installed as Level 2 charging stations. One Level 3 charging station may substitute for four Level 2 charging stations. However, the total required number of overall parking spaces shall not be reduced.

Electric vehicle charging stations within single-family and two-family residences are exempt from the below general station requirements. This does not exempt electrical or other permit obligations.

**General Sstation Rrequirements**

5.2.1 **Size.** A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

~~EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.~~

5.2.2 **Equipment Standards and Protection.** Where provided, parking for electric vehicle charging purposes shall meet the standards ~~of subsections 5.2.2 (1) through (4) of this section~~below:~~.~~

1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

5.2.3. **Signage.** Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5.2.4. **Operational Hours.** The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. *Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.*

5.2.5. **Usage Fees.** The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

**~~5.3.~~ Accessible Facilities.** Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in the table below~~Table 2~~. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

~~Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.~~

~~Table 2~~ Minimum Number of ADA Accessible Electric Vehicle (EV) Charging Stations

| Number of EV charging stations | Minimum accessible EV charging stations |
|---|---|
| 1-50 | 1 |
| 51-100 | 2 |
| 101+ | 3 |

**Off-Street Parking Reductions**

**Planning Board Authority.**

~~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 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.

For non-residential and multi-family~~commercial~~ development, the EVCS requirements outlined in Table 1 may be ~~revised upward or downward~~ reduced by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined ~~in section L.3.~~below.

~~**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.~~

**Board of Appeals Authority.** ~~**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.

~~3. For single family and two-family dwellings, the requirements in Table 1 may be waived by the Zoning Administrator as part of the building permit application process. An in-lieu fee will apply, as outlined in section L.3.~~

~~**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 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.~~

~~**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.~~

~~1.~~

~~2. For commercial development, the requirements outlined in Table 1 may be revised upward or downward by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.3.~~

**Electrical Vehicle Charging Fee in Lieu**

~~4.~~ Those ~~who~~ approved for a reduction in EVCS parking requirements must ~~do not wish to meet EVCS requirements may~~ pay an in-lieu fee to the Town of Scarborough in the following amounts:

~~$15,000 per required Level 3 EVCS-installed parking space~~
$8,000 per required Level 2 EVCS-installed parking space
$3,000 per required EVCS-ready parking space
$1,000 per required EVCS-capable parking space

~~4.1~~ EVCS in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting ~~electric vehicle infrastructure~~ energy efficiency and sustainability projects in the Town of Scarborough. These funds shall be used in accordance with the following:

a. The funds contributed to the specific account, entitled the ~~Electric Vehicle Charging Infrastructure Fund~~Sustainability Reserve Account, shall be used to ~~further the electric vehicle infrastructure~~ implement efficiency projects within the Town. ~~More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new municipally-owned parking lots within Scarborough.~~

b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design~~,~~ and ~~permitting, and property acquisition for electric vehicle charging~~projects approved by Town Council.

c. ~~A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.~~

d. The ~~Electric Vehicle Charging Infrastructure Fund~~Sustainability Reserve Account may be used in combination with other Town funds and other private, non-profit, and government funding. ~~for expanding electric vehicle charging infrastructure within Scarborough.~~

e. ~~The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum zoning standards.~~

f. The in-lieu fees collected by the Town shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required ~~to included electric vehicle charging infrastructure in order~~ to meet minimum zoning standards.

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

| ~~USE~~ | ~~Number of Parking Spaces Required~~<br>~~*FA = Floor Area~~<br>~~*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~~ |
| ~~Dwellings~~ | - | | | | | |
| ~~a. Single Family~~ | ~~2 for each dwelling unit.~~ | -- | ~~100%~~ | -- | ~~100%~~ | ~~Level 2~~ |
| ~~b. Two Family~~ | ~~2 for each dwelling unit~~ | -- | ~~100%~~ | -- | ~~100%~~ | ~~Level 2~~ |
| ~~c. Multi-family~~ | ~~2 for each dwelling unit containing 2 or more bedrooms~~<br>~~1.5 for each dwelling unit containing fewer than 2 bedrooms~~<br>~~*EVCS: 100% indoor parking spaces EVCS-ready~~ | ~~5%~~ | ~~30%*~~ | ~~65%~~ | ~~100%~~ | ~~Level 2~~ |
| ~~d. Accessory Unit~~ | ~~1 for each unit~~ | | | | | |
| ~~e. Senior housing~~ | ~~1 parking space per dwelling unit and 1 parking space for each employee based on the expected average employee occupancy.~~<br>~~**EVCS requirements apply only to residential parking spaces~~ | ~~10%**~~ | ~~20%**~~ | ~~70%**~~ | ~~100%~~ | ~~Level 2~~ |
| ~~Schools~~ | - | ~~EVCS targeted in faculty/staff parking spaces~~ | | | | - |

| | | | | | | |
|---|---|---|---|---|---|---|
| a. Elementary and Middle School: | 1 per teacher and staff member, plus 1 space per 2 classrooms. | 5% | 5% | 15% | 25% | Level 2 |
| b. High School: | 1 per teacher and staff member on the largest shift, plus 1 space per 5 non-bused students. | 5% | 5% | 15% | 25% | Level 2 |
| c. College: | 1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period. | 5% | 5% | 15% | 25% | Level 2 |
| 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 | | 5% | 20% | 25% | Level 2 |
| **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 |
| Mobile food Vendor Court [Amended 01/08/2025] | 1 per mobile food vendor pad site | -- | -- | -- | -- | NA |
| 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 |

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| | | | | | | |
|---|---|---|---|---|---|---|
| ~~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~~ |

~~5. General Requirements for Electric Vehicle Infrastructure~~

5.1 ~~Electric vehicle charging stations within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.~~

5.2 ~~General station requirements~~

~~5.2.1 Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.~~

~~EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.~~

~~5.2.2 Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.2.2 (1) through (4) of this section.~~

~~1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.~~

~~2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.~~

~~3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.~~

~~4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.~~

~~5.2.3. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.~~

~~5.2.4. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. *Operation hours of the chargers and a phone number for public assistance must be placed in a prominent position visual from the parking space.*~~

~~5.2.5. Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.~~

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**6.** Definitions Specific to Electric Vehicle Infrastructure

*Charging levels* means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

*EVCS-capable* means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

*EVCS-installed* means parking spaces equipped with electrified EVCS.

*EVCS-ready* means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.

*Electric vehicle infrastructure* means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

*Electric vehicle parking space* means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

*Electrical capacity* shall mean, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

*Non-electric vehicle* means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

*Redevelopment* means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

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Vote: 3 Yeas.

**Item 6. Consider a recommendation from the Long-Range Planning Committee for proposed amendments to the Zoning Ordinance to define a new use, landscape contractor, separate from the contractor offices, shops and storage yards use; and to permit landscape contractors in the Rural Farm (RF) and Running Hill Gorham Road Mixed Use District (RH) zoning district with special exception approval and performance guarantees; and to permit the landscape contractor use in the Industrial (I) use as they are currently permitted under the contractor offices, shops and storage yards use.** Autumn Speer, Planning Director gave an overview of this item. Discussion ensued between Committee members, Autumn Speer.

Motion by Councilor Shupe, seconded by Councilor Donovan to table recommendation from the Long-Range Planning Committee for proposed amendments to the Zoning Ordinance to define a new use, landscape contractor, separate from the contractor offices, shops and storage yards use; and to permit landscape contractors in the Rural Farm (RF) and Running Hill Gorham Road Mixed Use District (RH) zoning district with special exception approval and performance guarantees; and to permit the landscape contractor use in the Industrial (I) use as they are currently permitted under the contractor offices, shops and storage yards use until May 14, 2025 meeting.

Vote: 3 Yeas.

**Item 7. Future Meetings and Agenda Items.**

- April: cancelled
- May: pending

**Item 8. Adjournment.** Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval to adjourn the regular meeting of the Scarborough Ordinance Committee.

Vote: 3 Yeas. Motion Passes.

Meeting adjourned at 5:48pm

Respectfully submitted,

Kristen Barth
Town Clerk