

SECTION VII. FLEXIBLE DEVELOPMENT STANDARDS FOR HIGHER DENSITY
RESIDENTIAL DISTRICTS. [Amended 02/01/2006] [Amended 01/20/16]

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A. SPECIAL PROVISIONS

In all higher density districts (R3, R4, R4A, TND and RPO) the following special provisions may apply subject to the conditions set forth in this section. This section is intended to enable the developer of subdivisions and residential developments electing to use these provisions, and to require all developers of multiplex housing developments, to design projects which minimize environmental impacts, establish public and open spaces, integrate pedestrian ways and amenities, and demonstrate creativity and imagination in the design, location and orientation of housing types as well as the streets and ways that serve them. This section is intended to enable the creation of healthful, efficient, safe and aesthetically pleasing residential areas.

B. PERFORMANCE STANDARDS

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board in reviewing and approving proposed higher density residential subdivisions and developments located in the Town of Scarborough, may modify said provisions related to space and bulk in order to permit innovative approaches to housing, neighborhood and environmental design in accordance with the following standards. This shall not be construed as granting Variances to relieve hardship.

1. The purpose and intent of this Zoning Ordinance shall be upheld.
2. There shall be compliance with all State and local codes and ordinances.
3. There shall be no approval of any proposed development, which exceeds the net residential density (see Section VI for definition) allowable in the Residential District in which it is located.
4. Separation between principal buildings located on the same lot shall be a minimum of 30 feet. This minimum separation requirement may be reduced by the Planning Board, but lesser separation must be in accordance with the provisions of MUBEC governing Construction Types and Fire-Resistance-Rated Construction. Any separation of less than 30 feet between buildings needs to be accompanied by a note on the approved plan indicating the need for building construction and materials in accordance with the Fire Resistance Rating Requirements of MUBEC cited above. [Amended 09/17/2025]
5. Each building shall be an element of an overall plan for site development.
6. Where possible, buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, natural drainage areas, neighborhood greens and common open space.
7. Where possible, buildings, streets, sidewalks, parking areas and landscaping shall be designed in a cohesive, integrated fashion. Building placement and orientation to streets, parking, sidewalks and common areas should be designed to establish inviting public spaces exhibiting human elements and scale, while building orientation to natural features should furnish and buffer private spaces for individual dwelling units or groups of dwelling units.
8. Development proposals shall include a landscape program to illustrate the proposed aesthetic treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

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9. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and be designed as not to be unsightly or hazardous to the public.

10. Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be usable for active or passive recreation, neighborhood gathering places, or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. In addition, open space can be used for solar or wind energy systems as allowed for under Section IX. The use of any open space may be further limited or controlled at the time of final plat approval where necessary to protect adjacent properties or uses.

11. The common open space(s) shall be shown on the subdivision plan and with appropriate notation of the face thereof to indicate that it:

- a.** Shall not be used for future building lots,
- b.** A part or all of the common open space may, at the Municipality's option, be accepted in dedication by the Municipality and operated as a Municipal Recreational facility.
- c.** If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.
- d.** Covenants for mandatory membership in the association setting forth the owner's rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.
- e.** This neighborhood association shall have the responsibility of maintaining the common open space(s) and operation and maintenance of local neighborhood recreational facilities , lawn, and landscaped areas within such open space(s).
- f.** The Association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.
- g.** The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternately, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.

12. The developer shall file with the Town of Scarborough at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the Town or a faithful performance bond running to the Town and issued by a surety company acceptable to the Town. The conditions and amount of such check or performance bond shall be determined by the Treasurer of the Town of Scarborough with the advice of various Town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements within a period agreed upon by the developer and the Planning Board.

13. For the purposes of this section the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.

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C. CORNER CLEARANCES

To maintain safe traffic vision in all residential districts, between the side lines of intersecting streets and a line joining points on such lines, twenty feet distant from their point of intersection, or in the case of a rounded street corner, the point of intersection of their tangents, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through their curb grades.