

MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JULY 19, 2017
REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Babine called the regular meeting of the Scarborough Town Council to order at 7:05 p.m. [The delay in start time was due to the workshop that had been held prior to the meeting had run later than expected.]

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present:

William J. Donovan	Katherine A. St. Clair, Vice-Chair
Robert W. Rowan	Peter F. Hayes
Kathleen M. Foley	Christopher J. Caiazzo
Shawn A. Babine, Chairman	

Item 4. General Public Comments.

- Susan Hamill of Bay Street voiced her concern regarding the School Budget – she was going to vote “No”. The token cut was not enough.
- Nancy Crowell, Director of the Scarborough Public Library announced that the Library has joined neighboring communities that would allow Scarborough residents to utilize its libraries. This is the first project of its kind in the state.
- Ben Howard of Windsor Pines also spoke on the budget and felt that the amendments should be made available to the public prior to meetings. No one should be shamed for voting a certain way – stay away from the shame and blame game.
- Larry Hartwell of Puritan Drive noted that some of the NO signs had been stolen and that flyers had been placed in mailboxes, which was illegal. He then went on to speak on the proposed budget and wished that elected officials were more open with the numbers.
- Courtney Reeves of Sawgrass Drive voiced her concerns on Medical marijuana farming and asked what steps need to be taken to ensure the safety of others.
- Moira Erickson of Pine Point Road spoke about the last Town Council meeting and the name calling of a particular group in town. The public should not be shamed for voting the way they do. She felt that the Council and the Board should respect the town for decisions that are made.

Item 5. Minutes: June 21, 2017 – Regular Meeting, June 28, 2017 – Special Meeting and July 5, 2017 – Special Meeting. Motion by Councilor Rowan, seconded by Councilor Hayes, to move approval of the minutes from June 21, 2017 – Regular Meeting, June 28, 2017 – Special Meeting and July 5, 2017 – Special Meeting, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. Chairman Babine stated that if there is no objection, he would like to add Order No. 17-069, asking for acceptance of a CDGB Grant in the amount of \$33,000 for Project Hope. There being no objection, the Order was added to the agenda.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 17-056, 7:00 p.m. Public hearing and second reading on the proposed amendment to Chapter 405, the Scarborough zoning Ordinance - definition of a Golf Course. [Planning Department] Karen Martin, Director of SEDCO, gave a brief overview on this item. Chairman Babine opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:21 p.m.

Motion by Councilor Hayes, seconded by Councilor Rowan, to move approval on the proposed amendment to Chapter 405, the Scarborough zoning Ordinance - definition of a Golf Course, as follows:

**AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING DEFINITION OF GOLF COURSE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section VI (Definitions) of the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend the definition of Golf Course by adding the underlined text as shown below.

Section VI Definitions.

A golf course may include a clubhouse, shelter for players and other accessory structures, including one dwelling unit in an accessory structure and accessory use to the golf course, provided the dwelling unit is occupied by a resident facility manager or by on-duty employees of the facility.

Vote: 7 Yeas.

Order No. 17-064, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from James Morande d/b/a Fairhaven Dunes, located at 3 East Grand Avenue. [Town Clerk] The Town Clerk noted that this applicant did not post the required 7 day notice in the newspaper and recommended this item is to be tabled to the August 16, 2017, Town Council meeting.

Motion by Councilor Rowan, seconded by Councilor Hayes, to move approval to table Order No. 17-064 to the August 16, 2017, Town Council meeting.

Vote: 7 Yeas.

Resolution 17-004. Act on the request to extend the duties of the Ad-Hoc Public Safety Complex Building Committee to after the November elections. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this request.

Motion by Councilor Hayes, seconded by Councilor Rowan, to move approval of Resolution 17-004, to extend the duties of the Ad-Hoc Public Safety Complex Building Committee to after the November elections, as follows:

**RESOLUTION 17-004
AD-HOC PUBLIC SAFETY COMPLEX BUILDING COMMITTEE**

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, the Town Council does hereby recognize the importance of a new Public Safety Complex, which would combine the Police and the central Fire Station, as identified as the highest priority in the Long Range Facility Plan; and,

WHEREAS, on November 2, 2016, the Town Council approved establishing the Ad-Hoc Public Safety Complex Building Committee charged to prepare a Report and Recommendations; and,

WHEREAS, the Committee has completed its work and fulfilled its charge within the requested timeframe.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled, that, with its work completed, the Ad Hoc Public Safety Complex Committee recommends to the Town Council that their existence be extended and their charge be modified to focus their efforts on education, outreach and promotion of the project leading up to the Referendum in November.

Signed and sealed this the 19th day of July, 2017, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by Chairman Babine and attested by the Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 17-065. First reading and refer to the Planning Board the proposed amendments to the Higgins Beach Character-Based Zoning Districts. [Planning Department] Jay Chace, Town Planner, gave a brief overview on this Order and responded to questions from the Town Council. Brian Longstaff, Zoning Administrator, also responded to questions from the Town Council.

The following individual spoke on this Order: Alyson Bristol of Bayview Avenue read the following statement:

*“Higgins Beach Character Code Amendments
July 19 Town Council Remarks (First Read)*

I’m Alyson Bristol, 6 Bayview Avenue. I’d like to that the Planning Committee for the opportunity to revisit the Higgins Beach Character Code. I agree with the planning staff that now is a good time to review and revisit how the code is working and whether the town should make any changes.

In 2015, I voiced my concerns to the Council about the adoption and broad definition of Mixed Use spot zoning at Higgins Beach, which, thanks to the efforts of Councilor Donovan and Dan Bacon, resulted in the Site Plan Review requirement being added in Article 5. As the code is being amended, here are some thoughts for changes to the draft I respectfully ask the Planning Board and Council to consider:

First, this process has been a real learning experience, and I for one appreciate the collaborative efforts of the town and community to retain the appearance and structural designs at Higgins Beach through character-based zoning. But the character of Higgins Beach is not solely about architectural styles and roof lines. Although character-based zoning may be a better way to regulate apples-to-apples uses, it doesn't help mitigate the impact of commercial development on abutting residential areas.

The 2015 change for Higgins Beach included character-based zoning requirements for existing and new structures and made the newly-zoned Mixed Use lots (the Higgins Beach Inn, The Breakers, the Clubhouse, and the Higgins Beach Market) conforming, and expanded permitted commercial uses on these properties. The latter two changes were not related to the shift to a character-based code, but were simply one-size-fits-all zoning changes that expanded the type of commercial uses that can occur in Higgins Beach. Although the insertion of the Site Plan Review language helped to qualify any change of use or redevelopment, in cross-referencing the Site Plan Review ordinance, it specifies (1) construction of or addition to single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use, (2) alterations to a building which in total do not increase the floor area by more than 100 sq. ft., and (3) Municipal Buildings or uses are exempt from Site Plan Review. A suggestion would be to strengthen the Site Plan Review language in the amended Higgins Beach code to stipulate that any change in the use or expansion of the current use that may result in new or increased impacts on abutting properties would be subject to Site Plan Review without exemption.

Secondly, consider the risks of spot zoning and the potential impact to abutting properties due to this special treatment. If the intent in 2015 was to make all Mixed Use properties conforming, it could have been accomplished by limiting the uses to what they are today. In the case of the Higgins Beach Inn and The Breakers, the solution would be to revise the ordinance to permit the use of these properties as inns or for residential use with the same character-based requirements as the rest of Higgins Beach, but no stores or other commercial activities. Further, in the case of the Higgins Beach Inn which has successfully retained its use and improved its character since changing hands, I believe it is protected by Scarborough's Historic Preservation Provisions, wherein I believe The Breakers is not. So for myself and other abutters, there is greater risk down the road, and making a change in the Site Plan Review language becomes even more important.

Third, in 2015, the apartment building at 7 Pearl Street was zoned as residential, inconsistent with how the other previously "residential with commercial use" properties were rezoned as Mixed Use. The new Article 5 language that addresses non-conforming uses/structures provides more protections to the 7 Pearl Street and other non-conforming use abutters than is given to Mixed Use abutters.

Lastly, a few specifics in the draft:

Sand Dunes (Article 3, page 13) – thank you for specifying the DEP's 35 ft. height restriction. It would also be good to keep the 2,500 sq. ft max building footprint restriction in the Higgins Beach code (vs the DEP cross reference).

Setback Encroachments (Article 4, page 18) - a 3 ft. set back should not apply to new development. Why allow new development to come so close to abutters?

Front Porches (Article 4, page 37) – all residential replacement dwellings should not be required to have front porches. When I renovated my cottage in 2011, I took great care to

retain its classic character. A front porch would change my year-round enjoyment of the ocean dramatically, and I would have to apply for a variance to rebuild what I have.
On page 11, I believe no new construction is allowed 75 ft. from the resource, so that Accessory Units language seems misplaced. In cross referencing Section 15.1.5 of Chapter 405C, I believe that refers to principal structures only.”

Motion by Councilor Caiazzo, seconded by Councilor Foley, to move approval of the first reading and refer to the Planning Board the proposed amendments to the Higgins Beach Character-Based Zoning Districts, to come back to the Town Council for a public hearing, upon receipt of the Planning Board’s recommendations. [See attached document to the minutes.]

Vote 7 Yeas.

Order No. 17-066. First reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments on this Order. The following individual spoke on this Order:

- Ben Howard of Windsor Pines Drive did not support the proposed changes being offered as they violated his first amendment right.
- Larry Hartwell of Puritan Drive voiced his concerns about the changes being made and did not agree with them.

Motion by Councilor Rowan, seconded by Councilor Caiazzo, to move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations, to come back to the Town Council for a public hearing, upon receipt of the Planning Board’s recommendations, as follows:

**AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING SIGN REGULATIONS**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section XII. Sign Regulations, of the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section XII of Sign Regulations by adding the underlined text as shown below.

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013]

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.

The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; to reduce sign or advertising

distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment.

2. Sign Permits.

After the effective date of this Ordinance and except as otherwise herein provided, no person shall erect, make structural alterations to or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by the Code Enforcement Officer for a complete understanding of the proposed work and shall be accompanied by the required fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

~~For Temporary Grand Opening Signs and Temporary Going Out of Business Signs under subsection J. the fee will include a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or banner upon expiration of the permit.~~ Except as otherwise provided in subsection J., temporary signs must conform to all provisions of this Ordinance, but shall not be counted in calculating the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall. Permits are not required for: [Amended 04/6/94] [09/06/95] [05/01/96][12/06/02]

Temporary signs ~~giving notice under Section XII(J).(1)~~

~~Temporary real estate signs under Section XII(J).(2.)~~

~~Temporary development or construction site signs under Section XII(J.3.)~~

~~Off-premises farm stand signs under Section XII(J).(5).~~

Bulletin boards and similar signs under Section XII(B.)(4).

Directional signs under Section XII(B.)(12)

Doorway signs under Section XII(B.13.)

Banners under Section XII(B.)(21.)

3. Application for Sign Permits.

Permits for permanent signs shall only: be granted to the owner(s) or the agent of the building or the property upon which the sign(s) will be installed. See Section XII(J.) for application requirements for temporary signs.

4. Exceptions.

For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. ~~or of events or functions conducted by~~

~~churches or civic organizations, limited to one event or function per church or organization per year.~~ (10/21/92) (4/6/94) (5/01/96)

B. GENERAL SIGN STANDARDS

The following provisions relating to signs are applicable in all districts.

1. Maintenance and Conformance of Signs. No sign shall be erected, maintained, used or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings. The sign must be maintained at all times in safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.. (4/6/94)
2. General Safety Standards for Signs. No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.
3. ~~Signs identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does~~ When a commercial sign is authorized on a residential building it must not exceed six (6) square feet in area and ~~is~~ be non-illuminated.
4. A bulletin board, reader board or similar sign in connection with any ~~church, museum, library, school~~ commercial activity or similar public structure is allowed. [4/6/94]
5. Except as provided in Section XII(J.) concerning ~~certain~~ temporary signs and Section XII.(I.) off-premise official business directional signs, no sign shall project over or be located within a public right of way. [4/6/94]
6. Animated signs, animated displays or flashing signs are prohibited, with the exception of time and temperature signs as allowed under Section XII.(C.). No sign or part of a sign shall consist of a balloon or other inflatable component. [4/6/94]
7. Internally-lit signs shall have an opaque or dark background to minimize glare and lighting impacts.
8. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign. This paragraph does not prohibit temporary decoration of buildings or structures during holiday seasons when such decoration is customary. [4/6/94]
9. Motor Vehicle Signs. Signs on motor vehicles are not subject to the regulations of this Section XII unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exits:
 - a. the motor vehicle is unregistered;
 - b. the motor vehicle is uninspected;

- c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
- d. the motor vehicle is parked or stored continuously in the same locations;
- e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
- f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or,
- g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section CII may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

10. Decoration and Ornamentation. Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section XII unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if one or more of the following circumstances exists:

- a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
- b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
- c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section XII may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

11. Any sign which no longer advertises a bonafide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Code Enforcement Officer, except in the case of temporary signs which shall be removed in accordance with Section XII(J). [4/6/94]

12. Directional signs having a display area that does not exceed three (3) square feet, and does not extend higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.
13. Identification signs indicating the location of, or direction to a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.
14. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this ordinance.
15. Roof signs are not allowed.
16. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.E.
17. Identification signs identifying the name of a ~~church, residential subdivision, condominium, apartment, multi-family housing project, residential neighborhood, or a commercial subdivision which has a place name different from the names of any of the businesses within the subdivision,~~ commercial activity or similar public activity may be permitted if approved by the Planning Board. Such signs may be illuminated by shielded lights and located as approved by the Planning Board, and shall be maintained by an approved owner or association. The Planning Board may waive setback requirements for an identification sign when the Board finds that locating the sign in compliance with setback requirements would be impractical or ineffective. Signs allowed under this paragraph shall not be counted in calculating the maximum number of signs allowable on a lot or in applying requirements for separation between signs. [05/01/96]
18. Graphics and pictorial artwork are allowed on signs and shall be considered a part of the gross display area for the purpose of determining the size of a sign. [4/6/94]
19. An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall constitute a wall sign, including the calculation of total gross display area. [4/6/94]
20. Any premises which utilizes an identification or advertising sign must display its street numbers on at least one of the permanent signs permitted under this Section XII in a location visible from the nearest street. Numbers shall be placed on the sign face or on a panel parallel to the sign face and shall be as nearly perpendicular to the sideline of the street as possible. If it is not physically feasible to place the street numbers on the sign face, the numbers may be placed on the end of the sign parallel to the sideline of the street as long as they are of contrasting color and easily visible from the roadway. The characters of the street number shall be at least 11 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 11 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 11 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after April 7, 1994 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph. [4/6/94] [4/5/95] [05/01/96]

21. A banner, limited to a maximum of twenty five (25) characters (numbers and letters), the dimensions of which do not exceed twenty-four square feet may be displayed by any ~~retail business or service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government (except home occupations)~~ commercial or similar public entity during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Under this subsection, a business commercial or similar public entity may display ~~both one (1) "open" banner and one (1) banner~~ limited to a maximum of twenty-five (25) characters during the hours such business is open for customers. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag. [4/6/94] [Amended 08/19/09]
22. No lighted sign, including a nonconforming sign replaced or relocated pursuant to Section XII.K. shall be located within eight feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver. [4/6/94] [4/5/95] [5/01/96]
23. ~~Marquees are allowed for theatres and movie houses and on buildings or portions of buildings that are used as theatres or movie houses.~~ Marquees may not be animated signs or have animated sections.
24. One or more ~~menu boards~~ freestanding signs installed at the points where customers place their orders at a drive-through ~~restaurant~~ commercial establishment, which does not exceed 32 square feet of gross display area per sign and the location of which has been approved by the Planning Board under the Scarborough Site Plan Review Ordinance, shall not be counted as a sign in applying the dimensional requirements of Sections XII(D), XII(E) and XII(F). [Amended 08/17/05]
25. Illuminated signs are prohibited in all residential districts, except as allowed by Section XII(B)(17). [7/17/91]

In the Residence and Professional Office District RPO, no illuminated sign may be located on a lot abutting or across the street from a lot containing a dwelling until the lighting for the sign is reviewed and approved by the Planning Board, or Town Planner at the direction of the Planning Board, applying the standards of the Scarborough Site Plan Review Ordinance. [4/6/94]

26. Vision triangle. No sign shall be located in an area that conflicts with clear sight distance for oncoming traffic. Sign permits will be issued by the Code Enforcement Officer if the applicant provides supporting evidence that the proposed sign will be located at least 15 feet from the existing edge of pavement. If an applicant desires a location less than 15 feet from the edge of pavement then they must provide certifiable evidence from a licensed Professional Engineer who specializes in Traffic Engineering that the proposed sign location will not obstruct vehicular sight distance within the boundaries of following described vision triangle:
- a. The vision triangle is determined by measuring from the intersection of the edge of the major street and the minor street or driveway along the major street the appropriate distance as determined based upon the posted speed limit (see table) and a distance of

15 feet along the minor street/driveway. and then connecting: the two points with a straight line.

b. Sight distance will be measured in accordance with the current Maine DOT standards and procedures.

c. Major Street Speed Limit Measurement Distances

25 mph	=	250 feet
35 mph	=	350 feet
40 mph	=	400 feet
45 mph	=	450 feet
50 mph	=	500 feet
55 mph	=	550 feet

27. ~~Fuel price signs are permitted to be incorporated into freestanding signs for gasoline filling stations. Fuel prices~~ Free standing signs with changeable messages may be advertised through using manual, electronic or mechanical means and are limited to 12” in lettering or numbering height. If ~~fuel prices are advertised~~ the changeable messages are electronically they are permitted to use industry standards and colors and are not limited to the requirements under Section XII. G.1. Electronic Message Signs.

C. SIGN DIMENSIONAL CHART [Amended 08/19/09]

The following chart summarizes the maximum gross area (in square footage) that is permitted for signage and is listed by type of signs and zoning districts in which they allowed.

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
TEMPORARY SIGNS										
Temporary signs <u>in the right-of-way giving notice:</u> ~~FS/W~~	J	Gross Area	~~12 6~~ sf				~~16 6~~ sf			
Temporary <u>Signs on Private Property</u> real estate: ~~FS~~	J	Gross Area	~~9~~ 16 sf	16 sf	~~9~~ 16sf	16 sf	32 sf			
<u>Banner</u> (see <u>note 2</u>)	J	<u>Gross Area</u>	<u>24 sf</u>							
~~Temporary~~ real estate: ~~W~~	J	~~Gross Area~~	~~9~~ sf	~~16~~ sf	~~9~~ sf	~~16~~ sf	~~32~~ sf	~~32~~ sf	~~32~~ sf	~~16~~ sf

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O, L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
Temporary construction: FS	J	Gross Area	16 sf							
Temporary construction: W	J	Gross Area	16 sf				32 sf			
Temporary grand opening (window or banner)	J	Gross Area	16 sf				60 sf			
Off-premise farm stand: FS	J	Gross Area	8 sf				8 sf			
Temporary going out of business (window or banner)	J	Gross Area	16 sf				60 sf			
Temporary relocation (window or banner)	J	Gross Area	16 sf				60 sf			
Temp. sandwich board	J	Gross Area	8 sf				8 sf			
CAMPUS SIGNS										
Campus directory	H.	Gross Area						75 sf	75 sf	75 sf
		Height						10’	10’	10’
Campus primary directional	H.	Gross Area						45 sf	45 sf	45 sf
		Height						9’	9’	9’
Campus secondary directional	H.	Gross Area						16 sf	16 sf	16 sf
		Height						8’	8’	8’
Campus pedestrian directional	H.	Gross Area						8 sf	8 sf	8 sf
		Height						8’	8’	8’
ADVERTISING / RETAIL SIGNS										
Advertising Freestanding Signs	B/C	Gross Area: FS	32 sf	32 sf	32sf	32 sf	100 sf			
	C	Length FS	16’	16’	16’	16’	16’	16’	16’	16’
	C	Height FS	8’	8’	8’	8’	16’	16’	16’	16’

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)											
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO- R, Ind., I-O, L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP	
Advertising Wall Signs	C	Gross Area/bldg. face: Wall (See Note 5)	50 sf	50 sf	16 sf	16 sf	100 sf				
		Combined Gross Area Corner Lot (See Note 4)					150 sf				
Business Directory Signs	F.	Gross Area					150 sf				
Home occupation Commercial Signs on Residential Property	B.1	Gross Area	6 sf								
Off-premise directional	I	Gross Area					Not to exceed State standards or ≤ 16” x 72”				
Readerboards (See Note 3)	G	Gross Area					25sf	25sf	25sf		
Open/retail banner (See Note 2)	B.21	Gross Area	24 sf								
IDENTIFICATION, BULLETIN AND DIRECTIONAL SIGNS											
Bulletin board	B.4	Gross Area	24 sf								
Directional signs at driveways	B.11	Gross Area	3 sf								
		Height	7’								
Doorway identification	B.12	Gross Area	10% of doorway or opening								
Identification Signs for church or residential developments ⁻¹	B.17	Gross Area	20 32 sf								
Identification for commercial subdivisions ⁻¹	B.17	Gross Area					32 sf				

Sign Dimensional Chart Notes and Standards

1. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.
2. Banners allowed under Section XII(B)21. do not count toward maximum number of signs on a lot.
3. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.
4. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.
5. Unless otherwise provided, wall and window signs shall conform to the following:
 - a. Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.
 - b. Except in the case of an awning, no wall sign shall project more than 12" inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

D. MAXIMUM NUMBER OF FREESTANDING SIGNS PER LOT

MAXIMUM NUMBER OF FREESTANDING SIGNS							
TYPE OF SIGN	<u>RF, R4A, RFM, R2, R3, R4, VR2, VR4</u>	<u>RPO</u>	<u>B1</u>	<u>B2, B3, BO-R</u>	<u>IND, I- O, L-I</u>	<u>TVC, TVC-2, 3, 4, RH, RH2</u>	<u>HP</u>
Temporary	1/lot						
Permanent: frontage on one street	1/lot	1/lot	1/lot	2/lot			
Minimum street frontage for 2 signs				300'			
Permanent: corner lot	1/lot	1/lot	1 principal sign, 1 secondary sign				
Minimum separation			100', measured along rights-of-way or front property line				
Business Directory			1 (Note 1)				
Campus Directional Signage				Note 2		Note 2	
Readerboards			1 incorporated into principal freestanding sign				

Note 1. Lots are limited to one (1) Business Directory signs except for lots that qualify and are approved in accordance with Section XII(F)5.

Note 2. Number of campus directional signs shall be approved by the Planning Board as part of review of Signage Master Plan (see Section H Campus Directional Signs and the Commercial Design Standards)

E. ADDITIONAL FREESTANDING SIGN REQUIREMENTS

Unless otherwise provided, freestanding signs shall conform to the following:

1. The required minimum distance between signs on the same lot or unified development is one hundred (100) feet.
2. The required minimum lot line setback is fifteen (15) feet from side and rear lot lines.
3. The required minimum setbacks to the front lot line and right-of-way (ROW) is variable based on the height of the sign in accordance with the following chart:

<u>VARIABLE SETBACKS</u>		
<u>DISTANCE FROM ROW</u>	<u>MAXIMUM HEIGHT</u>	<u>MAXIMUM SIZE</u>
5'	8'	32 sf
10'	10'	60 sf
15'	16'	100 sf

- a. There is no minimum front lot line setback required for freestanding signs from the Haigis Parkway right-of-way; all other dimensional requirements established in Section XII (C) shall apply
4. The maximum sign height requirements are listed in Section XII(C) and are, subject to the variable setback requirements above. [10/20/04]
5. The required minimum setback/distance for signage located in a “Business” District is two hundred (200) feet from a “Residential” District. [7/17/91] [4/6/94]

F. BUSINESS DIRECTORY SIGNS [Amended November 17, 1993]

1. Except as otherwise provided in this Subsection (F), a Business Directory Sign shall comply with all the requirements of this Section XII. A Business Directory Sign shall be deemed an on-premise, freestanding sign, not a billboard.
2. Business Directory Signs shall be permitted only in the B-1, TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, HP, BO-R, RH, RH2, CPD and Industrial districts.
3. Notwithstanding the provisions of Sections XII(C) and XII(D), the maximum gross display area of a Business Directory Sign shall be 150 square feet. At least 10 percent of the gross display area shall be devoted to identifying the Unified Development by name (or by generic description such as "office park" or "shopping center" if no name has been assigned) and by street address on the Main Thoroughfare. The numbers of the street address must be no less than 11" (eleven) inches high. The remaining gross display area may be used only to identify and advertise uses within the Unified Development and must be located below the name and street address of the Unified Development. Before the Building Inspector issues a permit for a Business Directory Sign, the Addressing Officer in coordination with the Town Planner must determine that the name of the Unified Development is not identical to or likely to be confused with the name of any other development already existing in Scarborough. [4/6/94]

4. Notwithstanding Subsection XII(F), no lot within a Unified Development which utilizes a Business Directory Sign may contain more than one freestanding sign, except that the lot on which the Business Directory Sign is located may contain both the Business Directory Sign and one other freestanding sign otherwise allowed by this Ordinance. The Building Inspector shall not issue a permit for a Business Directory Sign without the written consent of each lot owner within the Unified Development to the limitation of one freestanding sign per lot and the written agreement of the owner of any lot on which there are two or more freestanding signs to remove all but one of such signs upon the erection of the Business Directory Sign. [4/6/94] [4/5/95]

5. A Business Directory Sign must be located on property within the Unified Development which abuts the Main Thoroughfare, must be visible from the Main Thoroughfare and must be located at or near the driveway or street entrance to the Unified Development in order to direct motorists to that entrance. When a Unified Development abuts and has a driveway or street entrance from more than one Main Thoroughfare, the Planning Board may approve one Business Directory Sign at or near the driveway or street entrance from each of the Main Thoroughfares for a total of two Business Directory Signs.

6. Business Directory Signs shall comply with all applicable setback requirements, except that no setbacks shall be required from property lines separating lots within the Unified Development from one another or from common areas (other than streets), and no setbacks shall be required from boundaries of leasehold or easement interests (other than streets) within the Unified Development.

7. No Business Directory Sign may be located within 200 feet of any other freestanding sign in the Unified Development.

8. If provided, electrical service to a Business Directory Sign must be by underground wiring only.

9. Each owner of a lot or unit of occupancy which is identified or advertised on a Business Directory Sign shall be responsible for any violations of this Ordinance arising out of the erection or maintenance of the Business Directory Sign and shall be deemed an owner of the sign under Section IV(C) of this Ordinance. The Town may enforce the provisions of this Ordinance against any or all such owners.

G. ELECTRONIC MESSAGE AND TIME/TEMPERATURE SIGNS

Electronic message and time and/or temperature signs are permitted only in the B1, B2, B3, BO-R, RH, RH2, I, I-O, L-I, CPD and TVC, TVC-2, TVC-3, TVC-4 Districts subject to the following standards:

1. Electronic Message Signs are required to comply with the following conditions:

- a. An electronic message sign may only be used as a readerboard on a free-standing sign. Electronic message signs may not be used as stand-alone signs.
- b. An electronic message sign must not give the appearance of motion, flashing, blinking, or shimmering. When the display changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

- c. The message may be changed no more frequently than twice in each 60 minute period. [Amended 08/19/09]
- d. Electronic message sign lettering or numbering height shall be a minimum of 8” and a maximum of 12” and may consist only of white or gold lettering or numbering on a black background. [Adopted 08/19/09][09/21/2011]

2. Time and/or Temperature Signs are required to comply with the following conditions:

- a. Any sign otherwise permitted may include a time and/or temperature sign. (09/21/2011)
- b. A time and/or temperature sign, or the portion of a sign used to illustrate the time and/or temperature, shall be limited to 10 square feet in area. (09/21/2011)
- c. A time sign shall be permitted to change no more frequently than thirty-second intervals.
- d. A temperature sign shall not change except when the temperature changes one degree.

H. CAMPUS DIRECTIONAL SIGNS [07/21/04]

1. A primary goal of campus directional signs shall be to assist the public in finding specific business locations or destinations or directing the public within a Unified Development. The number and location of the signs shall be based upon the following criteria: [Amended 02/20/08]

- a. The number and visibility of major destinations within the Unified Development.
- b. The complexity of internal circulation patterns.
- c. The nature of the businesses/institutions as they relate to public accessibility.
- d. The characteristics of the clientele. such as but not limited to familiarity with the area, seasonally attracted, tourist oriented, or emergency users.

2. Campus directional signs shall be permitted only in the TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, BO-R, RH, RH2 HP and Industrial districts.

3. Dimensional Requirements

Type of Sign	Maximum Gross Display Area	Maximum Height
Primary Directional	45 SF	10 feet
Secondary Directional	32 SF	8 feet
Pedestrian Directional	8 SF	8 feet

4. The display area of campus directional signs shall be used to identify the names of destinations within the Unified Development and to provide directions to, from and within said development based on the criteria listed in Section K(1) (a) through (d). [Amended 02/20/08]

5. Depending upon the sign location, sign may be double-faced with information on the opposite side of the sign.

6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches in capital letter height. See Scarborough Design Standards for further description of signage requirements.
7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.
8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development.
9. The maximum number of signs for the Unified Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical ~~content~~ layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.
10. Off-site directional signs shall not be considered campus directional signs. However, for purposes of signage review, off campus directional signs that are part of a Unified Development shall be designed as part of the Signage Master Plan.

I. OFF-PREMISE OFFICIAL BUSINESS DIRECTIONAL SIGNS

Any business establishment located within the Town of Scarborough, which does not front or face upon U.S. Route One and which does not have a freestanding or wall sign fronting or facing upon U.S. Route One regulated by Section XII of this Ordinance, and that is not on a residential property, may locate two signs off the business premises. Whenever any eligible business establishment as defined above applies for an Official Business Directional Sign the following conditions must be met:

1. Comply with Maine Department of Transportation "Regulations for the Installation of Official Business Directional Signs" except as is otherwise specified above.
2. Maximum sign size shall not exceed 16" x 72"; (Note: sign size to be determined by Maine DOT but not to exceed 16" x 72").
3. Off-Premise Official Business Directional Signs shall not be located within the Haigis Parkway Right-of-Way between Payne Road and Route One.
- ~~4. Business establishments undertaken and permitted pursuant to the provisions for home occupations shall not be permitted directional signs under this section.~~
5. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:
 - a. a demonstrated need for adequate visibility of the sign to two-directional traffic;
 - b. the distance from the nearest State numbered route;

- c. the nature of the business as it relates to public accessibility;
- d. the characteristics of the clientele such as but not limited to familiarity with the area, seasonally attracted, or tourist oriented;
- e. excessive number of turns or confusing route on local roads;
- f. complicated intersections of State numbered routes or major arterials;
- g. a primary consideration shall be to assist customers seeking the specific business location;
- h. the Board shall deny the application for added signs if it finds that their function is one of advertising to attract customers rather than to direct individuals seeking the business;
- i. existing double-faced directional signs which must be replaced shall be considered as two single-faced signs, and the relocation of signs to other locations must be approved by the Zoning Board of Appeals subject to the criteria of this section;
- j. the Zoning Board must specify the approved number(s) and location(s) of additional signs based upon the provisions of this section.

J. TEMPORARY SIGNS

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like.

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right-of-way along:

- Route One between Dolloff Way and Southgate Road
- Black Point Road between Camperdown Elm Drive and Tide Mill Lane
- Black Point Road between Old Neck Road and Strawberry Fields Road
- Black Point Road between Spurrink Road and Sprague Way
- Black Point Road between Harmon Street and Winslow Homer Road
- Pine Point Road between Marsh Winds Street and Primrose Lane
- Pine Point Road between Old Blue Point Road and East Grand Avenue
- Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve Area)
- Bayview Avenue between Houghton Street and Morning Street

To protect public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 50 feet of the following intersections:

- The Route One - Broadturn Road/Pine Point Road intersection
- The Route One - Payne Road intersection
- The Route One - Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One - Pleasant Hill Road intersection
- The Payne Road - Haigis Parkway intersection
- The Payne Road-Gorham Road intersection
- The Payne Road-Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way

Temporary signs in the right-of-way are permitted for a period not to exceed 12 weeks in a calendar year with no sign remaining for more than 3 consecutive weeks and with not less than 6 weeks between the end of one sign display time period and the beginning of another. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed within one tenth of one mile of another bearing the same or similar message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public

Temporary Signs Giving Notice.

~~Temporary signs giving public notice, such as political posters, advertisements of charitable functions, meeting notices, and other noncommercial signs of a similar nature, are permitted for a period not to exceed twenty (20) days and shall be removed by the person(s) who posted the signs. Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.~~

2. Temporary Signs on Private Property

Temporary signs on private property are permitted for no more than 6 consecutive months. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

Temporary Real Estate Sign. [4/6/94]

~~a. One temporary real estate sign attached to a building or free standing, may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Two signs may be utilized depending on the location of the business relative to the main highway. [4/5/95]~~

~~b. Unless prohibited by State authorities, one off premises Temporary Real Estate Sign bearing only a general message such as "Home[s] For Sale [or Lease]" or "Land For Sale [or Lease]" and not identifying or advertising any real estate agency, agent or broker or one off premises Temporary Real Estate sign bearing the message "Open House" (which may identify or advertise a real estate agency, agent or broker) may be placed at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property offered for sale on that street. Such sign may be located within the public right-of-way, but only in locations which do not interfere with vehicular or pedestrian traffic and which do not block the line of sight to and from vehicles exiting the street. Nothing in this subsection authorizes placement of any sign on private property without the permission of the property owner.~~

~~c. Notwithstanding the provisions of Section XII(D), a temporary real estate sign advertising lots or homes for sale in a residential subdivision approved by the Scarborough Planning Board may have a gross display area of thirty-two square feet until such time as the last of the lots or houses is sold for use as a residence.~~

~~d. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.~~

~~3. Temporary Development or Construction Site.~~

~~One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project. [4/6/94]~~

~~4. Temporary Grand Opening Signs. [Amended 12/04/02] [Amended 08/17/05] [repealed effective 12/31/05] ¹[Adopted 08/19/09]~~

~~Temporary Grand Opening Signs. One (1) Temporary Grand Opening Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing the opening of a new business. Business establishments located on corner lots may install two (2) Temporary Grand Opening Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Grand Opening Signs may be in the form of a banner or window sign. A Temporary Grand Opening Sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

~~5. Off-Premises Farm Stand and Agricultural Products Store Signs.~~

~~To the extent permitted by State law, the operator of a Farm Stand or Agricultural Products Store may install a maximum of four (4) Off-Premises Farm Stand/Agricultural Products Store Signs for the purpose of directing motorists to the location where local agricultural products are offered for sale. Such Off-Premises Farm Stand/Agricultural Products Store Signs must be no more than eight square feet in gross display area and must be located within five miles, road distance, of the farm stand or store. Farm Stand/Agricultural Products Store Signs may be placed in off-premises locations only during periods of the year when the stand or store is open and the product or products identified on the sign are available for sale, or such other time periods as provided in state law. Off-premises Farm Stand/Agricultural Products Store Signs may be located within the right-of-way only on highways which receive no federal aid and only at the edge of the right-of-way, in locations which do not interfere with vehicular or pedestrian traffic and which do not interfere with visibility for pedestrians or motorists. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.[4/6/94] [12/15/99] [amended 05/05/10]~~

~~6. Temporary Going Out of Business Sign. [Adopted 08/19/09]~~

~~One (1) Temporary Going Out of Business Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment,~~

¹ Section XII(B)(4) (Temporary Business Signs) shall stand repealed as of December 31, 2005. No Temporary Business Signs shall be allowed after December 31, 2005.

~~business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is going out of business. Business establishments located on corner lots may install two (2) Temporary Going Out of Business Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Going Out of Business Signs may be in the form of a banner or window sign. The display of a Temporary Going Out of Business Sign shall be limited to no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Going Out of Business Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

7. Temporary Sandwich Board Sign. [Adopted 08/19/09]

One (1) Sandwich Board Sign may be displayed on the premises of a ~~retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government~~ commercial or similar public entity for the ~~purposes of advertising specials, other items for sale, or events being offered~~ general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or user's ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

~~8. Temporary Relocation Sign. [Adopted 08/19/09]~~

~~One (1) Temporary Relocation Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is relocating. Business establishments located on corner lots may install two (2) Temporary Relocation Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Relocation Signs may be in the form of a banner or window sign. The display of a Temporary Relocation Sign shall be limited to no more than sixty (60) days~~

~~and shall be removed by the person(s) who posted the sign. A Temporary Relocation Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

K. NON-CONFORMING SIGNS

The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

1. Any sign existing at the effective date of adoption of this Section XII which does not conform to the regulations and requirements of this Section XII and any sign existing on the effective date of any amendment to this Section XII which renders the sign nonconforming: may continue to be used and maintained in a condition of good repair until removed, pursuant to the conditions of this Ordinance.
2. No non-conforming sign shall:
 - a. Be enlarged if such enlargement would increase any nonconformity.
 - b. Be changed to another nonconforming sign.
 - c. Be changed in shape or size.
 - d. Continue to be used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for ninety (90) days or longer, or, in the case of a seasonal business, for three hundred sixty-five (365) days or longer.
 - e. Be repaired, or replaced after damage or destruction, if the expense of repair exceeds fifty percent (50%) of the current cost of replacing or duplicating the existing sign, as determined by a professional sign manufacturer.
 - f. Continue to be used or allowed to remain in place following any activity that requires site plan approval by the Planning Board.

The addition of a readerboard to an existing nonconforming sign shall not be considered an enlargement under subparagraph (a) above or a change under subparagraphs (b) or (c) above, provided that the addition of the readerboard does not increase the gross display area of the sign beyond the maximum permitted in the zoning district or the gross square footage of the existing sign, whichever is greater. [Amended 08/17/05]

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a non-conforming sign has been taken down or moved, said sign may only be replaced with a sign that is in conformance with the requirements of this Ordinance, except that a seasonal business may take down nonconforming signs in the off season and replace them in the same locations when the business reopens the following season.
4. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
5. Notwithstanding the above, if there is a change of use on a single-use property, and there were one or more on-premise nonconforming signs which advertised the former business or

use, any new signs used, and all new signs faces for the new use or business must meet all sign requirements for the underlying zoning district. This provision shall not apply in cases where the supply of parking would be reduced below that required by ordinance, or where the new sign location would create a public safety hazard or block sight distance. A change in use means a change in function as described in the Land-Based Classification Standards of the American Planning Association (APA).

6. Relief from the above restrictions on non-conforming signs may be reviewed and granted by the Board of Appeals in accordance with the Miscellaneous Appeal review process under Section V.B.4.g.

L. SUBSTITUTION CLAUSE

For every commercial sign that is allowed under this Ordinance, any non-commercial message may be legally substituted.

M L. DEFINITIONS SPECIFIC TO SIGN REGULATIONS.

As used in this Section XII, the following terms have the following meanings: [Amended 4/6/94]
[Amended 05/01/96]

a. Abandoned Sign:

A sign that was legally erected but whose use has ceased or the structure upon which the sign was displayed has been abandoned by its owner for a period of not less than 30 days.

b. Accessory Sign:

A secondary sign that provides on-site information concerning the business that is not indicated on the primary identification sign(s), such as store hours, accepted credit cards, quality ratings, affiliations, vacancies, parking and traffic direction.

c. Advertising Sign:

A sign whose primary purpose is to attract attention to goods offered for sale or lease or services rendered upon property whereupon the advertising is occurring.

d. Animated Sign:

A sign employing actual motion or the illusion of motion. This definition does not include time and temperature signs or electronic message signs. Animated signs, which are differentiated from readerboards or changeable signs, include the following types:

- 1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating

movement through employment of the characteristics of one or both of the classifications noted below:

a) Flashing: An animated sign with an intermittent or flashing light source.

b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

e. Banner:

A sign of temporary construction made of vinyl, canvas, or similar flexible material.

f. Bulletin Board:

A sign associated with religious or educational institutions on which the copy can be changed.

g. Business Directory Sign:

A freestanding sign identifying names and/or uses, and/or locations, in a Unified Development or multi-tenant development.

h. Campus Directional Sign:

A freestanding sign located along a public right-of-way or within an area designated as a Unified Development that directs people to one or more named destinations reachable along that roadway.
[Amended 02/20/08]

i. Copy:

Any graphic, letter, number, symbol, insignia, text, sample, model, device, or combination thereof, which relates to advertising, identification, or notification.

j. Directional Sign:

A sign that indicates ingress or egress to a property and does not contain either identification or advertising copy.

k. Doorway Sign:

A sign indicating the location of, or direction to, a separate function performed within one portion of a building that may be erected over or by the doorway or entrance to such portion of the building.

l. Electronic Message Sign:

An electronically activated changeable sign whose variable message capability can be electronically programmed.

m. Exterior Illuminated Sign:

A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

n. Freestanding Sign:

A sign supported by one or more uprights or braces permanently affixed into the ground.

o. ~~Fuel Price~~ Changeable Message Sign:

The portion of a freestanding sign that ~~indicates current fuel prices available at gasoline filling stations~~ changes message by electronic, manual, or mechanical means.

p. Gross Display Area:

On signs which use a signboard or boards, the total area of the board or boards. On signs where the copy is attached directly to a wall, awning or other building surface, the area within a rectangle which completely contains all the sign's copy.

q. Historical Site Signs:

A wall sign erected or provided by local historical society or government agency that denotes a recognized historical site or structure.

r. Identification Sign:

A sign that includes, as copy, only the name of the business, place, organization, building, or person it identifies.

s. Internally Illuminated Sign:

A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

t. Main Thoroughfare:

Means any of the following streets:

U.S. Route 1
Payne Road
Haigis Parkway
Gorham Road
Pine Point Road
Pleasant Hill Road
Spring Street

u. Marquee:

A structure projecting over the entrance to a theater used to support a sign.

v. ~~Menu Board~~ Drive-through Sign:

A permanently mounted sign displaying the bill of fare for a drive-through ~~restaurant~~ commercial establishment.

w. Non-Conforming Sign:

An existing sign that was lawfully erected in compliance with applicable code requirements and maintained prior to the effective date of this Ordinance.

x. Off-Premise Official Business Directional Sign (OBDS):

An off-premise directional sign allowed under Maine DOT Chapter 200 (or current) Regulations.

y. Off-premise Sign:

A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way. [Amended 02/20/08]

z. Orientation Map:

A sign at the entrance to direct motorists to individual buildings or parking lots within a Unified Development.

aa. Pennant:

An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

bb. Portable Sign:

A sign not designed or intended to be permanently affixed into the ground or to a structure.

cc. Principle Sign:

The main sign on a property.

dd. Projecting Sign:

A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

ee. Readerboard:

A free-standing sign or portion thereof on which the copy changes, or can be changed, by manual, electronic, or mechanical means. A readerboard may contain an electronic message sign, or a time and/or temperature sign. [Amended 08/17/2005]

ff. Roof Sign:

A sign located upon or over a roof of a building.

gg. Sandwich Board Signs:

A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

hh. Sign:

An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image. See Section XII.A.6 for exceptions.

ii. Temporary Sign:

A sign ~~or advertising display (such as a political poster) designed,~~ intended to be displayed, ~~or displayed~~ for a short period of time.

jj. Time and/or Temperature Sign:

A sign designed to show time and outdoor temperature.

kk. Under Common Control:

Subject to the provisions of a condominium declaration or subject to rules and regulations imposed by an incorporated unit owners' association or lot owners' association.

ll. Unified Development:

A group of contiguous lots in a common ownership or under common control, a group of lots in a subdivision approved by the Scarborough Planning Board, or a group of units of occupancy on a single lot, where access to the individual lots or units of occupancy is by a common driveway or by a street which serves principally that Unified Development and which is not a Main Thoroughfare. Examples of Unified Developments include, but are not limited to, office parks, healthcare/hospitals, professional parks, business parks, industrial parks, shopping centers and shopping malls.

mm. Vision Triangle:

The area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than thirty (30) inches in height.

nn. Wall Sign:

A sign painted on, attached to, or supported by a building wall or part thereof, provided that the sign does not project more than 12" from the wall.

oo. Window Sign:

A sign placed, painted, or affixed on the inside or within 12" of a window or door, and is visible from the exterior of the building.

Vote: 6 Yeas. 1 Nay [Councilor Hayes].

Order No. 17-067. First reading and schedule a public hearing on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments to Chapter 601. The follow individual spoke on this Order:

- Mo Erickson of Pine Point Road spoke on this issue and did not agree with parking along the Pine Point Road and voiced her concerns with parking issues relating to the valet parking at Bayley's Lobster Pound – you should really take a look.

Motion by Councilor Caiazzo, seconded by Councilor Rowan, to move approval of the first reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions and schedule a public hearing for Wednesday, August 16, 2017, as follows:

CHAPTER 601 TOWN OF SCARBOROUGH

TRAFFIC ORDINANCE

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

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

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

- (1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.
- (2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]
- (3) Entire length of Riversands Drive - both sides.
- (4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.
- (5) On both sides of Avenue Five from King Street to the Ocean.
- (6) Driftwood Lane (the entire length - both sides).
- (7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]
 - a. ~~On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]~~
 - a. On the Northerly side of East Grand Avenue in front of number 3 East Grand Avenue at CMP pole #116 back to Pine Point Road - No Parking.
- b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]
 - c. ~~From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]~~
 - d c. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.
 - e. d. From ~~the Westerly entrance to Conroy's Garage~~ CMP pole #116 at 3 East Grand Avenue to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".
- (8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.
- (9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]

- (10) On the East Side of Avenue Four from Jones Creek Drive to King Street.
- (11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]
- (12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

Vote: 7 Yeas.

Order No. 17-068. First reading and schedule a public hearing on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach. [Ordinance Committee] Councilor Donovan gave a brief overview on the proposed amendments to Chapter 604A.

Motion by Councilor Rowan, seconded by Councilor Foley, to move approval of the first reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach and schedule a public hearing for Wednesday, August 16, 2017, as follows:

**CHAPTER 604a
TOWN OF SCARBOROUGH
HORSE BEACH PERMIT ORDINANCE**

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 604a, the Horse Beach Permit Ordinance of the Town of Scarborough, Maine is amended by adding the underlined text and deleting the text shown in strikeover type, as shown below:

604A-6 Regulation of Horses on the Beach

1. Horses are allowed on the beach only from October 1stth through March 31st.
2. Except for gaining access to and egress from the beach, horses are allowed only in the intertidal zone (between the mean high tide line and the mean low water line).
3. Parking of horse trailers is limited to Hurd Park in the Town of Scarborough and the Milliken Street Municipal Parking Lot in the Town of Old Orchard Beach.
4. Any rider or owner who allows a horse to be present on the beach must remove and dispose of animal waste as required by Section 604-9 of the Town of Scarborough Animal Control Ordinance. Violation of Section 604-9 constitutes a violation of this Ordinance. The owner, operator or driver of horses, or horse-drawn carriages operating on the beach shall be required to attach a containment device to the rear of each and every horse so operated, to be maintained and emptied so that manure is completely contained therein, cannot and does not fall upon any surface while operating under the Permit provided for herein, and is carried away for proper disposal.

Vote: 7 Yeas.

Order No. 17-069. Act on the request from the Police Department to accept the Community Development Block Grant [CDBG] in the amount of \$33,000 for Operation Hope, which the Town Council supported submission of the Grant Application at its February 15, 2017, meeting. [Police Department] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor St. Clair, seconded by Councilor Rowan, to move approval to accept the Community Development Block Grant in the amount of \$33,000 for Operation Hope.

Vote: 7 Yeas

Item 8. Non Action Items. None at this time.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Caiazzo gave an update on the Transportation Committee and the Long Range Planning Committee.
- Councilor St. Clair noted that there would be a Communications Round Table on July 26th at 6:00 p.m. here at Town Hall.
- Councilor Foley gave an update on the Conservation Commission; the Rules & Policies Committee and added that the Eastern Trail was under \$500,000 mark on the Close the Gap Drive.
- Councilor Rowan gave an update on the Senior Advisory Committee.
- Councilor Donovan gave an update on the Metro Coalition Group; the Pest Management Committee; the Vision Committee – Eastern Road Complete Streets Program.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- a. Update on the Higgins Beach Parking Meters.** Mr. Hall presented his proposal for the metered parking along Bayview Avenue.
- Mention Scarborough “Fix-It” link where residents can log-on and communicate with staff about potential issues in Town.
 - The RFP process is underway for this building for the media/audio system to be upgraded.
 - Scarborough has been selected to participate in a nationwide Finance Sustainability Pilot Project with the Government Finance Organization Association and we are one of 40 communities.
 - He introduced Jay Chace as the new Planning Director and stated that the HR Director is currently open and he was hopeful to have someone in place in August. The second round of interviews would be the first week in August.
 - He mentioned the workshop that had been held prior to the meeting and noted that there would be a potential item on the August 16th.
 - He updated the Council on Avenue Two, adding that work could be done this week and there could be something for August 16th meeting.
 - He commented on the media release regarding to the budget.

Item 11. Council Member Comments.

- Councilor Donovan spoke on the metered parking at Higgins Beach. He commented on the School Budget and the signs that had been placed during the last election and to the current signs that had been posted. He went on to mention the Eastern Road Complete Street Program.

- Councilor Rowan noted that early voting would end tomorrow. He also spoke on the signs that had been posted regarding a 6.8% increase adding that the actual tax increase could be under 3%.
- Councilor Foley also commented on the budget issue at hand and felt that neither side had been being misleading. She encouraged everyone to get out and vote. She gave a shout out to Officer Tim Barker and his Team Leadership Program that he is overseeing. She wished Scarborough Tri-for-A-Cure participates good luck this coming weekend.
- Councilor St. Clair urged residents to get out and vote; every vote counts. She also hoped that the Round Table session would be well attended. She felt that the Community had changed over the past few years – it is very different.
- Councilor Hayes encouraged everyone to get out and vote. It is sad that we are talking about sides. The budget information is available.
- Councilor Caiazzo stated that he felt the purpose of Councilor comments gives the opportunity as an individual to let the public know where we stand. He went on to state why he felt that the budget should pass. He has not heard from either group on what would work. He went on to comment on what would happen if the budget did not pass.
- Chairman Babine noted that the new distracted driver law would be coming into effect soon. He encouraged everyone to get out and vote whether by absentee or at the Polls. There may be other programs that the Town could look at long-term solutions for the community. Hi added that some of the information out there was wrong. He urged voters to vote yes.

Item 12. Adjournment. Motion by Councilor Donovan, seconded by Councilor Caiazzo, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting Adjourned at 9:28 p.m.

Respectfully submitted,

Yolande P. Justice
Town Clerk

Town of Scarborough HIGGINS BEACH CHARACTER-BASED ZONING DISTRICTS

Adopted 12-2-15

Amended XX-XX-XX

Working Date: 7-18-17

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TABLE OF CONTENTS

ARTICLE 1: GENERAL PROVISIONS

A. GENERAL

ARTICLE 2: CHARACTER DISTRICTS

- A. COASTAL RESIDENTIAL 1 (CD-CR1)
- B. COASTAL MIXED USE - LIMITED (CD-CML)

ARTICLE 3: COASTAL OVERLAY DISTRICTS & NATURAL RESOURCE REFERENCES

- A. FLOODPLAIN OVERLAY (SD-FL)
- B. SHORELAND OVERLAY (SD-SO)
- C. COASTAL DUNES (SD-CD)

ARTICLE 4: BUILDING STANDARDS

- A. STANDARDS FOR ALL BUILDING TYPES
- B. PRINCIPAL BUILDING TYPES & STANDARDS
- C. ACCESSORY BUILDING TYPES & STANDARDS
- D. BUILDING COMPONENTS
- E. BUILDING COMPONENT STANDARDS
- F. FOUNDATIONS & STANDARDS
- G. BUILDING FRONTAGE TYPES

ARTICLE 5: USE PROVISIONS & ADMINISTRATION

- A. COASTAL RESIDENTIAL 1 (CD-CR1)
- B. COASTAL MIXED USE - LIMITED (CD-CML)
- C. ADMINISTRATION & PERMITTING

ARTICLE 6: DEFINITIONS

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A. PURPOSE

- a. To implement the Comprehensive Plan of the Town of Scarborough.
- b. To coordinate development and redevelopment according to plans collaboratively developed with community members from Higgins Beach.
- c. To maintain a complete, walkable neighborhood that continues to promote community and neighborly activity.
- d. To preserve and enhance the existing character of Higgins Beach, respects the existing built form, and honors the historic development pattern inherent in the original plat of Higgins Beach.
- e. To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- f. To promote the adaptation of existing buildings and to permit redevelopment and infill construction that contributes to and preserves the character of Higgins Beach.
- g. To allow for a narrow range of business activity that supports the local residents of Higgins Beach.
- h. To enable continued access to Higgins Beach's greatest amenity, the beach, marshes, and other coastal areas.

B. APPLICABILITY

- a. Unless otherwise specified, this District is applicable to all real

property within Higgins Beach as described on the Town of Scarborough Official Zoning Map.

- b. That which is not specifically allowed by this ordinance as it pertains to the dimensions, massing, and location of buildings, lots, accessory buildings, roofs, and components shall be considered to be prohibited.

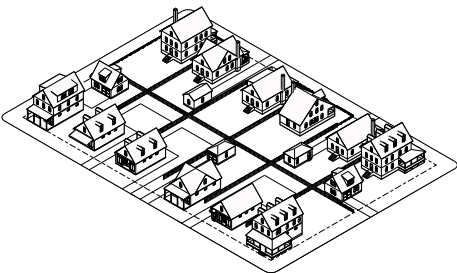
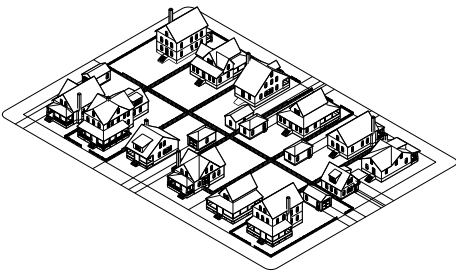
C. TEXT & GRAPHICS

- a. Illustrations, graphics, pictures, and flowcharts are included in this District to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Chapter and any illustration, graphic, picture, or flowchart, the text shall govern.
- b. All metrics included in tables shall be interpreted as text under this Chapter and shall govern.

D. GENERAL TO LOTS

- a. For the purposes of determining setbacks any lot that fronts on two non-intersecting streets, or a street and the beach, shall be considered to have primary front lot lines along all said streets or resources.

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE

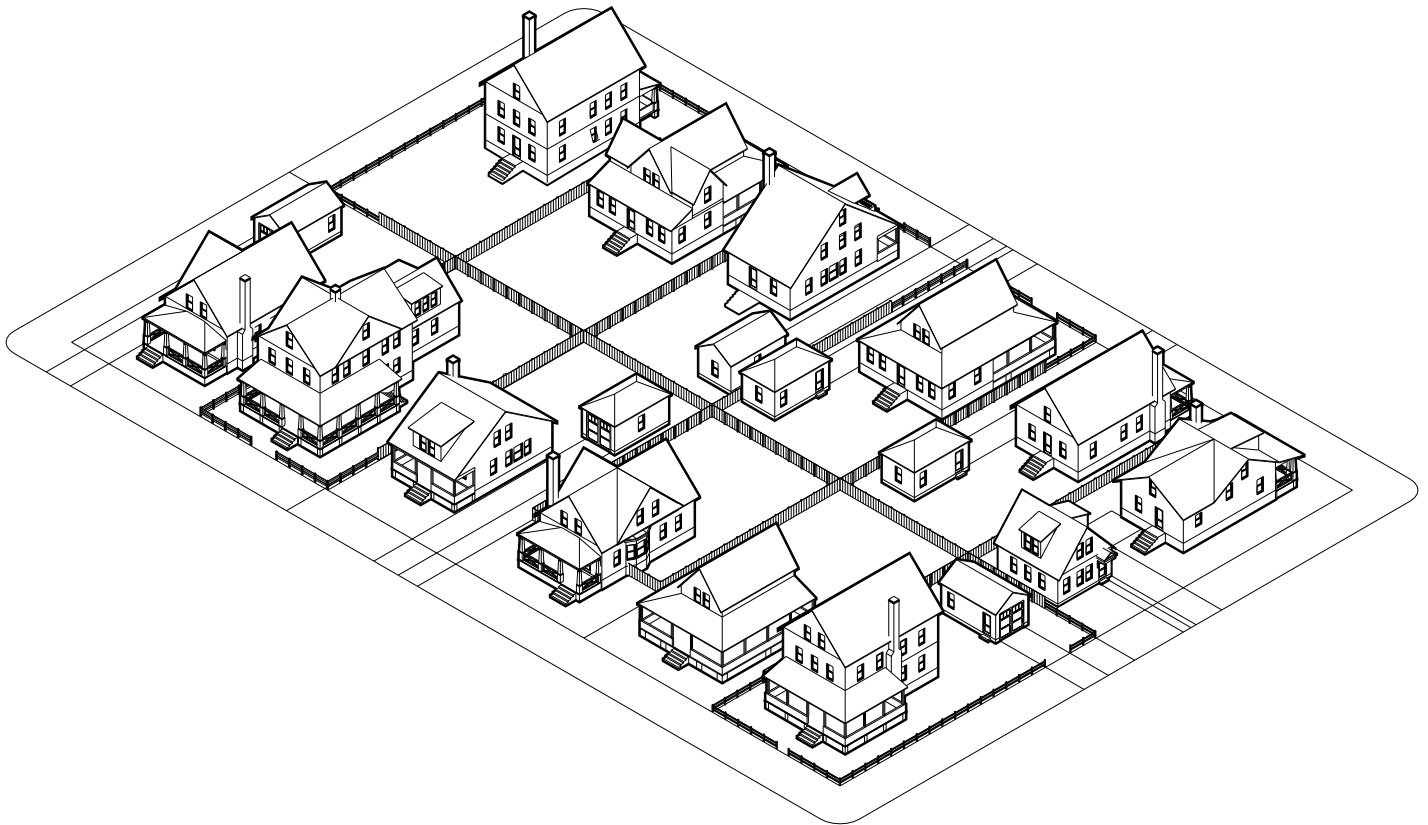


1. COASTAL RESIDENTIAL 1 (CD-CR1)

2. COASTAL MIXED-USE LIMITED (CD-CML)

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A. COASTAL RESIDENTIAL 1 (CD-CR1)



INTENT

- a. To conserve the already established residential neighborhood fabric of Higgins Beach and the rhythm of single-family homes and cottages.

PURPOSE

- a. To permit the development of new single-family residential building types on individual lots.
- b. To provide for the administrative review of additions and modifications to existing structures, in keeping with the standards of this District.

BUILDING STANDARDS

- a. See Article 3: Building Standards for the standards for each building type.

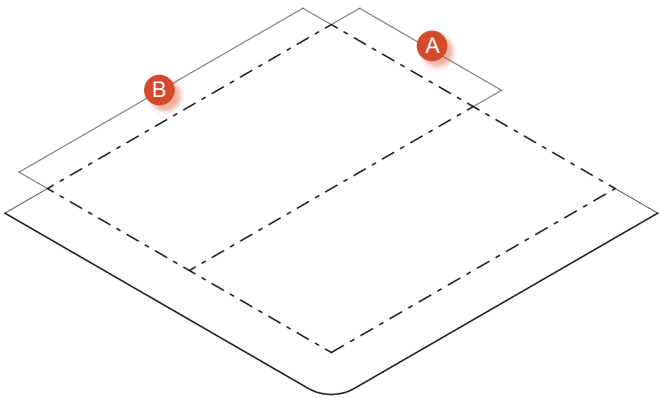
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Not Permitted
Shop House	Not Permitted
Neighborhood Store	Not Permitted

Article 2: Character Districts

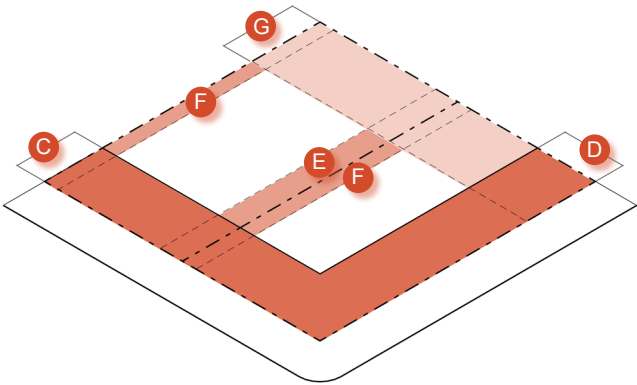
LOT DIMENSIONS

Width	48 ft min, ~~98 ft max~~	A
Depth	98 ft min	B



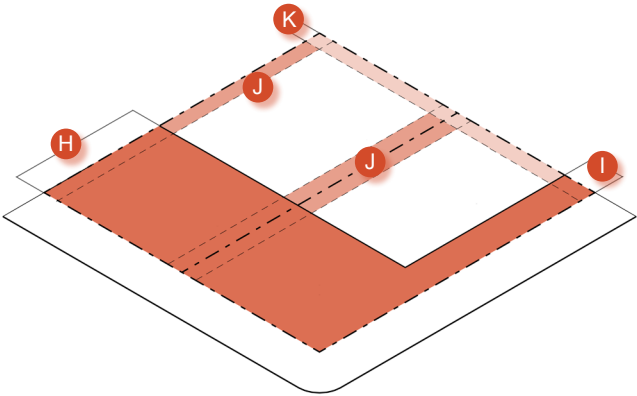
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	18 ft min, 21 ft max	C
Secondary Front Setback	12 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	30 ft min	G

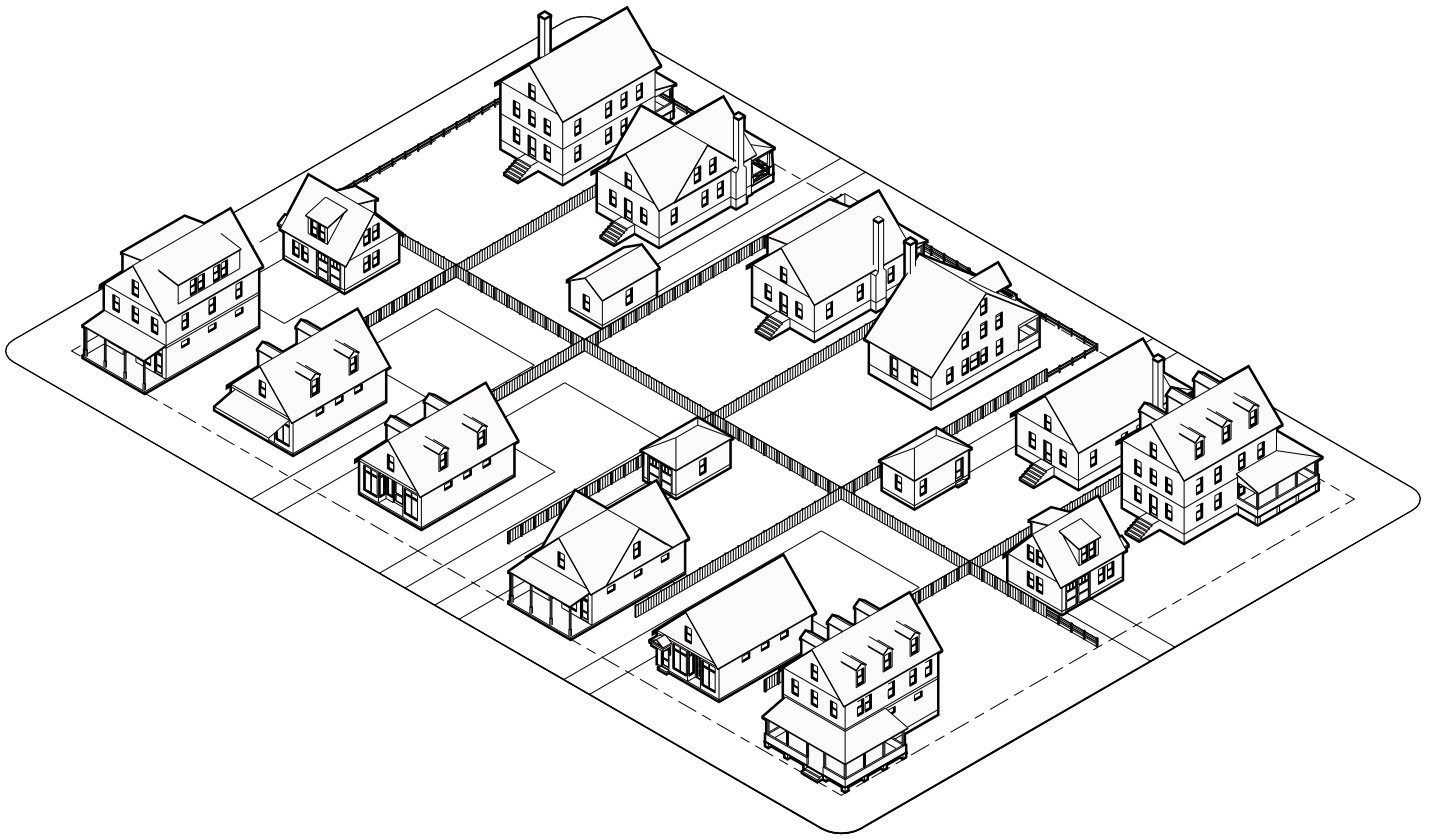


ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	12 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



B. COASTAL MIXED-USE-LIMITED (CD-CML)



INTENT

- a. To maintain and enhance the existing mixed use and limited commercial uses that support the existing residential neighborhood.

PURPOSE

- a. To permit appropriate, small-scale commercial uses in keeping with the character of the neighborhood.
- b. To protect existing historic commercial properties that contribute to the character of Higgins Beach.

BUILDING STANDARDS

- a. See Article 3: Building Standards for each building type.

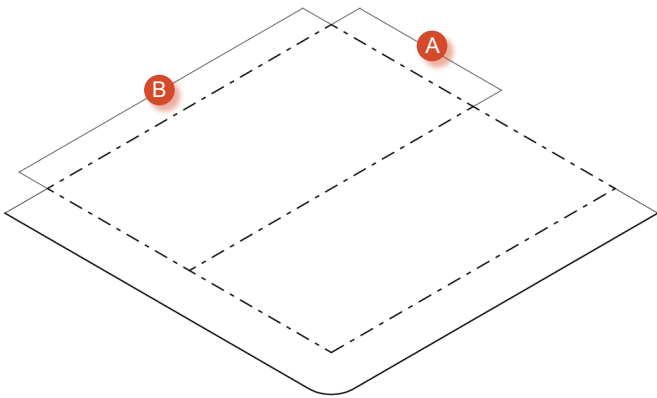
PERMITTED BUILDING TYPES

Coastal Cottage	Permitted
Bungalow	Permitted
House	Permitted
Inn Building	Permitted
Shop House	Permitted
Neighborhood Store	Permitted

Article 2: Character Districts

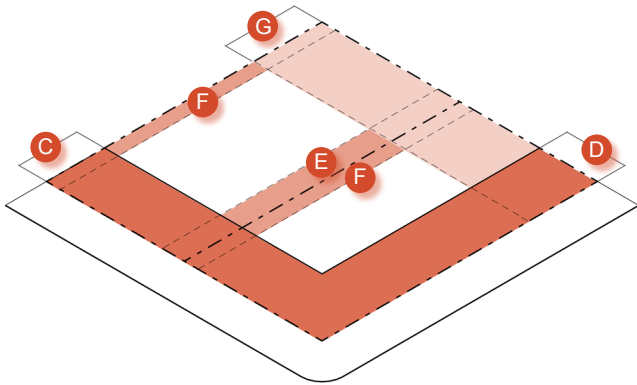
LOT DIMENSIONS

Width	48 ft min, 98 ft max	A
Depth	98 ft min	B



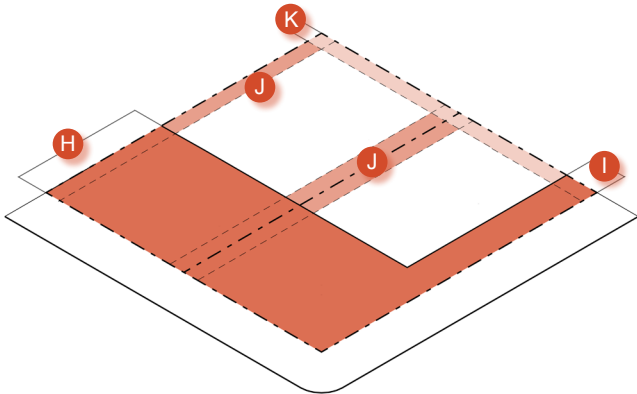
PRINCIPAL BUILDING PLACEMENT

Primary Front Setback	8 ft min, 21 ft max	C
Secondary Front Setback	8 ft min, 21 ft max	D
Primary Side Setback	8 ft min	E
Secondary Side Setback	8 ft min	F
Rear Setback	20 ft min	G



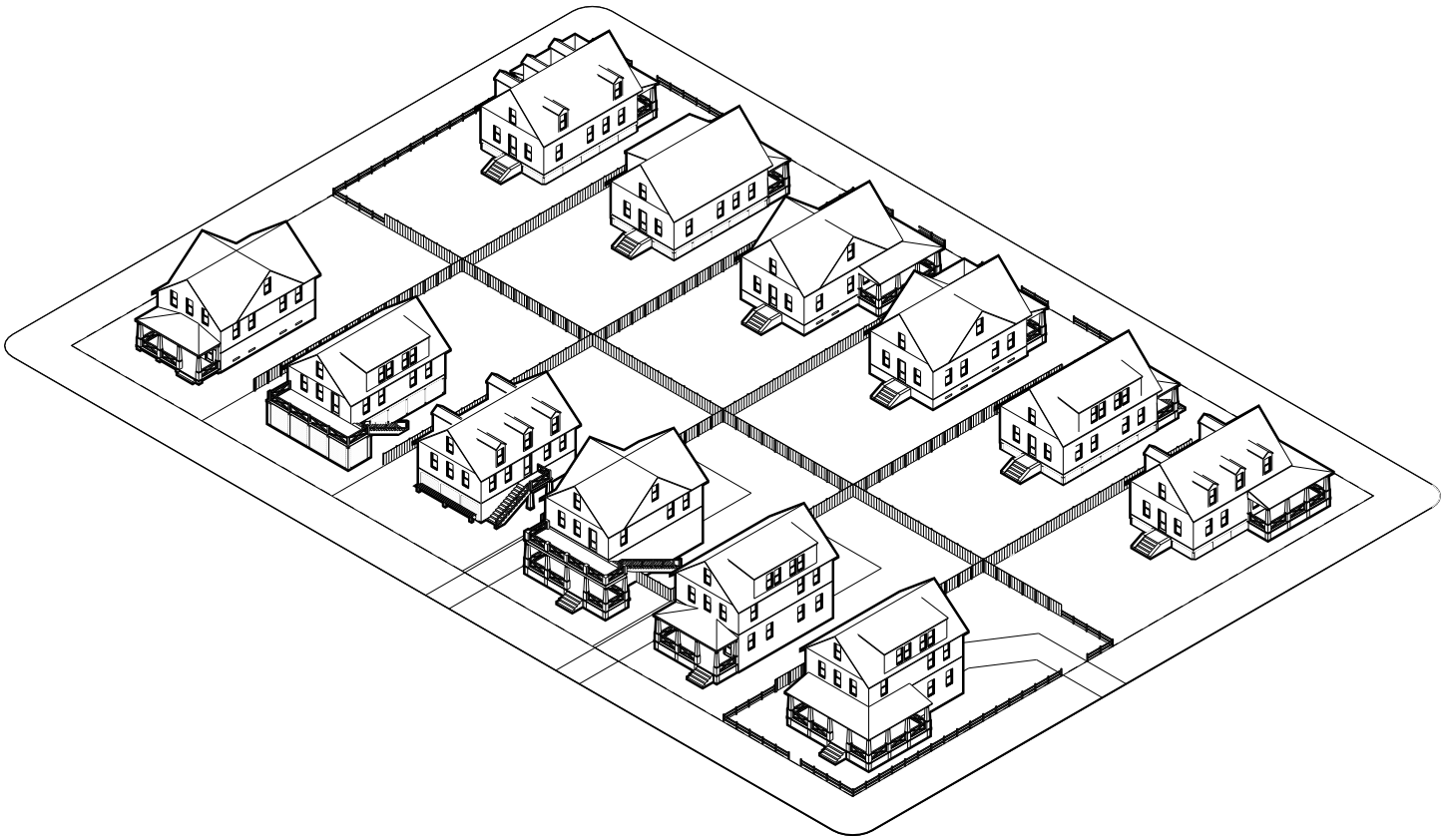
ACCESSORY BUILDING PLACEMENT

Primary Front Setback	40 ft min	H
Secondary Front Setback	8 ft min	I
Side Setback	3 ft min	J
Rear Setback	3 ft min	K



A. SHORELAND OVERLAY

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405C THE SHORELAND ZONING ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS



75 ft from the resource

75 to 250 ft from the resource

** measured from highest annual tide

New Construction	No new construction.	New construction allowed per Coverage standards below.
Additions/Expansions	30% expansion max., area and volume, from January 1, 1989.	Expansions allowed per Coverage standards below.
Coverage	Limited to existing coverage as per Chapter 405C the Shoreland Zoning Ordinance	35% Development Coverage * includes all land covered by nonvegetated surfaces as per Chapter 405C the Shoreland Zoning Ordinance
Height	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	May not move or add to an existing structure any closer to the resource as per Chapter 405C the Shoreland Zoning Ordinance	See Article 2. Character Districts
Accessory Units	In the Shoreland Overlay accessory units are considered separate dwelling units and are only permitted when both the single-family dwelling and the accessory unit individually comply with the lot dimensional requirements	See Section 15.A.5. of Chapter 405C the Shoreland Zoning Ordinance

B. FLOODPLAIN

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405A THE FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/Expansions	No additions to existing structures, except fire escapes and handicap access.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.
Coverage	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.
Elevation	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance * Measured to bottom of lowest horizontal framing member	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance * Measured to top of lowest enclosed floor.	1 ft higher than the flood depth specified on FIRM or at least 3 ft if no depth number is specified	1 ft above base flood as determined by the methods under Chapter 405A the Floodplain Management Ordinance Article III.H.1.b.
Height	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning	Controlled by Character District or Shoreland Zoning
Specifications	Post, Piers, Pilings See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	Flood vents in basement. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	See Article 4.D.	See Article 4.D.

B. FLOODPLAIN

THIS SECTION IS FOR REFERENCE ONLY. REFER TO CHAPTER 405A THE FLOODPLAIN MANAGEMENT ORDINANCE FOR SPECIFIC STANDARDS AND REQUIREMENTS. ADDITIONAL LIMITATIONS/REQUIREMENTS PURSUANT TO MAINE DEP CHAPTER 355: COASTAL SAND DUNE RULES, MAY BE APPLICABLE. *

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/Expansions	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.	*Expansions allowed per elevation standards below. Substantial Improvement/ substantial damage will require elevation standards to be met for entire structure.
Coverage	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.
Elevation	Bottom of lowest horizontal framing member must be 1 ft above base flood as defined under Chapter 405A, Article VI.P of the Floodplain Management Ordinance.	Top of lowest floor including basement must be 1 ft above base flood as defined under Chapter 405A, Article VI.F-G of the Floodplain Management Ordinance.	*1 ft higher than the flood depth specified on FIRM or at least 3 ft if no depth number is specified.	1 ft above base flood as determined by the methods under Chapter 405A the Floodplain Management Ordinance Article III.H.1.b.
Height	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.	*Controlled by Character District and Shoreland Zoning.
Specifications	*Post, Piers, Pilings See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	*Flood vents in basement. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.	*See Article 4.D.	*See Article 4.D.

C. SAND DUNES

THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS FOR SPECIFIC STANDARDS AND REQUIREMENTS

	Frontal Dune	Back Dune	Erosion Hazard Area
New Construction	No new construction with exceptions	New construction allowed per standards below.	New construction allowed per standards below.
Additions/Expansions	Additions to new structures are not allowed, except vertical building additions within the existing footprint, fire escapes, and handicap access.	Expansions allowed per standards below.	Expansions allowed per standards below.
Coverage	40% ~~development~~ coverage * includes buildings, porches, driveways, and landscaped areas.	40% ~~development~~ coverage * includes buildings, porches, driveways, and landscaped areas.	40% ~~development~~ coverage * includes buildings, porches, driveways, and landscaped areas.
	20% ~~building~~ coverage * includes building footprint, n/a porches.	20% ~~building~~ coverage * includes building footprint, n/a porches.	20% ~~building~~ coverage * includes building footprint, n/a porches.
	2,500-sf max building footprint * includes building footprint, including porches.	2,500-sf max building footprint * includes building footprint, n/a porches.	2,500-sf max building footprint * includes building footprint, n/a porches.
	Plus additional 500-sf for parking or handicap access.	Plus additional 500-sf for parking or handicap access.	Plus additional 500-sf for parking or handicap access.
	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.
Elevation	Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint		Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint
	Developed lot: 3 ft above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.		Developed lot: the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.
Height	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	Seaward building facade may not extend beyond that of adjacent structures	Controlled by Character District.	Controlled by Character District.
Specifications	Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.		Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.

PROPOSED REVISIONS FOR
APPROVAL

C. SAND DUNES

THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS, CHAPTER 355: COASTAL SAND DUNE RULES, FOR SPECIFIC STANDARDS AND REQUIREMENTS. CONSULT MAINE DEP STAFF FOR RULE INTERPRETATIONS AND DETERMINATIONS.

	Frontal Dune	Back Dune	Erosion Hazard Area
New Construction	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Additions/Expansions	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Coverage	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP
Elevation	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint
			Developed lot: 3 ft. above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance, whichever is higher.
Height	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	See Chapter 355 - consult with Maine DEP	Controlled by Character District or See Chapter 355 - consult with Maine DEP	Controlled by Character District or See Chapter 355 - consult with Maine DEP
Specifications	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP	See Chapter 355 - consult with Maine DEP

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A. STANDARDS FOR ALL BUILDINGS

1. GENERAL

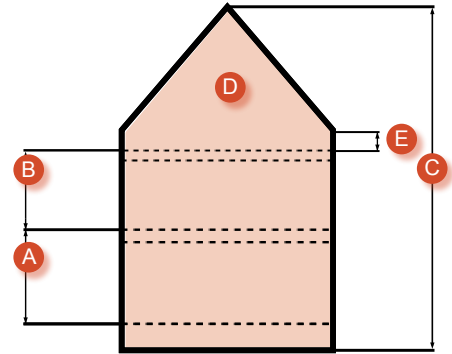
- a. Principal building types are summarized on Table 3-1 4.2A and permitted according to Character District standards in Article 2: Character Districts.
- b. See Article 3-B-4.B for the standards for each building type.
- c. The Planning and Code Enforcement Department shall classify existing principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types.
- d. Existing buildings may be considered a component or accessory building of a new principle building on the same lot, provided they meet all dimensional requirements for that component or accessory building (with the exception of roof pitch, which may remain nonconforming provided the existing nonconformity is not extended to the roof pitch of the new principle building.)

2. BUILDING MASSING & ASSEMBLY

- a. All principal and accessory buildings must meet the standards for one of the building types provided in Article 4B.
- b. Each principal building and accessory building type must be comprised of a main building mass with a rectangular form and a single allowed roof type.
- c. In order to create a broad range of building designs and promote architectural creativity, components may attach to both principal and accessory buildings.
- d. The outer wall of a main building mass must be located entirely in a single plane. Articulation in the wall plane is not permitted except through the use of a component.
- e. For the purpose of measurement, building length and width standards apply only to the main building mass of principal and accessory buildings. Components have unique dimensions and standards.
- f. Integral or engaged components may recess within the envelope of the main building mass only at the story to which they are attached, and may not alter the boundary of the main building roof above.
- g. Terraced components may recess within the structure of a pitched roof.
- h. Architectural decorations, moldings, adornments, and details shall not be regulated by this ordinance provided they project from the face of a building or component by less than 6 inches.

3. HEIGHT

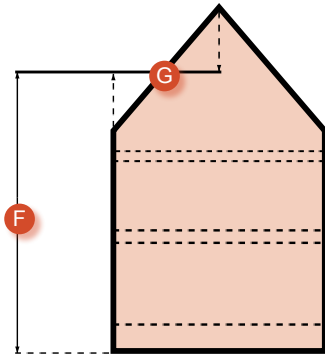
- a. Building Height, Stories



- i. Story height is measured from the surface of any floor to the surface of the floor above it (A) or, if there is no floor above, from the surface of the floor to the top of the lowest horizontal roof joist or collar tie, whichever is lower (B).
- ii. To calculate building height by number of stories, each story above the average ground level within the required building placement area is counted as 1 story (C).
- iii. Basements are counted as 1-story when 5 feet or more of an exterior basement wall at the front setback excluding the rear wall, is exposed above the average ground level within the the required building placement area.
 - a). An unfinished or flood resistant enclosure for utilities, building access or storage in an area other than a basement area is not considered a building's basement.
- iv. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a full story. (D)
- v. A habitable floor within a pitched roof must be counted as a full story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 1 feet above the finished floor of the space. (E)
- vi. A half-story is a habitable story within a pitched roof where the roof rafters intersect the wall plate or top of the exterior wall frame at a height less than 1 feet above the finished floor of the space. (E)
- vii. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.
- viii. When building height allows for a half-story, the half story is counted as the habitable space located directly under a pitched roof. The following standards apply:
 - a). The roof rafters must intersect the wall plate or top of the wall frame of the exterior walls at the finished floor of the half story.

Article 4: Building Standards

b. Building Height, Feet



- i. In the Character Districts building height is generally regulated by stories, but shall also comply with a maximum building height limit of thirty-two (32) feet.
- ii. Building height **by feet** shall be measured as required in the Zoning Ordinance definition: the vertical distance **F** measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roof **G**.

- iii. In the Shoreland Zone building height is also limited to thirty-five (35) feet measured to the highest point of the structure as required in Chapter 405C, Section 17 of the Shoreland Zoning Ordinance.

c. Story Height

- i. Story height is measured from the top of the finished floor to the finished floor above, or top of wall plate on single story structures.
- ii. Minimum story height requirements do not apply to half-stories.

d. Ground Floor Elevation

- i. Ground floor elevation is measured from the average ground level at the front of the building, to the top of the finished floor of the ground story of a building.
- ii. Ground story dwelling units must be elevated above grade a minimum of 2 ft.
- iii. Ground floor should not be confused with "lowest floor" as defined in Chapter 405A - Scarborough Floodplain Management Ordinance on those parcels in Special Flood Hazard Areas.

- e. Eave Height is measured from the top of the foundation to the lowest point of a soffit, or the lowest point of the rafter ends if there is no soffit.

TABLE 4.1A ROOFS BY BUILDING TYPE - (SEE TABLE 4.1B FOR ROOF STANDARDS BY COMPONENT TYPE)

	Gable	Hip	Bungalow Gable	Shed	Flat*
Coastal Cottage	9:12 Min 14:12 Max	-	-	-	-
Bungalow	-	-	6:12 Min 14:12 Max	-	-
House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Inn	6:12 Min 12:12 Max	3:12 Min 12:12 Max	-	-	1.5:12 Min* 2:12 Max
Shophouse	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	-	-
Neighborhood Store	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Outbuilding	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Carriage House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	-

NOTE: Roofs marked with a dash (-) are not permitted with that building type.

* Or minimum slope required by building code for specified roof system.

- f. Height limits do not apply to mechanical equipment; roof mounted cellular, radio and internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; chimneys; parapets or other non-habitable architectural features; and to roof walks in conformance with Article 4.

4. ROOFS

- a. Pitched roofs, if provided, must be symmetrically sloped in accordance with roof pitch standards for the building type (Table 4.1) with the exception of the Bungalow type, which has a unique roof composition.
- b. Pitched roofs must converge, symmetrically, to a single ridge beam at their highest point. Roof assemblies with multiple ridge beams are prohibited.
- c. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary principal building, unless specifically allowed to be taller.

- d. Gable ends must be located on the narrowest building face or component face, with the exception of the bungalow.
- e. Raking eaves at a building frontage must be restricted in depth such that no part of the roof overhangs the wall below by more than 1 ft, measured horizontally.
- f. No part of any roof may overhang the wall below by more than 3 ft.

5. FENESTRATION

- a. Facades are required to have doors and windows with transparent glass for a percentage of the total area of a facade, measured for each story independently.
- b. Required windows and doors must provide clear, transparent, and un-tinted glass.
- c. Fenestration of a story's facade is measured from the top of a finished floor to the top of the finished floor above, or top of wall

TABLE 4.1B ROOFS BY COMPONENT TYPE

	Gable	Hip	Bungalow Gable	Shed	Flat*
Projecting Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Integral Porch	-	-	-	-	-
Engaged Porch	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Balcony	-	-	-	-	-
Bay Window	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Dormer Window	4:12 Min 14:12 Max	3:12 Min 12:12 Max	-	6:12 Min 14:12 Max	-
Cross Gable	9:12 Min 14:12 Max	-	-	-	-
Roof Walk	-	-	-	-	-
Retail Awning	-	-	-	-	-
Canopy	5:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Stoop	-	-	-	-	-
Deck	-	-	-	-	-
Rear Addition**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	1.5:12 Min* 2:12 Max
Side Addition Wing**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-
Estate Addition Wing**	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-

COMPONENTS

NOTE: Roofs marked with a dash (-) are not permitted with that component type.

* Or minimum slope required by building code for specified roof system.

** Component may not exceed the roof pitch of the Principal Building to which they attach.

Amended 2017

Article 4: Building Standards

plate on a single story structure.

- d. Fenestration requirements are only applicable to front facades to building walls that face a road, the beach, or any other public way. Exterior walls not facing an interior front lot line are exempt. Components have their own fenestration requirements that apply to all component faces.
- e. To the extent possible, fenestration patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts. Other strategies, including the use of translucent glass on the bottom half of windows or strategically placed landscape elements, should be utilized if it is not possible to offset windows.

6. BUILDING PLACEMENT

- a. All buildings and structures must be located at or behind any required minimum front, side, or rear setback, except as allowed for under Article 4.A.5. Setback Encroachments.
- b. All stories of the facade of a principal building must be built at or within the provided setback range.
- c. The facade of a principal building must be built in a manner generally parallel to a front lot line or to the tangent of a curved front lot line with some adjustment allowed based on irregularly shaped lots.
- d. Notwithstanding the Definition of Corner Lot under Section VI. of this Ordinance, corner lots shall have primary and secondary front setback, side setback and a rear setback as shown under Article 2. Building Placements.

7. SETBACK ENCROACHMENTS

- i a. Notwithstanding the general "Yard" requirements applicable to other Districts within this Ordinance, building frontages and components within the Character Districts may extend beyond a required front, side or rear setback (or yard) as indicated for each type provided that at least 3 ft. is maintained from the vertical plane of any side or rear lot line to the closest point of the structure. Specific encroachments for frontages and components can be found in Article 4.D.
- ii b. Accessory buildings and structures may encroach as indicated in Article 4: Building Standards and Article 6: Development Standards.

8. MATERIALS

- a. Buildings must be sided with wood siding, vinyl siding, or cement board siding.
- b. Buildings located closer than 15 feet from a side or rear property

line must meet the Town's Fire Rating Policy fire rated construction requirements as approved by the Scarborough Fire Department

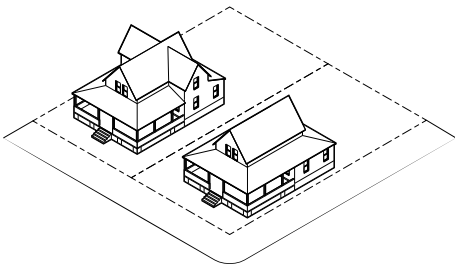
9. GARAGES AND PARKING

- a. Any building, accessory building, or component may contain a garage.
- b. Garages must be setback from the front principal facade of the primary principal building by at least 20 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.
- c. Any paved driveway or parking area with a width greater than 12 feet must be setback from the front or secondary front facades of the primary principal building by at least 10 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.

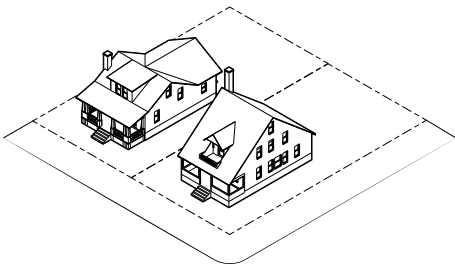
10. ACCESS

- a. All buildings must be accessed by a primary entrance located on the main building mass at, or within 12 ft of, the front principal facade.
- b. Additional entrances may be located on any building or component face.

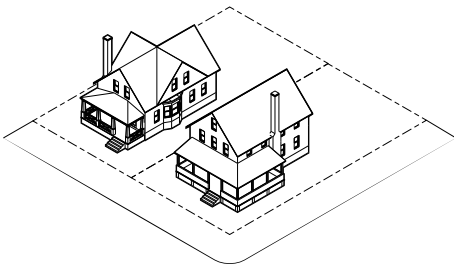
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



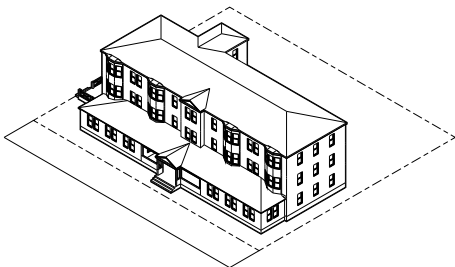
1. COASTAL COTTAGE



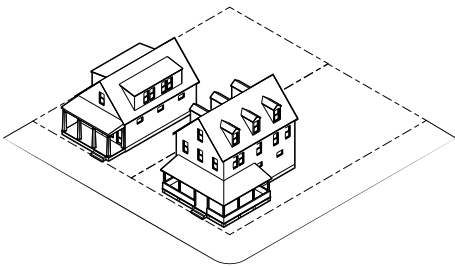
2. BUNGALOW



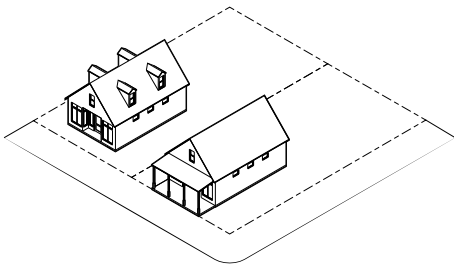
3. HOUSE



4. INN BUILDING

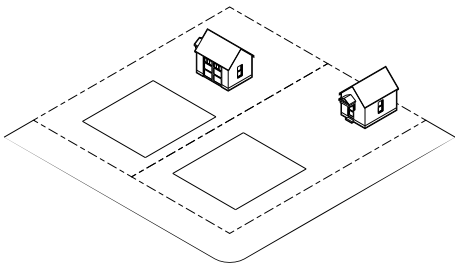


5. SHOPHOUSE

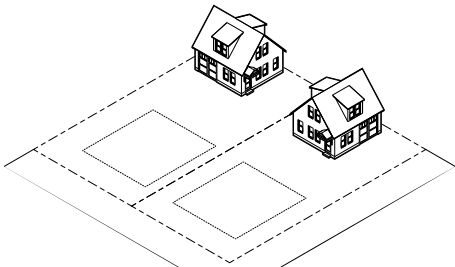


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING



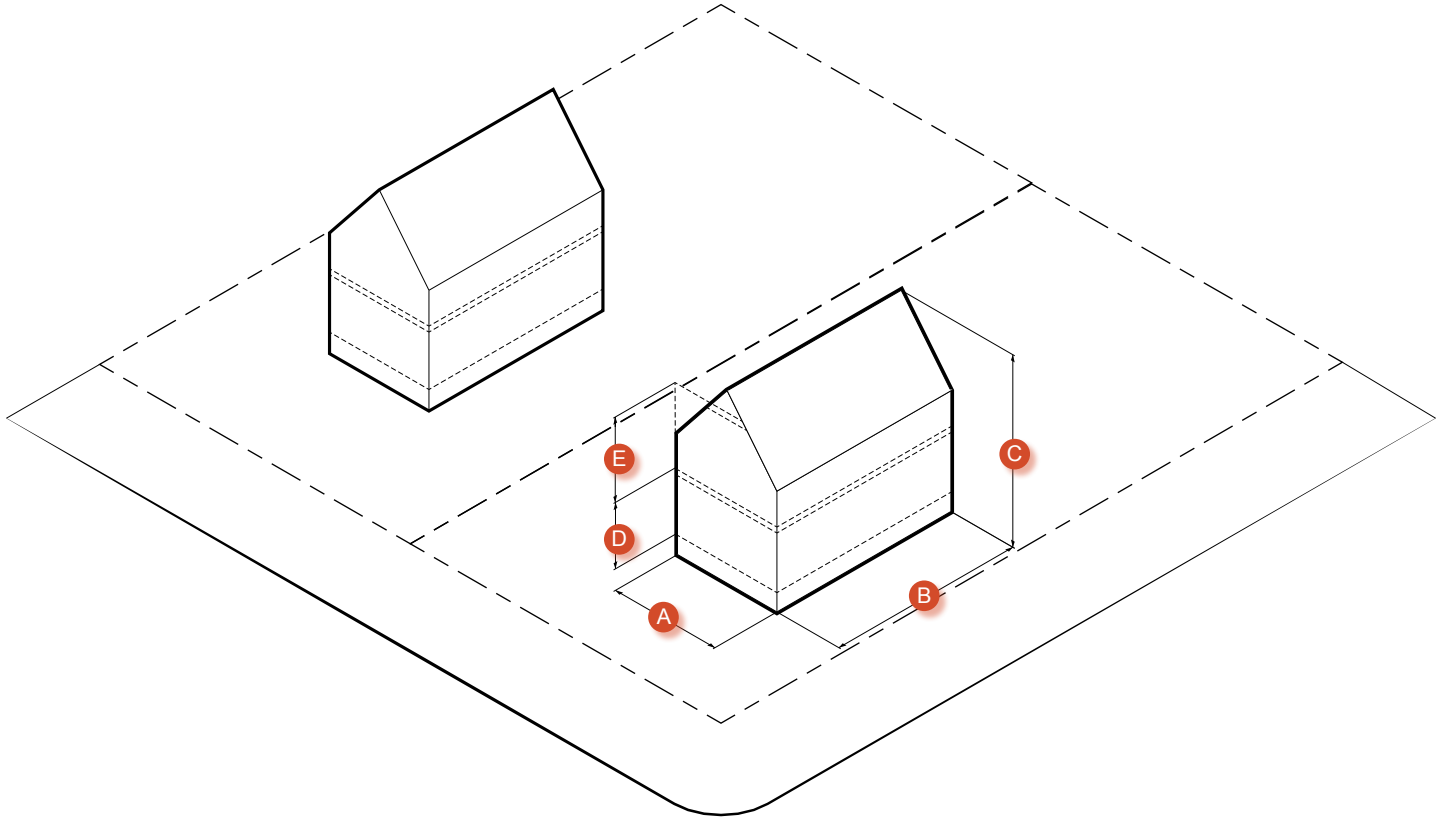
2. ONE-STORY CARRIAGE HOUSE

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B. PRINCIPAL BUILDING TYPES & STANDARDS

1. COASTAL COTTAGE

A detached residential building type with one principal dwelling unit and defined by a narrow, projecting center massing that typically has a wrap-around porch, which is typically engaged on the sides.



BUILDING FORM

Building Width	18 ft 22 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10-9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	15% min

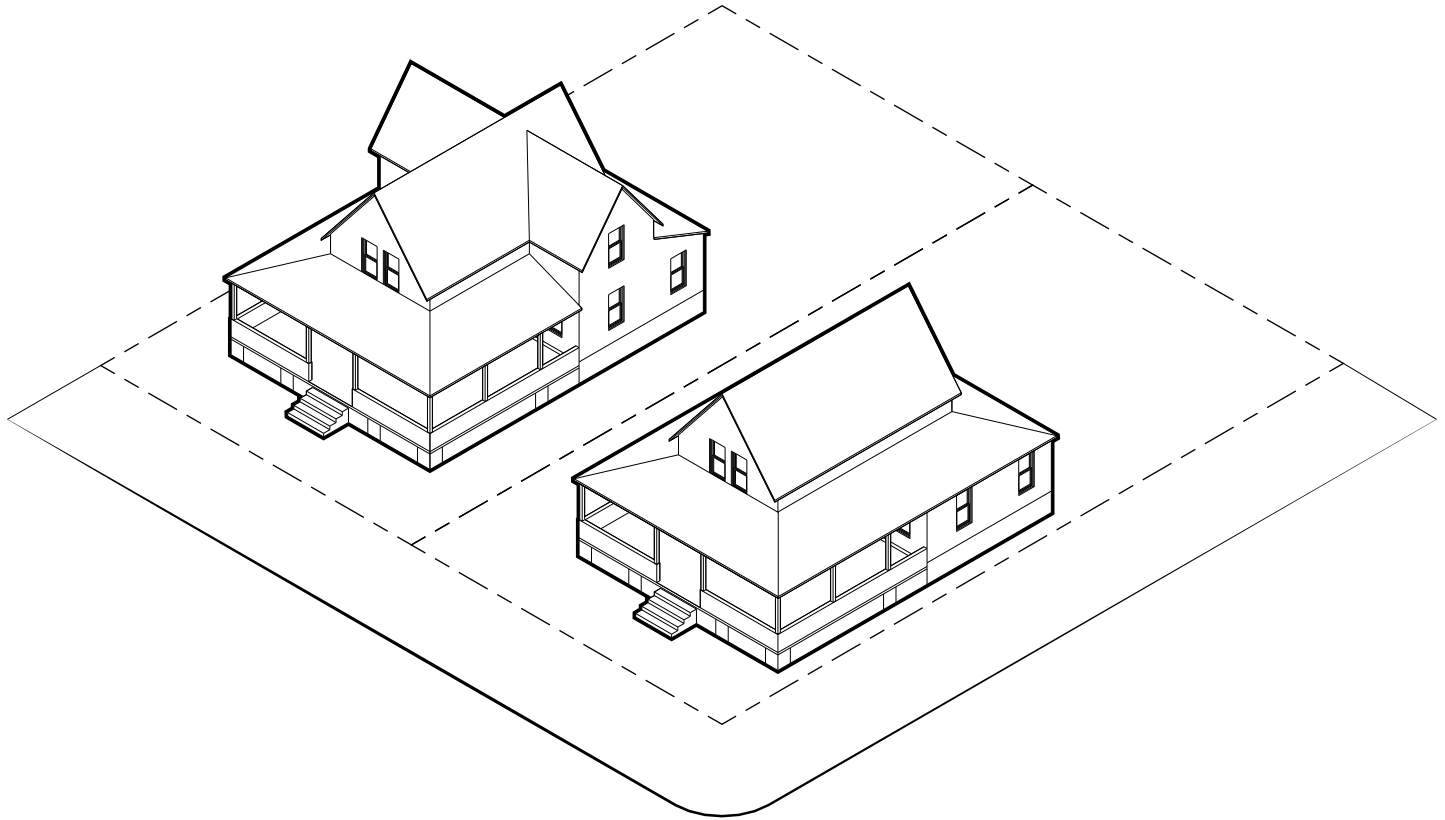
FRONTAGES

See Article 4D

Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

4. COASTAL COTTAGE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

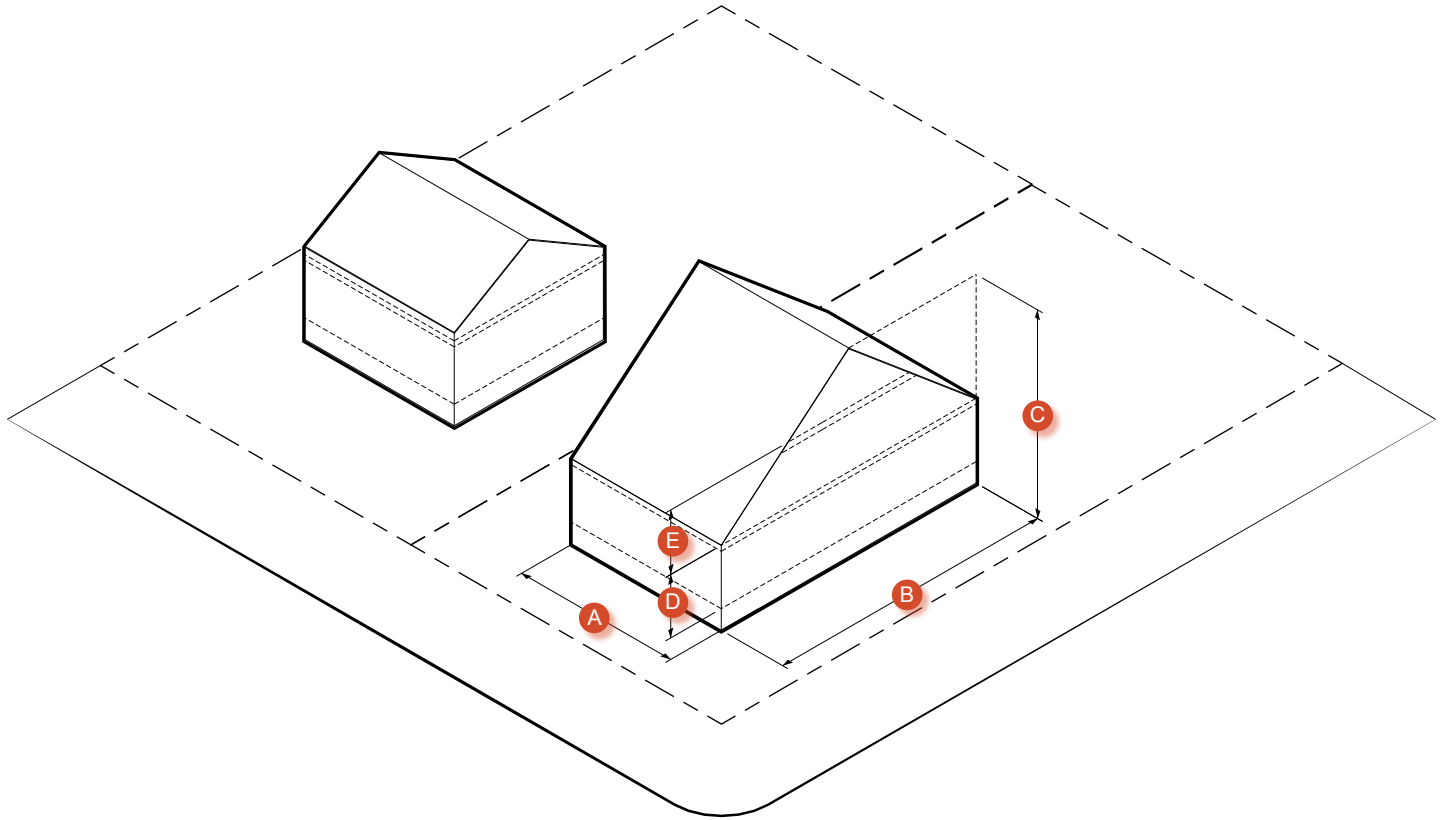
Rear Addition	Permitted
Side Addition	Permitted

STANDARDS

- A minimum of two components may be applied to the **base building-massing main building mass**, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The Coastal Cottage may have both a Rear Addition and a Carriage House.
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

2. BUNGALOW

A detached residential building type with one principal dwelling unit and defined by a front porch that is integral to the massing and contained under the roof unique roof form, typically including an integral front porch.



BUILDING FORM

Building Width	25 ft max	A
Building Depth	36 ft 40 ft max measured from the inside wall of the porch	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10 9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	20% min

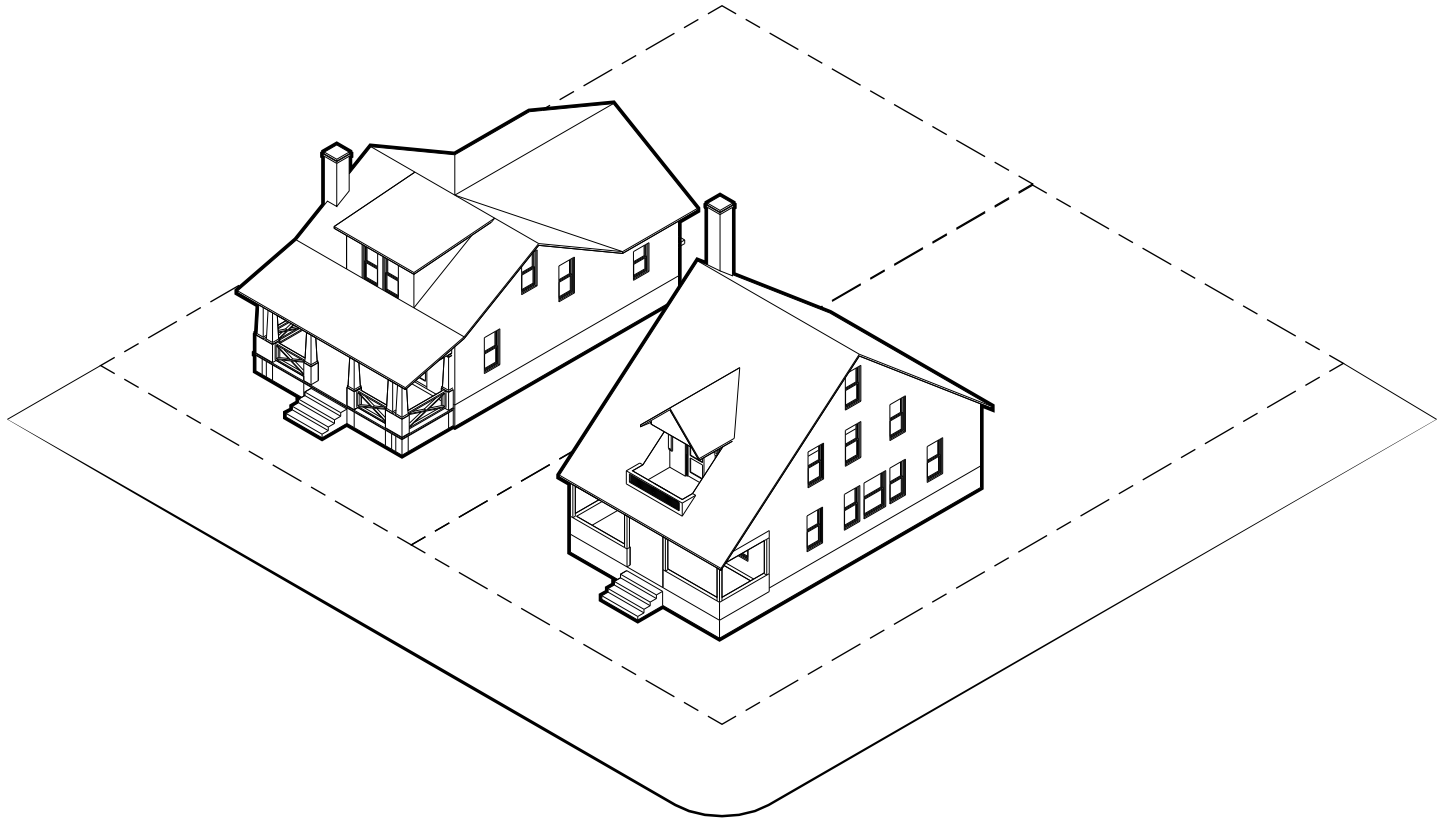
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

2: BUNGALOW COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Required Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted

Deck

Permitted

COMPONENTS (CONT'D)

See Article 4C

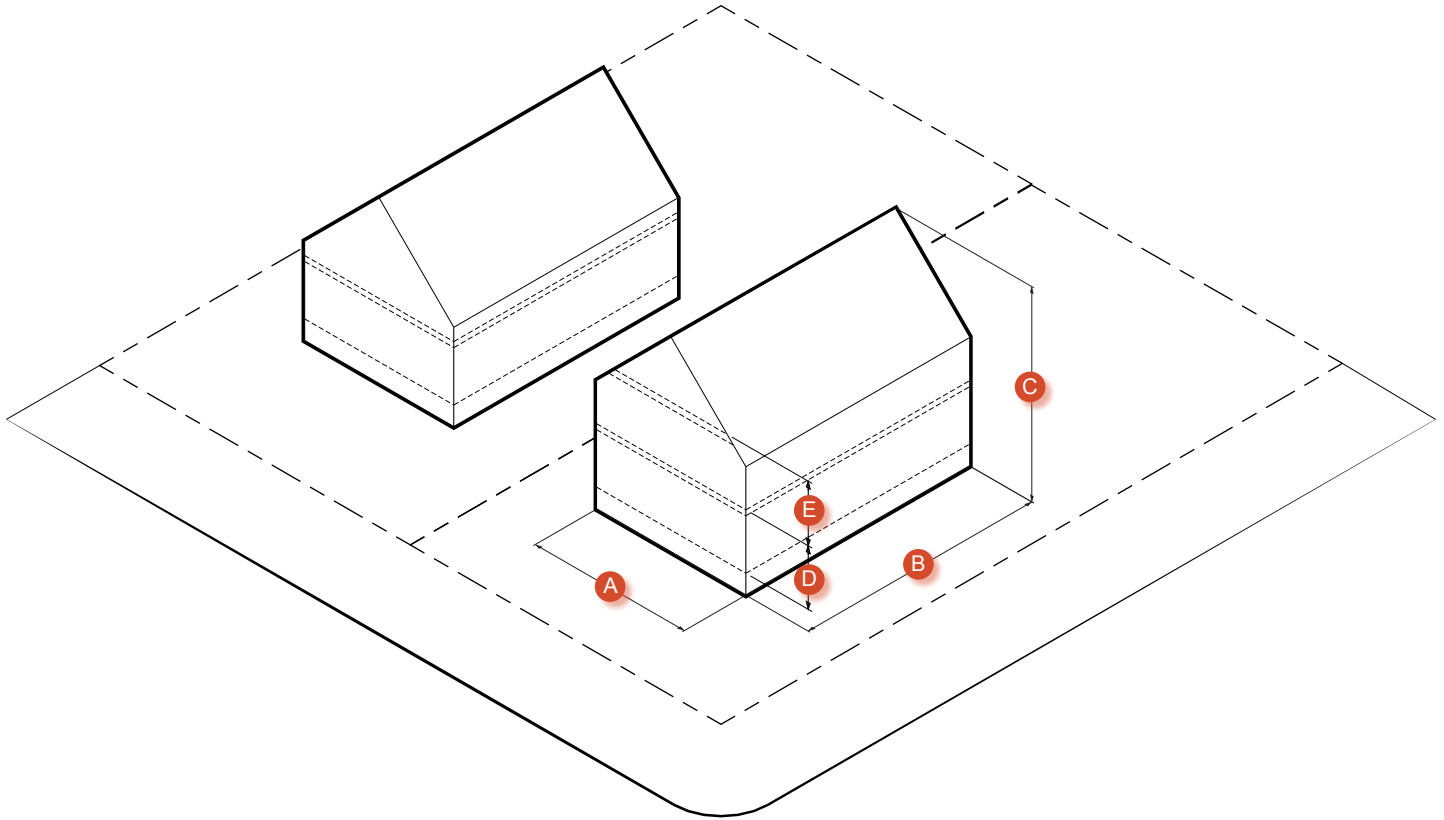
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

- The gable end of a bungalow must be oriented away from the primary frontage.
- *Stories above the first story must be contained within the roof structure.
- A minimum of two components may be applied to the base building massing main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

3. HOUSE

A detached residential building type with one principal dwelling unit and exhibiting architecture with Character District components.



BUILDING FORM

Building Width	30 ft 28 ft max	A
Building Depth	38 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	10 9 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

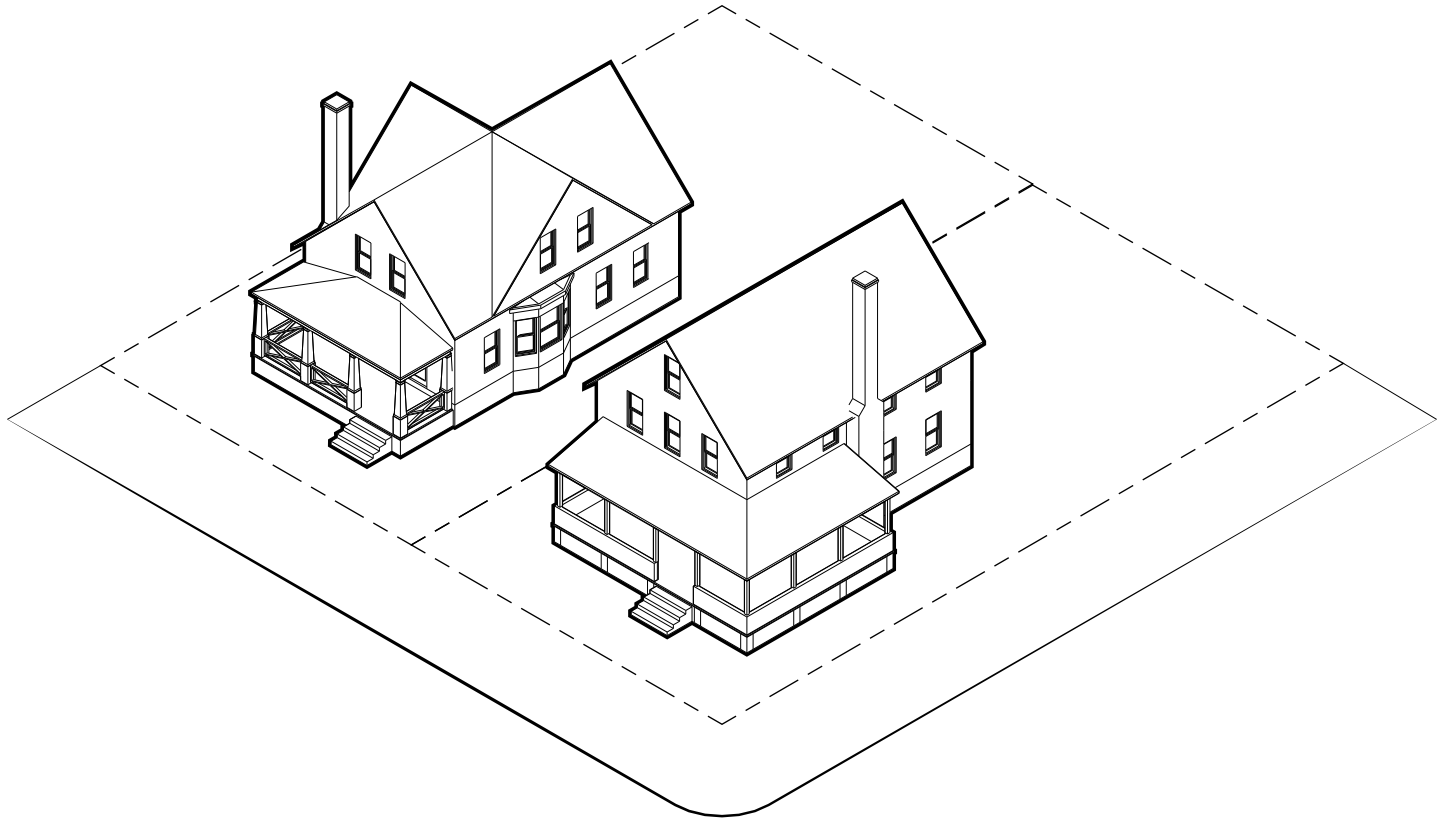
FRONTAGES

See Article 4D

Residential Yard	Required
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

3. HOUSE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

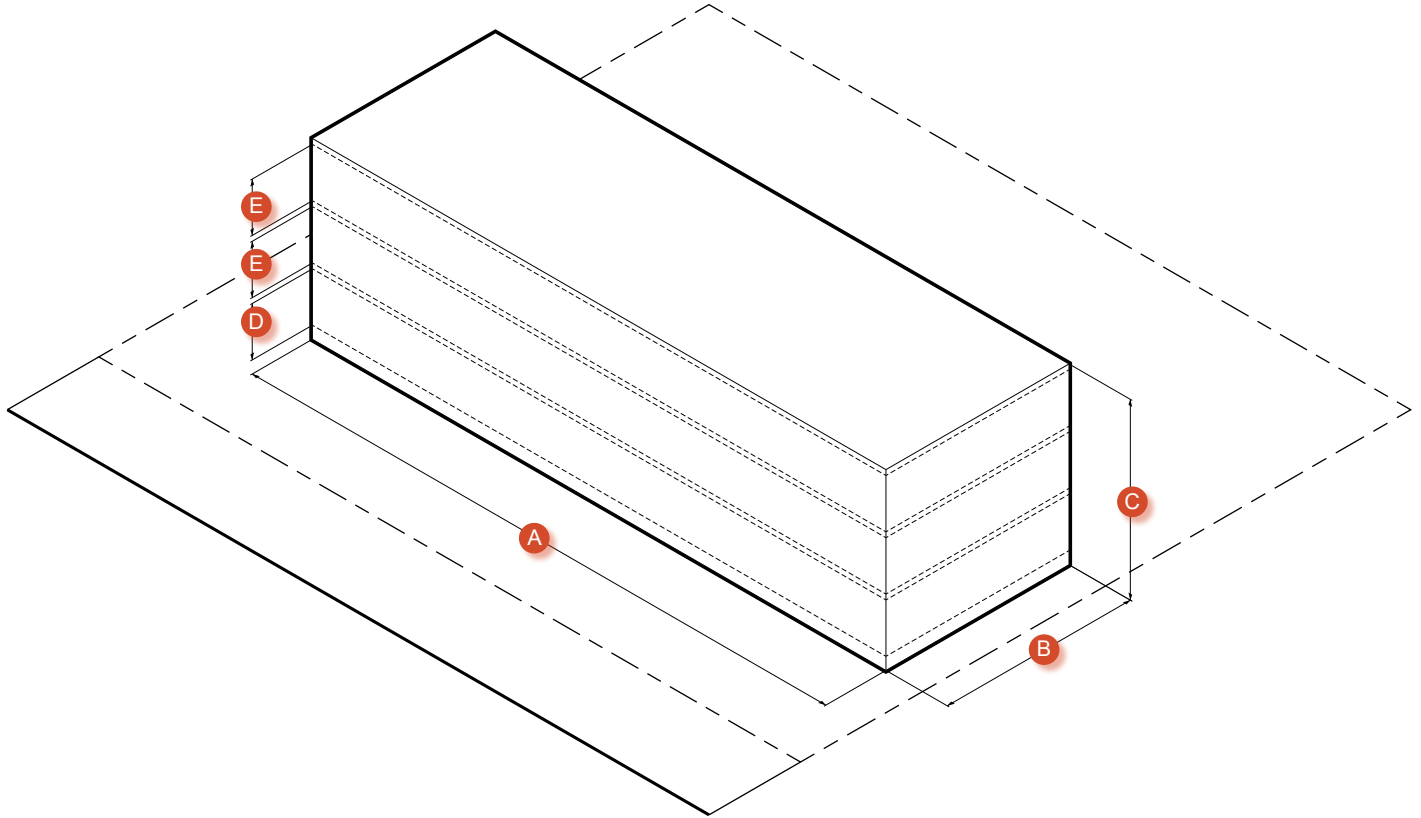
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the **base building massing main building mass**, including a Porch as required under the Residential Yard Frontage standards (Article 4D).
- The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

4. INN BUILDING

A large floor plate, detached mixed-use building type with residential or lodging units on upper floors and supporting limited commercial uses on the ground floor.



BUILDING FORM

Building Width	100 ft max	A
Building Depth	50 ft max	B
Total Stories	3 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	12 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

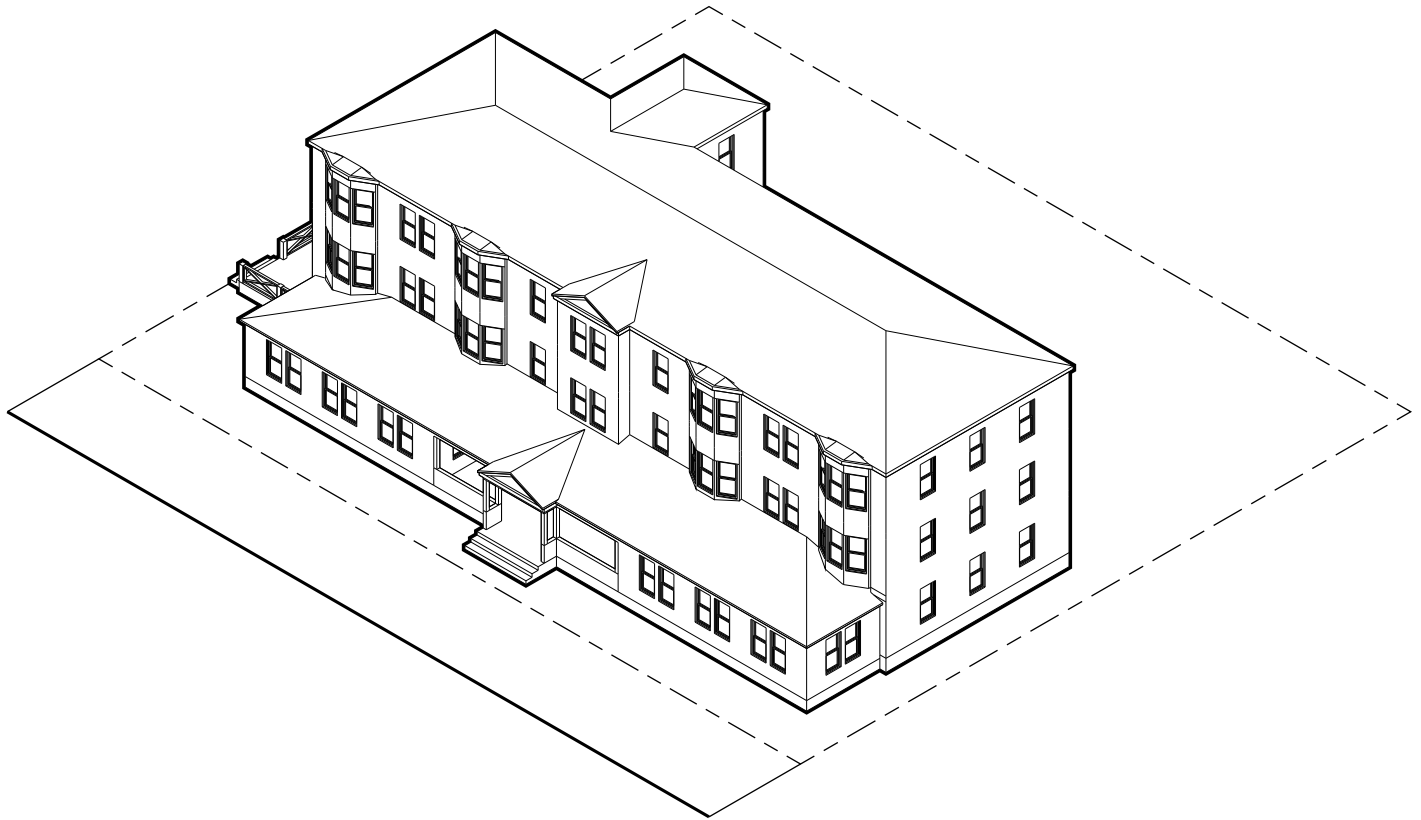
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

4. INN BUILDING COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

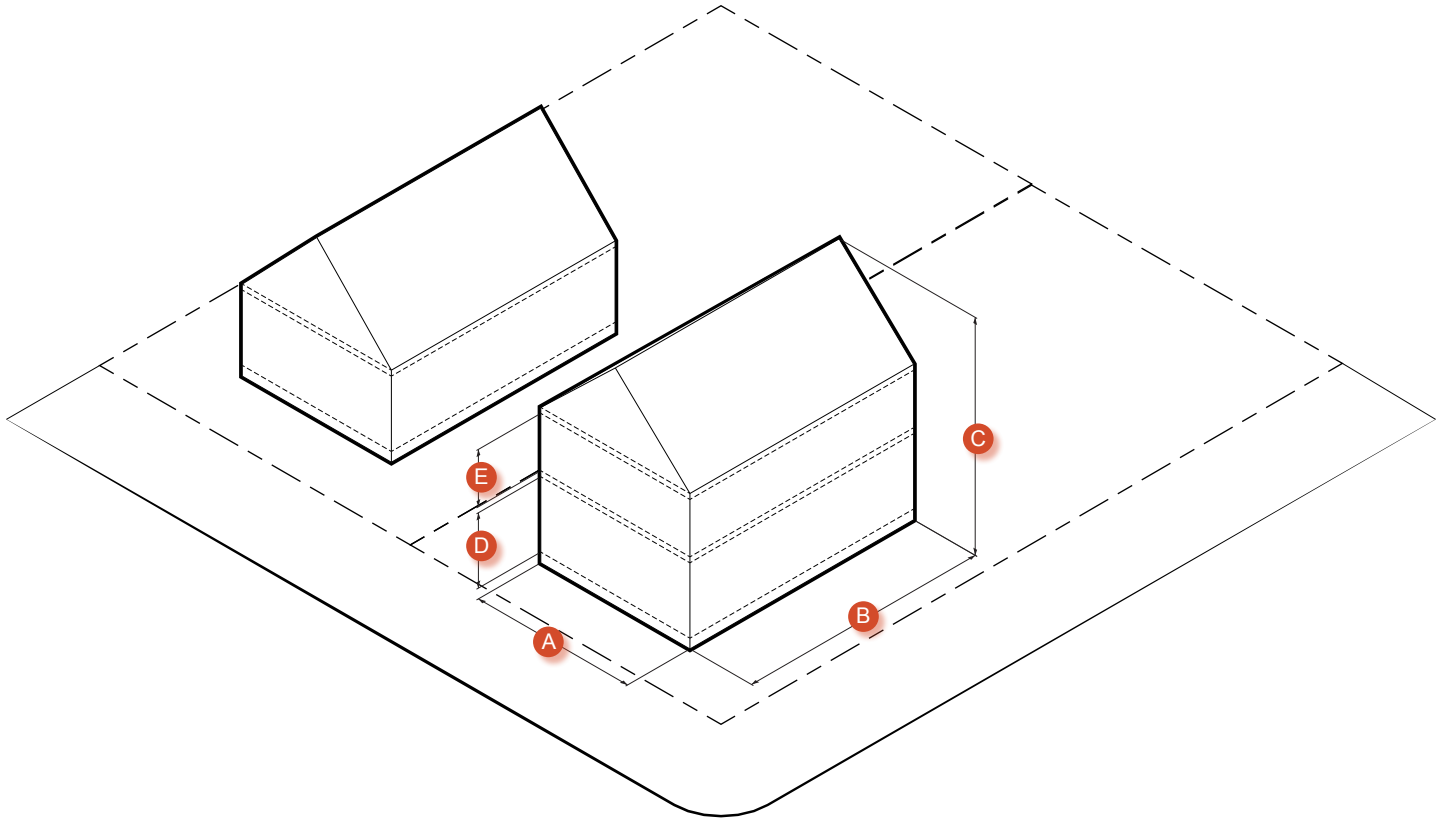
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the ~~base building massing~~ main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

5. SHOP HOUSE

A mixed-use building type that appears residential in character, with ground floor commercial uses and an upper story residential unit.



BUILDING FORM

Building Width	30 ft max	A
Building Depth	36 ft max	B
Total Stories	2.5 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	10 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

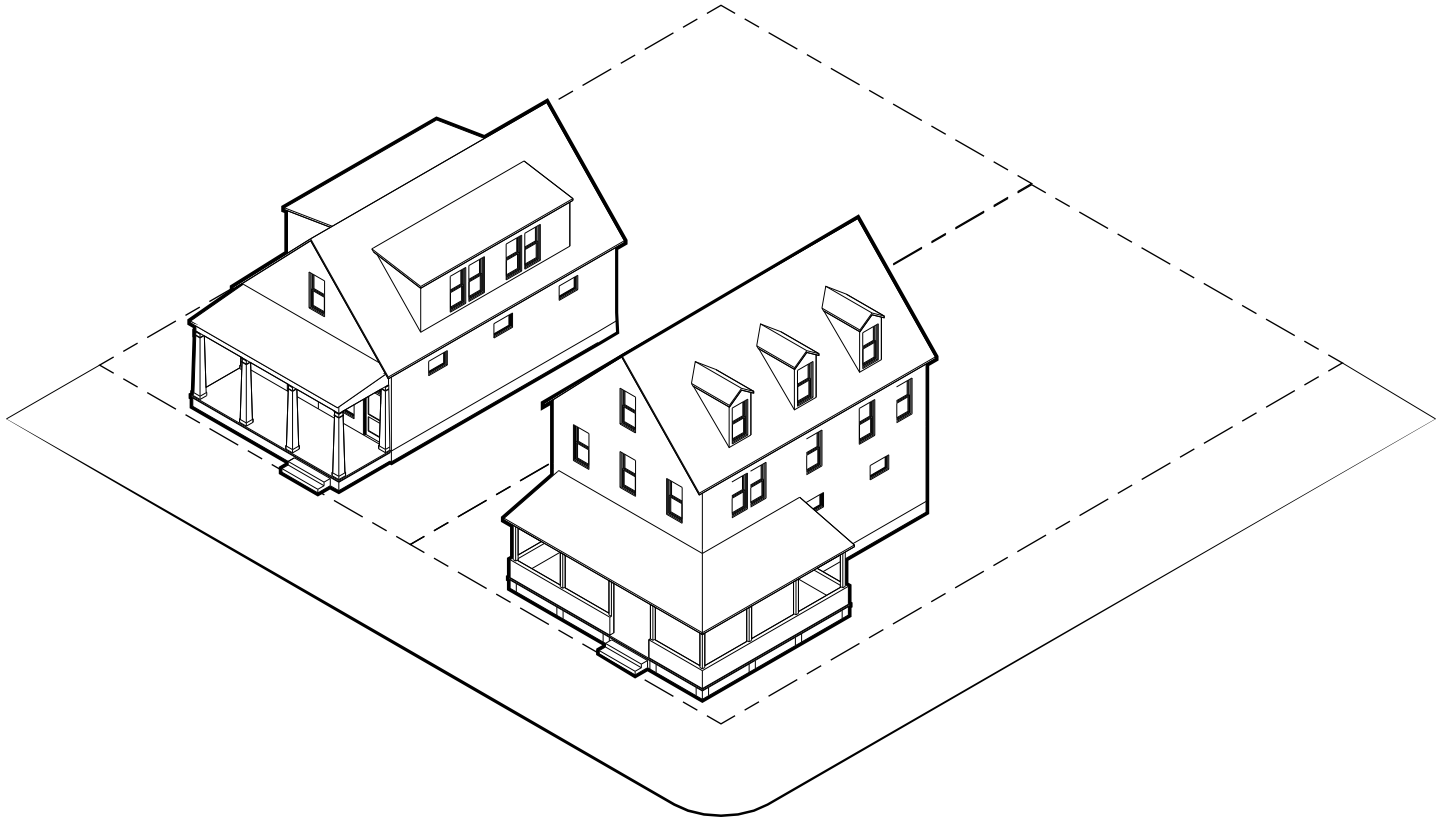
FRONTAGES

See Article 4D

Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

Article 4: Building Standards

5. SHOP HOUSE COMPONENTS



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

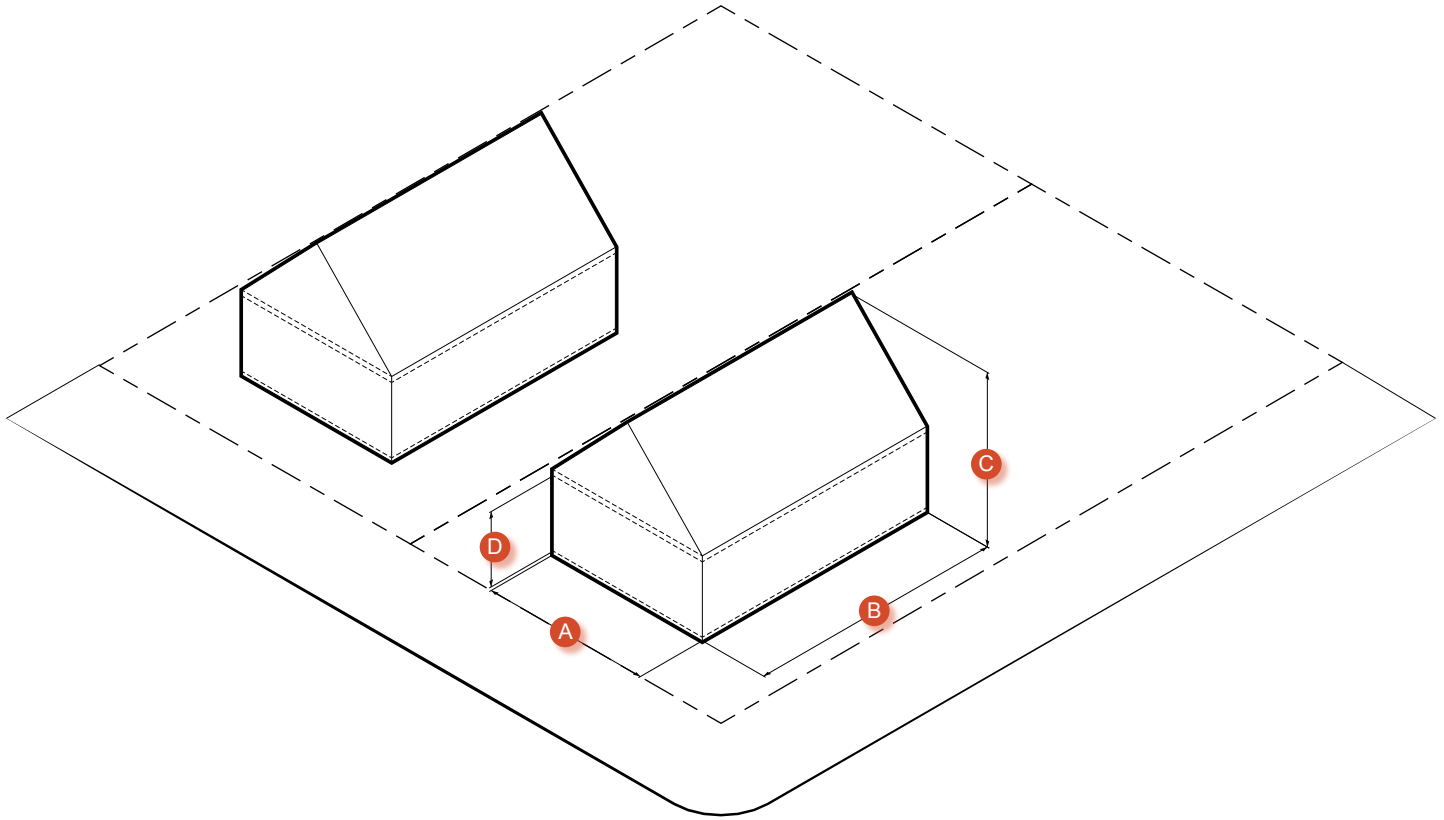
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

- A minimum of two components may be applied to the ~~base building massing~~ main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

6. NEIGHBORHOOD STORE

A medium-sized footprint moderate floor plate, single-story building type designed for commercial purposes.



BUILDING FORM

Building Width	40 ft max	A
Building Depth	30 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	10 ft min, 12 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 4.A.3 for Height Standards.

FACADE COMPOSITION

Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

FRONTAGES

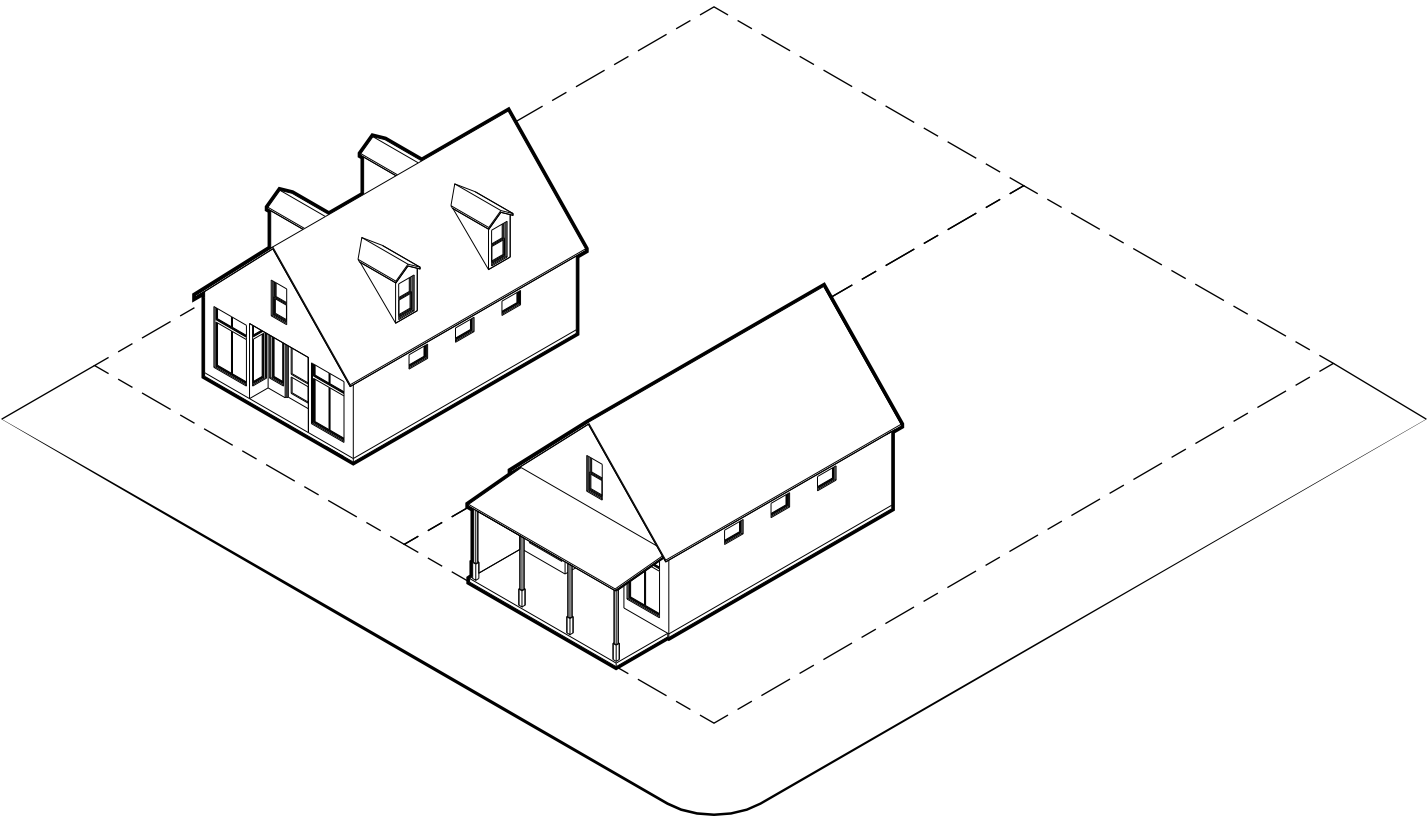
See Article 4D

Residential Yard	Permitted
Shopfront	Required
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

COMPONENTS

See Article 4C

6- NEIGHBORHOOD STORE COMPONENTS



Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

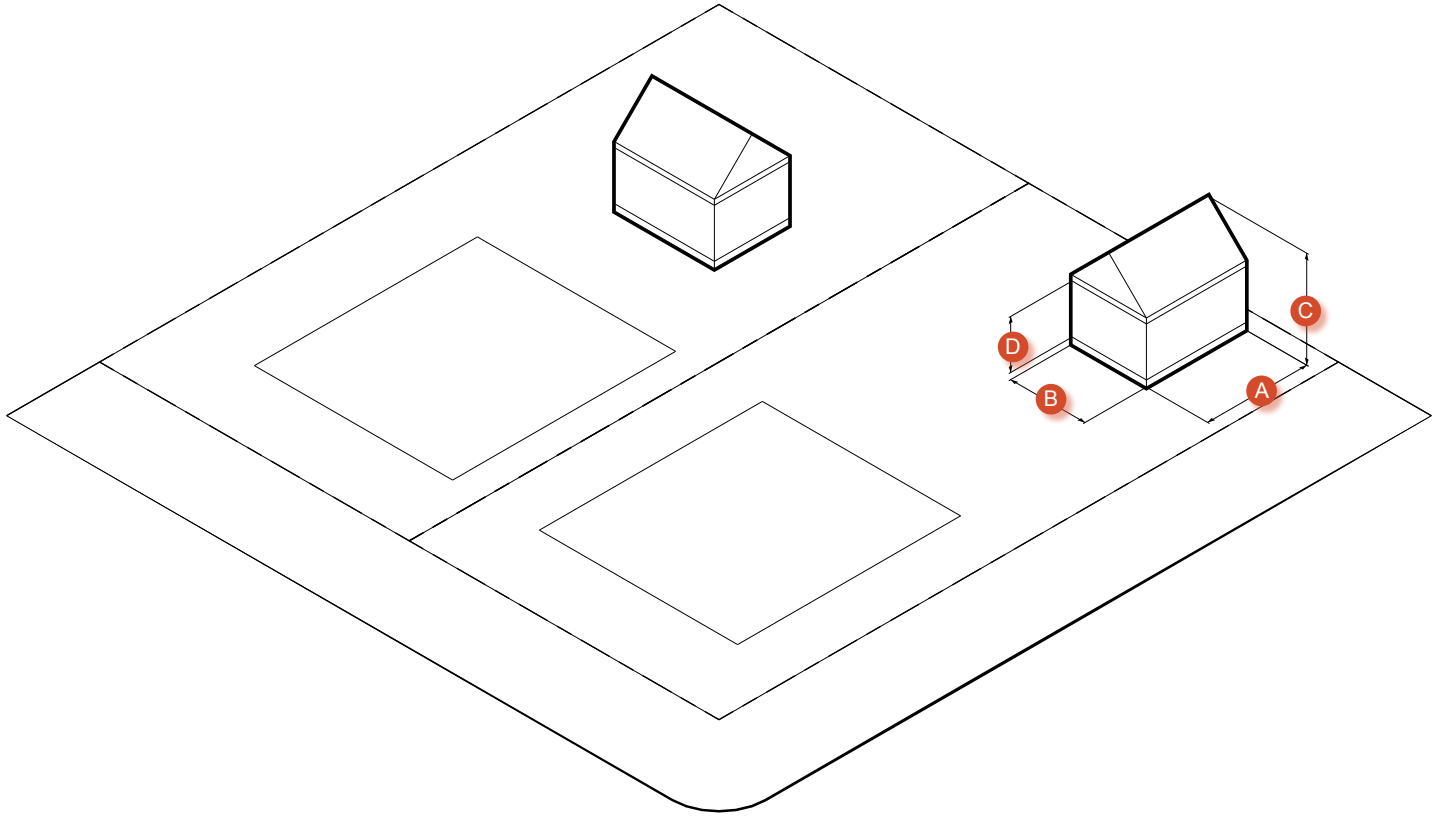
- i. A minimum of two components may be applied to the base-building massing main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

COMPONENTS (CONT'D) See Article 4C

C. ACCESSORY BUILDING TYPES & STANDARDS

1. ONE-STORY OUTBUILDING

A one-story detached accessory building that does not contain an accessory dwelling unit.



BUILDING FORM

Building Width	20 ft max	A
Building Depth	12 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	n/a	

Roof See Table 4.1

*See Article 4.A.2 for Height Standards.

FACADE COMPOSITION

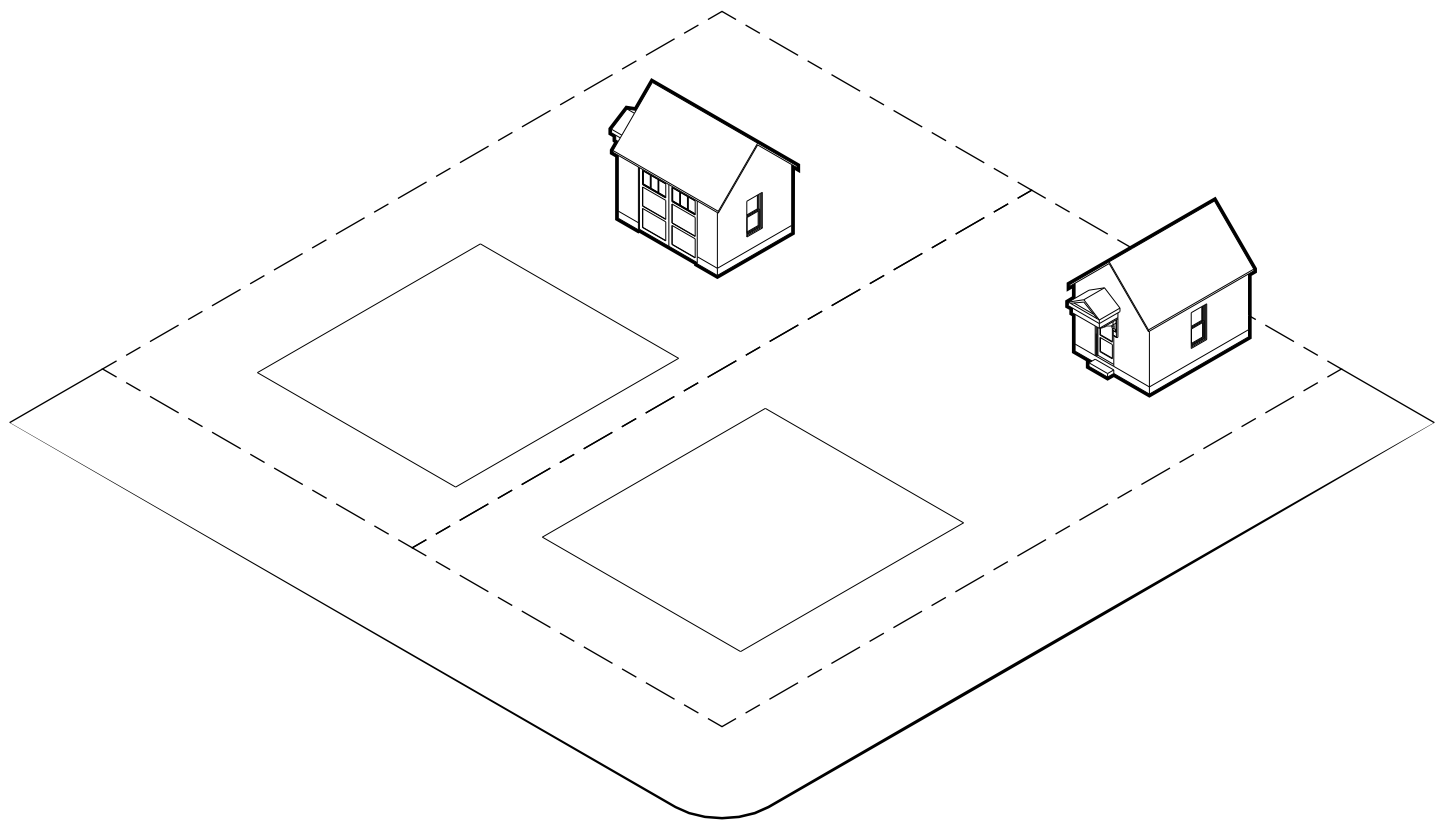
Ground Story Fenestration	10% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

ONE-STORY OUTBUILDING COMPONENTS

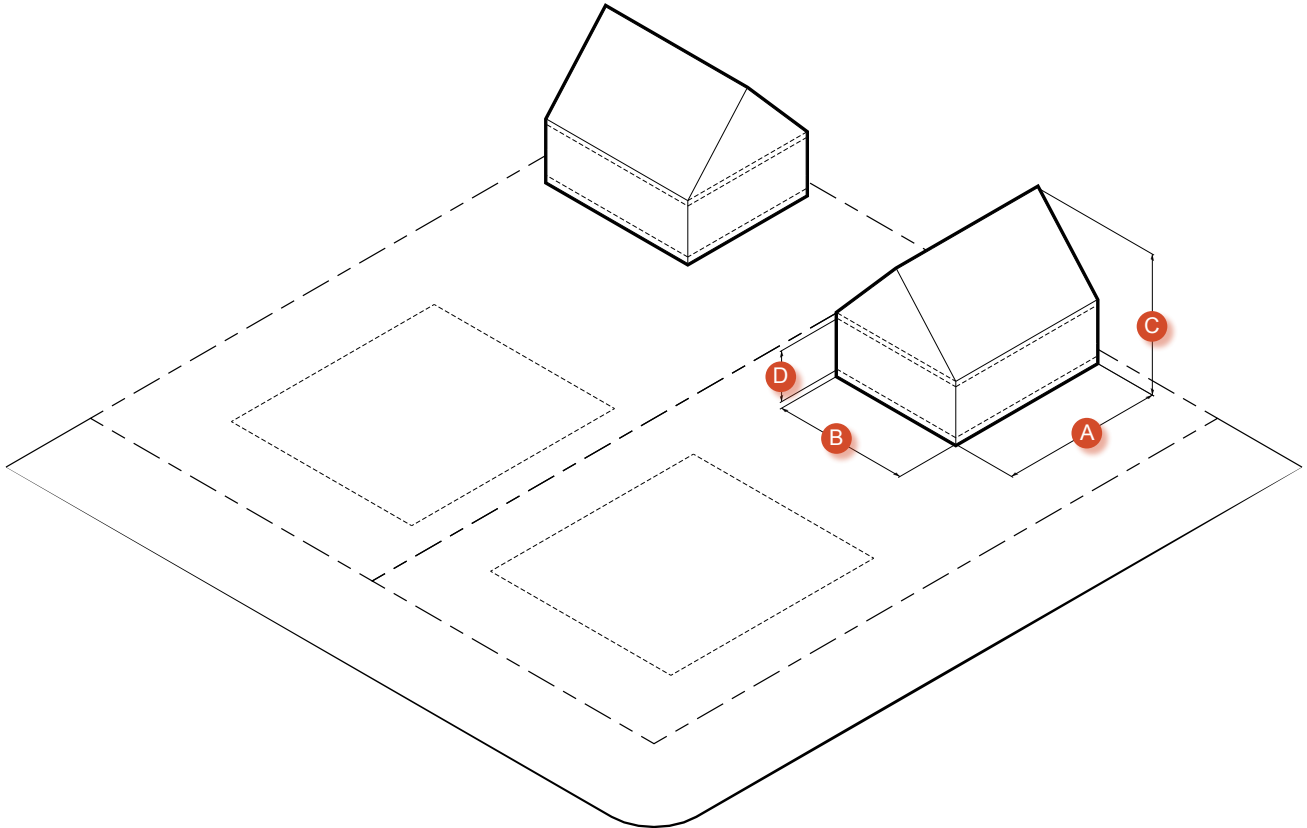


COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

STANDARDS
i. The Outbuilding is required to be detached from the principal building and components, and sited in accordance with the accessory building placement under Article 2. ii. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

1. ONE-STORY CARRIAGE HOUSE

A one-story detached building that can serve as a garage, an accessory dwelling unit, or a combination of the two.



BUILDING FORM

Building Width	24 ft max	A
Building Depth	24 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	12 ft max	D
Upper Story Height*	n/a	

Roof See Table 4.1

*See Article 4.A.2 for Height Standards

FACADE COMPOSITION

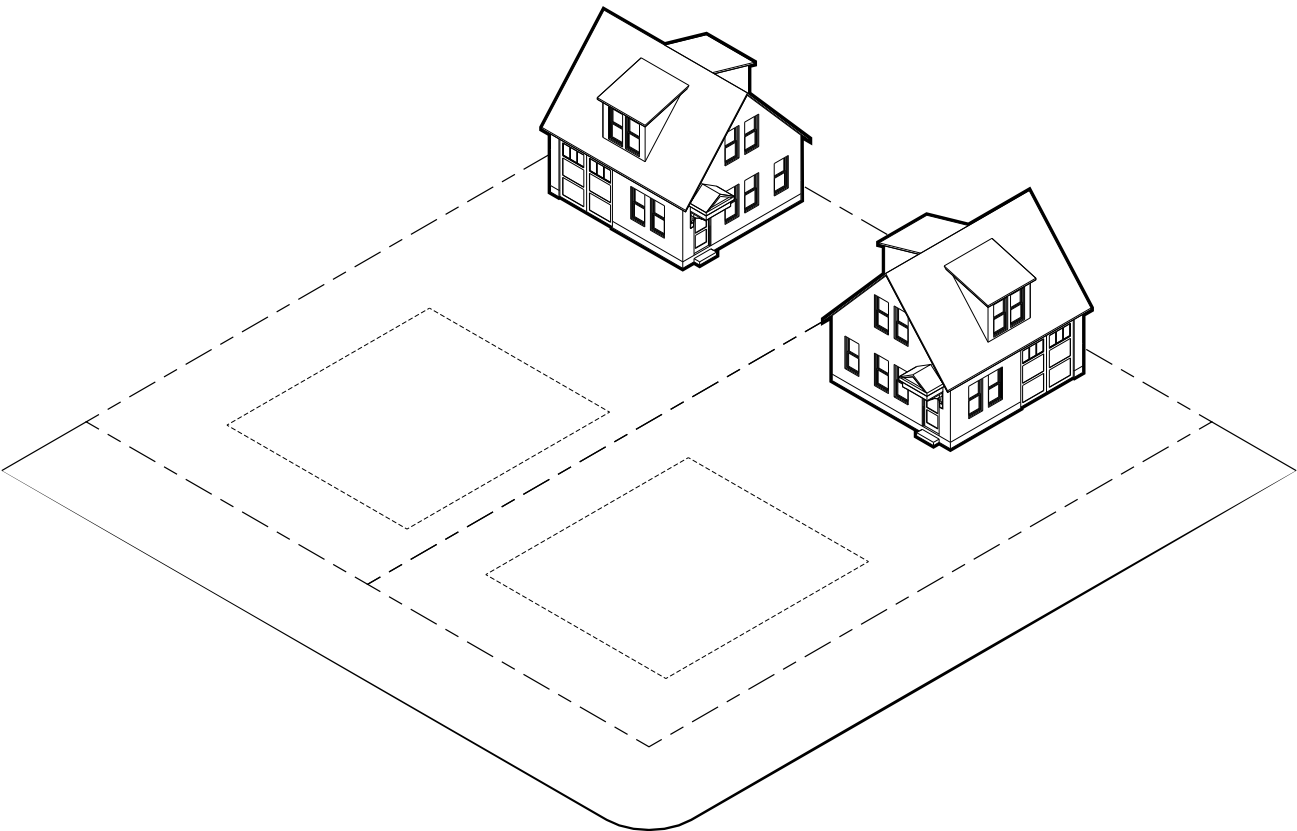
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

ONE-STORY CARRIAGE HOUSE COMPONENTS



COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

- STANDARDS**
- i. The Carriage House is required to be detached from the principal building and components and sited in accordance with the Accessory Building Placement under Article 2.
 - ii. A minimum of one component must be applied to the carriage house massing.
 - iii. Carriage Houses may not be built on the same lot as a Rear Addition, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.
 - iv. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

D. BUILDING COMPONENTS

and must extend across at least 75% of the width of the building facade.

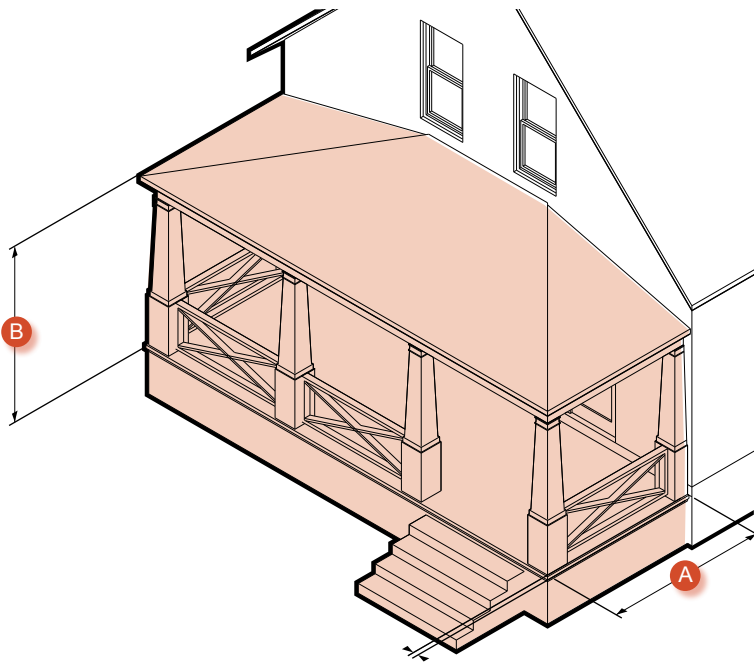
1. GENERAL

- a. Building Component standards are summarized on Table 4.3 and are permitted according to the standards in this Article 2.B-D detailed in Article 4.D. 2-16 and Table 4.1B. Components are permitted by building type according to Article 4.B-C.
- b. Building components are accessory features that increase the floor area, living space, exterior space and/or generally enhance the usefulness of a building.
- c. All components may attach to all other components and to all buildings and accessory buildings unless specifically disallowed by the building or component.
- d. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
- e. Certain Building Components are permitted to encroach into the Building Setbacks found in the Character Districts standards in Article 2 and as per Article 4.A.4. This Permitted Encroachment standard is meant to encourage and allow certain Building Components that contribute to the character of Higgins Beach.
- f. Stairs that extend off porches, stoops, decks and principal buildings are not required to meet the setback or setback encroachment limits provided that at least 3 ft is maintained from the vertical plane of any front, side or rear lot line.
- g. Porches are required along the Primary Frontage on all new or replacement dwellings with the residential yard frontage type

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

A wide, raised platform with stairs that leads to **an the principal** entrance of a building and has a roof supported by columns or piers.



DIMENSIONS

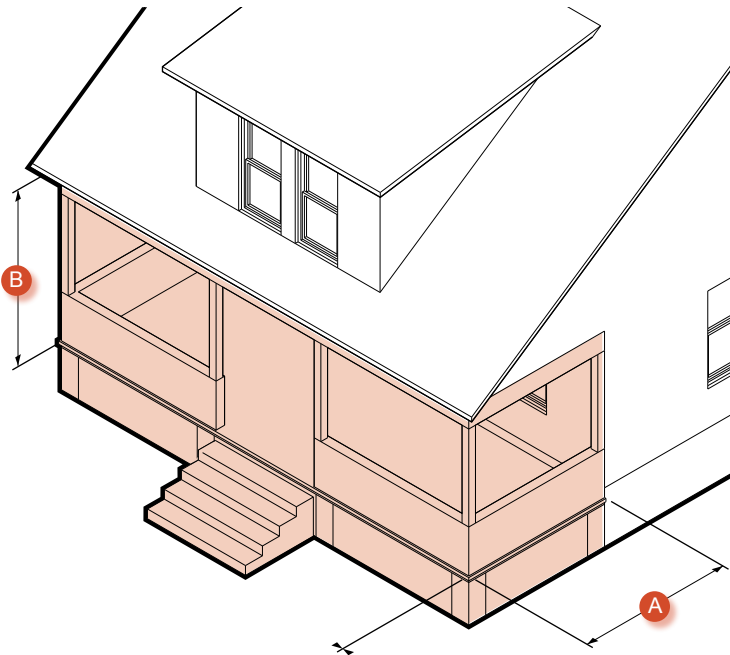
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft max	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners **to and may** connect with porches or decks on adjacent building **or component** faces.
- iv. A projecting porch may appear as an engaged porch if it is partially enclosed and meets the dimensions and standards of this section.

2. PORCH - INTEGRAL

A raised platform with stairs that lead to **an the principal** entrance of a building and a roof supported by columns or piers. Integral porches are unique in that they are located under the roof of the principal building, **such as typical** in a bungalow type.



DIMENSIONS

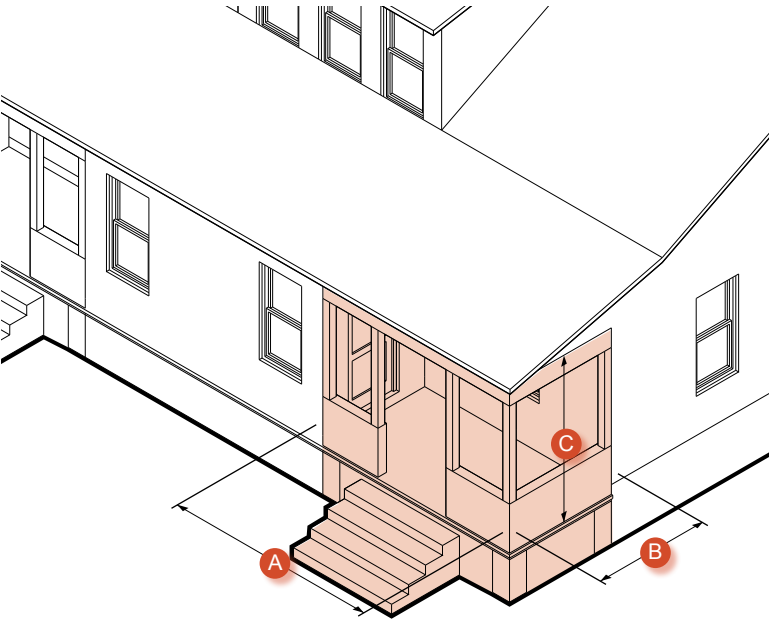
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

- i. Porches may be partially or fully enclosed.
- ii. Stairs may extend off the front or side of the porch.
- iii. Porches may wrap around corners **to and may** connect with porches or decks on adjacent building **or component** faces.

3. PORCH - ENGAGED

A raised platform with stairs leading to a secondary entrance of a building. Engaged porches are attached to the building at two sides and are integrated within the building's roofline.



DIMENSIONS

Width	8 ft min	A
Depth	6 ft min, 10 ft max (iv)	B
Height	8 ft min	C

Permitted Encroachment	May encroach into setbacks as part of a rear addition, side wing or estate wing.
Encroachment not permitted	

Roof	See Table 4.1B
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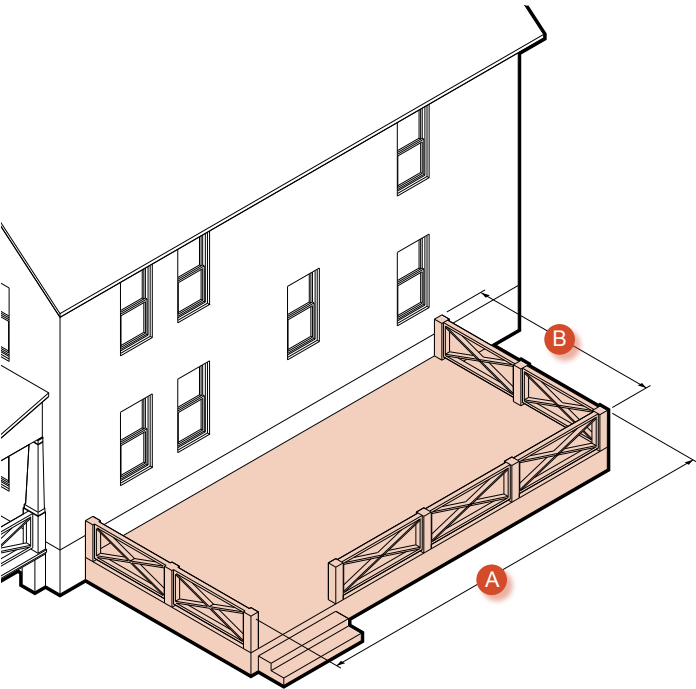
Fenestration	60% min when enclosed 40% min on side or rear porches
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STANDARDS

- i. Stairs may extend off the front or side of the porch.
- ii. Engaged porches may not occur on any primary frontage except the Garage Court Frontage (see Projecting Porch for options along any primary frontage)
- iii. Porches may wrap around corners to and may connect with porches or decks on adjacent building or component faces.
- iv. Porches, or sections of porches, attached to a rear facing wall may extend to a maximum depth of 12 ft.

4. DECK

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.



DIMENSIONS

Width	12 ft min, 24 ft max	A
Depth	8 ft min, 24 ft max	B
Permitted Encroachment	8 ft	

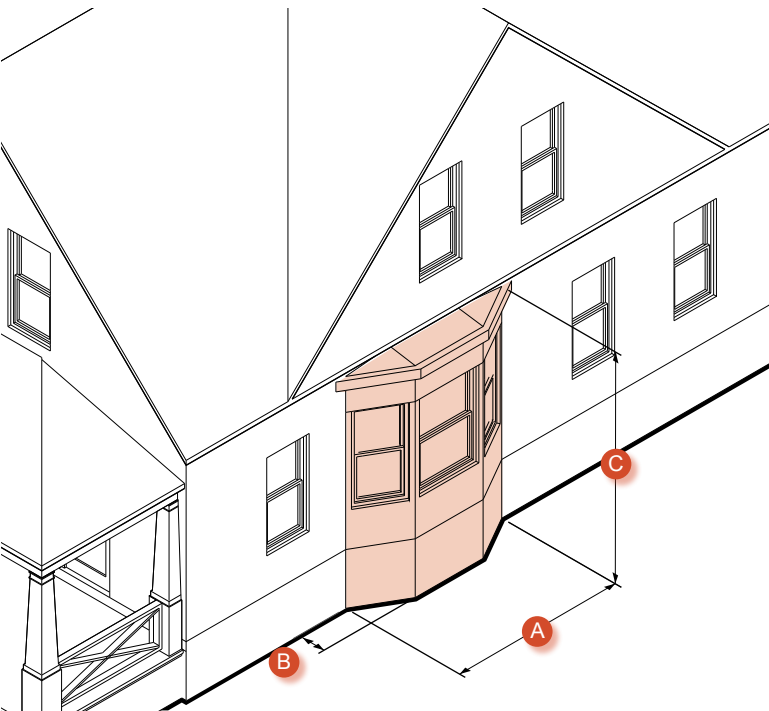
STANDARDS

- i. Decks may only encroach into side and rear setbacks, with the exception of houses elevated more than 6 ft on pilings or piers in a coastal overlay zone, in which case a deck may be used in lieu of a porch, provided it is similarly elevated.
- ii. The deck may connect a primary building with an accessory building.

Article 4: Building Standards

5. BAY

A window assembly extending from the main body of a building to permit increased light, multi-directional views, and articulate a building facade wall.



DIMENSIONS

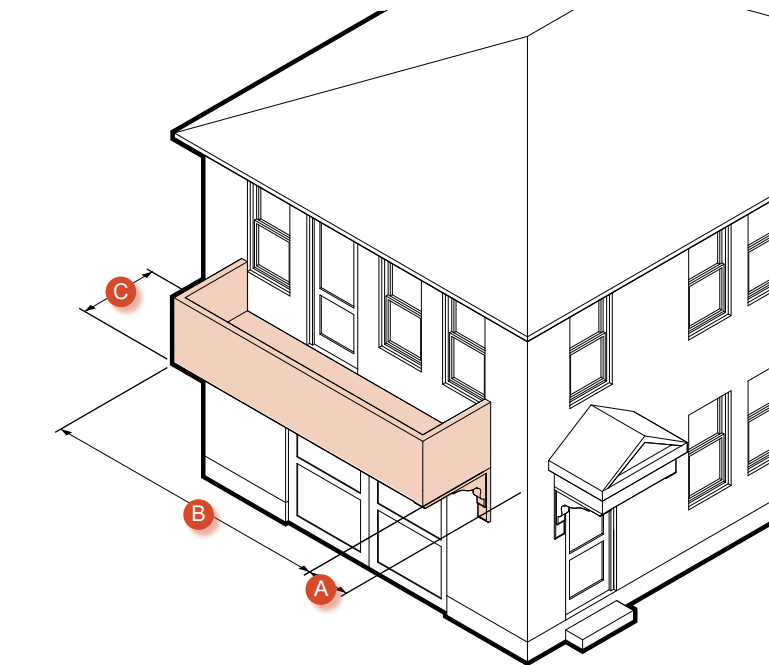
Width	50% max width of Facade or Elevation-building wall	A
Depth	12 in min, 3 ft max	B
Fenestration	50% min	
Height	Total number of complete building stories	C
Permitted Encroachment	3 ft	

STANDARDS

- i. Bays must have a foundation extend all the way to the ground level or be visually supported by brackets or other architectural supports.
- ii. Bays may be integrated within an unenclosed porch, provided the Depth does not exceed 2ft.

6. BALCONY

An unroofed platform with a railing that provides outdoor amenity space.



DIMENSIONS

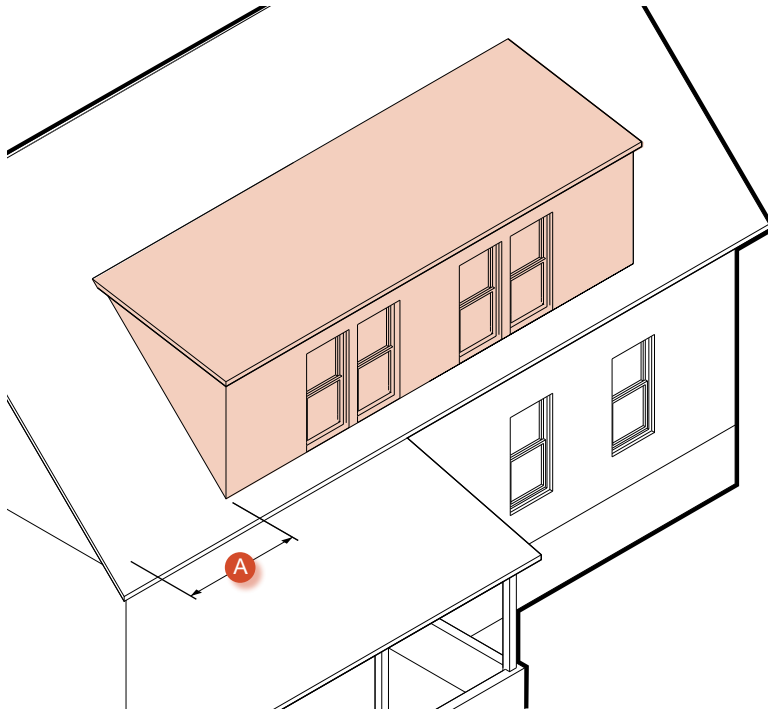
Required Inset	3 ft min (Projecting, Terraced) 0 ft min (Integral)	A
Width Length	5 ft min	B
Projection from Facade-Width	5 ft min (Projecting) 6 ft max (Integral, Terraced)	C
Permitted Encroachment	5 ft	

STANDARDS

- i. Balconies may be recessed integral, projecting, a combination of the two, or terraced as part of the main building roof or the roof of a portico, porch, or bay.
- ii. Terraced balconies are the only type permitted on to attach to the primary frontage front facade.
- iii. A projecting balcony must have a clear height above the ground of at least 10 ft.
- iv. The railing of any projecting balcony oriented toward a front lot line must have posts and rails with spacing.
- v. Balconies should be supported on wood or metal brackets or columns in keeping with the character of the building.
- vi. Integral balconies may stack on top of integral porches.
- vii. An integral balcony may meet a the front facade at a corner.

7. DORMER WINDOW

A window or set of windows that projects vertically from a sloped roof, designed to provide increased light and expand the habitable space of a half-story.



DIMENSIONS

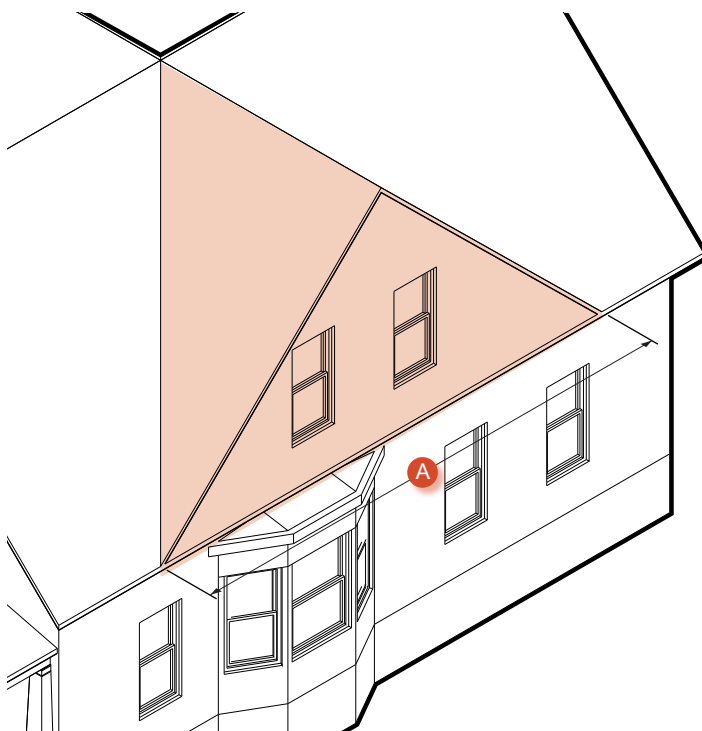
Gable End Setback	4 2 ft min	A
Ridge Line Setback	1 ft min	
Fenestration	30% 50% min (iii)	
Roof	See Table 4.1	

STANDARDS

- The face of the dormer should not project beyond the building eaves wall face below.
- Dormers must also conform to the height standards under Article 4.A. and the overall average height limit
- Windows in a dormer may not be narrower than 20 inches in width.
- The face of the dormer must be set back at least 12 ft from the vertical plane of all side lot lines, regardless of the setback of the building to which it is attached to.

8. CROSS GABLE

A sloped roof that projects perpendicularly from the main roof of a building to significantly increase the habitable space of a half-story.



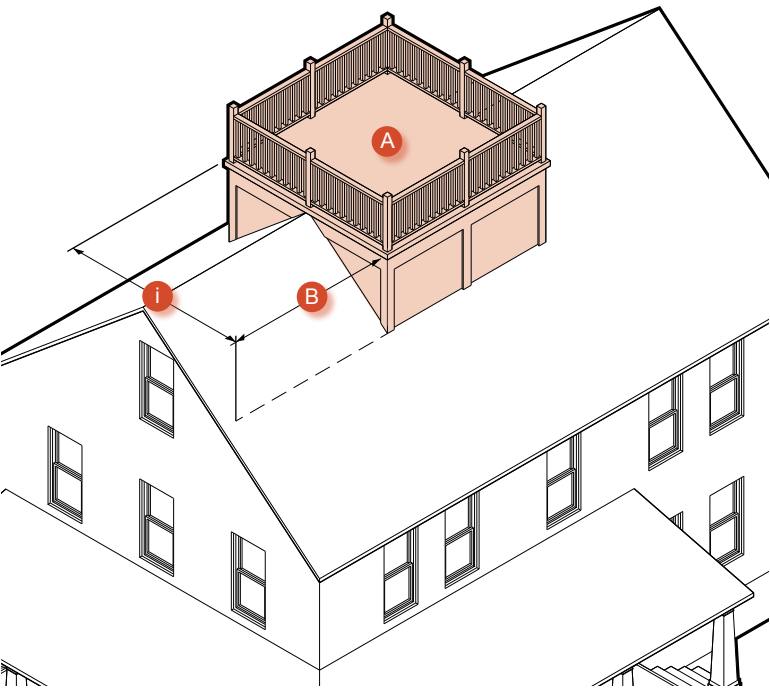
DIMENSIONS

Width	maximum of 50% of the eave length of the main roof	A
Roof	See Table 4.1	
Fenestration	30% min	

Article 4: Building Standards

9. ROOF WALK

A raised platform on the roof of a building or component that provides outdoor amenity space and allows for views.



DIMENSIONS

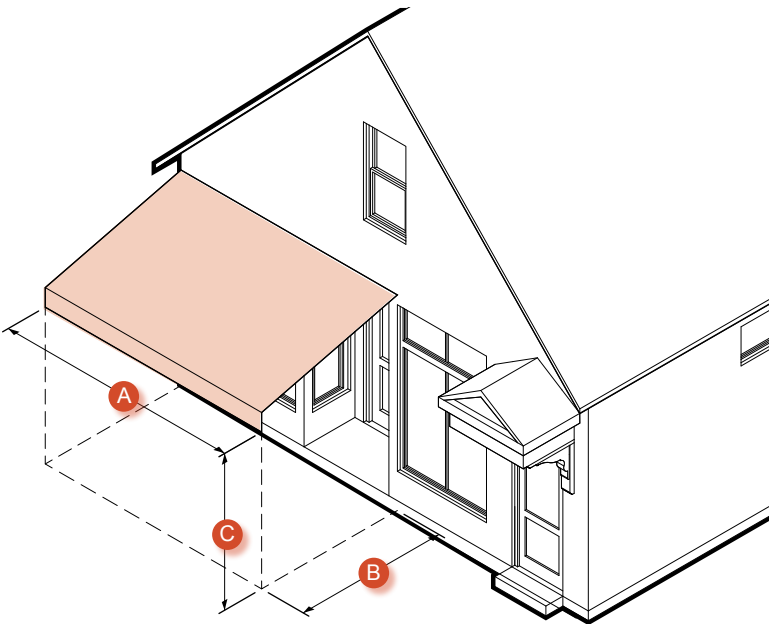
Total Area	400 sq ft max	A
Setback from Facade	5 ft min	B
Railing Height	3 ft min, 4 ft max	

STANDARDS

- i. The width of Roof Walks may not exceed 50% of the Building Width.
- ii. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity.

10. AWNING

A wall mounted, pitched, fabric covering extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

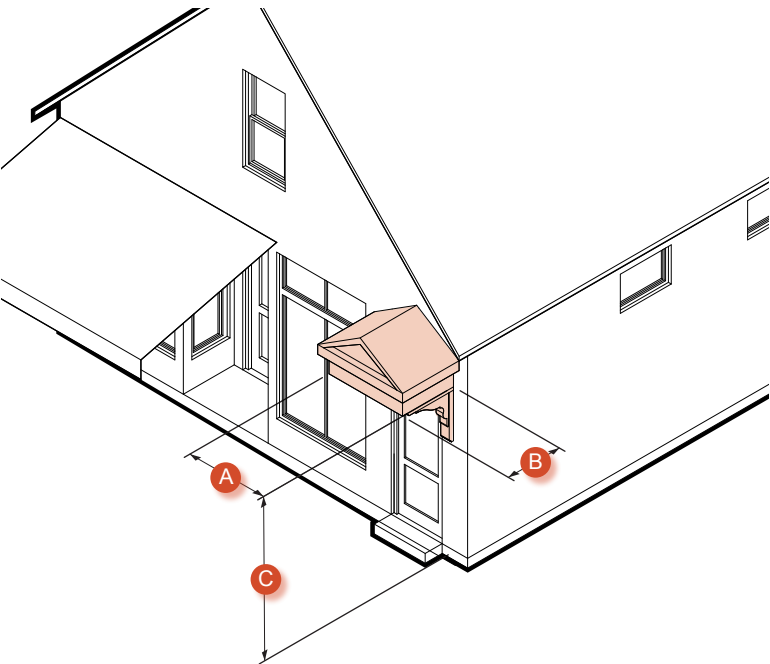
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

STANDARDS

- i. Where possible, awnings should be retractable.

11. CANOPY

A wall mounted, pitched, solid overhang extending from a building to provide shade and weather protection for pedestrians.



DIMENSIONS

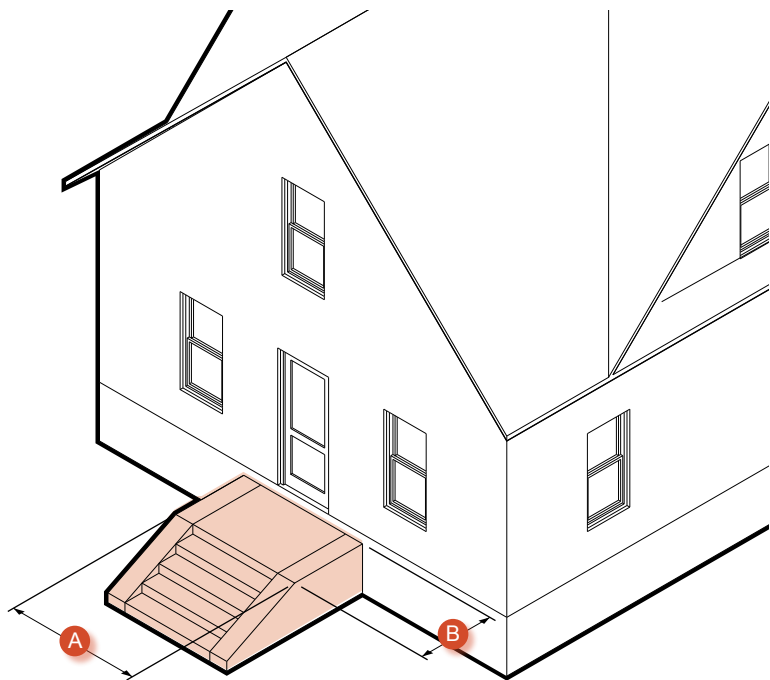
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

STANDARDS

- i. Canopies should be supported on wood or metal brackets or columns in keeping with the character of the building.

12. STOOP

A component type featuring set of stairs with a landing leading to an entrance of a building.



DIMENSIONS

Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

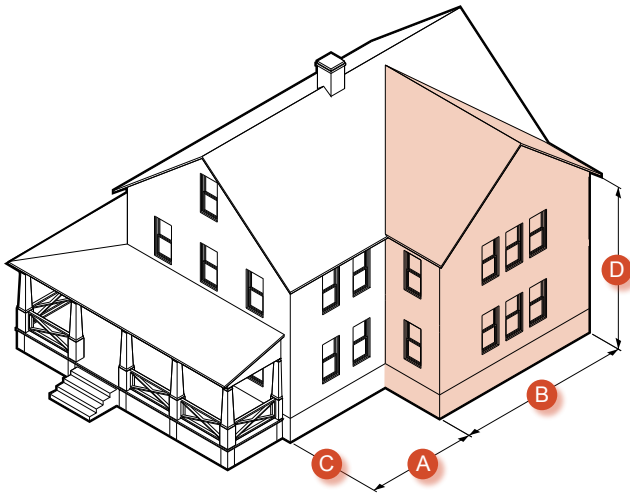
STANDARDS

- i. Stairs may be recessed into the building wall facade.
- ii. Stairs are not permitted to encroach onto any abutting sidewalk.
- iii. Stairs may be built perpendicular or parallel to the building facade wall, but must lead directly to ground level or an abutting sidewalk.

Article 4: Building Standards

13. SIDE WING

An **multi-story** extension from one or more side walls of the main body of a building.



DIMENSIONS

Setback from Facade	10 ft min	A
Floor Plate Area	50% max of the Floor Plate of the Principal Building	
Width		B
1-Story	1/2 depth of the Principal Building (max)	
2-Story	1/3 depth of the Principal Building (max)	
Projection	2/3 width of the Principal Building	C
Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	Same as Principal Building	

STANDARDS

- Side Wings may not encroach on setbacks.
- Side wings may be centered or offset at the side wall of the principal building, provided they share at least 6 ft with the common wall.
- Side Wings are not permitted on buildings that have an Estate Wing.
- Only one Side Wing is permitted per building side.

DIMENSIONS

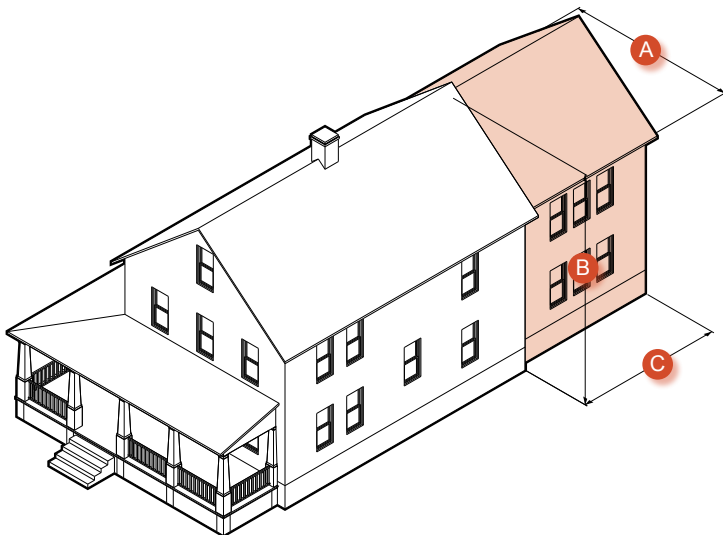
Setback from Side Elevations Width	2 ft less than Width of Principal Building (max)	A
Height	Same Height of Principal Building (max)	B
Roof	see Table 4.1	
Depth	Same Depth as Principal Building (max)	C

STANDARDS

- Rear Additions may not encroach on setbacks.
- Rear Additions may not be built on the same lot as a Carriage House, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.
- Rear additions may not contain a garage.
- Rear additions may be centered or offset at the rear wall of the principal building, provided they share at least 6 ft with the common wall.
- The side wall of a rear addition must be offset at least 1 ft from the plane of the side wall of the primary building, to prevent the creation of overly long side elevations.

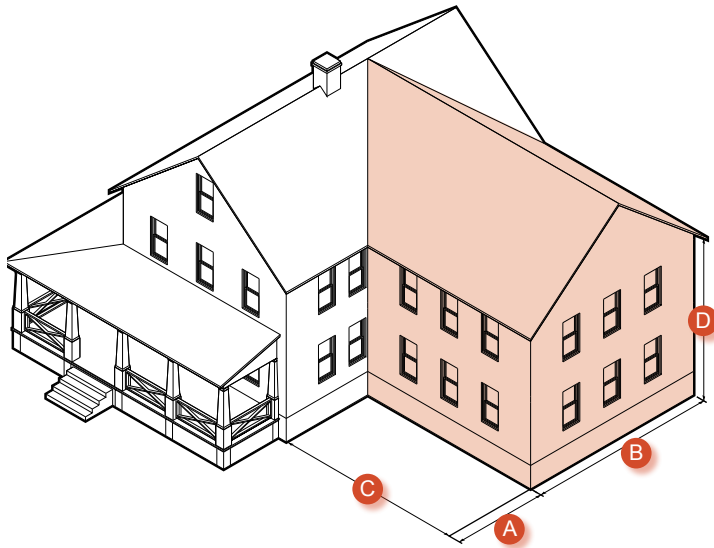
14. REAR ADDITION

An extension from the rear wall of the main body of a building.



15. ESTATE WING

A large multi-story extension from one side wall of the main body of a building. Estate Wings are only allowed on lots 100' 98' in width or greater.



DIMENSIONS

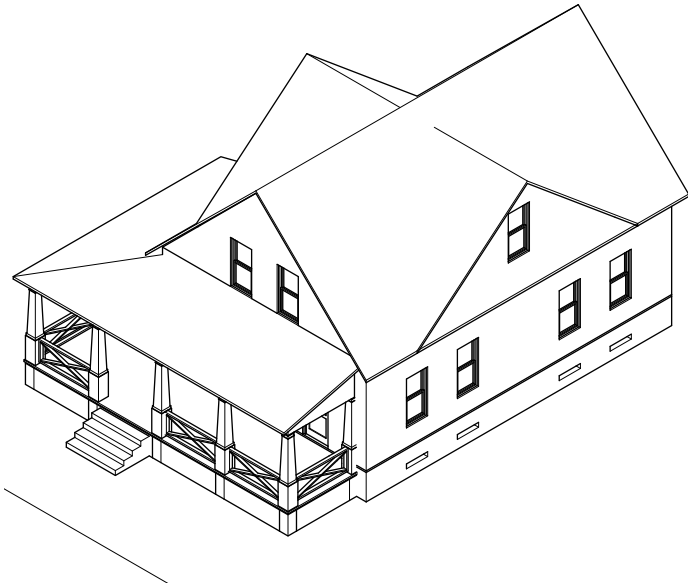
Setback from Facade	10 ft min	A
Width	Same Width as Principal Facade (max)	B
Projection	Same Width as Principal Facade (max)	C
Max Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	Same as Principal Building	

STANDARDS

- Estate Wings may not encroach on setbacks.
- Estate Wings may only be used on lots 98 ft x 98 ft or greater in size
- Estate Wings may not be used on a building that has a Side Wing.
- Only one Estate Wing is permitted per building side.

F. FOUNDATIONS & STANDARDS

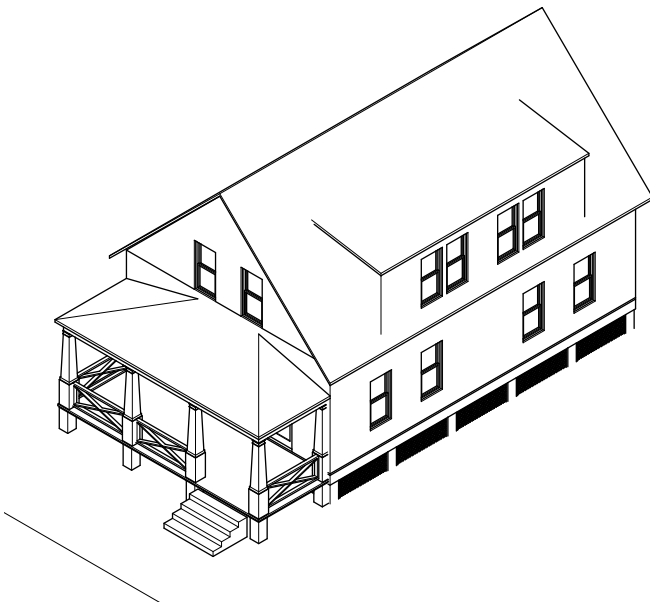
16. 0-4 FT HYDRAULIC FOUNDATION



STANDARDS

- i. Hydraulic foundations up to 4 ft in height should have the general appearance of typical foundations.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

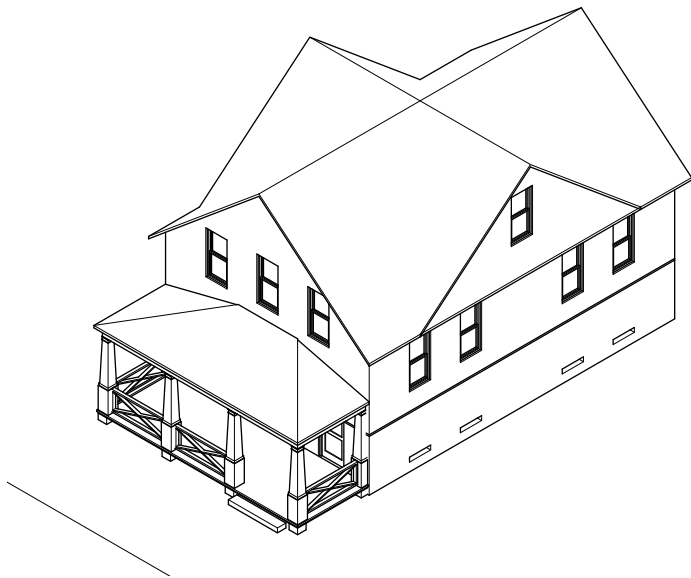
17. 0-4 FT PILE/PIER FOUNDATION



STANDARDS

- i. Pile/pier foundations up to 4 ft in height should be consistent with overall building architecture and have the gaps between piles or piers filled with approved breakaway panels or flow through latticework to give an impression of solidity.
- ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.
- iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance.
- iv. All heights measured from established ground plane.

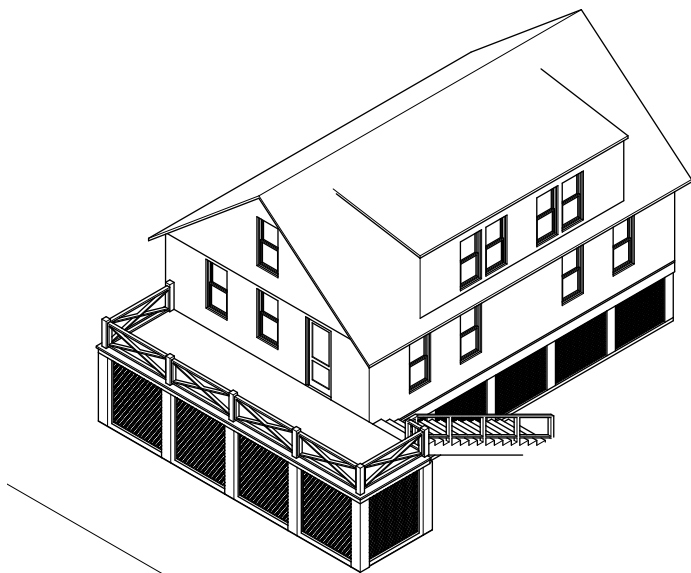
18. 4-8 FT HYDRAULIC FOUNDATION



STANDARDS

- i. Hydraulic foundations between 4 ft and 8 ft in height may have the general appearance of a split-level foundation.
- ii. Doorways and windows may penetrate the foundation in order to provide access from the outside and to conceal access stairs within the enclosed area of the foundation itself.
- iii. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- iv. All heights measured from established ground plane.

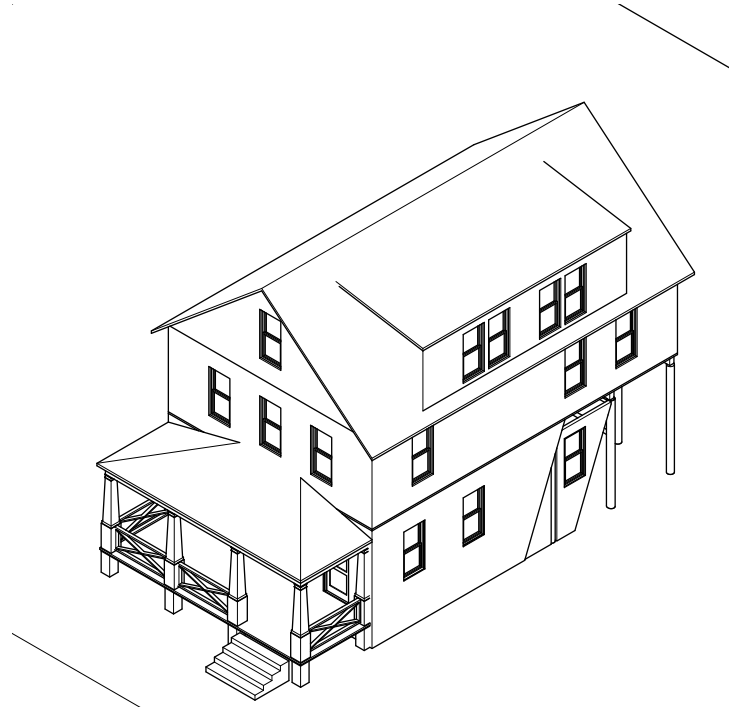
19. 4-8 FT PILE/PIER FOUNDATION



STANDARDS

- i. Pile/pier foundations between 4 ft and 8 ft in height may not have the appearance of a split-level foundation.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels or flow through lattice work to give an impression of solidity on all street facing walls.
- iii. Doorways and windows may occur in breakaway walls as a means of access to the enclosed area, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard. Stairways should not extend across the primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

20. 8 FT AND TALLER PILE/PIER FOUNDATION



STANDARDS

- i. Pile/pier foundations above 8 ft in height should have the general appearance of a full story.
- ii. Gaps between pile/ piers must be filled with approved breakaway panels on all street facing walls.
- iii. Doorways and windows should occur in breakaway walls as a means of access to the enclosed area and to appear like a typical first floor, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause extensive damage to the house.
- iv. Stairways should be concealed either within the enclosed area or in a side or rear yard, stairways should not extend across a primary frontage.
- v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and may not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

G. BUILDING FRONTAGE TYPES

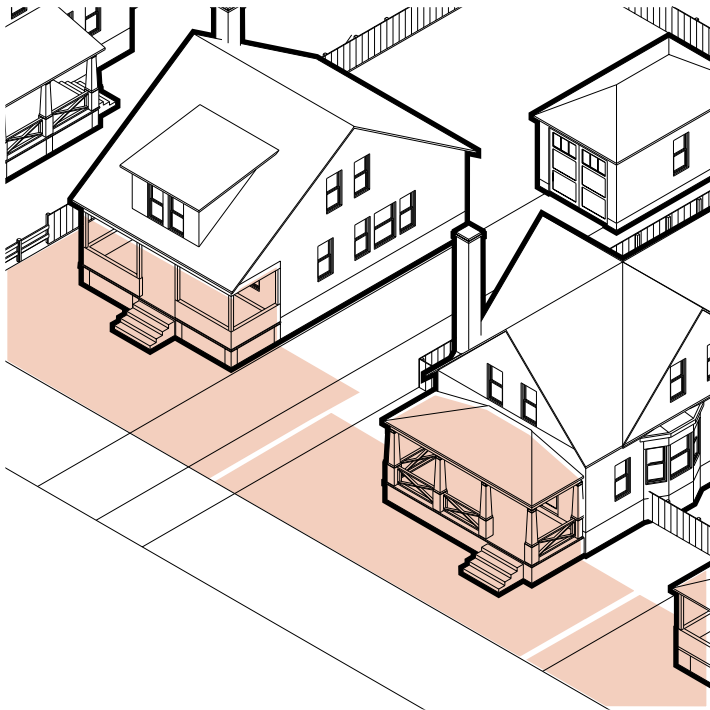
1. GENERAL

- a. Building Frontages are summarized on Table 4.3 described in Article 4.G.2-4 and permitted according to the standards in Article 2.A-B.
- b. Building frontages provide an important transition between the public realm (sidewalks, streets, and civic space) and the private realm (yards and building interiors).
- c. At least 1 building frontage type is required for each principal building.
- d. Lots may include multiple frontage types.

Article 4: Building Standards

1. RESIDENTIAL YARD

A frontage featuring a fenced or common front yard with porches allowed to encroach into the front setback.

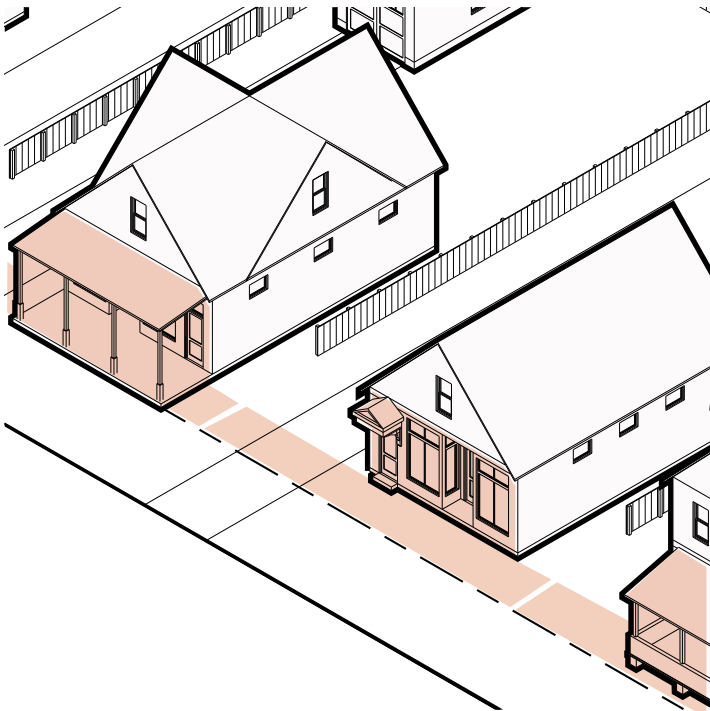


STANDARDS

- i. Porches are required along the Primary Frontage and must extend across at least 50% 75% of the width of the building facade.
- ii. Off-street parking may not be located in the residential yard and shall be sited behind the minimum front setback.
- iii. Paving is restricted to walkways and driveways, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iv. When two driveways are located next to each other an effort should be made to provide vertical landscaping between the driveways to break up the visual width of the paved areas.
- v. Landscaping should consist primarily of native species requiring minimal irrigation, fertilization, and maintenance.
- vi. Accessory Buildings are prohibited within this frontage.

2. SHOPFRONT

A mixed-use frontage type accommodating storefronts punctuated by entrances to uses on the floors above.



STANDARDS

- i. Store fronts are required on the Primary Frontage and may be used in conjunction with a front porch.
- ii. Frontage may be paved or planted with turf or garden beds.
- iii. Frontage requires at least one component be utilized.
- iv. Accessory Buildings are prohibited within this frontage.

3. BEACHFRONT GARAGE COURT

A primary street frontage allowed only on lots with both z frontage and beach frontage.



STANDARDS

- i. Driveways and parking may occur within the beachfront garage court, other parking related provisions notwithstanding.
- ii. Paving is restricted to walkways, driveways, and parking, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.
- iii. Notwithstanding the Accessory Building Placement requirements in Article 2, an Accessory Building is allowed within this frontage subject to a front setback of 3 ft. This is the only frontage type that allows this placement.
- iv. Whenever possible, garage doors should be oriented away from the primary and secondary frontages.
- v. When this frontage type is assigned to an applicable lot, it may only be applied along the frontage the lot shares with a street, the portions of the lot that front on the beach must be built to the standards of the Residential Yard frontage type.
- vi. Porches are required along the street facing facade of the primary building and must extend across at least 30% of the width of the building facade.

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A. COASTAL RESIDENTIAL 1 DISTRICT

1. PERMITTED USES

- a. Single family detached dwellings
- b. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)
- c. Accessory uses
- d. Municipal buildings and uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools
- c. Public utility facilities including substations, pumping stations and sewage treatment facilities permitted uses

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2.

B. COASTAL MIXED-USE - LIMITED DISTRICT

1. PERMITTED USES

- a. Hotels
- b. Bed and Breakfasts, except that in this District they are not subject to the performance standards of Section IX of this Ordinance
- c. Restaurants with no drive-thru service
- d. Retail Sales and Services, excluding automobile repair and service facilities, car washes, and outdoor sales and services
- e. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions
- f. Municipal buildings and uses
- g. Single family detached dwellings
- h. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)
- i. Accessory uses

2. SPECIAL EXCEPTION USES

- a. Home occupations
- b. Family day care homes, group day care homes, and nursery schools
- c. Public utility facilities including substations, pumping stations and sewage treatment facilities residential density

3. RESIDENTIAL DENSITY

- a. One principal dwelling unit is allowed per lot that complies with the Lot Standards in Article 2

C. ADMINISTRATION AND PERMITTING

1. ADMINISTRATIVE REVIEW

- a. Applications for new single family detached dwellings, additions, renovations, modifications, accessory units, out buildings, carriage houses and other permitted uses shall be reviewed and permitted administratively by the Planning and Code Enforcement Department. This administrative process will include a review and determination of compliance and consistency with the provisions of the Character Districts and standards as well as review and permitting under any other applicable local codes and ordinances including the building permit.
- b. Applications for special exception uses shall require Zoning Board of Appeals review and permitting prior to any administrative review and permitting by the Planning and Code Enforcement Department.
- c. Applications for uses and activities requiring review under Chapter 405B the Site Plan Review Ordinance, including any changes in use, shall require review under that ordinance by the Planning Board prior to any administrative review and permitting by the Planning and Code Enforcement Department.

2. NON-CONFORMING USES STRUCTURES

- a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.
- b. General routine repair or maintenance of non-conforming uses, structures, buildings, lots, or signs is permitted.
- c. Alterations made to restore structures or buildings to a safe condition is permitted.
- d. Components that meet the dimensional standards of the code may be added to existing non-conforming buildings, so long as the change does not expand or create a new nonconformity.
- e. Components may match an existing, non conforming roof pitch with the exception of non conforming flat roofs, provided all other dimensional standards of the code are adhered to.
- f. No nonconforming lot may be subdivided to increase the nonconformity.
- g. A lot that is nonconforming due to insufficient lot width or insufficient lot area may be developed, so long as any applicable setback standards are met. The administrator may waive building size dimensions, lot dimensions, or setbacks on lots that can't meet all of the above standards within the code.
- h. Restoration of Damaged Structures is permitted as follows:
 - i. When a nonconforming structure is damaged or destroyed

Article 5: Use Provisions and Administration

to the extent of 50% or more of its replacement value, the structure may be repaired or rebuilt only if it conforms to the provisions of this Ordinance.

- ii. When a nonconforming structure is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the cause of damage was not by any means within the control of the owner, the nonconformity is not expanded, and no new nonconformity is created.
- iii. A Zoning Permit for repairs or reconstruction must be granted within one year of the date of damage or destruction, unless an additional one year extension is granted by the Development Administrator.
- iv. When a structure containing a nonconforming use is damaged or destroyed, and the cause of damage was not by any means within the control of the owner, the nonconforming use may be reestablished provided that the above standards are met and the degree of the previous nonconforming use is not increased.

BUILDING TYPE:

A classification or kind of structure characterized and differentiated by its placement on a lot, massing, composition, use, and features.

COMPONENT:

One of the elements that make up a building, the other being the principal building mass. Components are comprised of smaller attachments to the principal building mass and provide architectural articulation and additional usable space.

DEPTH:

When related to lot dimensions, depth refers to the perpendicular distance between the closest points of the front lot line and the rear lot line.

EAVE:

The soffit resulting from the junction of a building wall and an overhanging roof.

ENGAGE:

To incorporate within a larger volume; in whole or in part.

FAÇADE:

The exterior wall of a building oriented in whole or in part toward a Street, or Beach, not including service alleys.

FRONTAGE:

The land that lies adjacent to a street, right-of-way, easement, civic space, or natural feature, or the space between a building and the same.

FRONTAGE, PRIMARY:

The primary frontage is located along the street upon which the lot fronts. For corner lots, the primary frontage is designated by one or more of the following conditions:

The property's postal address.

The orientation of primary building.

The lot line with the narrowest width.

The widest street, or the street with the widest pedestrian walkway.

FRONTAGE, SECONDARY:

On corner lots, the frontage that is oriented toward the second, non-address-bearing street.

FRONT SETBACK, PRIMARY:

The setback required along a primary frontage.

FRONT SETBACK, SECONDARY:

The setback required along a secondary frontage.

GROUND FLOOR:

The lowest floor of a building that is not considered a basement.

INTEGRAL:

To be contained, in whole or in part, within the structural envelope of a larger building element.

PIER:

A solid support designed to sustain vertical pressure, such as used in a section of a wall between windows or other adjacent openings or as structural member used in the construction of building foundations.

PRIMARY ENTRANCE:

The main point of access for pedestrians into a building, upper story use, or ground floor tenant space.

PRIMARY FRONTAGE:

See Frontage, Primary

SECONDARY FRONTAGE:

See Frontage, Secondary

SETBACK:

The horizontal distance required between the closest exterior wall of a Building or parking and a specified element, such as a lot line, easement, or natural feature, measured perpendicularly. This area must be maintained clear of permanent structures with the exception of allowed encroachments.

TOP PLATE:

The highest horizontal framing member of a wall. Syn. Wall Plate.

VERTICAL PLANE:

A flat surface perpendicular to the ground or horizontal plane.