

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
TOWN COUNCIL WORKSHOP ON
REVIEW OF COUNCIL GOALS – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.**

NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.*
- Item 5.** Minutes: September 16, 2015 – Regular Meeting.
October 7, 2015 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer's Warrants.

***Procedure for Addressing Council** [Posted in Chambers.]

Order No. 15-077, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance.

Order No. 15-082, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance Section 25, Parking Restrictions, Section A. Parking Restrictions, subsection II. Higgins Beach regarding metered parking.

Order No. 15-083, 7:00 p.m. Public hearing and action on the new request for a Massage Therapist License from Marisa Hikel, working at Lucinda's Day Spa, located at 311 Beech Ridge Road.

Resolution 15-006. Act to authorize the Town Manager to purchase meters and associated enforcement expenses for Higgins Beach from the Beach Revenue Account, in an amount not to exceed \$17,000.00.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 15-084. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards.

Order No. 15-085. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts.

Order No. 15-086. First Reading and schedule a Planning Board Public Hearing on the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area.

Order No. 15-087. Act on the review of a dangerous building located at 9 Partridge Lane and authorize the Town Manager to schedule a public hearing, pursuant to 17 M.R.S.A. §2581.

Order No. 15-088. Act to authorize the Town Manager and Zoning Administrator to pursue legal proceedings to abate the condition of the dangerous building located at 2 Asselyn Drive pursuant to 17 M.R.S.A. §2581.

Order No. 15-089. Act on the request to certify the election results from the Municipal Election that was held on Tuesday, November 3, 2015.

Item 8. Non Action Items.

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

Item 10. Town Manager Report.

Item 11. Council Member Comments.

Item 12. Adjournment.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-077. Move approval of the second reading on the proposed amendments to Chapter 313-A, the Town of Scarborough Property Tax Assistance Ordinance.

Note: Amend existing Ch. 313 not to apply to refund years after 2015

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that new Chapter 313-A – Town of Scarborough Property Tax Assistance Ordinance is hereby adopted as follows:

CHAPTER 313-A TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Scarborough with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed \$50,000.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information. At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household); or
- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. \$500.00.

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

2. Eligibility for Renters

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to be 18% of the rent payable from own funds by applicant (and other adult members of applicant's household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent.

Section 6. Annual Report to the Town Council

The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Section 7. Program Fund - Limitations On Payments

In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 8. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

Section 9. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought.

Section 10. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed

to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Section 11. Effective Date and Repeal of Prior Ordinance

This ordinance repeals and replaces Chapter 313, the Town of Scarborough Property Tax Assistance Ordinance adopted on April 18, 2007 as amended such that this Chapter applies to applications for property tax assistance received after October 15, 2015 under this chapter for payments paid beginning in calendar year 2016 related to taxes assessed in fiscal year July 1, 2015 through June 30, 2016, and thereafter.

Town of Scarborough
Property Tax Assistance Program
Determination of Eligibility and Benefits
2016

(This version for Tax Filing Owners)

1. Name:	_____	Phone:	_____
2. Address:	_____	E-Mail:	_____
3. Date of Birth:	_____	Document Seen:	_____ ME Drivers License/ID
Applicants must be 62 on 10/15/2016			_____ US Passport
Born on/before 10/15/1954			_____ Other _____
4. Resident of Scarborough	_____	Document Seen:	_____ Assessing Record
For at least 10 years on 10/15/2016			_____ Other
			_____ Oath
5. Federal Adjusted Gross Income	_____		
From filed Form 1040, 1040-A, or 1040-EZ			
6. Additional income of other adults in household	_____		
7. Total Income (Line 5 plus Line 6)	_____		
8. Income Limit	\$50,000		
a. If line 7 exceeds line 8: STOP: No benefit paid			
9. Benefit Threshold	_____		
5% of Line 7			
10. Real Estate Tax Assessed	_____		
July 1, 2015 through June 30, 2016 (FY 2016)			
11. Excess of Tax Assessed over Benefit Threshold	_____		
Line 10 minus Line 9. If line 10 does not exceed			
Line 9: STOP: No benefit paid			
12. Benefit Cap	\$500		
13. Benefit Determined (Check Mailed by 12/15/2016)	_____		
Lesser of Excess Tax of Benefit Cap			
(Lesser of Line 11 or Line 12)			

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____

Prepared / Approved by _____ Date: _____

Explaining the Proposed Senior Property Tax Relief Program

1. Why does our ordinance need to decouple from the State program?

Our ordinance relies on the State program for eligibility. State program changes caused nearly half of our participants to lose eligibility. Our residents should have a consistent program.

2. What is the framework of the new program?

Applicants need to be at least 62 years of age and reside in Scarborough for 10 years (no change from the current ordinance). The test for eligibility then looks at how much of an applicant's income (5%) has to be paid in property taxes. For every dollar the property taxes are more than 5% of income a rebate is paid up to \$500.

3. Will the new program be too complicated to manage with our limited resources in assessing?

The formula focuses on simplicity. It uses information that is readily available to applicants and is easily calculated by the staff. No sensitive documents will be or need be retained by the Town.

4. Why was 5% of income chosen as a threshold for creating eligibility?

Relying upon the judgments underlying the State's successful earlier program, any percentage in the 4-6% range is probably appropriate as a limit on how much of an applicant's income should go to property tax. The former State program started with 4% and the 2015 proposed legislative fix that failed used 5%.

5. Why was \$50,000 chosen as an income cap?

Several benchmarks were considered. The income limit for eligibility for affordable housing like the new Avesta project in Scarborough is slightly below \$50,000. Median household income in Scarborough is roughly \$60,000.

6. So a person with income just over \$50,000 gets no benefit?

The draft does cut off eligibility. This is somewhat inequitable but the formula as proposed has a progressive element (higher income levels require higher tax obligations). At the price of increased complexity a phase-out could be introduced. Allowing the program to operate for a year with a "hard cap" will allow us to monitor the need for a phase-out.

7. Why was Federal Adjusted Gross Income (AGI) chosen?

The premise was to use a suitable number that nearly every applicant would have. Federal AGI is the simplest of the readily available numbers and is much simpler than Maine AGI. It is anticipated that few if any recipients will have sources of income that escape Federal AGI and staff can monitor for any anomalies.

8. Why is the maximum benefit capped at \$500?

\$500 was chosen because it was the limit in the Town's previous ordinance and having a cap helps control the size of the program. With the loss of State program benefits for many Scarborough residents it would not be unreasonable to consider increasing the cap.

9. How do the changes work procedurally for adoption?

Chapter 313 is the old ordinance and remains in effect for the 2015 program. Chapter 313-A replaces Chapter 313 for 2016 and thereafter.

10. Are renters and persons not filing tax returns covered?

Yes. For renters the same formula applies using 18% of rent (the State figure proposed in the 2015 legislative fix) as their "property taxes". As a practical matter, few renters are expected to be 62 and 10 year residents. Rent subsidies cannot be used to qualify. Non-filers only need to show their W-2's and 1099's to allow staff to calculate Federal AGI.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-082. Move approval of the second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance Section 25, Parking Restrictions, Section A. Parking Restrictions, subsection II. Higgins Beach regarding metered parking.

**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/or deleting the text shown in strikeover type, as shown below:

II. HIGGINS BEACH.[amended 01/19/2011][amended02/16/2011]

- a. Upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

Parking shall be allowed on the easterly side of Acorn Lane from September 16^h to April 30th.

- b. Exempt from paragraph (a) of this subsection are the following:
- (i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)
 - (ii) 1 hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue from the end of the drop-off zone to Morning Street. From September 16th to April 30th, the 1 hour parking shall not be in effect.
 - (iii) On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street. (amended02/16/2011)
 - (iiii) there shall be no parking on any of the other streets year round unless otherwise noted herein.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-083. Move approval on the new request for a Massage Therapist License from Marisa Hikel, working at Lucinda's Day Spa, located at 311 Beech Ridge Road.

Town of Scarborough, Maine

Town Clerk's Office

259 US ROUTE ONE

PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

TO: Town Council Members

FROM: Yolande P. Justice, Town Clerk

DATE: October 30, 2015

RE: New Request for a Massage Therapy License

The following applicant is requesting approval on a Combined Massage Establishment/Massage Therapist License:

- Marisa Hikel, working at Lucinda's Day Spa, located at 311 Beech Ridge Road

Applicant is in compliance with the requirements of the Town Clerk's Office and there are no outstanding issues. The completed application is on file with Clerk's Office.

It is recommended that this license be granted.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Resolution 15-006. Move approval to authorize the Town Manager to purchase meters and associated enforcement expenses for Higgins Beach from the Beach Revenue Account, in an amount not to exceed \$17,000.00.

Town of Scarborough, Maine

U S R O U T E O N E , P O B O X 3 6 0
S C A R B O R O U G H , M A I N E • 0 4 0 7 0 - 0 3 6 0

RESOLUTION 15-006

Town of Scarborough

PARKING METERS AT HIGGINS BEACH

BE IT RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled that the Town Council authorizes the Town Manager to expend monies from the Beach Revenue Account to purchase parking meters and associated enforcement for on-street parking at Higgins Beach, in an amount not to exceed \$17,000.00, estimated cost breakdown is as follows:

1. Meter Station	\$ 7,500.00
2. Monthly service fees	
[5 months @ \$65.00]	325.00
3. Installation	500.00
4. Additional staff cost	<u>\$ 8,500.00</u>
	\$16,825.00

Signed and sealed this the 4th day of November, 2015, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

Signed by: _____
Jessica L. Holbrook
Council Chair

Attested by: _____
Yolande P. Justice
Town Clerk



Town of Scarborough

Manager's Office Memorandum

To: Scarborough Town Council

From: Thomas J. Hall, Town Manager

Re: Proposal and Recommendation for Metered Parking at Higgins Beach

Date: October 16, 2015

Per Resolution 15-005 I have been tasked with researching the options and recommending a proposal for use of meters at Higgins Beach as a means to enhance enforcement of the time limits. Of course the installation of meters alone will do nothing without additional staff resources for enforcement. Initial thinking suggested that the most cost-effective solution consider use of meters at the public parking lot as well; however after further review it has been determined that the needs of the lot are different enough from the on-street parking that the effort not be combined at this time.

This memorandum will provide a discussion of the relevant issues and provide recommendations to address the specific intent of enhancing parking management and enforcement for the on-street, time-limited parking spaces on Bayview Avenue.

Background - In 2011 the Town designated thirteen (13) one-hour time limited on-street spaces (2 of which are handicapped) and a temporary (5 minute) drop-off zone on Bayview Avenue. This on-street parking occupies the area between Pearl Street and Morning Street. As a part of this project the Town constructed a sidewalk on the ocean side of the street and designated crosswalk locations to provide for pedestrian safety. Generally, the spaces have worked well, serving the intended purpose of providing short-term, convenient parking opportunities proximate to the beach. However, residents in the area have expressed concern regarding "behavioral issues" of some of those using the spaces as well as concerns relating to abuses of the time limit and a lack of enforcement.

The Ordinance Committee, and then the Town Council, considered various approaches to address the behavioral issues, but in the end decided not to pursue any changes in this regard. However, there is a desire to enhance enforcement capabilities to ensure that abuses of the time limit are reduced and the intent of short-term, convenient access is achieved. Lack of enforcement has been a consistent theme in these discussions, in fact it was widely acknowledged at the time of creating the spaces that there are certain times of the day that there is no designated staff in the area. The installation of a parking meter has been identified as an important component of enhanced enforcement.

Integrated Parking Solution – Since the start of the operating the parking lot it has been the desire of staff to find an automated solution to managing the spaces in the lot. Initially, we saw this as an opportunity to advance an integrated solution with the use of multi-space meters, based on our research and consideration of staffing requirements, we do not recommended the use of meters in the lot at this time. Initial thought was that the use of civilian parking enforcement (for the lot and on-street) was significantly more cost-effective, but after evaluation that was not the case. More importantly, management of the lot presents several unique challenges and costs that unnecessarily complicates the immediate issue of better management of the on-street spaces on Bayview Avenue. Therefore, we do not recommend implementing an integrated solution at this time. Rather, we intend to study the matter further and propose solutions as part of the budget process.

It appears that this approach will be the best option and we would like to consider it at all lots. By pursuing the installation on Bayview Avenue it will provide a great opportunity to have some experience with this approach before integrating town wide.

Meter Recommendation – In evaluating strategies for enhanced enforcement, the installation of meters to more accurately monitor time has been identified and a preferred approach. Initial consideration was given to traditional coin-operated meters at each spaces, but that was quickly dismissed as too costly and unsightly. Newer technology of a “meter station” capable of controlling multiple spaces has been identified as the preferred option. Given the limited number of spaces and the fact that they are contiguous, a single meter station located at the midpoint (near the intersection with Ashton Street) of the spaces will be sufficient to meet the need.

Based on our research of surrounding communities, we recommend a CWT Compact unit by Cale America (see attached information). This unit is low profile and solar powered and can be easily removed during the winter months. Though my recommendation does not involve payment, this unit is certainly capable of receiving payment should we choose to require this in the future.

Cost: The cost of the preferred meter station is \$7,500 and although there is a 36-month lease option at \$230/month, I recommend outright purchase. There is a \$65/month service fee for administrative support and we have negotiated that the fee be charged only during those months the unit is in operation (our intention is to remove the meters in the winter). Public Works will prepare the concrete pad for the unit at an estimated cost of \$500.

Operations: A parking ticket would need to be obtained from the meter station, at which time the patron would need to input the license plate number of the vehicle. This ticket would indicate the time issued and more importantly when the time will expire and be displayed on the dashboard of the vehicle so it is plainly visible from the outside. To guard against “shuffling” among the spaces and generating a new ticket to enable parking beyond one-hour, the meter

station will be programed not to issue another ticket to the same vehicle until at least one hour (it could longer) has elapsed after expiration of the previous ticket. The Reserve Officer will observe the ticket and the time stamp and issue fines as appropriate. Since this is our first experience with parking meters, I will be recommending an additional amendment to the Traffic Ordinance (Chapter 601), that will make it a violation if a ticket is not displayed. Below the language from the City of Portland that addresses this matter:

Sec. 28-84. Violations. *It shall be unlawful for any person to: (b) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain in a parking space controlled by a multi-space parking meter or single space meter without displaying a valid receipt while so parked, or without displaying the receipt on the dashboard in such a manner as to be clearly visible and face up, showing the date and time available to park on the receipt;*

Staffing Enhancement – Of course meters alone will not stop abuses of the time limit as personnel are necessary for effective enforcement. As we consider an integrated solution, civilian parking enforcement may be the best option in the long run; however, in response to the immediate need, I believe expanded use of Reserve Officers is the best solution. Historically, Reserve Officers have provided coverage from Memorial Day to Labor Day from 10 AM to 5 PM daily, with additional coverage on Friday and Saturday to 11 PM. Since the on street parking restriction begins on May 1 and extends to September 15 and is allowed between the hours of 6 AM to 10 PM, additional coverage is needed. To meet this additional need, I propose to schedule a Reserve Officer in from 530AM – 900PM each weekday and from 530AM-11PM on Friday and Saturday nights from May 1st through September 15th. The additional annual cost for these expanded hours is approximately \$18,500, which will be considered in the 2017 budget request. In the meantime, to ensure we can provide the enhanced coverage beginning this spring we need an additional \$8,500 to supplement the budget.

In addition to parking enforcement, below please find an overview of the other functions that Reserve Officers perform on a daily basis:

- Be dispatched to calls at Higgins Beach
- Enforce parking ordinances at Higgins Beach (all of the beach community, not just Bayview Avenue)
- Monitor piping plover nesting areas for violations when appropriate a
- Monitor restrictions to dogs on the beach for violations
- Enforce surfing ordinance
- Enforce smoking and consumer fireworks ordinances
- Enforce other laws and ordinances that are applicable town wide
- Provide foot / bike patrol of the neighborhood

Fees and Fines – I recommend that there be no fee associated with these spaces. The meter is certainly capable of requiring payment if it is decided that payment is necessary, but in the near term I recommend parking be free of charge. With vigilant enforcement it is possible that fine revenue will increase to help off-set the cost of the program. It is my intent to ensure that all costs to support this program are derived from non-tax beach revenues.

With respect to what other communities charge for parking tickets, please see the chart below. Although the actual fine amount is \$80, for the purpose of this analysis I am using \$40, which is actually the reduced rate if paid within 30 days (the majority are paid within 30 days). Our ordinance is a bit different from some in that it shows the fine being \$80 with a 50% reduction if paid in the first thirty days instead of showing a fine that gets doubled if not paid within thirty days. I have been advised by the Police Dept. that the intent of the reduce rate was to reward the early payment instead of punishing the late payment.

The data below indicates that Scarborough is above average, even when using the lesser amount of \$40, with the exception of the handicap and fire hydrant violations, which are driven by a couple of very high fines in other communities. Based on this, I do not recommend any increase in the fine amount at this time.

	Scarborough	Portland	Westbrook	Falmouth	Saco	Average	Above/Below Average
No parking zone	40	30	40	15	25	30	10
Handicap	60	200	40	50	100	90	-30
Fire Hydrant	40	35	60	15	100	50	-10
Overnight	40	15	20	15	0	18	22
Too close to inter	40	30	20	15	25	26	14
On sidewalk	40	30	20	0	100	38	2
Snow ban	40	35	60	15	25	35	5

Should you accept my recommendations, I respectfully request authorization to expend up to \$17,000 from the Beach Revenue Account to implement this program to begin May 1, 2016. I recommend approval of Resolution No. 15-006. With this approval, we look forward to gaining experience with a meters as a parking management tool for management of all town-owned parking facilities.

Attachment: Cale America –Meter Specifications

CC: Chief Moulton



**CALE
AMERICA**

CWT Parking Made Easy

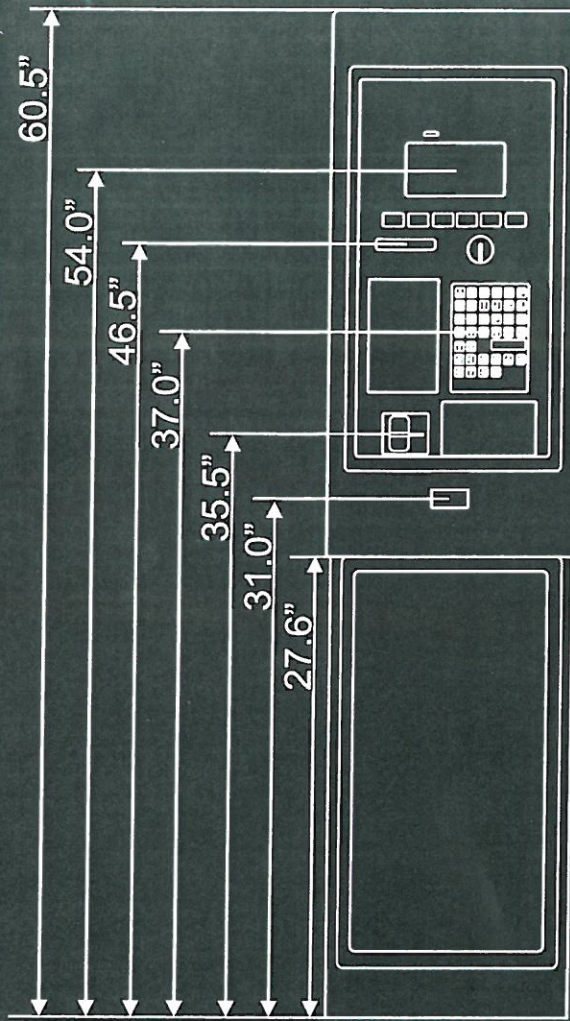
Any Enforcement Style:
Pay by License Plate
Pay by Space
Pay and Display



- Enforcement Applications: Pay by Plate, Pay and Display or Pay by Space
- Meets Current ADA and PCI Compliance Guidelines
- Stainless Steel Construction
- Solar or AC Powered
- Programmable LCD Display 3" X 6"
- Access to Cale Help Desk, Open 7 Days per Week
- Payment Options: Coins, Debit/Credit Cards, Contactless Payment, NFC
- Bill Acceptance (Optional)
- 3G Wireless Communications
- Web-based Back-Office Reporting
- Maintenance Tracking with Automatic Tech. Ticket Generation
- Electronic Locks (Optional)
- Custom Graphics
- Finance or Rental Options Available
- Mobile Payment (Optional)
- Online Permit Account and Coupon Code Capable
- Back-Office Rate Configuration Capable

**The innovative CWT can change enforcement styles
without replacing any hardware!**

**& ADA
COMPLIANT**



CWT SPECIFICATIONS

Cabinet and Pedestal

Dimensions (H x W x D)	60.5" x 16" x 11.8"
Construction	LDX Stainless Steel and Aluminum
Weight	165-187lbs.
Paint	Powder-Coated with Anti-Graffiti Paint
Compliance	EN12414

Electrical Data

Solar Operation	12V, 10.W	
Power (Optional)	230 V	115 V
Consumption		
Mains	0.2 A	0.4 A
Operation		
One Heater	0.5 A	1 A
Two Heaters	1 A	2 A
Battery Operation	12 V DC	

Environmental Conditions

Operating Temperature*	-31° to 158° F
Heating	High Efficiency Heater with Thermostat.
Relative Humidity up to 97%	(Only Available with Main Power)

Operation

Function Buttons	4 Software Controlled Buttons Below Display Separate Accept and Reject Buttons Alpha Numeric Keyboard with up to 48 Buttons
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Display

Appl. & Data memory	Graphical, Monochrome, 6.6" Supports Various Alphabets Sdcard up to 4GB
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Near Field Communication

NFC	Contactless Card or RFID Tag for Electronic Lock and Access and Cale Online Permit Account Service
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Card Payment

Magstripe	Insertion Reader for Track 2 with Various Online Processing Services.
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Contactless

	Mifare DES Firesmart Card Support Also used for Electronic Lock access and Cale Online Permit Account Service
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Coin System

Coin Verifier	
Coin Slot Protection	
Escrow Volume	
Coin Box Volume	

Coin Vault Locks

Coin Vault Door	
Audit/ticket	
Coin Vault	

Printer

Type	
Capacity	
Characters	
Paper Cutter	
Ticket Sensor	
Graphics	
Orientation	
Paper Supply	
Black Mark	
Ticket Length	
Paper Thickness	
Paper Loading	

Communication

3G, GPRS, LAN	
Type of Data	

Miscellaneous

Mounting Frame	
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Electronic Locks

Buzzer	
Audio	

LED Light

Vibration Detector	
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Central Administration

Software	
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Industry Standard for up to 16 Coins/Tokens,
3 switch Controlled, Reprogrammable Tolerance Ranges
Mechanical Coin Slot Shutter with Inductive Loop
0.35L, 1.8foz
4.6L 155.5foz with Presence Sensor
SW Controlled Overfill Protection
Closed Cash Collection System Supported

Ablay Exec.
6mm (0.24") Hardened Steel, 4-Way and 6 Points,
Drilling-Protected Locking Latches
Supported
4mm (0.16") Sheet Metal with Side
Drilling Protection

Thermoelectric
Up to 4,500 per Roll
Proportional Font, up to 25 chars/line
Complete Cutting Take
Standard
Supported
Landscape and Portrait
57mm (2.24") from Roll
Supported
75-150mm(2.95-5.90")
55-110g/m
Automatic

Supported
Transactions, Blacklists, Tariffs, Parameters,
Statistics, SW, OS, Firmware Alarms, Etc.

The CWT Compact is Compatible with Base
Anchors Supplied by Cale and Various Terminal
Suppliers
Patented Cale Technology with Central
Administration and Both Electronic and Mechanical
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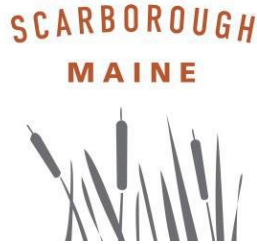


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AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-084. Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance to establish a new Section XVI.B. Higgins Beach Character-Based Zoning Districts and Building Standards and schedule public hearing upon receipt of the Planning Board's recommendations.



To: Town Councilors and Tom Hall, Town Manager
From: Dan Bacon, Planning Director
CC: Long Range Planning Committee
Date: October 29, 2015

1st Reading - Higgins Beach Character-Based Code

Dear Councilors, as was discussed at the workshop on October 7th, the planning staff, our consultant and the Long Range Planning Committee members have been working with the Higgins Beach neighborhood residents and property owners on a comprehensive effort to repair the zoning that applies to the Higgins Beach community. This effort included a three-day “design studio” in early June; the drafting of a new code over the course of the summer; a follow up neighborhood meeting in early September; and our workshop in early October.

With a lot of input and direction by the neighborhood, the Long Range Planning Committee and Town Councilors, we are now pleased to provide you with the final version of the proposed Code for your review and consideration for 1st Reading on Wednesday November 4th.

For the benefit of those that aren’t as familiar with the details and background behind this initiative, this memo is provided to highlight both the goals for the new zoning code and an overview of what it includes:

Goals for the Higgins Beach Character-Based Code

The following are some of the key goals and reasons the zoning is in need of repair:

- The cottages and homes in Higgins, and the pattern of development, have a special, beach community character. In June the community expressed a strong desire to see that new homes, cottages as well as new additions and renovations occur in a manner that is in keeping with this character. The Character-Based Code has been crafted to achieve this.

- The setback and lot requirements in the current zoning severely limit how additions, renovations and new construction can occur on existing lots, and cause either unorthodox building designs and/or complicated and uncertain appeals for variances from the Board of Appeals to enable changes. The Character-Based Code is intended to eliminate these constraints and enable new construction and alterations that are in keeping with the character of Higgins Beach through administrative review.
- In addition to local zoning, there is also shoreland zoning, floodplain requirements, and sand dune standards that apply to many properties at Higgins, often working at cross purposes. The Character-Based Code is aimed at aligning these codes and requirements where possible and providing them in a single document and format that can be used to aid and inform the design and construction process.

Overview of the Higgins Beach Character-Based Code

The Character-Based Code is different from conventional zoning. Instead of conventional standards, it focuses on the lot placement, form, scale, and architectural components of development. In other words, it focuses on the “character” of new construction, additions and alterations.

To this end, the key pieces of the Character-Based Code are:

- **Lot Standards** – including building placement requirements for primary buildings (homes) and accessory buildings (garages, carriage houses etc) that mimic the historical pattern on 50’ x 100’ lots and lesser setbacks
- **Building Forms** – general building forms that define the character of Higgins, including coastal cottages, bungalows, beach houses, inns etc. and standards around key characteristics, scale and form
- **Building Components** – enabling, and in some cases requiring, a range of building components like porches, decks, dormers, additions and the like, that are in character with Higgins and can enable larger homes that remain in scale
- **Development Standards** – standards and allowances for other features like parking, driveways, yards, and guidance and predictability on site design and development

Thank you, and we look forward to discussing this further at 1st Reading.

Proposed Amendment to the Chapter 405, the Town of
Scarborough Zoning Ordinance to establish a
new Section XVI.B Higgins Beach Charter-Based
Zoning Districts and Building Standards

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in
Town Council assembled, that the following amendment to Chapter 405, The
Scarborough Zoning Ordinance of the Town of Scarborough, Maine, be and hereby is
amended as follows:

Town of Scarborough
HIGGINS BEACH
CHARACTER-BASED
ZONING DISTRICTS

Final

10-29-2015

Summer/Fall 2015

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ARTICLE 5: USE PROVISIONS AND ADMINISTRATION

Uses Allowed in Coastal Residential 1 (CD-CR1)

Uses Allowed in Coastal Mixed Use - Limited (CD-CML)

A. GENERAL

1. 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 adaption 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.

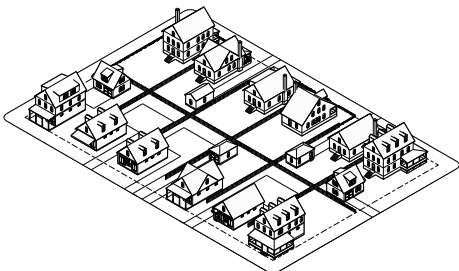
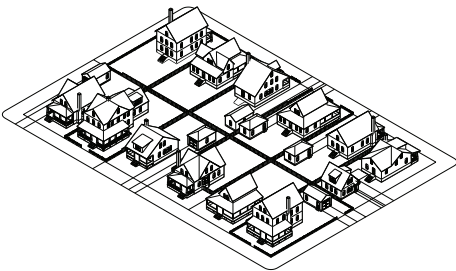
2. APPLICABILITY

- 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.

3. 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.

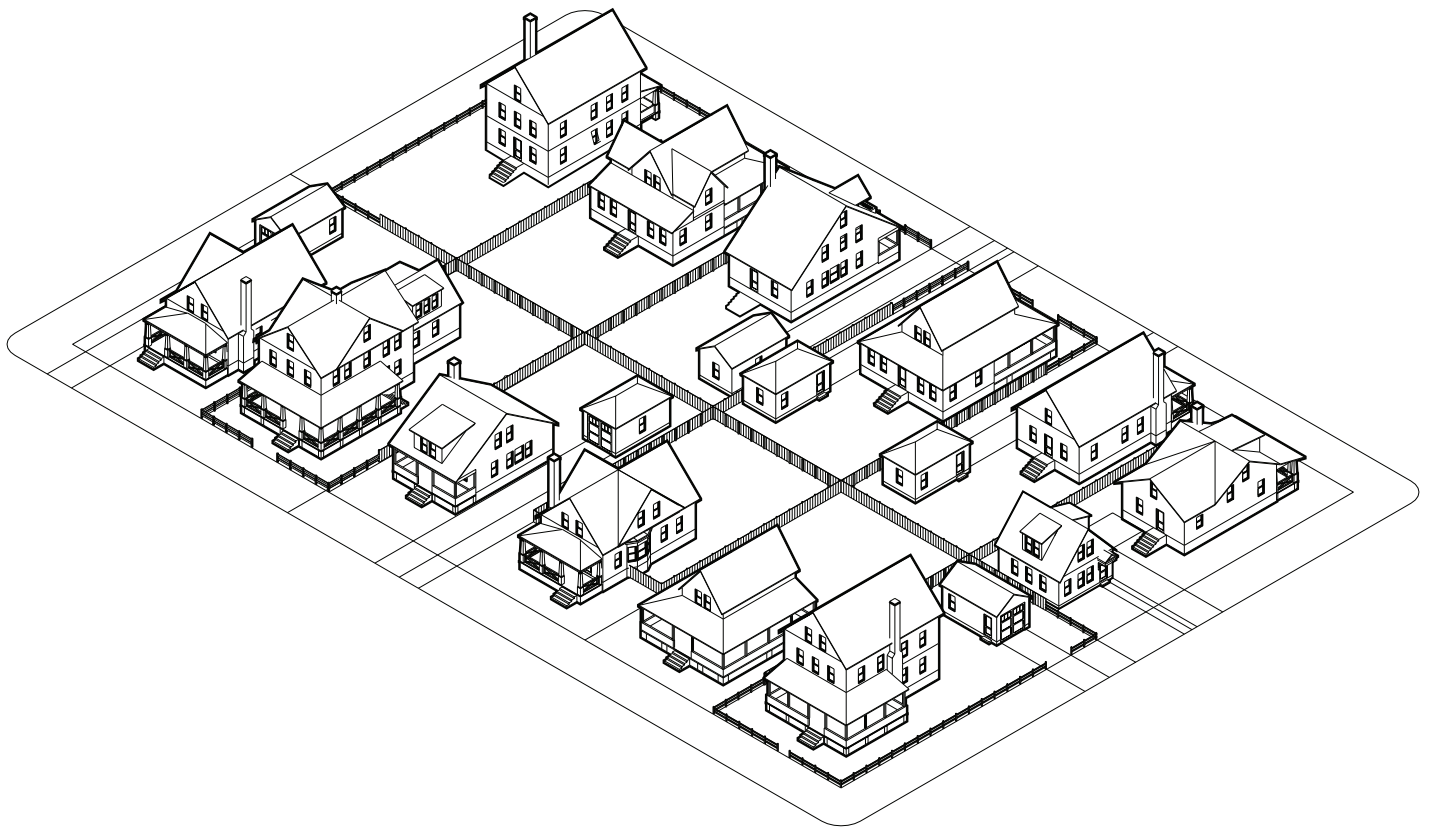
TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE



1. COASTAL RESIDENTIAL 1 (CD-CR1)

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

B. COASTAL RESIDENTIAL 1 (CD-CR1)



1. INTENT

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

2. 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.

3. BUILDING STANDARDS

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

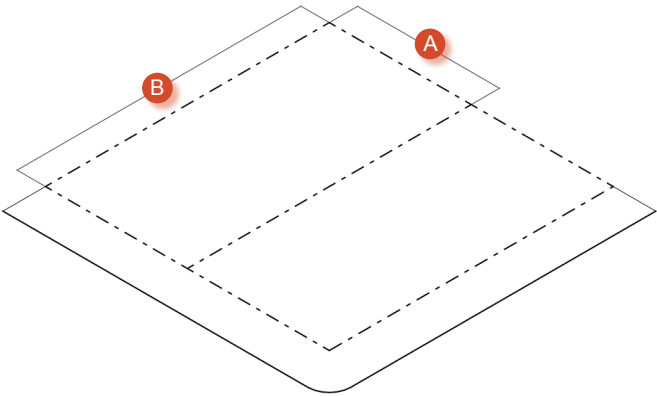
PERMITTED BUILDING TYPES

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

4. LOT STANDARDS

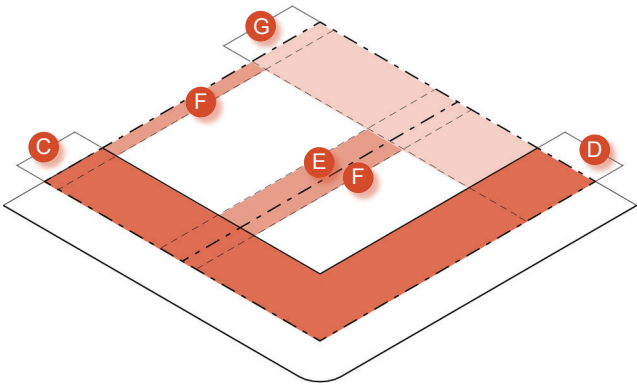
LOT DIMENSIONS

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



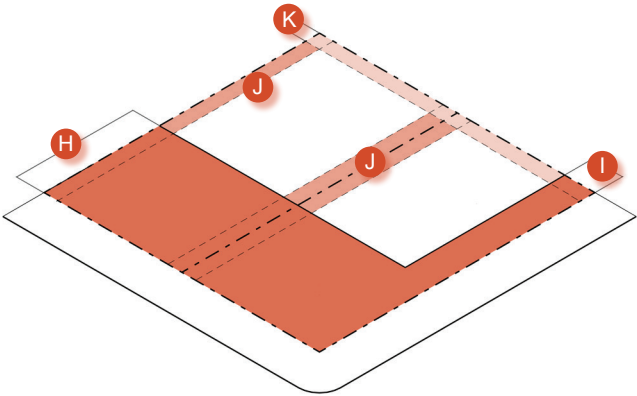
PRINCIPAL BUILDING PLACEMENT

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

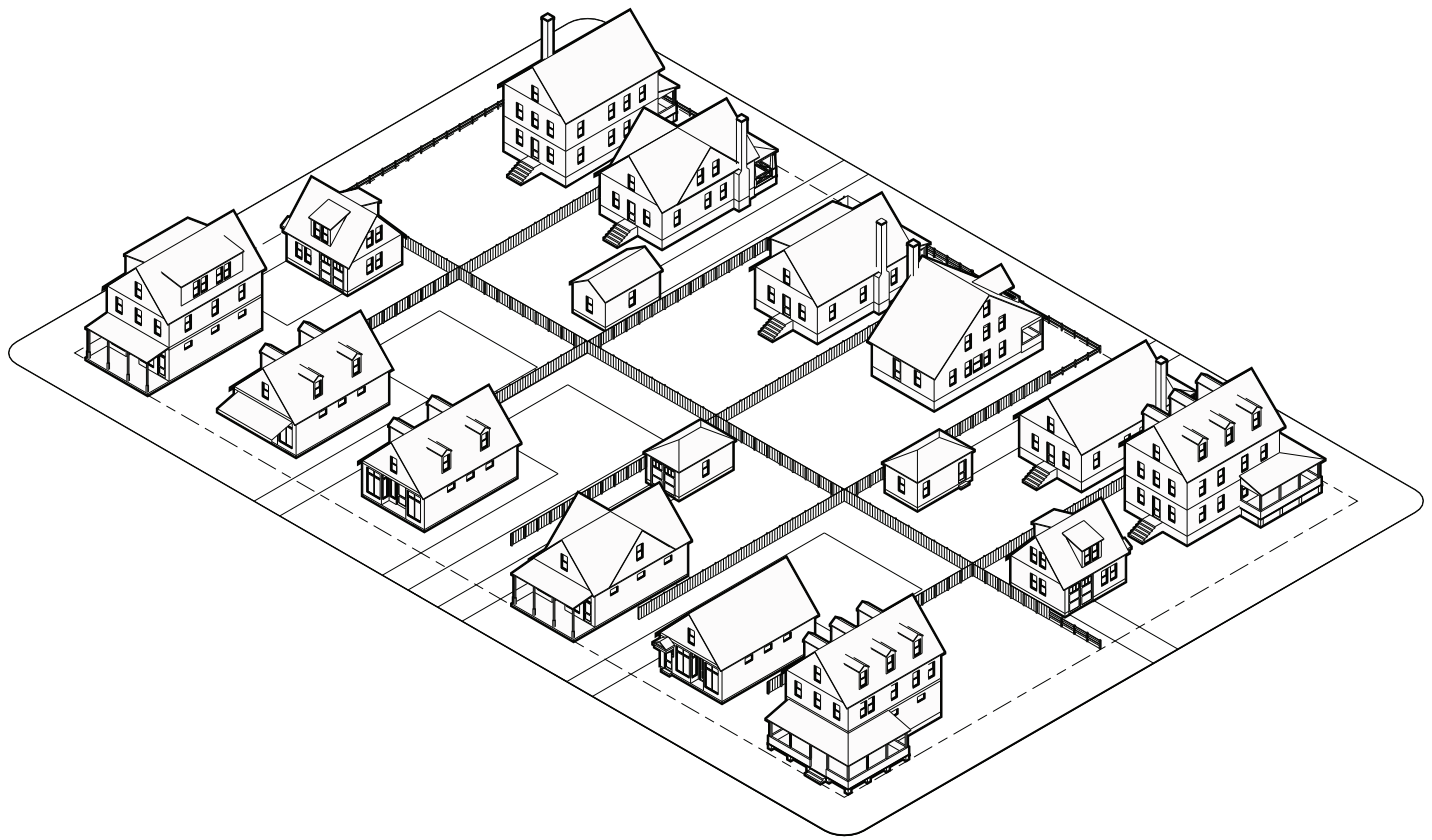


ACCESSORY BUILDING PLACEMENT

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



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



1. INTENT

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

2. 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.

C. 3. BUILDING STANDARDS

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

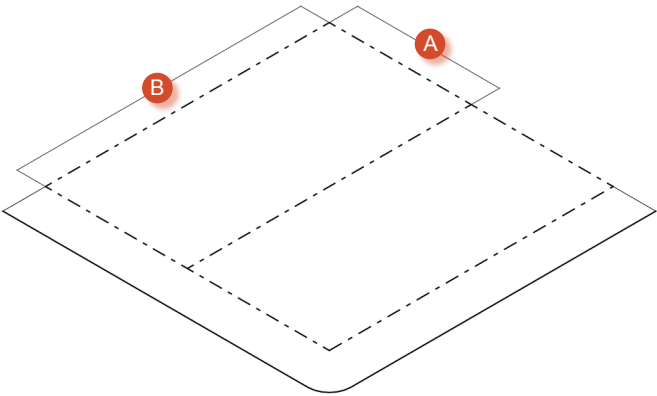
PERMITTED BUILDING TYPES

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

4. LOT STANDARDS

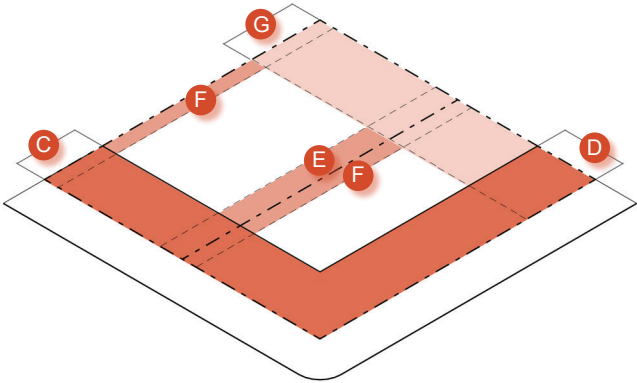
LOT DIMENSIONS

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



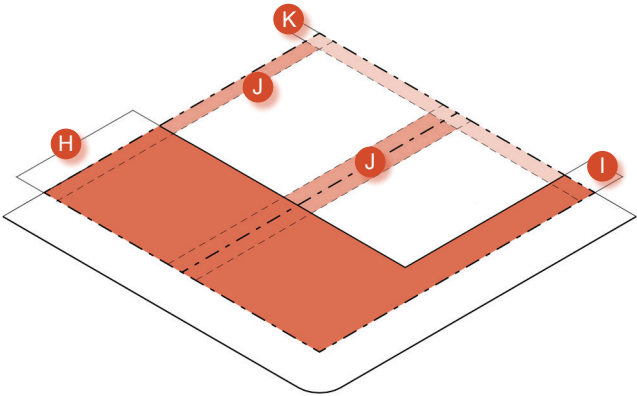
PRINCIPAL BUILDING PLACEMENT

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

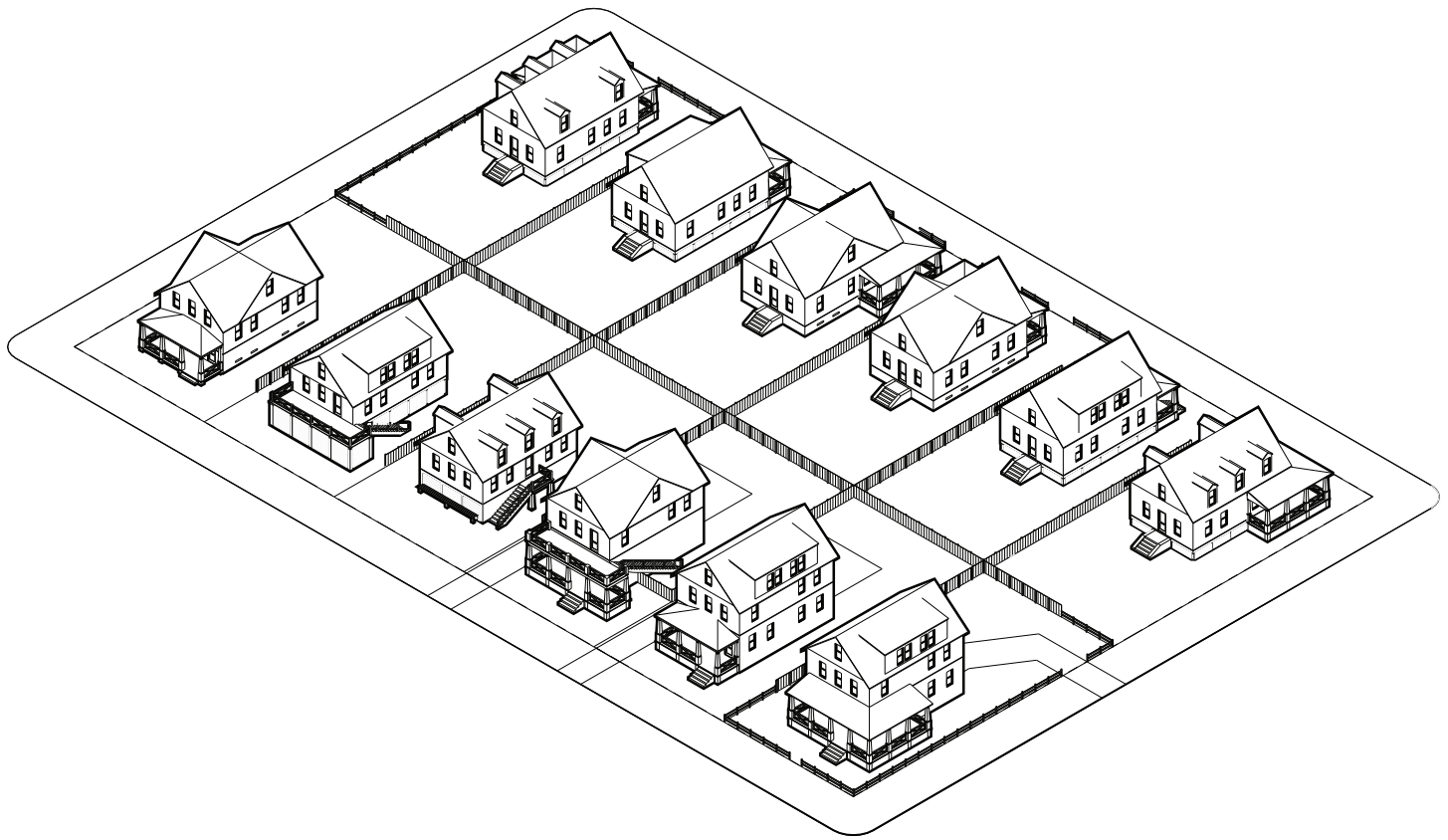


ACCESSORY BUILDING PLACEMENT

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



COASTAL OVERLAY ZONES



A. SHORELAND OVERLAY

** measured from highest annual tide

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

New Construction	No new construction.	New construction allowed per Coverage standards below.
Additions/Expansions	30% expansion max.	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 resource as per Chapter 405C the Shoreland Zoning Ordinance	See Article 2. Character Districts

B. FLOODPLAIN

** measured from base flood

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 * Measured to bottom of lowest horizontal framing member	1 ft above base flood * 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.

C. SAND DUNES

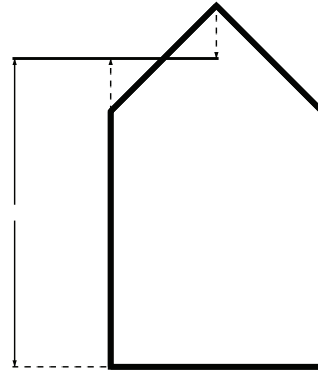
THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS FOR SPECIFIC STANDARDS AND REQUIREMENTS

	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, and landscaped areas.	40% development coverage * includes buildings, porches, and landscaped areas.	40% development coverage * includes buildings, porches, and landscaped areas.
	20% lot coverage * includes building footprint, n/a porches.	20% lot coverage * includes building footprint, n/a porches.	20% lot 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 development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.	In the case where existing development exceeds 20% lot coverage, the replacement building can not exceed the footprint of the previously existing building.
Elevation	Undeveloped lot: 3 ft above highest existing elevation.		Undeveloped lot: 3 ft above highest existing elevation.
	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.

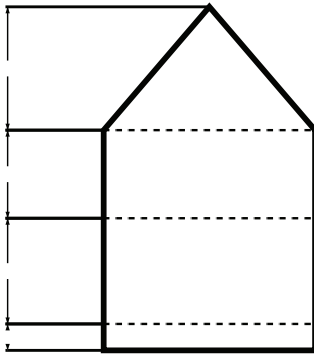
A. STANDARDS FOR ALL BUILDINGS

1. GENERAL

- a. Principal building types are summarized on Table 3.1 and permitted according to Character District standards in Article 2: Character Districts.
- b. See Article 3.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.



2. HEIGHT



- a. Building Height, Stories
 - i. To calculate building height by number of stories, each story above the average ground level of the lot is counted as 1 story.
 - ii. Basements are counted as 1-story when 5 feet or more of an exterior wall, excluding the rear wall, is exposed above the average grade of the lot.
 - 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.
 - iii. 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 a height no more than 2 feet above the finished floor of the half story.
- 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 shall be measured as required in the Zoning Ordinance definition: the vertical distance 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
- c. Story Height
 - i. Story height is measured from the top of the finished floor to the finished floor above.
 - 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. In Floodplain Overlay Districts the elevation of the lowest floor is required to be calculated as the distance between the assayed Base Flood Elevation and the bottom of the lowest horizontal structural floor framing member.
- e. Height Exceptions
 - i. 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 and dormers. in conformance with Article 4.

3. FEATURES

- a. Roofs
 - i. 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. Fenestration
 - i. Facades are required to have windows and doors with transparent glass for a percentage of the total area of a facade, measured for each story independently.
 - ii. Fenestration of a story facade is measured from the top of a finished floor to the top of the finished floor above.
 - iii. Fenestration requirements are only applicable to

front facades. Exterior walls not facing a front lot line are exempt.

- iv. 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.

4. BUILDING PLACEMENT

- a. Setbacks
 - i. 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.
 - ii. All stories of the facade of a principle building must be built at or within the provided setback range.
 - iii. The facade of a principle building must be built parallel to a front lot line or to the tangent of a curved front lot line.

TABLE 4.1A ROOFS BY BUILDING 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.

Article 4: Building Standards

5. SETBACK ENCROACHMENTS

- i. 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. Specific encroachments for frontages and components can be found in Article 4.D
- ii. Accessory buildings and structures may encroach as indicated in Article 4: Building Standards and Article 6: Development Standards.

6. 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 requirements as approved by the Scarborough Fire Department.

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	-	-	-	-	-
Enagaged 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	5:12 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	-
Side Addition	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-
Estate Addition	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	5:12 Min 14:12 Max	-

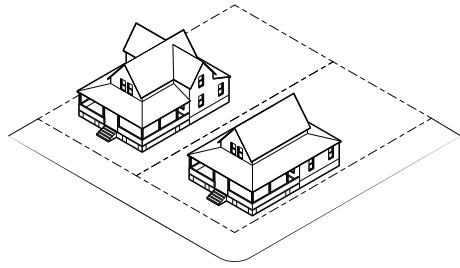
COMPONENTS

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

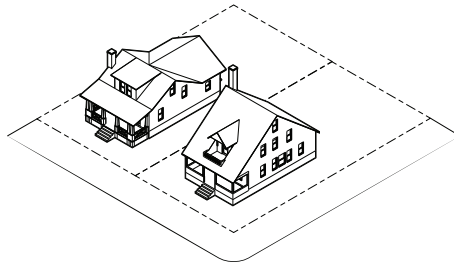
* Or minimum slope required by building code for specified roof system.

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

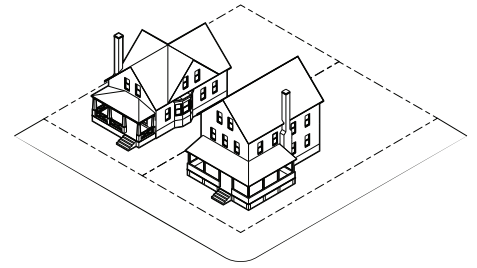
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



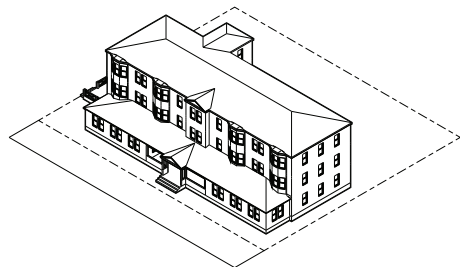
1. COASTAL COTTAGE



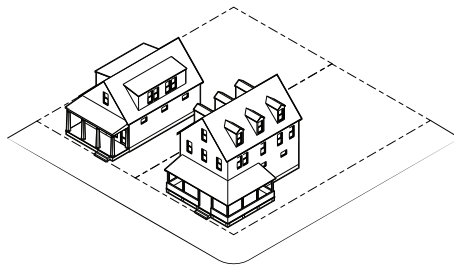
2. BUNGALOW



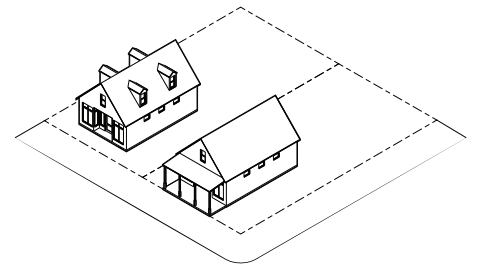
3. HOUSE



4. INN BUILDING

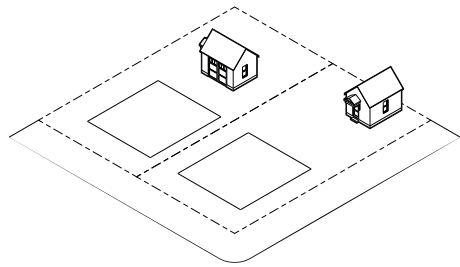


5. SHOPHOUSE

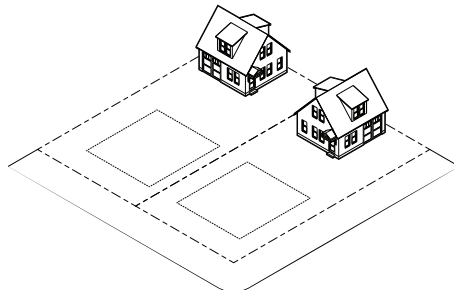


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING

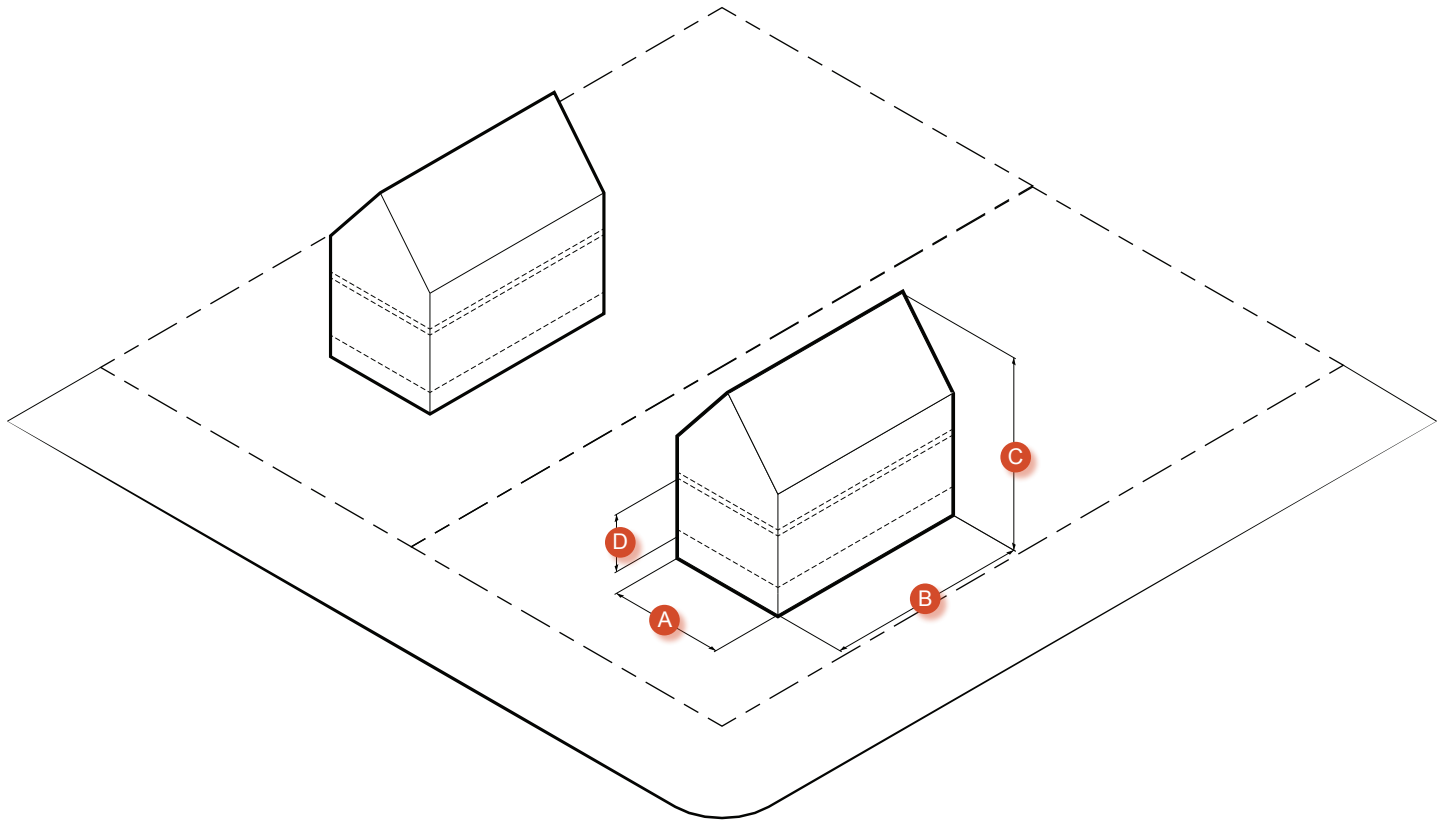


2. ONE-STORY CARRIAGE HOUSE

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 has a wrap-around porch, which is typically engaged on the sides.



BUILDING FORM

Building Width	18 ft max	A
Building Depth	36 ft max	B
Total Stories	2 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

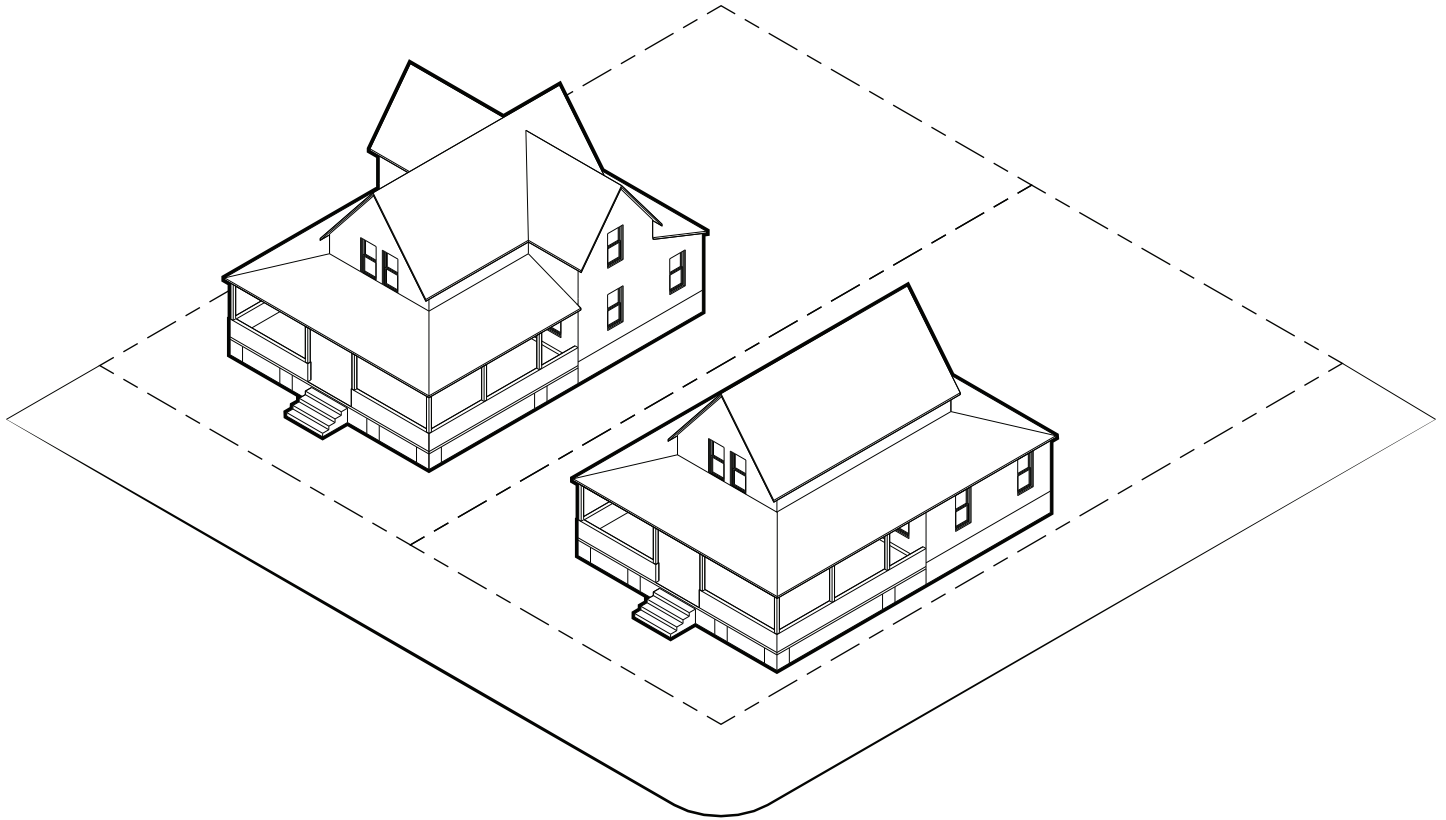
FACADE COMPOSITION

Ground Story Fenestration	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

1. COASTAL COTTAGE



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
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Deck	Permitted
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COMPONENTS (CONT'D)

See Article 4C

Rear Addition	Permitted
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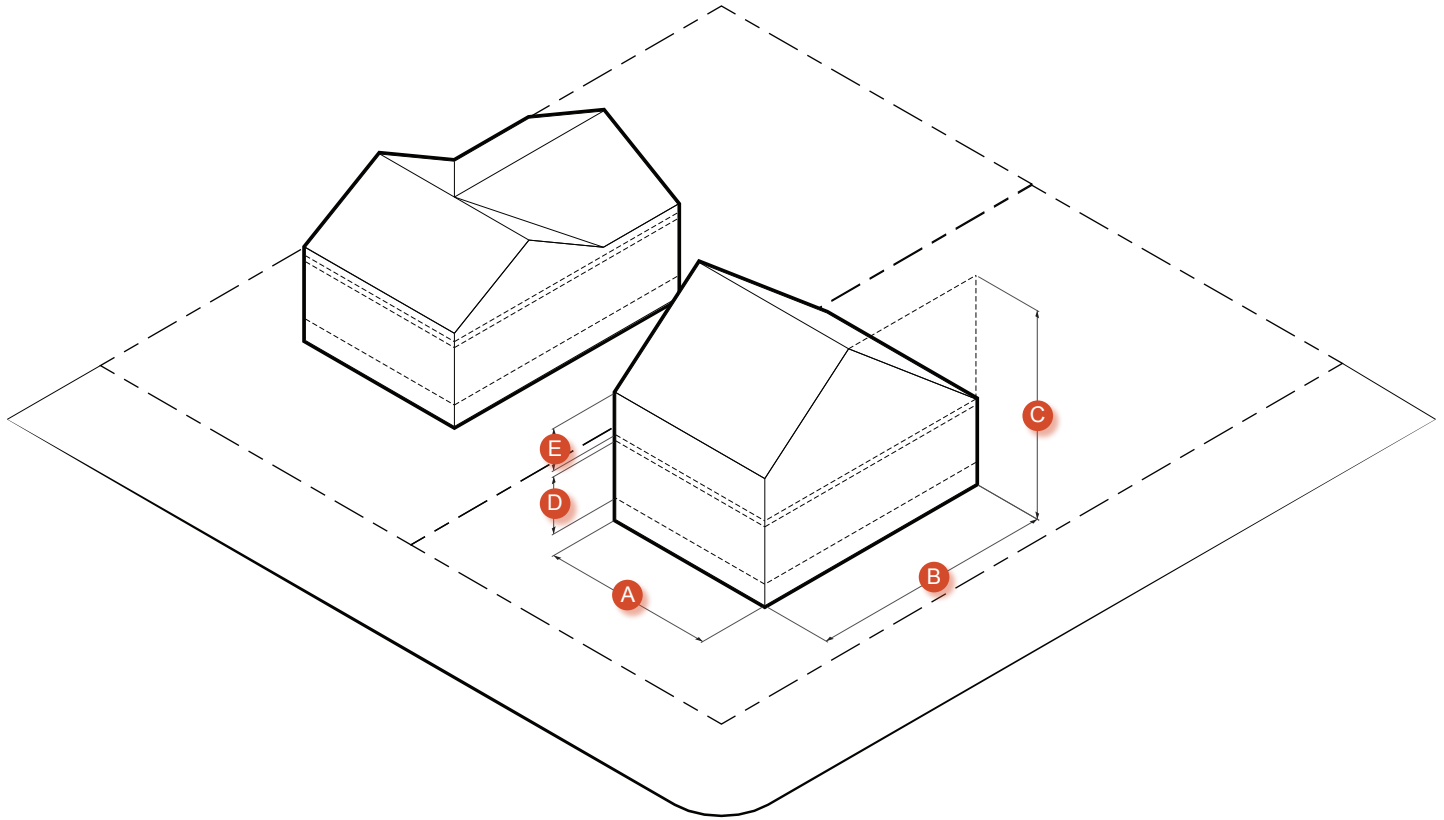
Side Addition	Permitted
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STANDARDS

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

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.



BUILDING FORM

Building Width	25 ft max	A
Building Depth	36 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 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

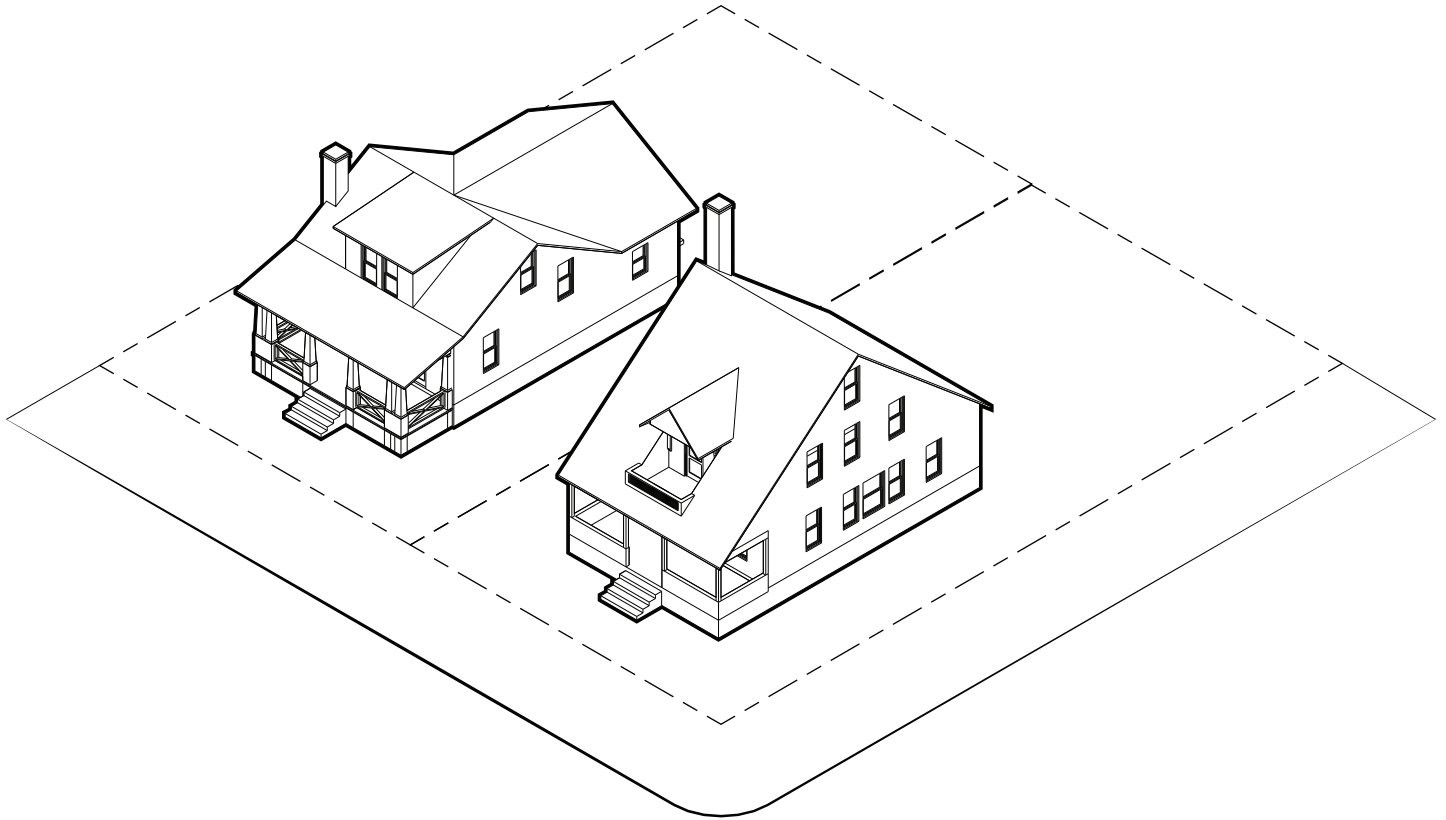
FACADE COMPOSITION

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

2. BUNGALOW



COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Required
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

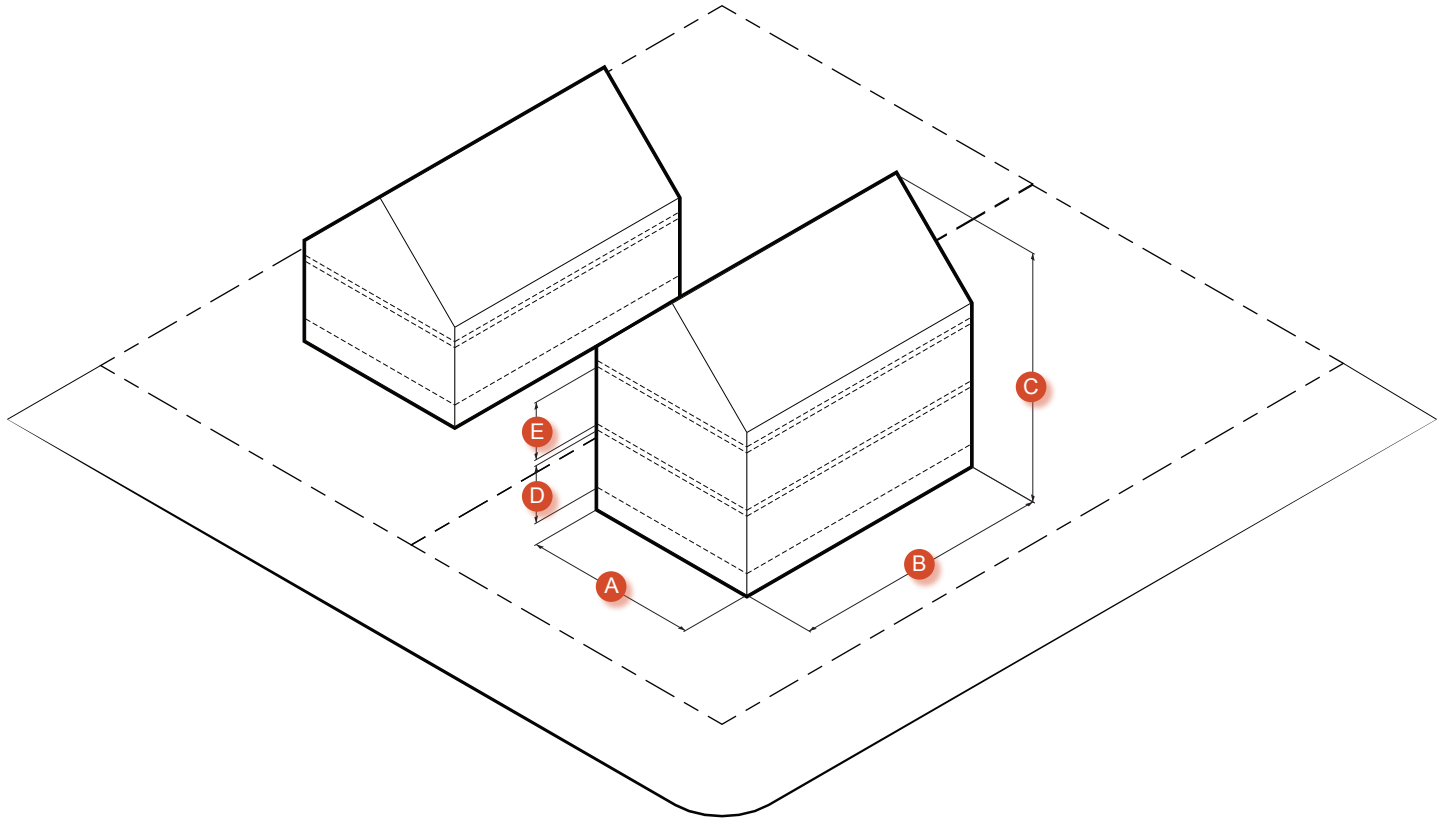
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

STANDARDS

- i. *Stories above the first story must be contained within the roof structure.
- ii. A minimum of two components must be applied to the base building massing, including a Porch as required under the Residential Yard Frontage standards (Article 4D)

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 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 ft max	E
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

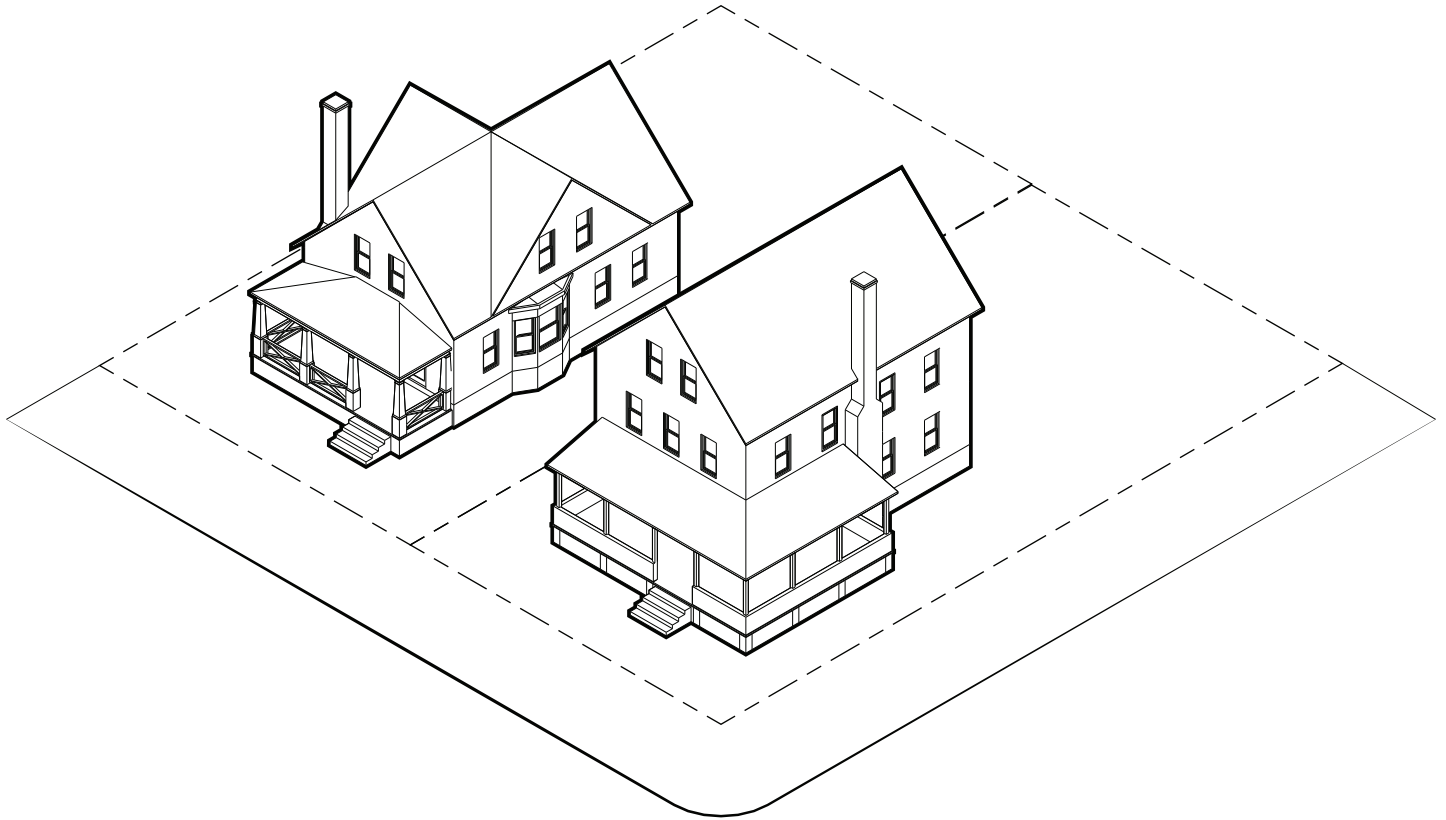
FACADE COMPOSITION

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

3. HOUSE



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	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)

See Article 4C

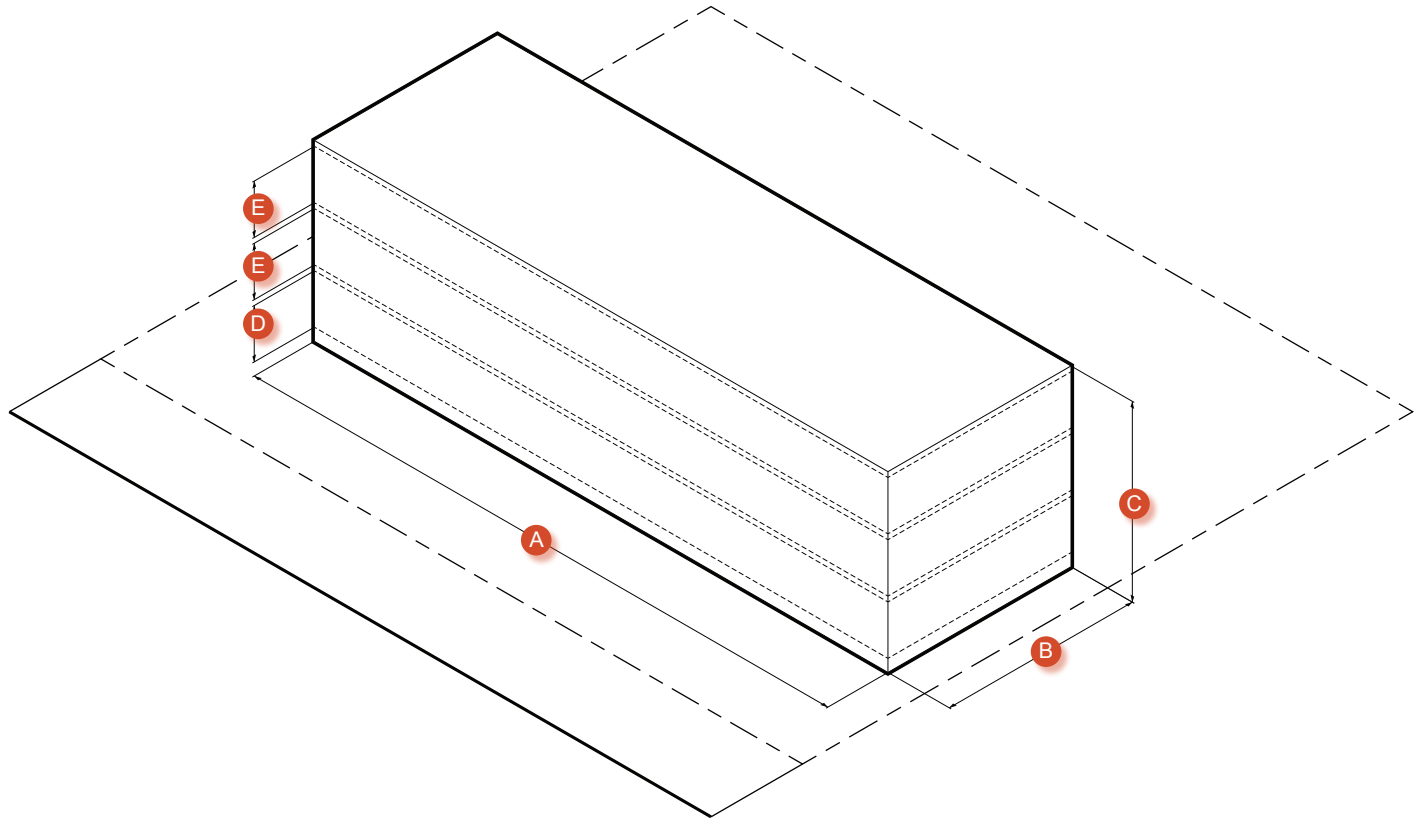
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

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

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 for Height Standards

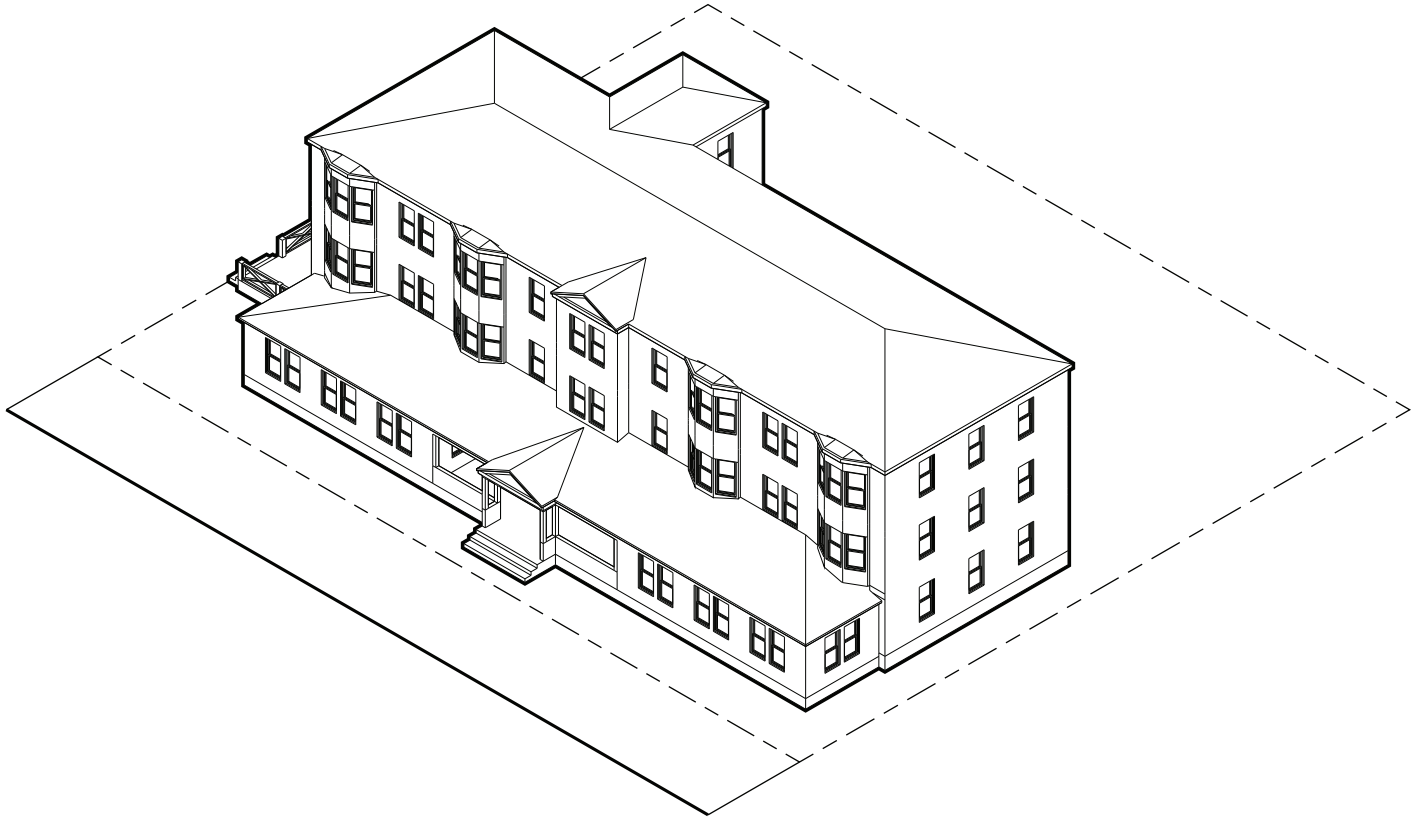
FACADE COMPOSITION

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

FRONTAGES

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

4. INN BUILDING



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

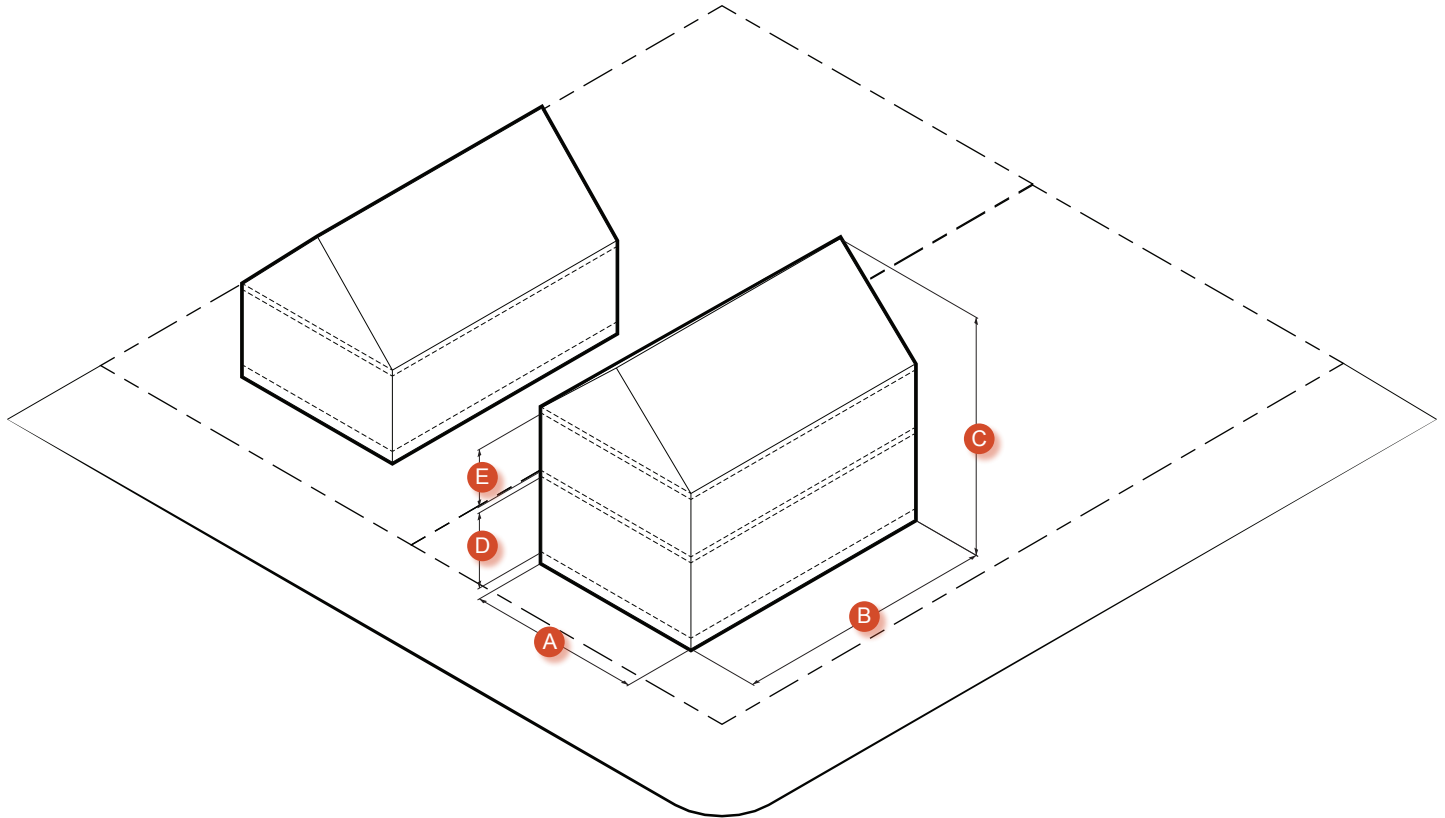
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

- i. A minimum of two components must be applied to the base building massing.

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 for Height Standards

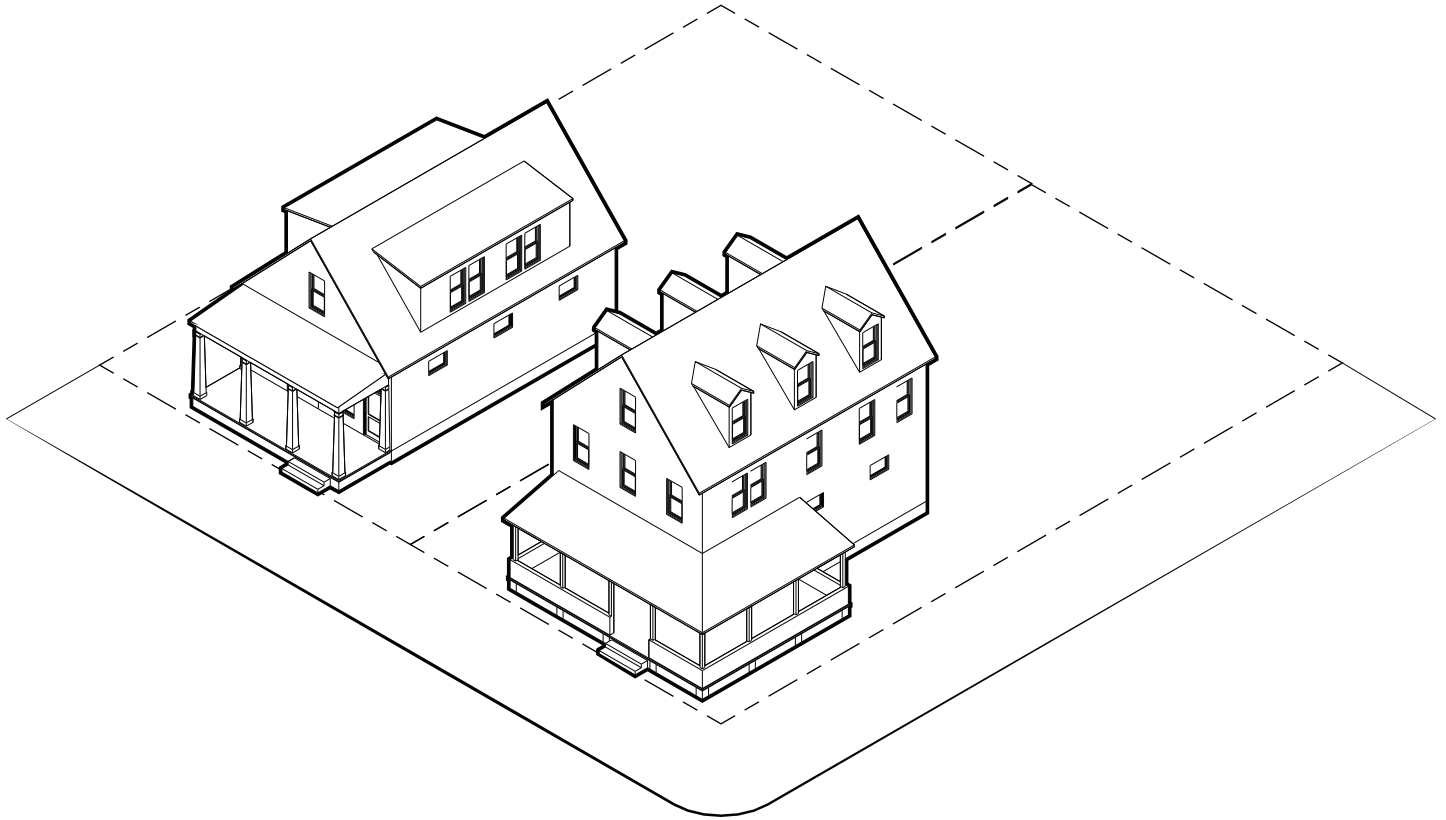
FACADE COMPOSITION

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

FRONTAGES

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

5. SHOP HOUSE



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

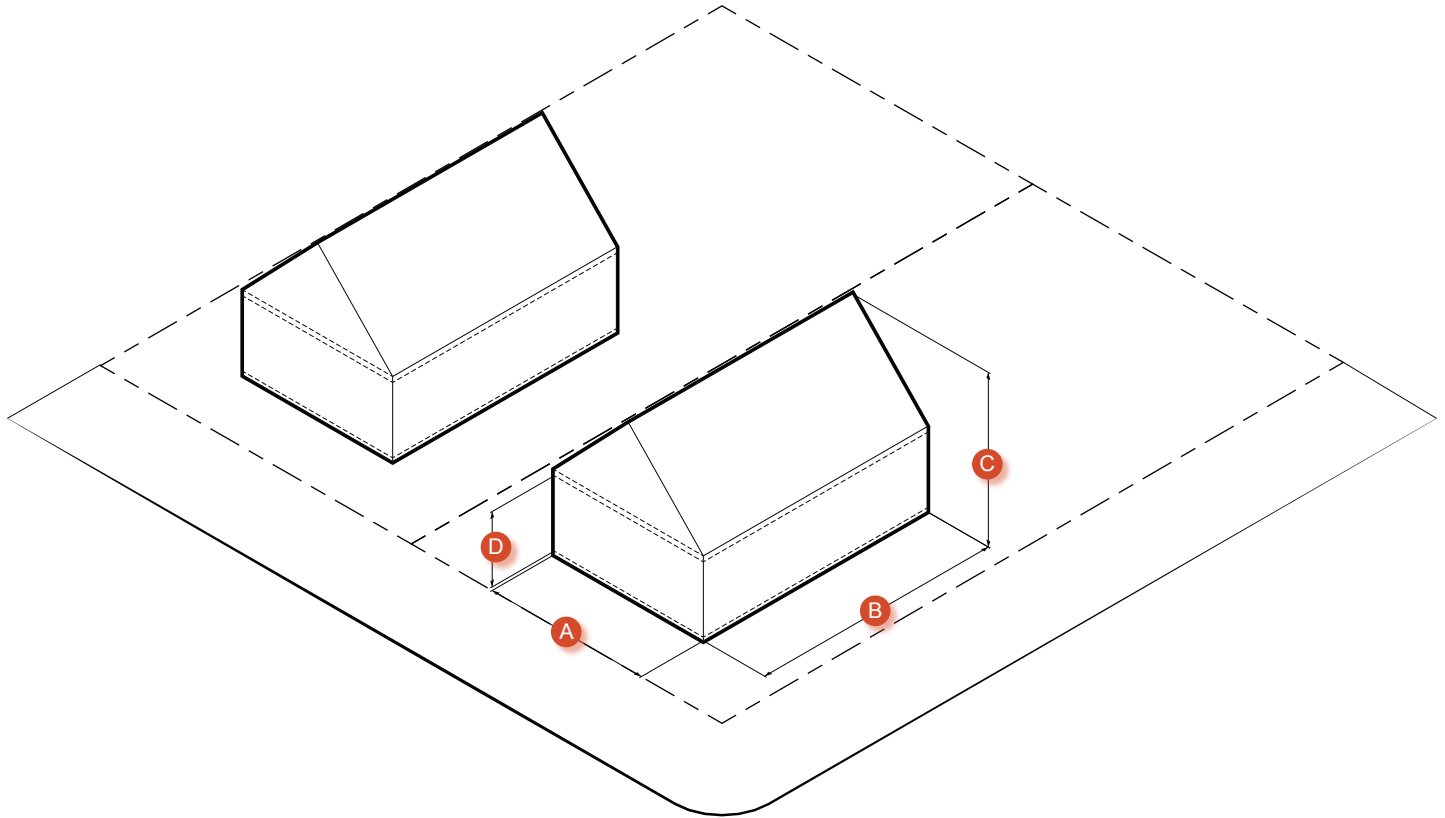
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

STANDARDS

- i. A minimum of two components must be applied to the base building massing.

6. NEIGHBORHOOD STORE

A 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 story 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 for Height Standards

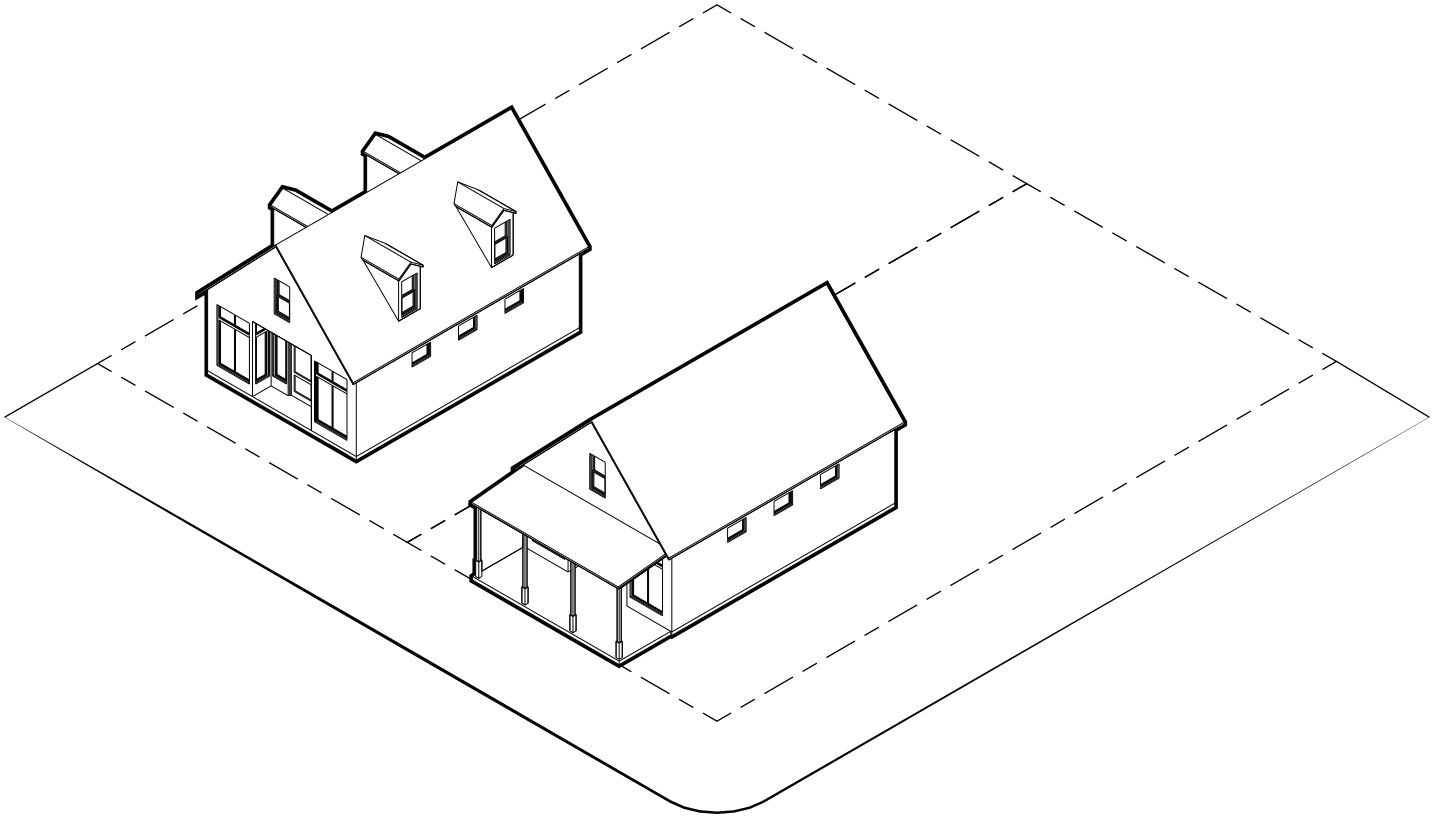
FACADE COMPOSITION

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

FRONTAGES

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

6. NEIGHBORHOOD STORE



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	Not Permitted

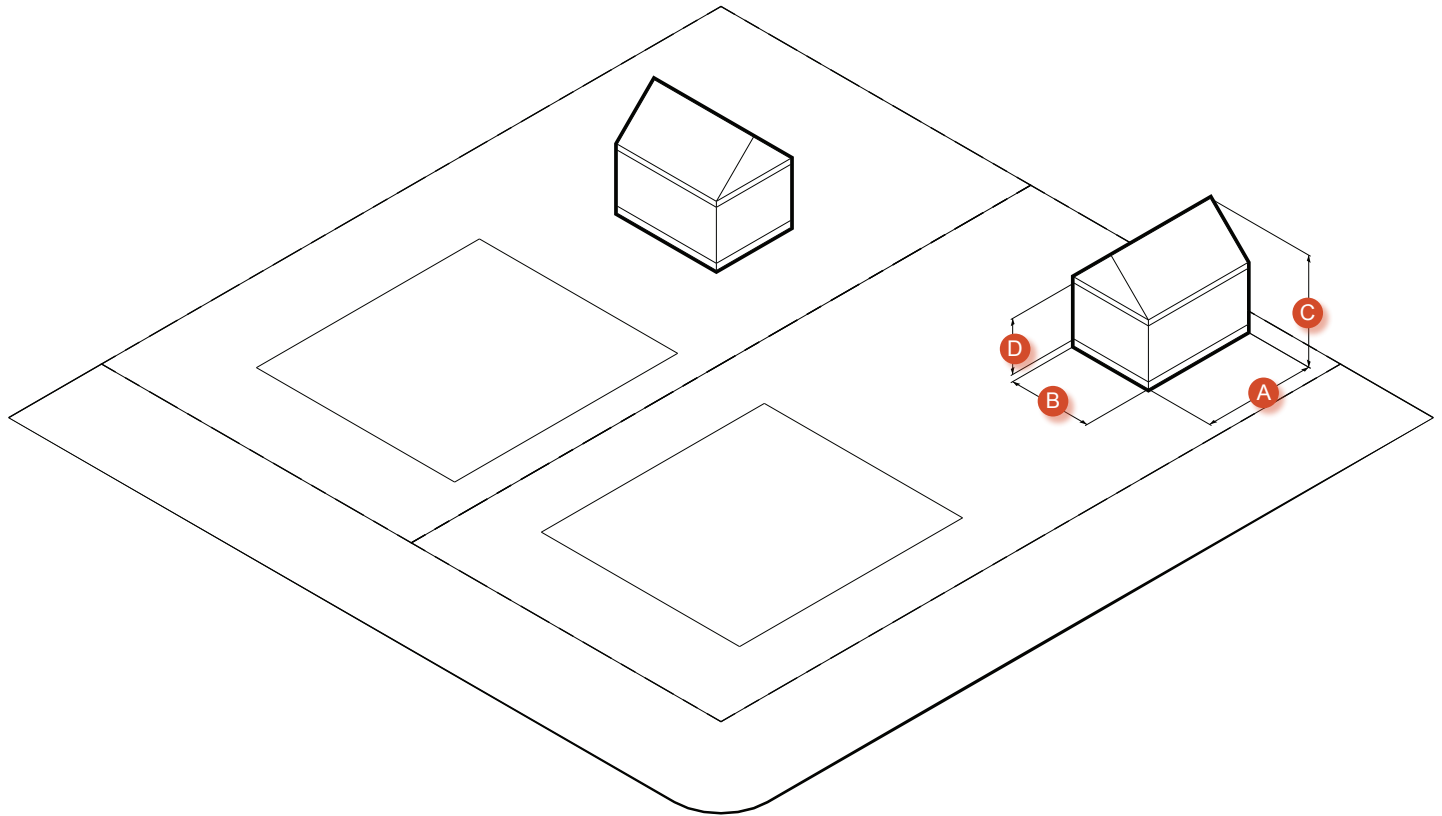
STANDARDS

- i. A minimum of two components must be applied to the base building massing

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 story 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

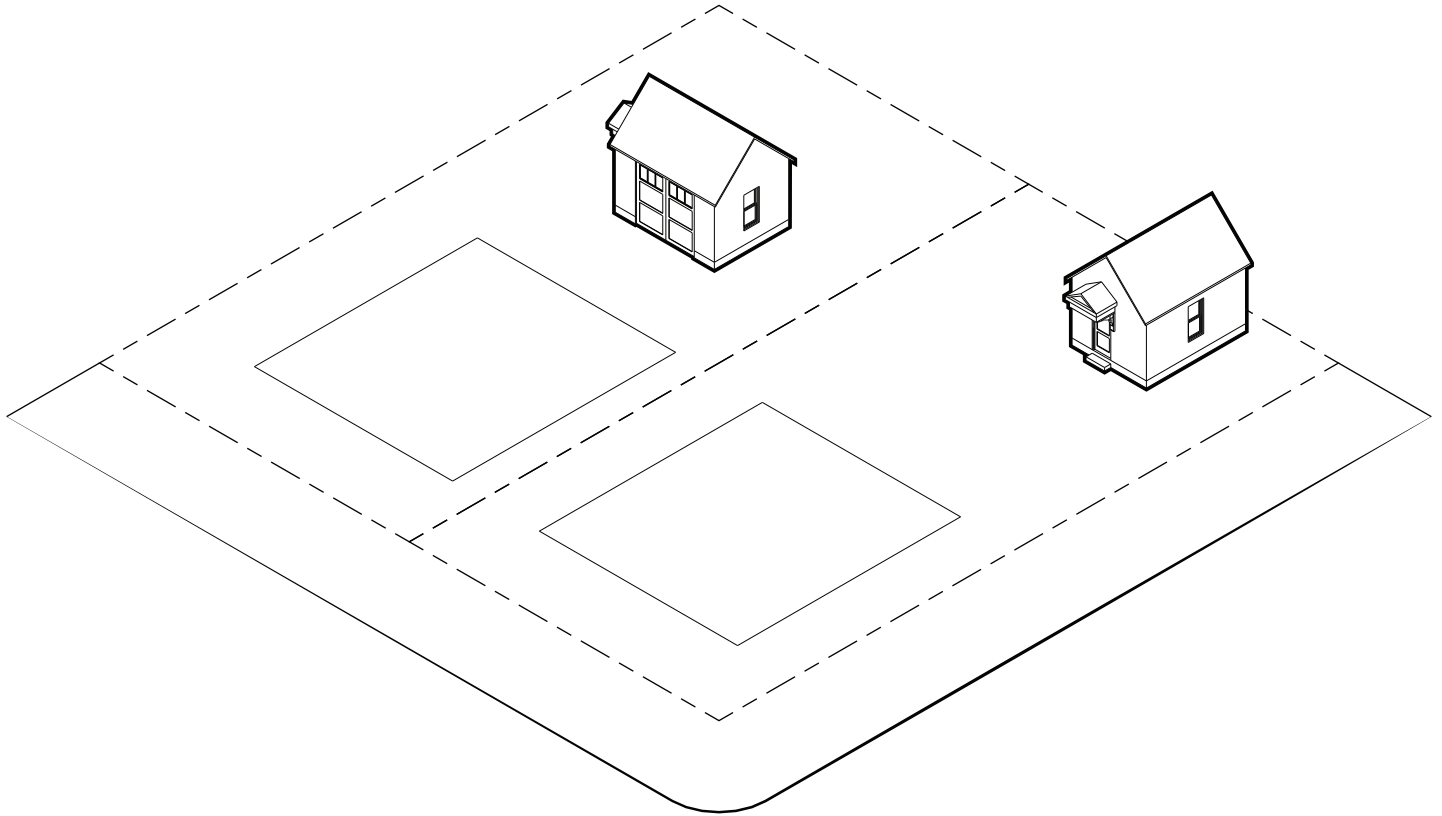
Ground Story Fenestration	10% min
Upper Story Fenestration	n/a

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

1. ONE-STORY OUTBUILDING



COMPONENTS (CONT'D)

See Article 4C

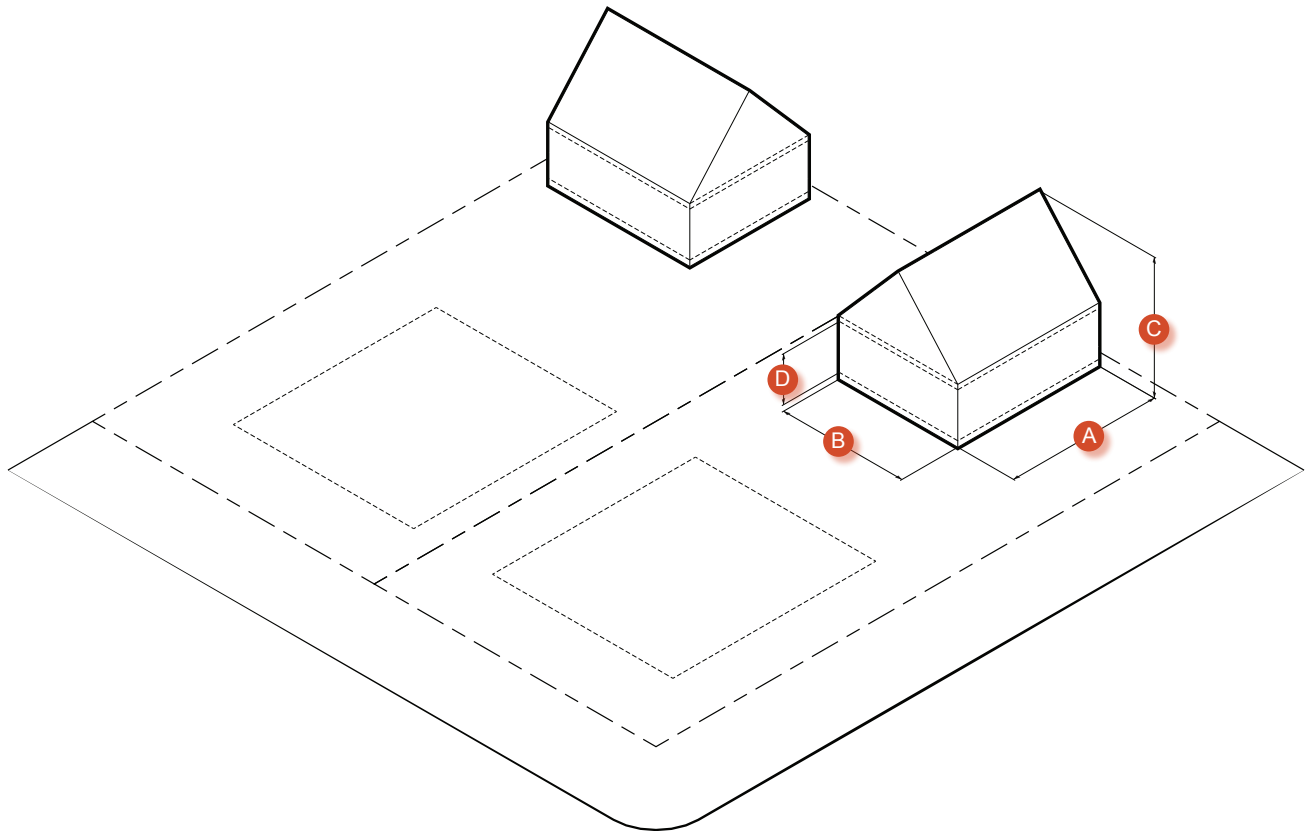
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

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.

2. 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 story 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

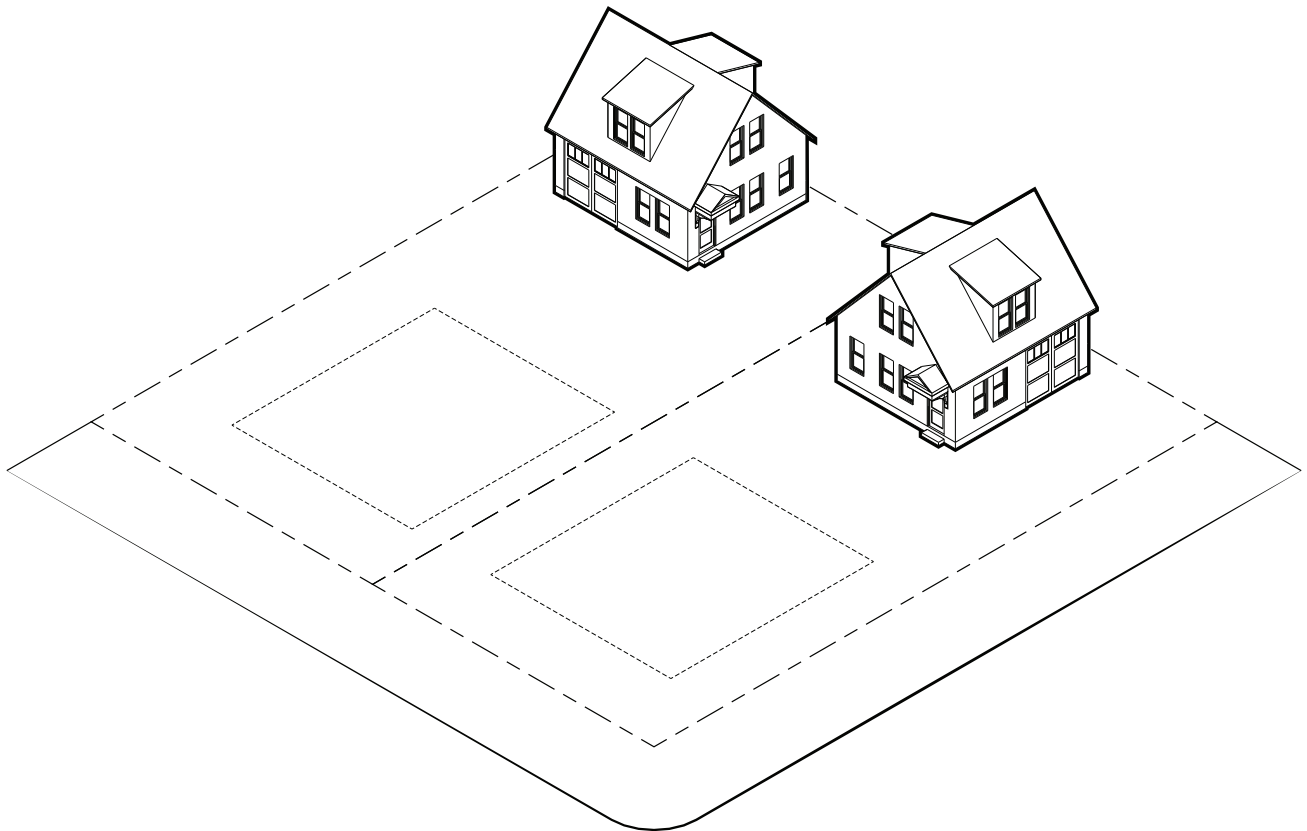
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

COMPONENTS

See Article 4C

Projecting Porch	Permitted
Integral Porch	Not Permitted
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

2. ONE-STORY CARRIAGE HOUSE



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.

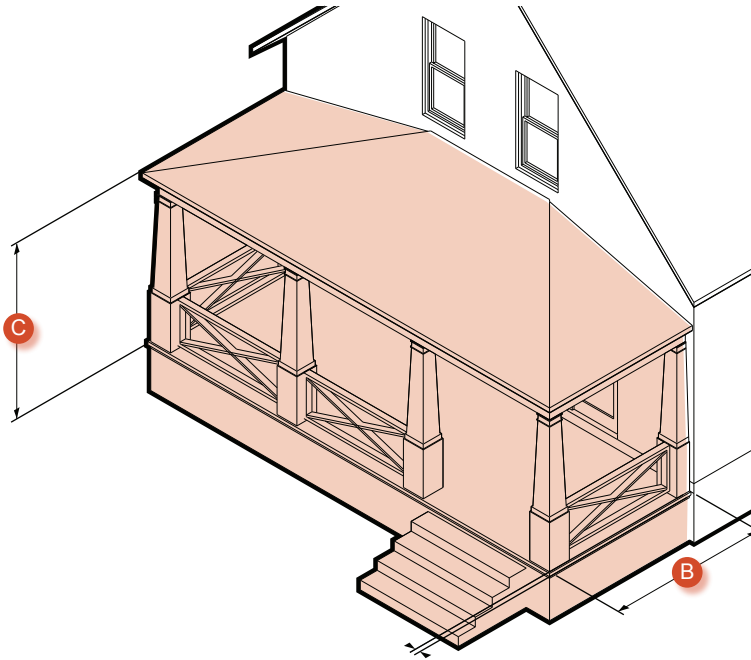
D. BUILDING COMPONENTS

1. GENERAL

- a. Building Components are summarized on Table 4.3 and permitted according to the standards in this Article 2.B-D.
- 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. 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.

1. PORCH - PROJECTING

A wide, raised platform with stairs that lead to the principle entrance of a building and a roof supported by columns or piers.



DIMENSIONS

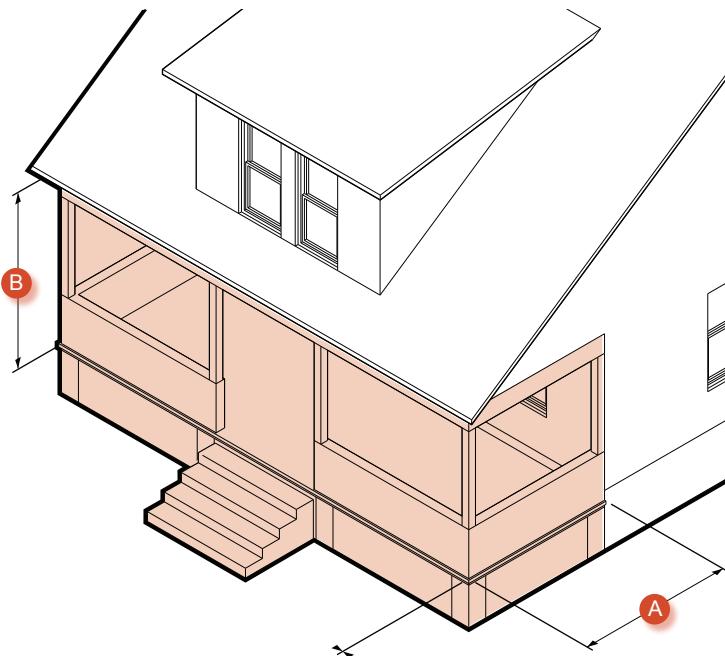
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% in (when enclosed)	

STANDARDS

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

2. PORCH - INTEGRAL

A raised platform with stairs that lead to the principle 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 principle building, such as in a bungalow type.



DIMENSIONS

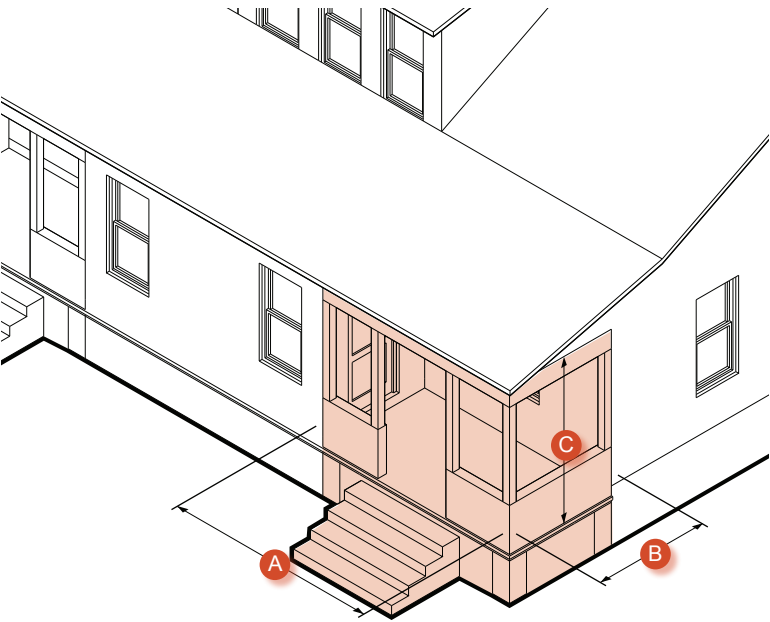
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

STANDARDS

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

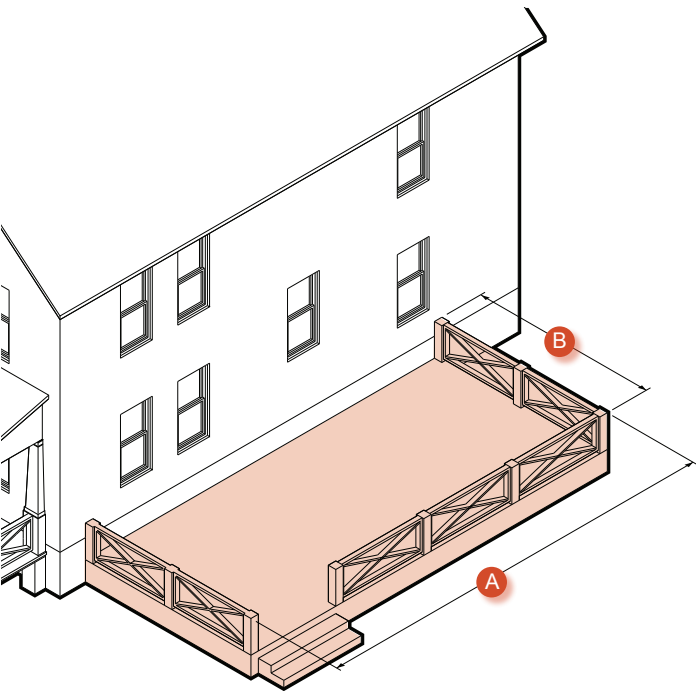
Width	8 ft min	A
Depth	6 ft min, 10 ft max	B
Height	8 ft min	C
Permitted Encroachment	May encroach into setbacks as part of a rear addition, side wing or estate wing.	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

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
- iii. Porches may wrap around corners to connect with porches or decks on adjacent building faces.

4. DECK

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



DIMENSIONS

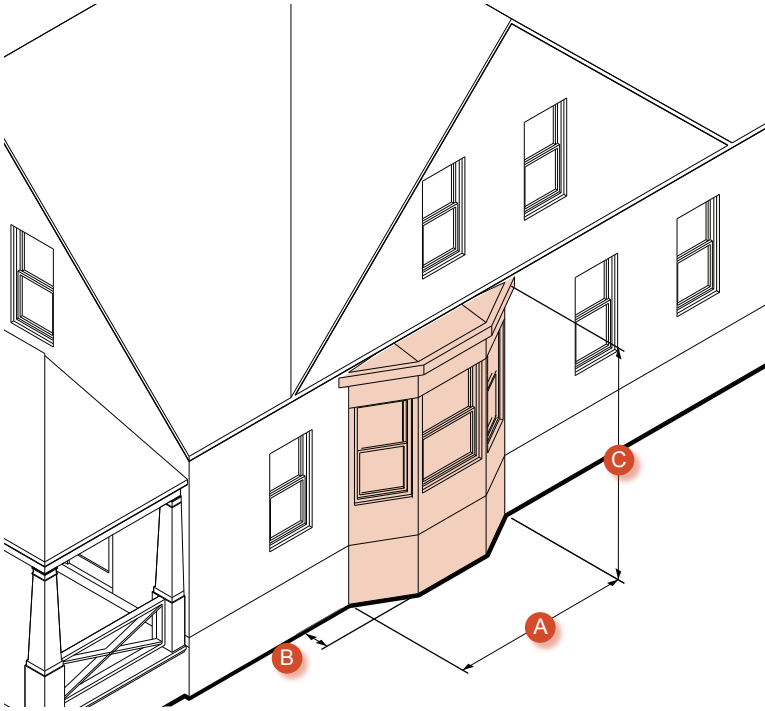
Width	12 ft min, 24 ft max	A
Depth	8 ft min	B
Permitted Encroachment	8 ft	

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.

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.



DIMENSIONS

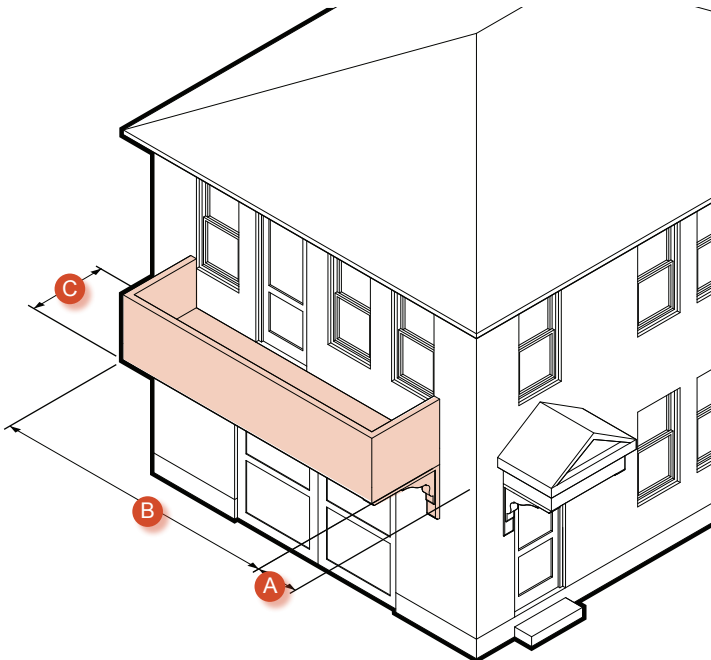
Width	50% max of Facade or Elevation	A
Depth	12 in min, 3 ft max	B
Fenestration	50% min	
Height	Total number of complete building stories	C
Permitted Encroachment	3 ft	

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.

6. BALCONY

A platform with a railing that provides outdoor amenity space.



DIMENSIONS

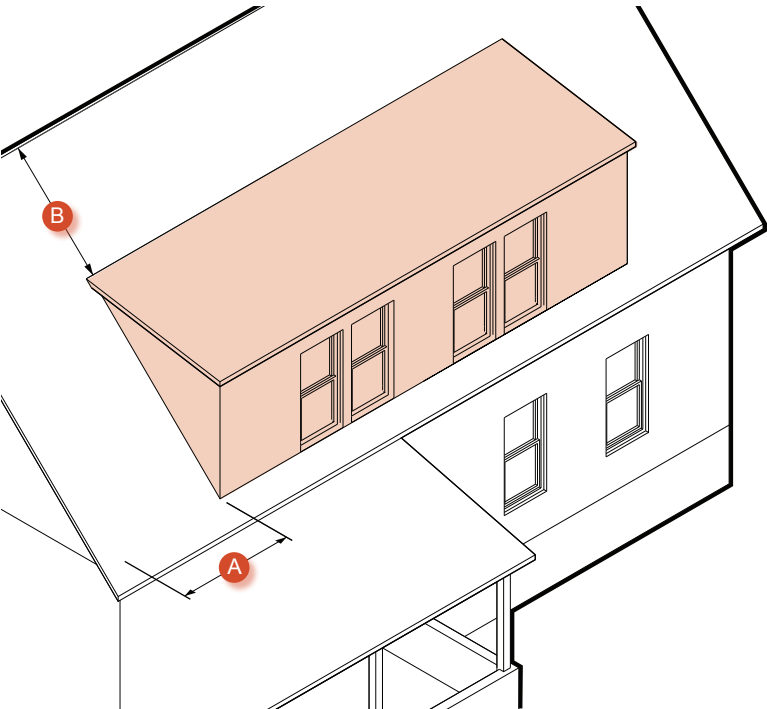
Required Inset	3 ft min	A
Width	5 ft min	B
Projection from Facade	5 ft min	C
Permitted Encroachment	5 ft	

STANDARDS

- i. Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a portico, porch, or bay.
- ii. Terraced balconies are the only type permitted on the primary frontage.
- iii. A projecting balcony must have a clear height above the ground of at least 10 ft.
- iv. The railing of any balcony oriented toward a front lot line must have posts and rails with spacing.

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

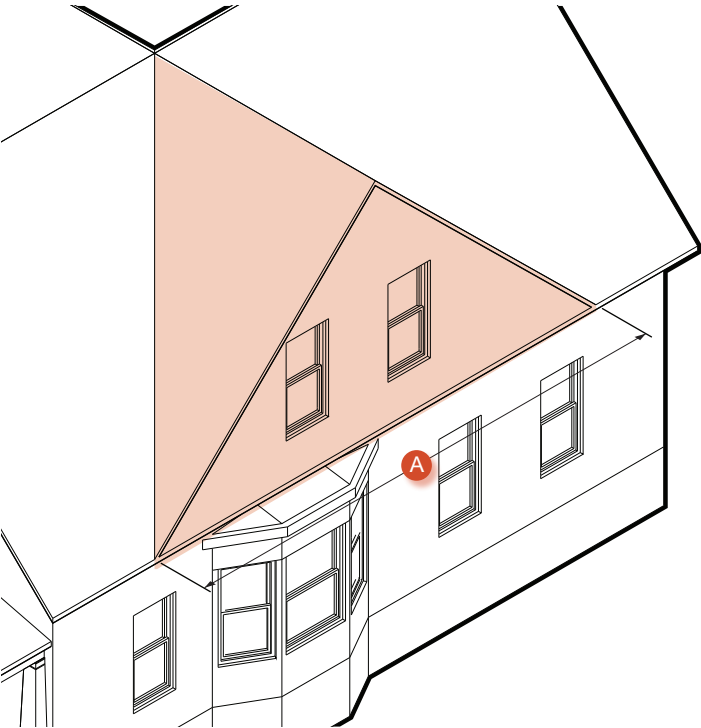
Gable End Setback	4 ft min	A
Ridge Line Setback	1 ft min	B
Fenestration	50% min	
Roof	See Table 4.1	

STANDARDS

- i. The face of the dormer should not project beyond the building eaves

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.



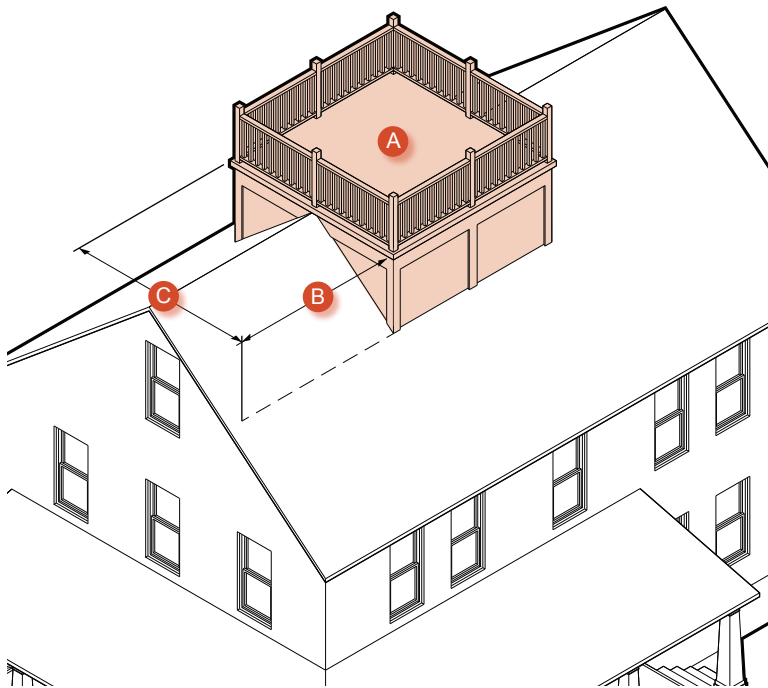
DIMENSIONS

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

STANDARDS

9. ROOF WALK

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



DIMENSIONS

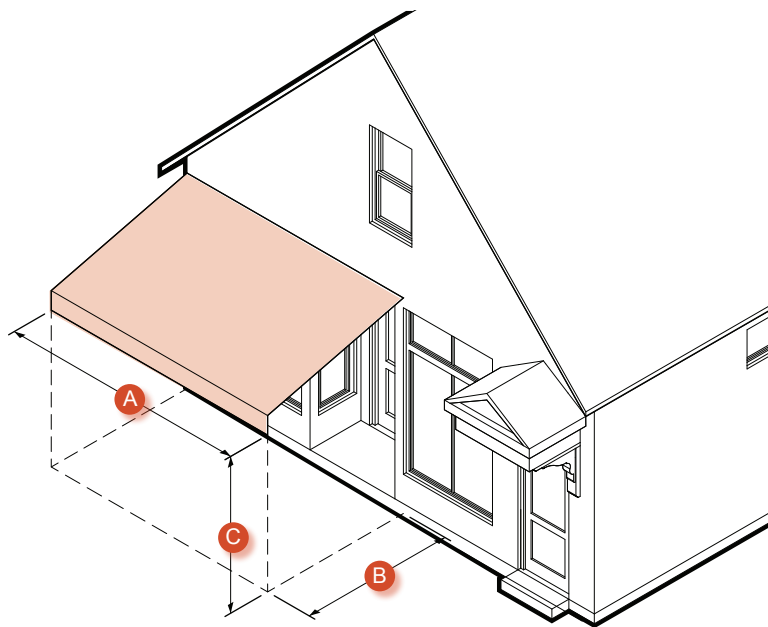
Total Area	400 sq ft max	A
Setback from Facade	5 ft min	B
Railing Height	3 ft min 4 ft max	C

STANDARDS

- The width of Roof Walks may not exceed 50% of the Building Width.
- 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

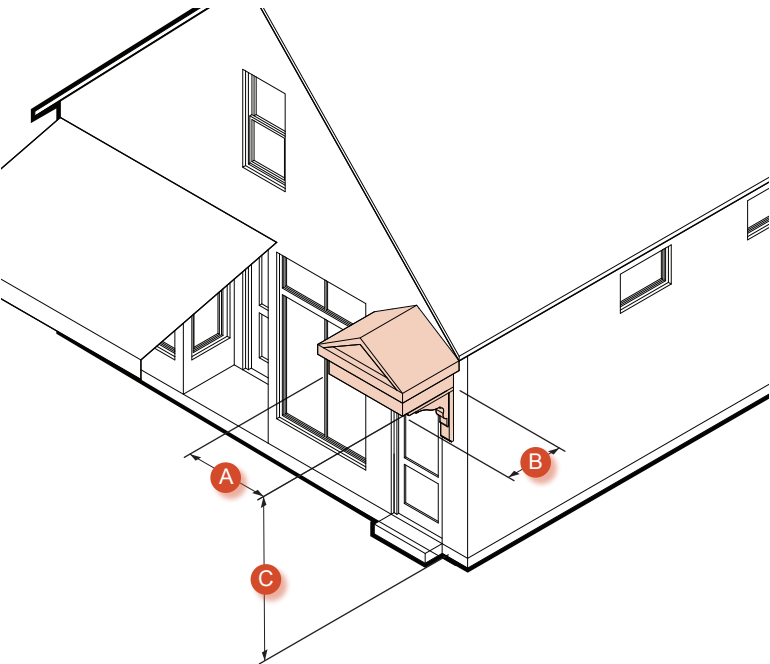
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

STANDARDS

- 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

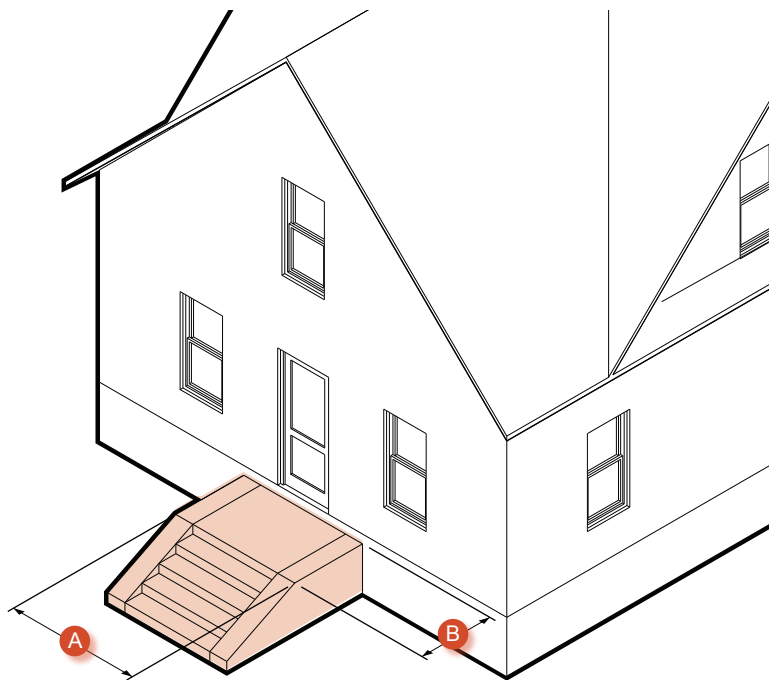
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

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 the entrance of a building.



DIMENSIONS

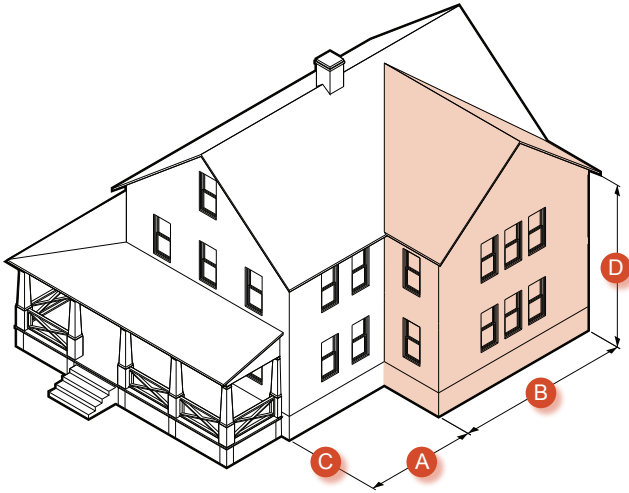
Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

STANDARDS

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

13. SIDE WING

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



DIMENSIONS

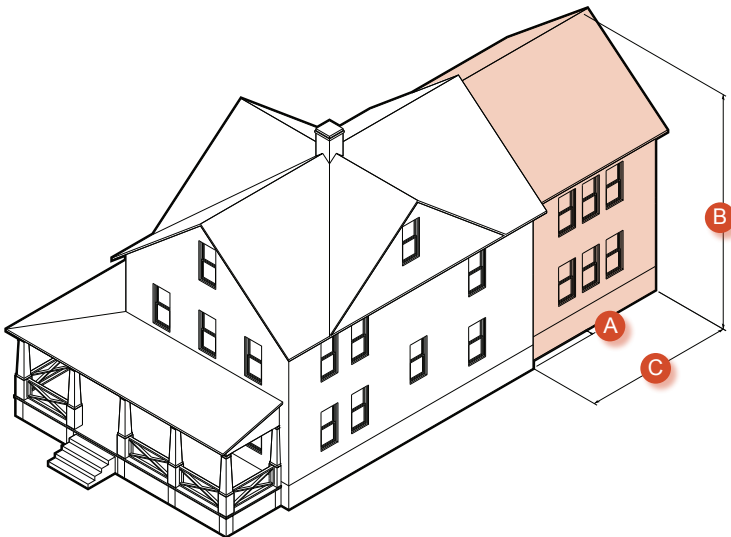
Setback from Facade	10 ft min	A
Floor Plate Area	50% max of the Floor Plate of the Principle Building	
Width		B
1-Story	1/2 depth of the Principle Building	
2-Story	1/3 depth of the Principle Building	
Projection	2/3 width of the Principle Building	C
Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	20% required on wall oriented toward the front lot line	

STANDARDS

- i. Side Wings may not encroach on setbacks.

14. REAR ADDITION

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



DIMENSIONS

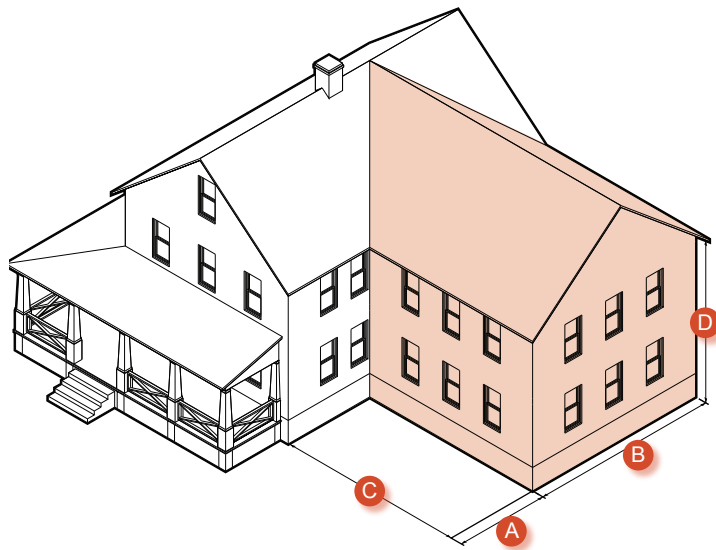
Setback from Side Elevations	1 ft	A
Height	Same Height of Principal Building (max)	B
Roof	see Table 4.1	
Encroachment into Rear Setback	5 ft (if less than 2 stories) 0 ft (if 2 stories or greater)	C

STANDARDS

- i. Rear Additions may encroach only on rear setbacks per standards above.
- ii. Rear Additions may not be built on the same lot as a Carriage House.
- iii. Rear additions may not contain a garage.

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' in width or greater.



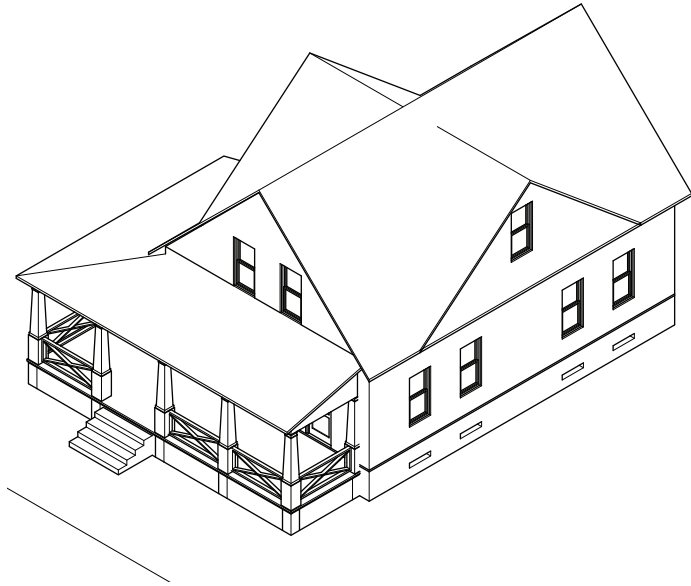
DIMENSIONS

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	20% required on wall oriented toward the front lot line	

STANDARDS

- Estate Wings may not encroach on setbacks.
- Estate Wings may only be used on lots 100 ft x 100 ft or greater in size

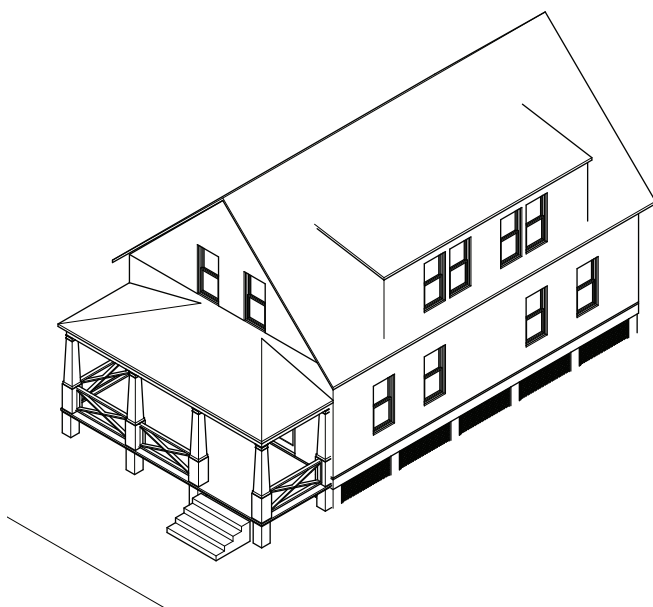
16. 0-4 FT HYDRAULIC FOUNDATION



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.

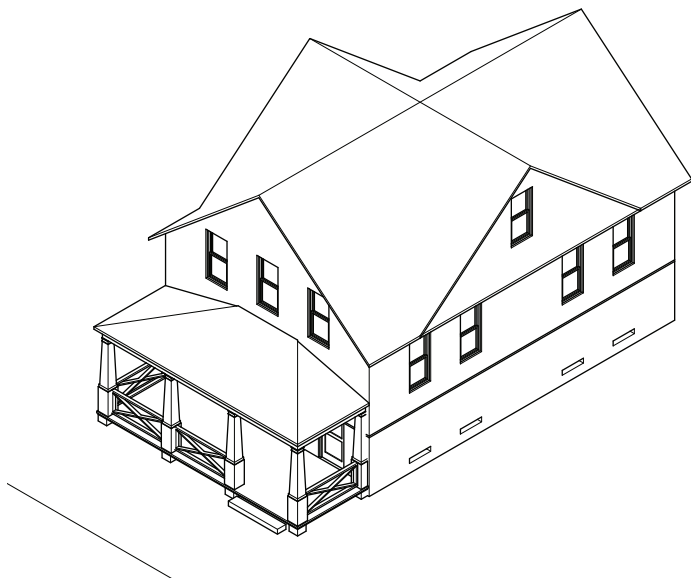
17. 0-4 FT PILE/PIER FOUNDATION



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.

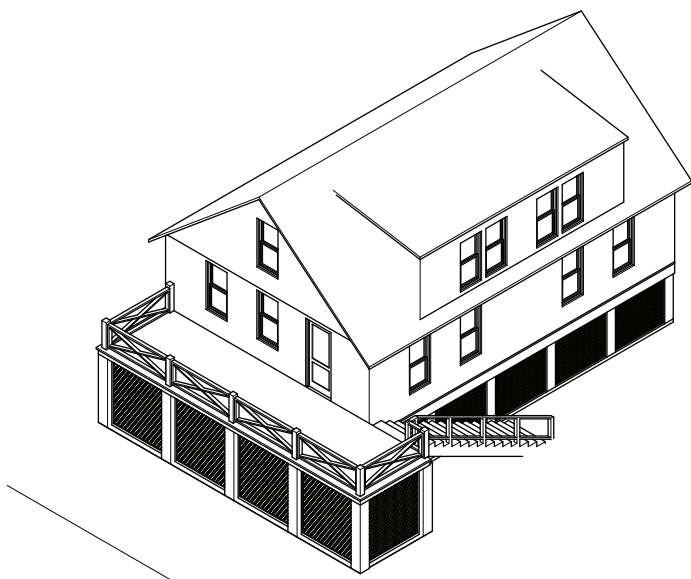
18. 4-8 FT HYDRAULIC FOUNDATION



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.

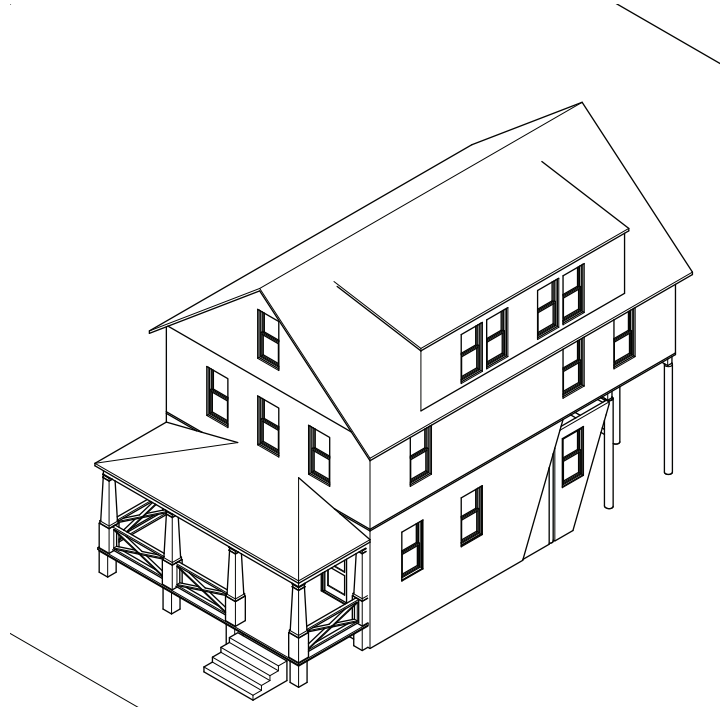
19. 4-8 FT PILE/PIER FOUNDATION



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 latticework to give an impression of solidity on all street facing walls.
- iii. Doorways and windows may occur in break-away 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/piers 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 break-away 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 seperate 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 not be inhabited as per the Floodplain Management Ordinance
- vi. All heights measured from established ground plane.

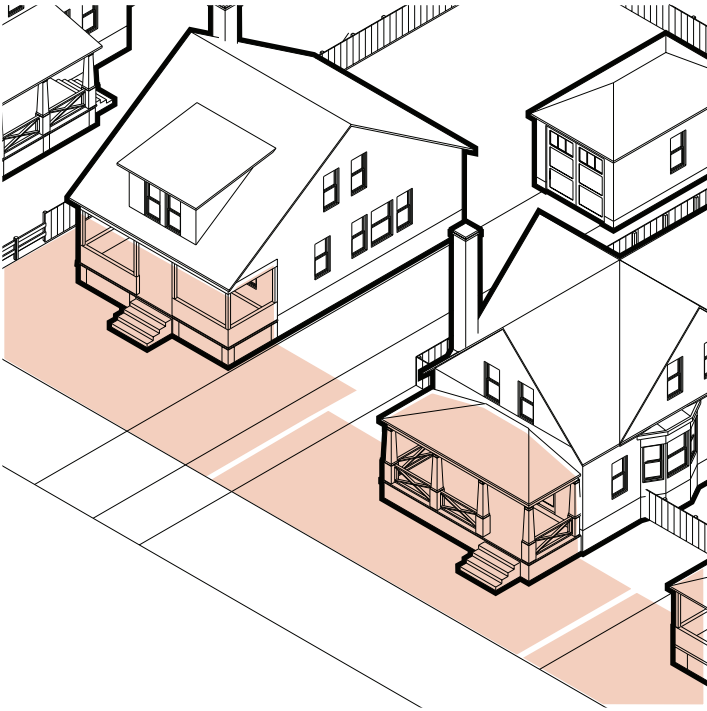
E. BUILDING FRONTAGE TYPES

1. GENERAL

- a. Building Frontages are summarized on Table 4.3 and permitted according to the standards in Article 2.B-C.
- 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.

1. RESIDENTIAL YARD

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

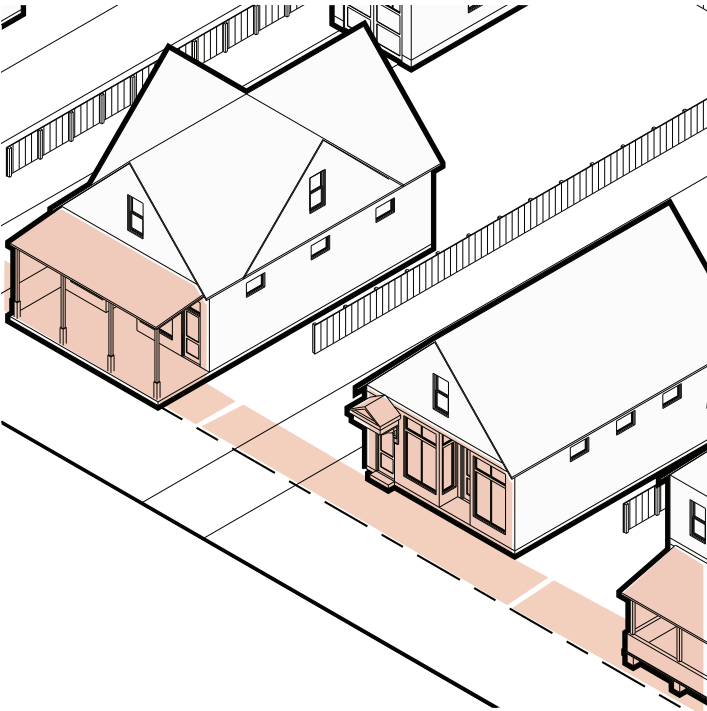


STANDARDS

- i. Porches are required along the Primary Frontage and must extend across at least 50% 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. Storefronts 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 street frontage and beach frontage.



STANDARDS

- i. Driveways and parking may occur within the beach-front garage court
- 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.

A. USE PROVISIONS - COASTAL RESIDENTIAL 1 DISTRICT

1. PERMITTED USES

- a. Single family detached dwellings
- b. Accessory Units subject to the performance standards of Section IX.J.
- 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. USE PROVISIONS - COASTAL MIXED USE - LIMITED

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.
- 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

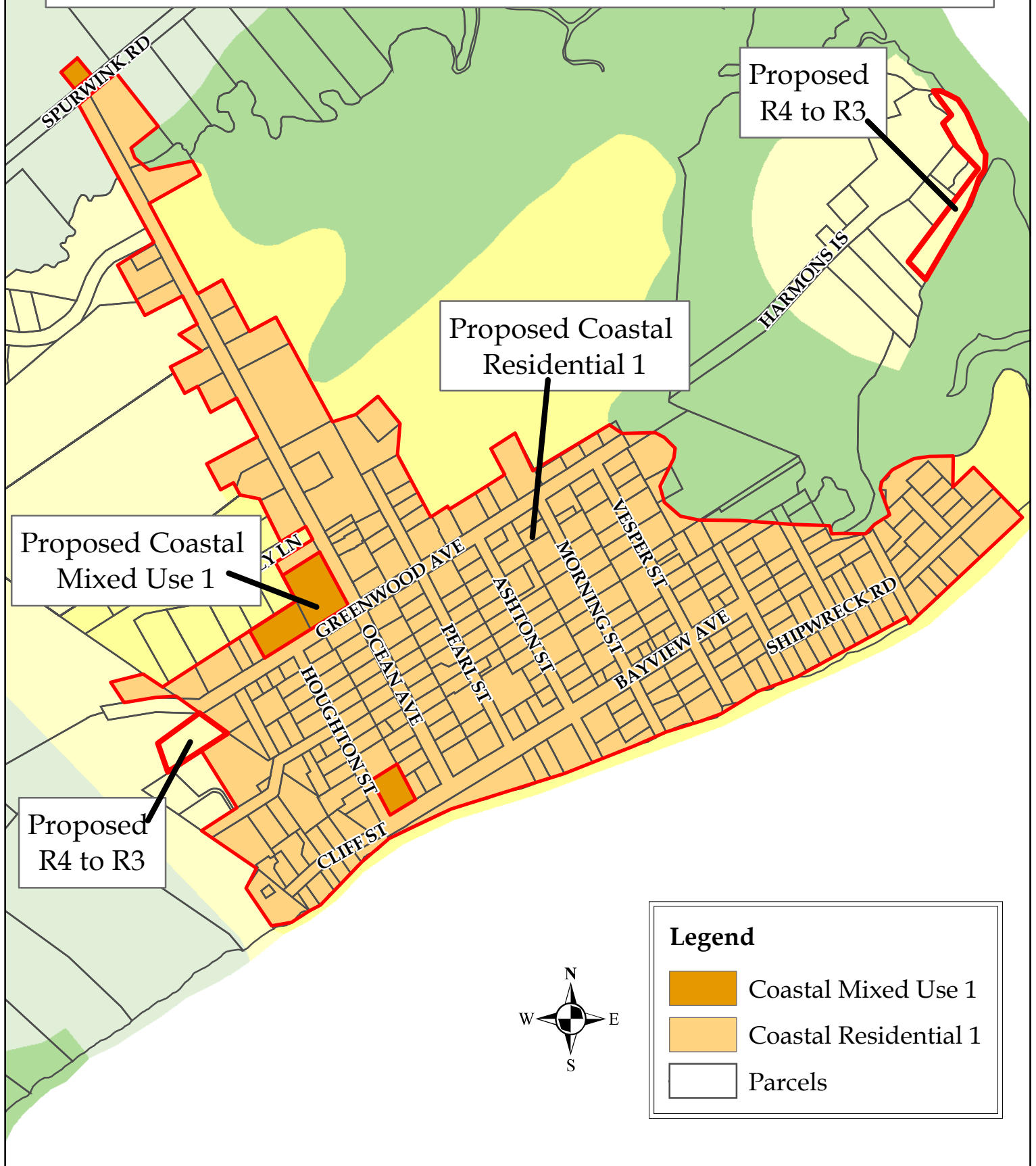
1. ADMINISTRATIVE REVIEW

- 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 shall require review under that ordinance by the Planning Board prior to any administrative review and permitting by the Planning and Code Enforcement Department.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-085. Move approval of the first reading and refer to the Planning Board the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts and schedule public hearing upon receipt of the Planning Board's recommendations.

Proposed Amendment to the Town of Scarborough Official Zoning Map
Establishing the Boundaries for the Coastal Residential 1
& Coastal Mixed Use 1 Districts @ Higgins Beach
Dated 10-29-15



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-086. Move approval of the first reading and refer to the Planning Board the proposed amendments to Chapter 405C, the Town of Scarborough Shoreland Zoning Ordinance to address the development coverage allowance in the Higgins Beach area and schedule public hearing upon receipt of the Planning Board's recommendations.

Proposed Amendment to the Shoreland Zoning Ordinance regarding Development Coverage at Higgins Beach

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendment to the Shoreland Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

Amend Section 14.B.4 as follows (additions are underlined; deletions are struck through):

4. The total footprint area of all structures, parking lots, driveways and other nonvegetated surfaces within the Shoreland Zone shall not exceed twenty (20) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed except as provided for in the following subsections:

a. In the Shoreland Overlay District, when the property is located east of the railroad right-of-way and the underlying zoning district is the Town and Village Centers Pine Point District – TVC-4 and/or the Industrial Overlay District – I-O, the total footprint area shall not exceed seventy-five (75) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

b. The total footprint area for functionally water-dependent uses shall not exceed seventy (70) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed. (amended 09/05/2012)

c. In the Shoreland Overlay District, when the property is also located in the Coastal Residential 1 (CD-CR1) District or Coastal Mixed Use-Limited (CD-CML) District, the total footprint area shall not exceed thirty-five (35) percent of the lot or portion thereof located within the Shoreland Zone, including land area previously developed.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-087. Move approval to authorize the Town Manager to schedule a public hearing, pursuant to 17 M.R.S.A. §2581 regarding a dangerous building located at 9 Partridge Lane.

Town of Scarborough, Maine
Planning and Code Enforcement

VIA FIRST CLASS AND CERTIFIED MAIL

August 21, 2015

Mr. Douglas Brown
C/O L.L. Bean
Double L Building
LL Street
Freeport, ME 04033

Subject: Condemned Building, Parcel Map U0080087, 9 Partridge Lane

Dear Mr. Brown,

As you are now aware, the Town conducted an inspection of the subject premises on August 13, 2015, at 3:15 PM and has determined the dwelling is uninhabitable. We have posted the building as condemned and it may not be occupied in its current condition.

I have enclosed a copy of the Return of Administrative Inspection Warrant which cites the specific violations that were found during the inspection. The District Court has received this document as required by law.

As the owner of the property, you are responsible for correcting the conditions that make the building uninhabitable, or to have the building demolished. To avoid the maximum penalties that may be imposed, please contact me within 7 days upon receipt of this notice of condemnation.

Please do not ignore this request. If you do not contact me, the matter will be referred to Town Council for action pursuant to the Maine Dangerous Building statutes, 17 M.R.S.A. §§ 2851-2859.

I can be reached at 207.730.4050 or by email at blongstaff@ci.scarborough.me.us between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Sincerely,



Brian Longstaff
Zoning Administrator

Cc: Phil Saucier, Attorney via email
Tom Hall, Town Manager via email
Mike Thurlow, Fire Chief via email
Robert Moulton, Chief of Police via email
Dan Bacon, Town Planner via email



STATE OF MAINE
Cumberland, ss.

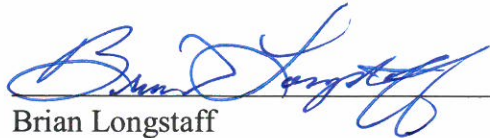
DISTRICT COURT
Location: Portland
Docket No. CV-15-350

TOWN OF SCARBOROUGH,	)	
Plaintiff,	)	RETURN OF ADMINISTRATIVE
	)	INSPECTION WARRANT
v.	)	
	)	
DOUGLAS BROWN,	)	
Defendant.	)	

Pursuant to M.R. Civ. P. 80E(f) and the Administrative Inspection Warrant issued in the above-captioned matter on August 5, 2015 by the Maine District Court, (9th Div. So. Cumb.), I, Brian Longstaff, Zoning Administrator for the Town of Scarborough, County of Cumberland, in the State of Maine, along with other agents of the Town, executed the above referenced Warrant by leaving a copy of the same in a conspicuous place at the premises known as 9 Partridge Road, Scarborough, Maine (the "Premises"), and following execution and inspection of the premises, found the following violations of 17 M.R.S. § 2851; 22 §§ M.R.S. § 461, 1561 and other related statutes:

- i) Failing floor framing adjacent to second story sliding door;
- ii) Collapsed second story deck;
- iii) Water damaged ceiling in danger of collapse;
- iv) Non-functioning plumbing;
- v) Non-weather tight building shell;
- vi) Filth, insect, rodent, and animal infestation;
- vii) Unsanitary conditions; and
- viii) Stored human waste.

Dated this 18th day of August, 2015.



Brian Longstaff
Zoning Administrator
Town of Scarborough

Maine Revised Statutes

Title 17: CRIMES

Chapter 91: NUISANCES

§2851. DANGEROUS BUILDINGS

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD) .]

1. Notice. The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[1997, c. 6, §1 (AMD) .]

3. Order. The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[1997, c. 6, §1 (AMD) .]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD). 1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

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Town of Scarborough, Maine
Planning and Code Enforcement

Memo

From: Brian Longstaff, Zoning Administrator

To: Town Council, Town Manager

Date: October 29, 2015

Subject: Dangerous Building Enforcement, 9 Partridge Lane

An order to request that the Council schedule a public hearing pursuant to 17 M.R.S. § 2581 has been placed on the agenda for you to consider and act upon. The purpose of the hearing is for the Council to adjudge the subject property to be a nuisance or dangerous and make and record an order prescribing what disposal must be made of that building or structure. The following background information is provided to give the Council context on this issue.

The subject property owned by Douglas Brown has fallen into disrepair. The Code Office has made numerous attempts to discuss the condition of the property with Mr. Brown, which he has ignored.

In response to neighborhood complaints about the condition of the property, and in cooperation with SPD and the local health officer Dr. Kirsch, the Code Enforcement Department was granted an administrative warrant to inspect the property. The inspection took place on August 13, 2015 and a return of warrant (copy in your packets) was filed with the court on August 18, 2015, and describes the conditions/violations found at the property, which were deplorable. The utilities were been disconnected and "Condemned" placards were placed on the structure August 13. Notice of violation/condemnation (copy in your packets) was sent via first class certified mail to Mr. Brown at his place of work along with the Return of Warrant. Mr. Brown failed to contact the department as requested. It did not appear that Mr. Brown currently resides at the dwelling.

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Photos of 9 Partridge Lane

Photo (right) shows the back deck has fallen away from the dwelling exposing the framing and allowing water damage to the interior. Below - General lack of maintenance to the house and yard area as well.



Photo (right) shows sagging ceiling, peeling paint due to water damage and mold growth.



Photo (below) shows general unsanitary conditions, clutter, and trash strewn throughout the dwelling.

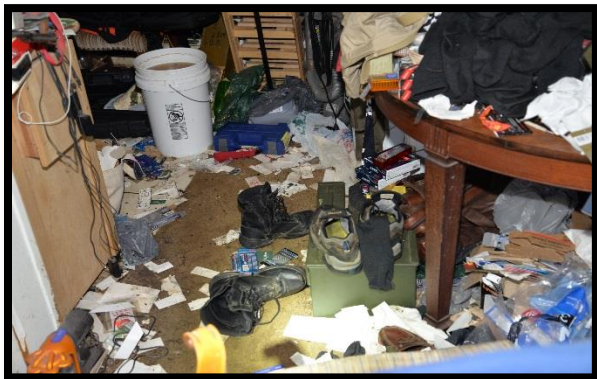
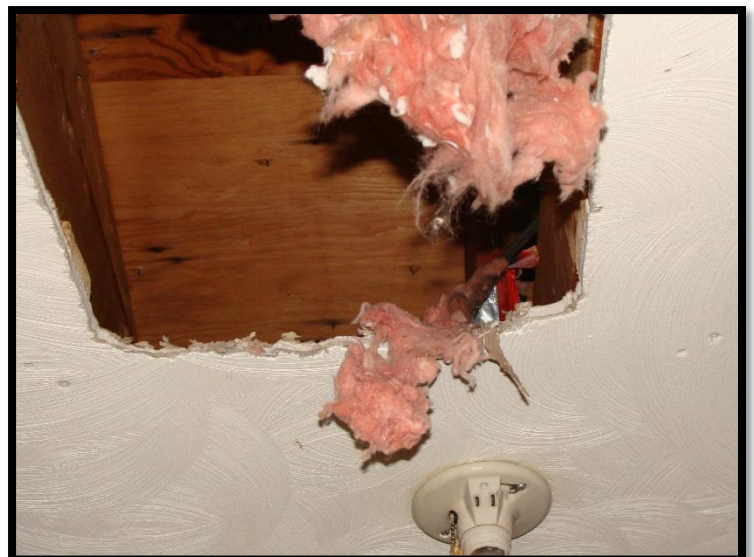


Photo (right) shows damage caused by raccoons entering the attic area.



AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-088. Move approval to authorize the Town Manager and the Zoning Administrator to pursue legal proceedings to abate the condition of the dangerous building located at 2 Asselyn Drive pursuant to 17 M.R.S.A. §2581.

Town of Scarborough, Maine
Planning and Code Enforcement

Memo

From: Brian Longstaff, Zoning Administrator

To: Town Council, Town Manager

Date: October 28, 2015

Subject: Dangerous Building Enforcement, 2 Asselyn Drive

An order to authorize the Town Manager and Zoning Administrator to pursue legal proceedings to abate the condition of the dangerous building located at 2 Asselyn Drive pursuant to 17 M.R.S. § 2581 has been placed on the agenda for you to consider and act upon. The following background information is provided to give the Council context on this issue.

The subject property is owned by Nathaniel Chappell. The property has fallen into disrepair. Mr. Chappell is unemployed and suffers from mental illness. The Scarborough Police Department has had over 65 contacts with Mr. Chappell since 2010.

In response to neighborhood complaints about the condition of the property, and in cooperation with SPD and the local health officer Dr. Kirsch, the Code Enforcement Department approached Mr. Chappell with a request to inspect his property and was able to gain entry to the dwelling at 2 Asselyn Drive on August 19, 2015. Conditions found at the property included dangerous and unpermitted plumbing and electrical installations; inoperable plumbing/heating systems; large accumulations of trash, food, and human waste; and unkempt yard areas. After attempts to find assistance for Mr. Chappell failed, the Code office was left with no choice but to condemn the property and prohibit occupancy until the violations are corrected. Mr. Chappell voluntarily vacated the property on Thursday, October 22, 2015, and the Town secured the property against unauthorized entry at its own expense. The utilities have been disconnected. The current mortgage company that began foreclosure proceedings several years ago now has planned to sell the property at auction in early December.

With Mr. Chappell out of the residence, we are now left with the problem of a condemned dangerous building that is uninhabitable and unsanitary, and which lowers the value and marketability of the other properties in the neighborhood. At a minimum, the Code Office wants the property to be thoroughly cleaned; the mechanical and electrical systems repaired or replaced and operational; and the ancillary damage to the dwelling and yard areas repaired.

On the advice of legal counsel, the best course of action for the Town to take is to file a complaint pursuant to 17 M.R.S. § 2581 as it will place the Town in a better position to force the mortgage company to make these minimal repairs and to be reimbursed for expenses incurred to date.

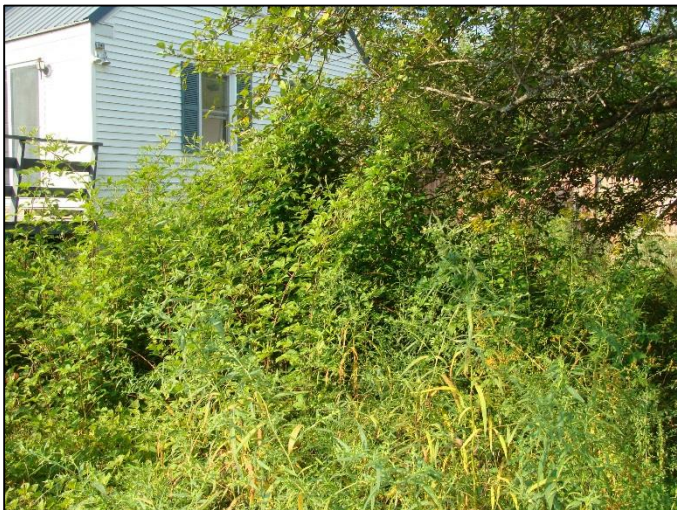
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Photos of 2 Asselyn Drive



Photo (above & right) shows accumulations of trash/food waste throughout kitchen and foyer.



Above – overgrown back yard is harborage for rodents.



Above – shows general poor condition of home and living conditions.

Below – shot of conditions inside the garage.



Left – open holes in walls made throughout dwelling for unpermitted and dangerous electrical rewiring.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – NOVEMBER 4, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-089. Move approval on the request to certify the election results from the Municipal Election that was held on Tuesday, November 3, 2015.