

AGENDA
SCARBOROUGH TOWN COUNCIL
TOWN COUNCIL RETREAT PIPER SHORES – 3:00 P.M.
WEDNESDAY – DECEMBER 2, 2015
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: November 18, 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. 15-093, 7:00 p.m. Public hearing and action on the new request for a Innkeepers License and a Food Handlers from Portland Hospitality, LLC d/b/a Candlewood Suites Portland, located at 700 Roundwood Drive.

OLD BUSINESS:

Order No. 15-084. Second reading 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. Second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts.

Order No. 15-086. Second reading 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.

NEW BUSINESS:

Order No. 15-094. First reading and refer to the Planning Board for a public hearing the proposed amendment to Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine – Section XVIII. Town and Village Centers District - Subsection C. Permitted Uses, Conventional and Planned Developments Residential Uses.

Order No. 15-095. Act on the recommendations for Council Chair Liaison Committee/Board Appointments.

Order No. 15-096. Act on the request to approve the new Town of Scarborough Outside Agency Funding Policy.

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 – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-093. Move approval on the new request for a Innkeepers License and a Food Handlers from Portland Hospitality, LLC d/b/a Candlewood Suites Portland, located at 700 Roundwood Drive.

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: November 25, 2015

RE: **Request for a Food Handlers License and Innkeepers License**

The following applicant is seeking approval on a new request for a Food Handlers License:

- Portland Hospitality, LLC d/b/a Candlewood Suites Portland, located at 700 Roundwood Drive.

The completed application is on file with Town Clerk's Office and there are no outstanding issues. It is recommended that the licenses be approved.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-084. Move approval of the second reading 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.

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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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.

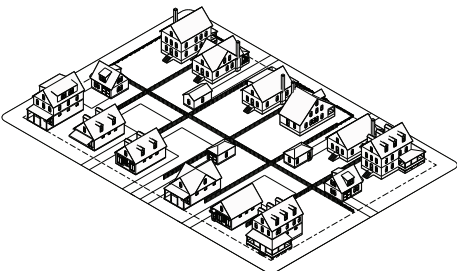
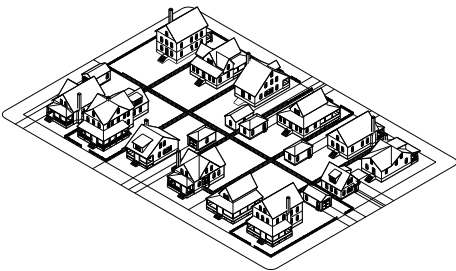
2. APPLICABILITY

- 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.

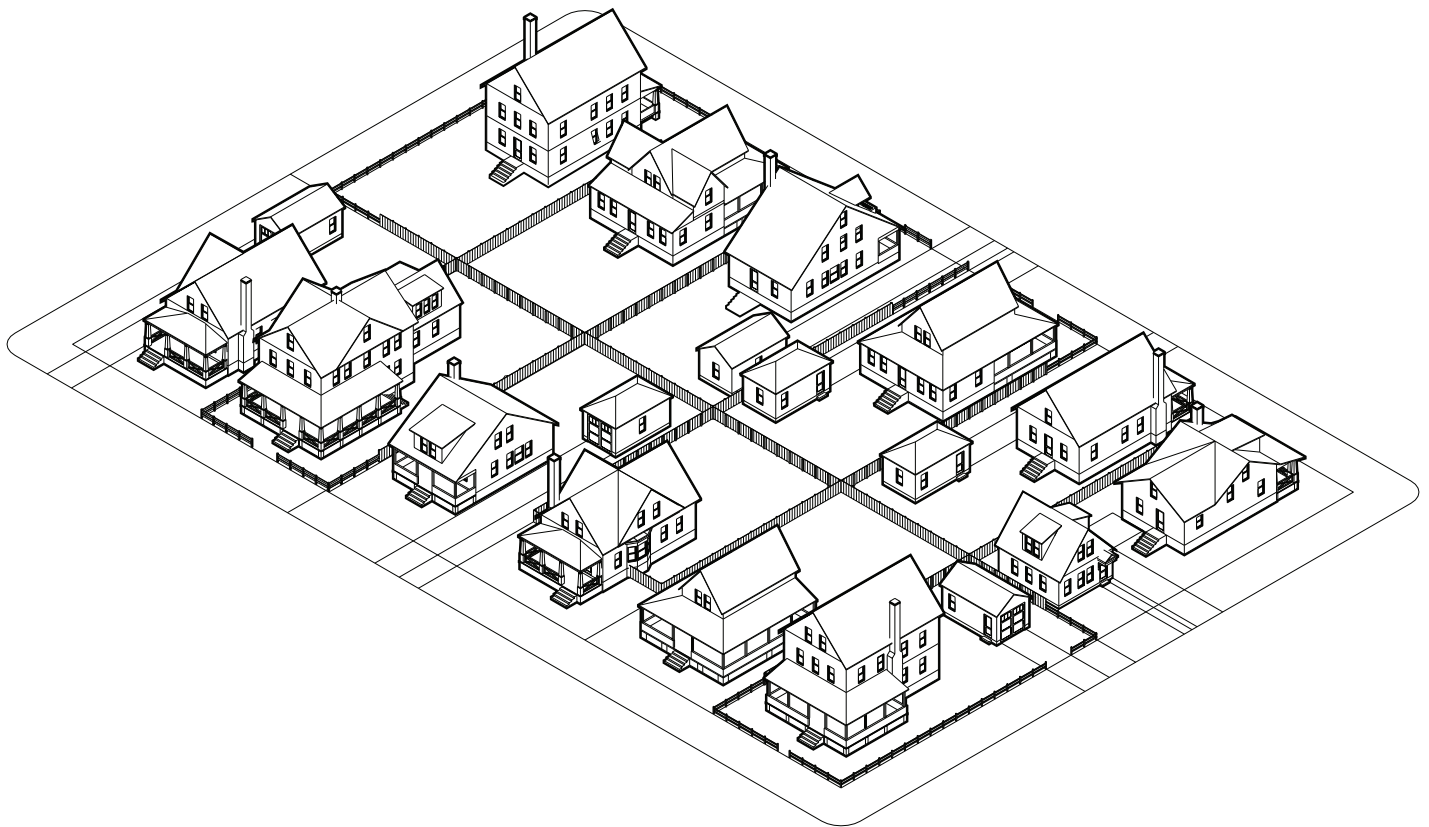
TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE



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.

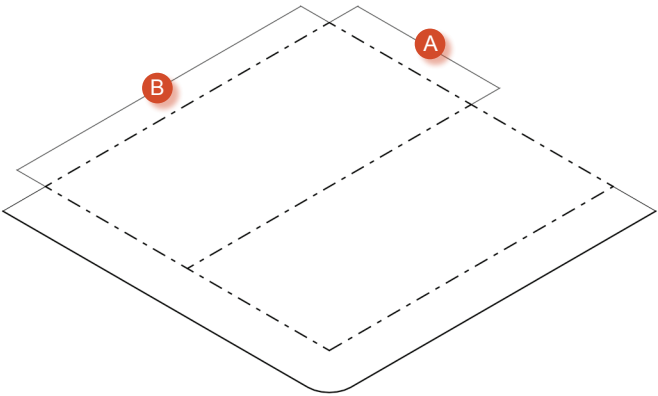
PERMITTED BUILDING TYPES

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

4. LOT STANDARDS

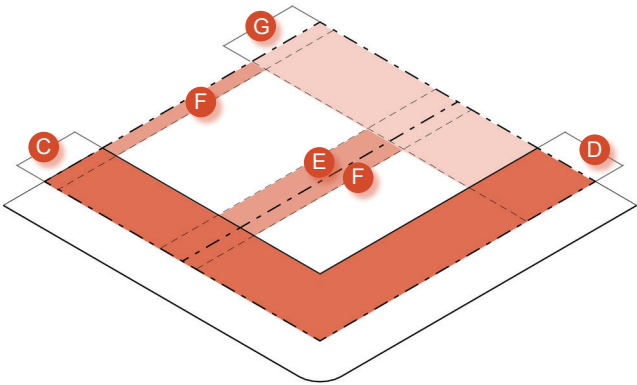
LOT DIMENSIONS

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



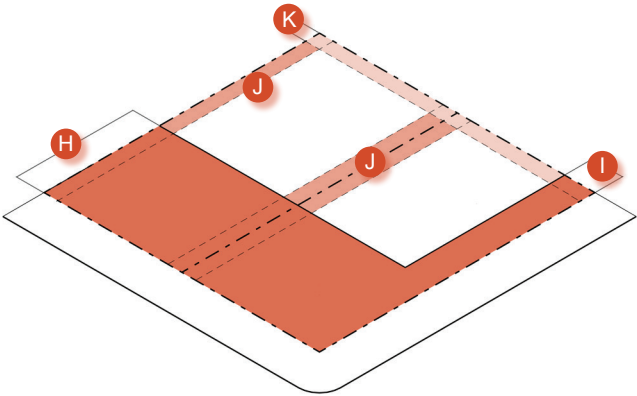
PRINCIPAL BUILDING PLACEMENT

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

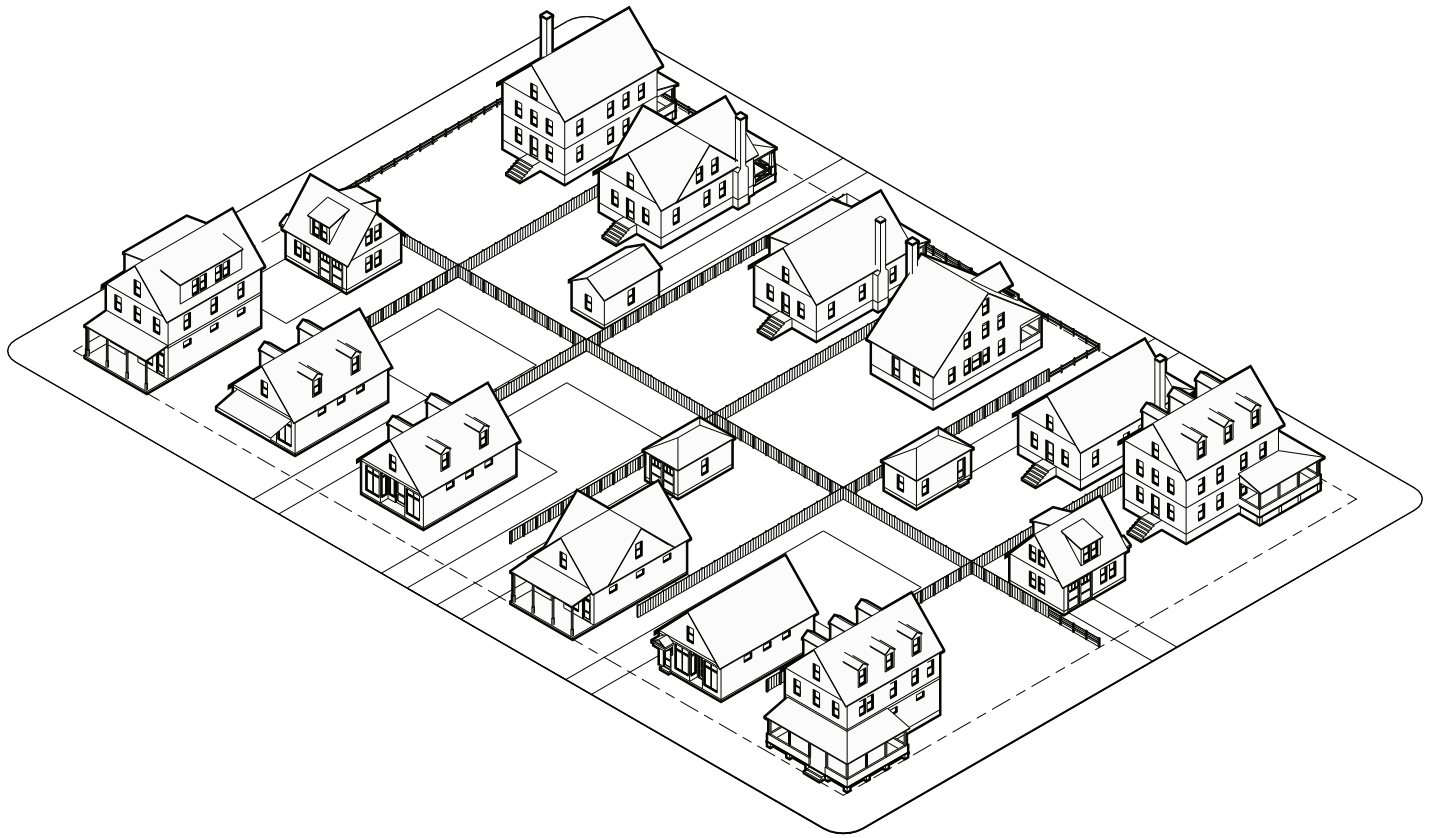


ACCESSORY BUILDING PLACEMENT

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.

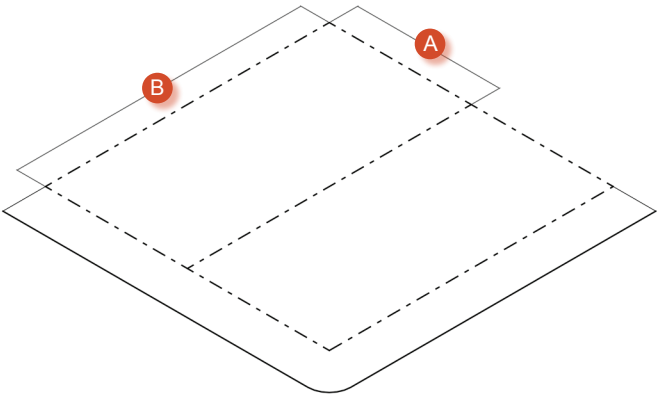
PERMITTED BUILDING TYPES

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

4. LOT STANDARDS

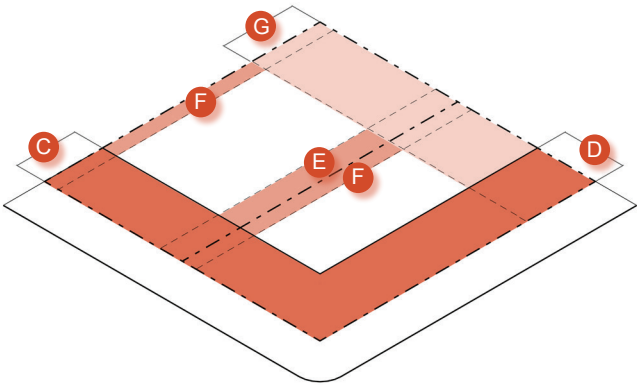
LOT DIMENSIONS

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



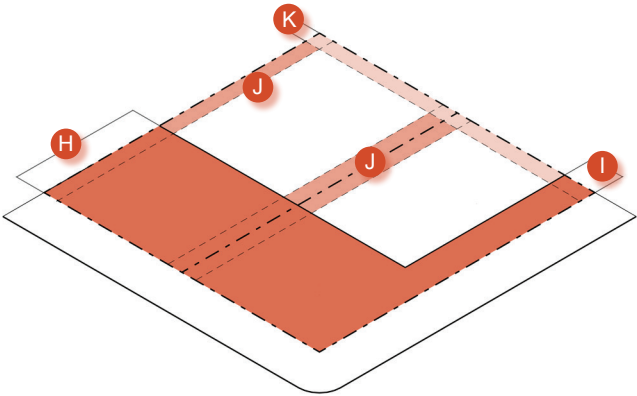
PRINCIPAL BUILDING PLACEMENT

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

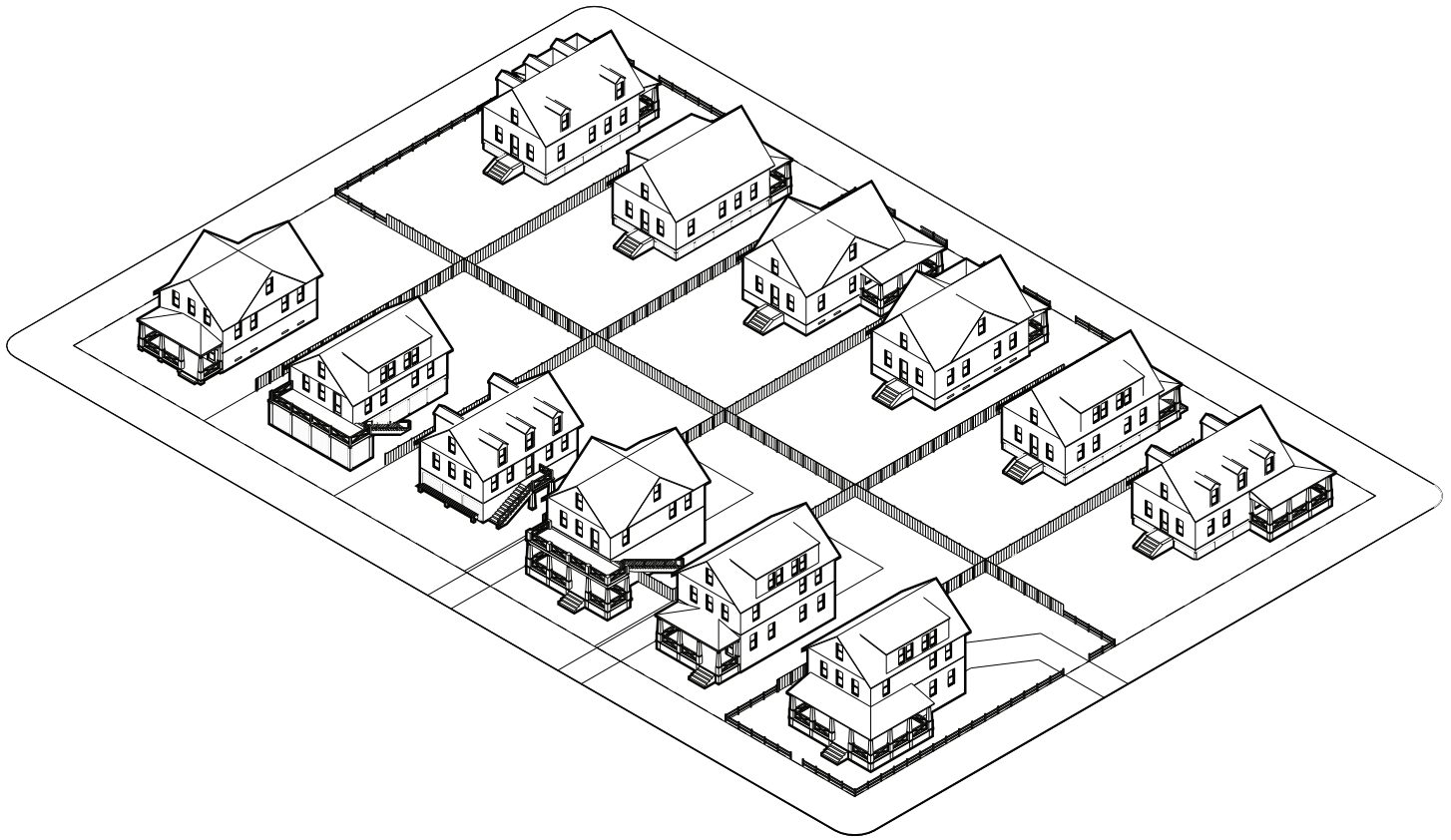


ACCESSORY BUILDING PLACEMENT

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

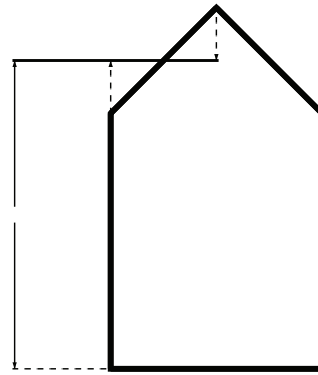
THIS SECTION IS FOR REFERENCE ONLY. REFER TO THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS FOR SPECIFIC STANDARDS AND REQUIREMENTS

	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.

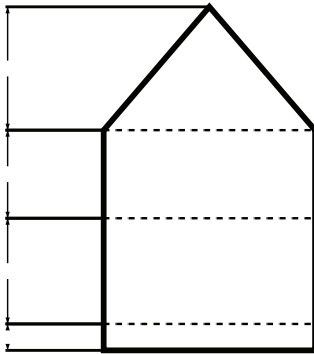
A. STANDARDS FOR ALL BUILDINGS

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	-

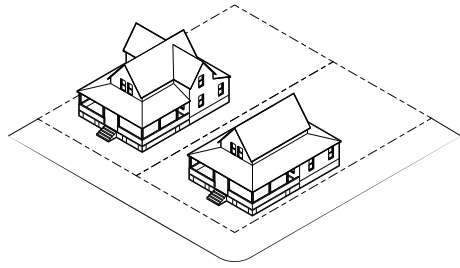
COMPONENTS

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

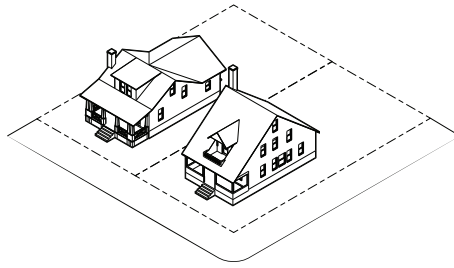
* Or minimum slope required by building code for specified roof system.

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

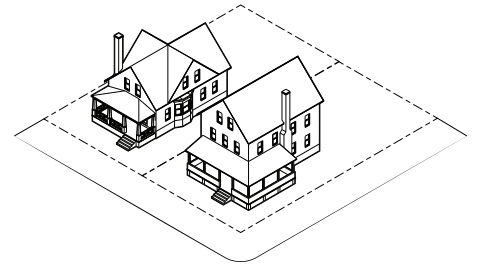
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



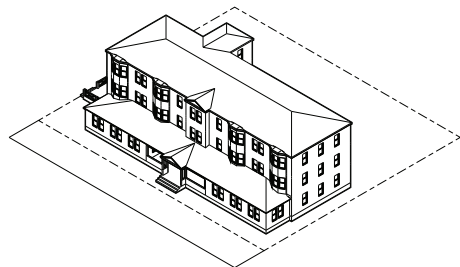
1. COASTAL COTTAGE



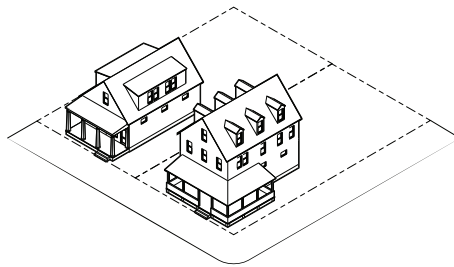
2. BUNGALOW



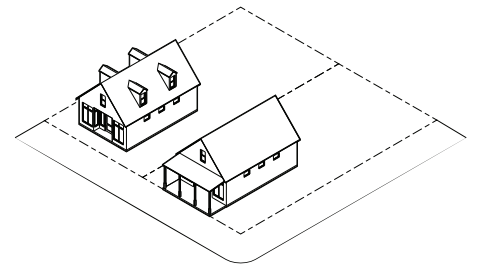
3. HOUSE



4. INN BUILDING

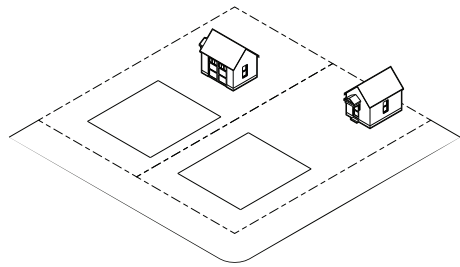


5. SHOPHOUSE

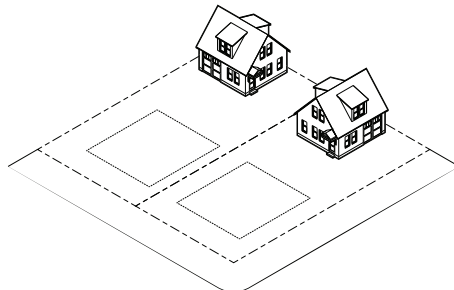


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING

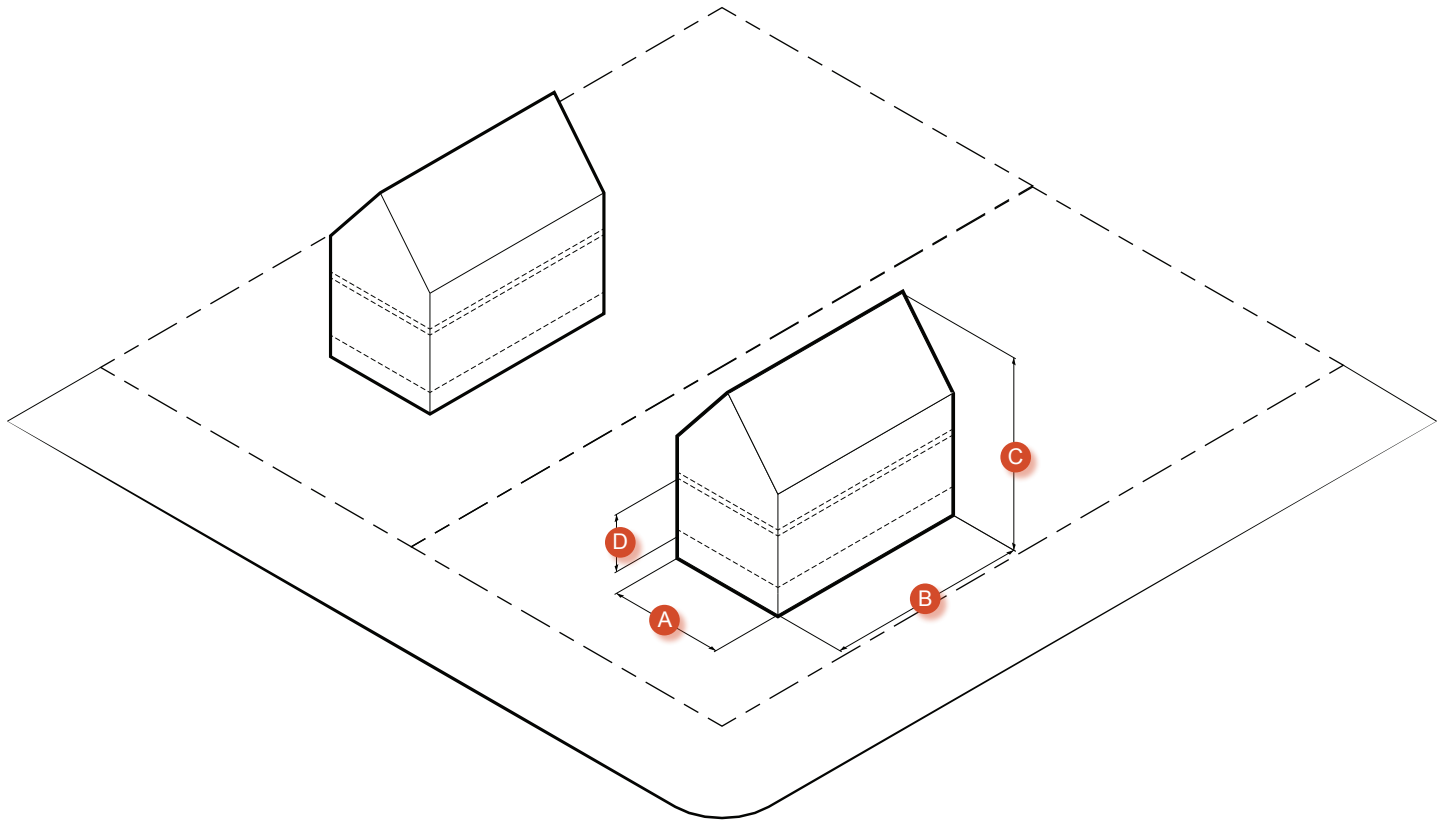


2. ONE-STORY CARRIAGE HOUSE

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

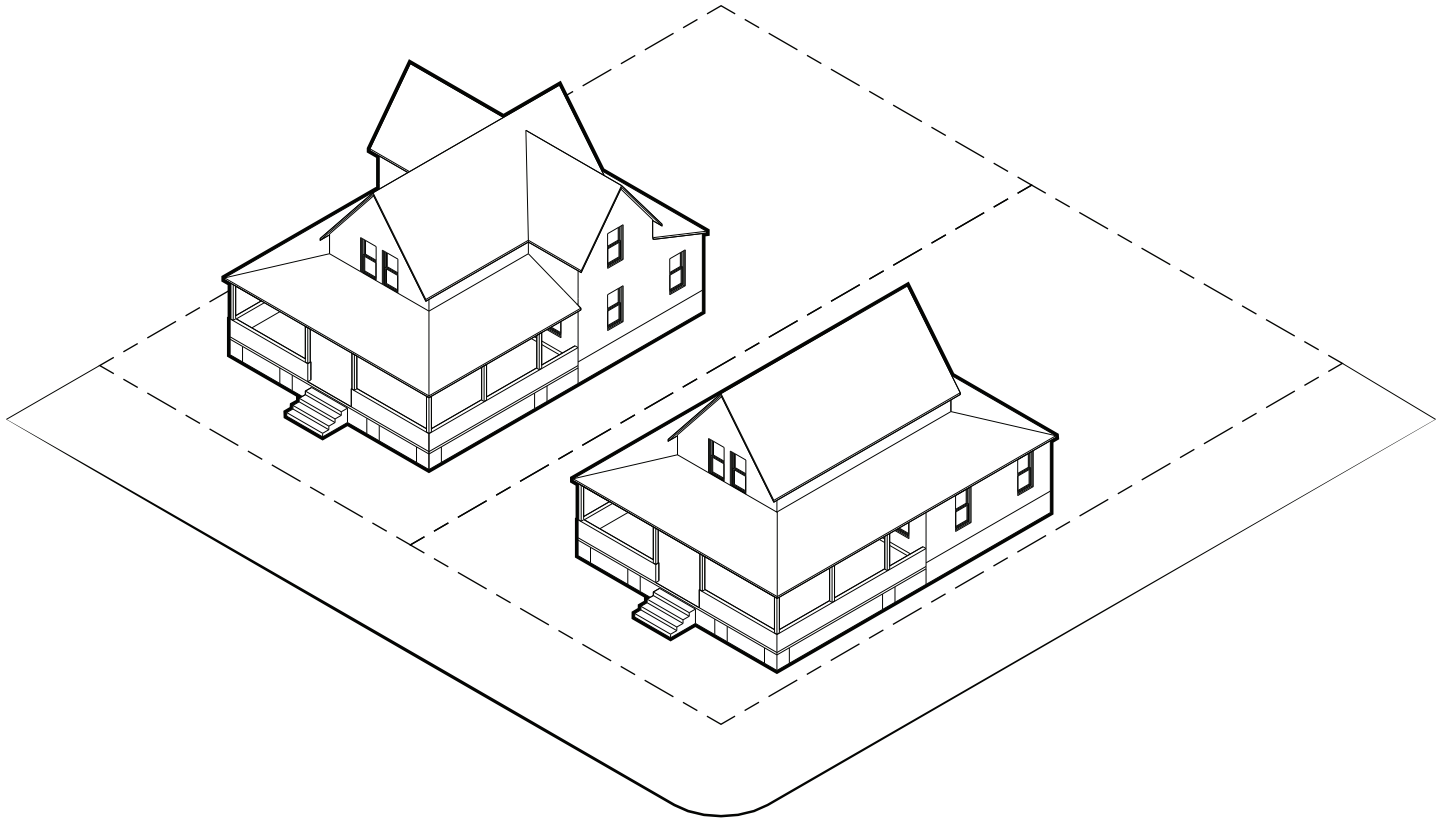
FACADE COMPOSITION

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
---------------	-----------

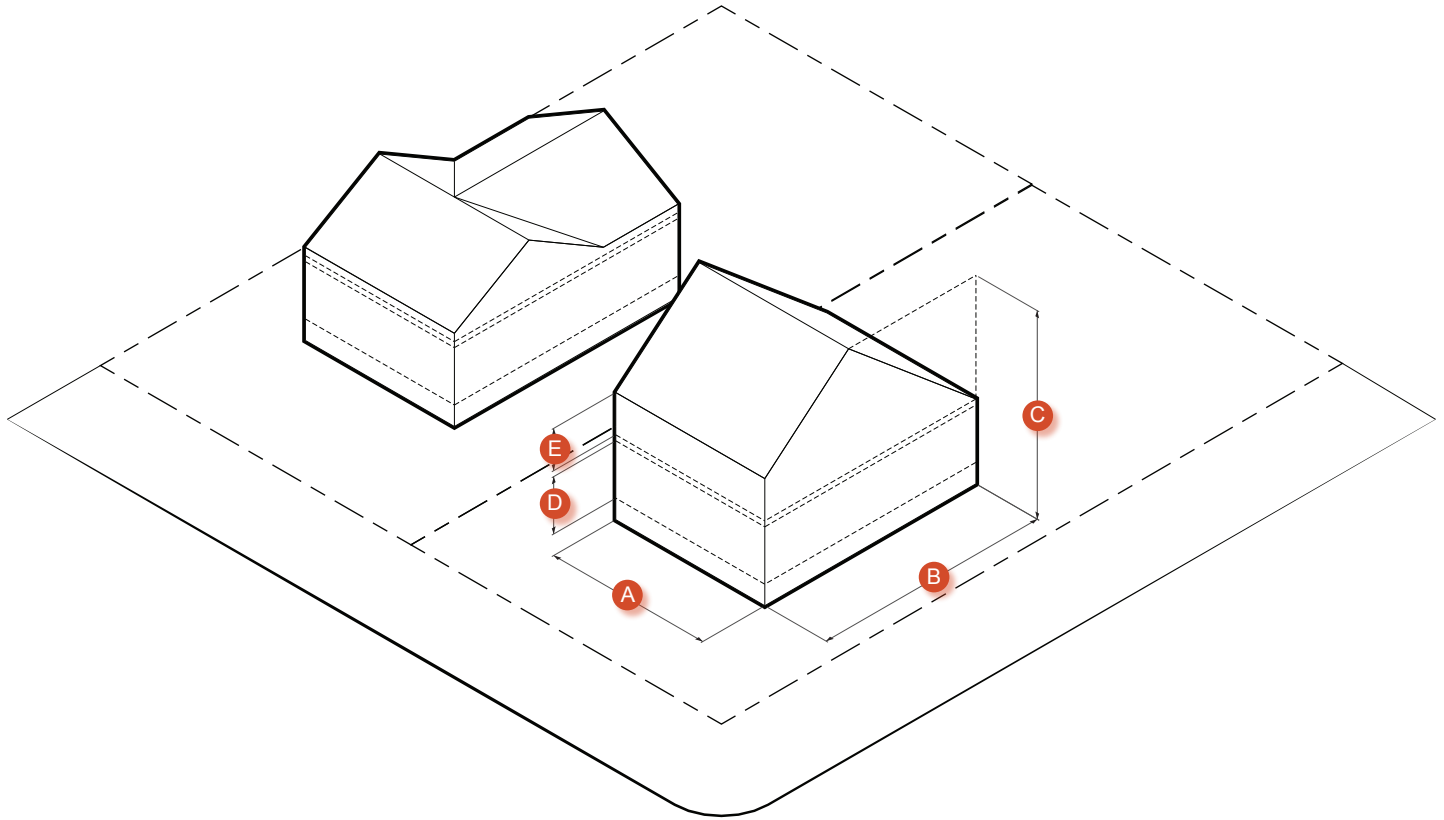
Side Addition	Permitted
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STANDARDS

- 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

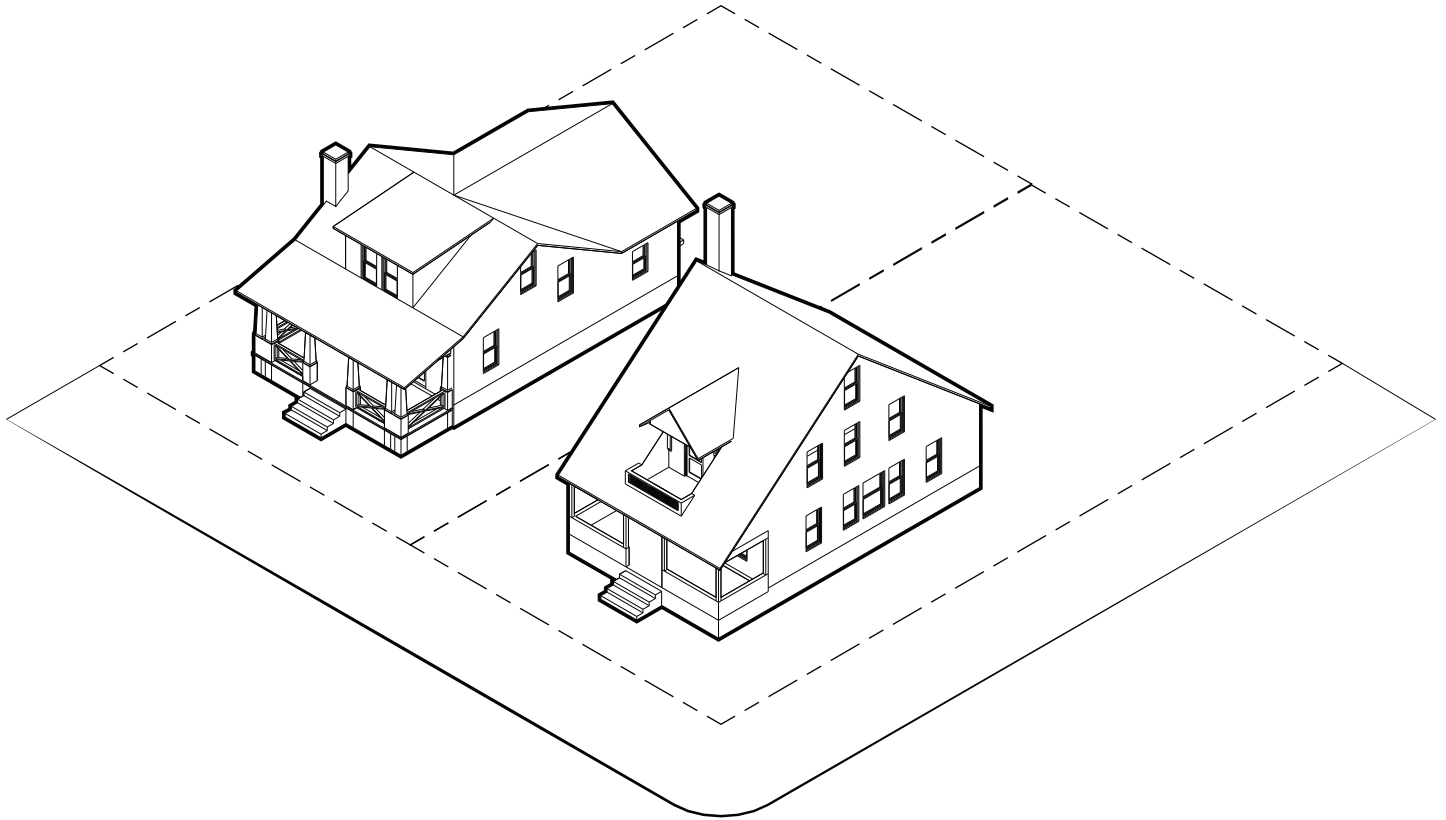
FACADE COMPOSITION

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

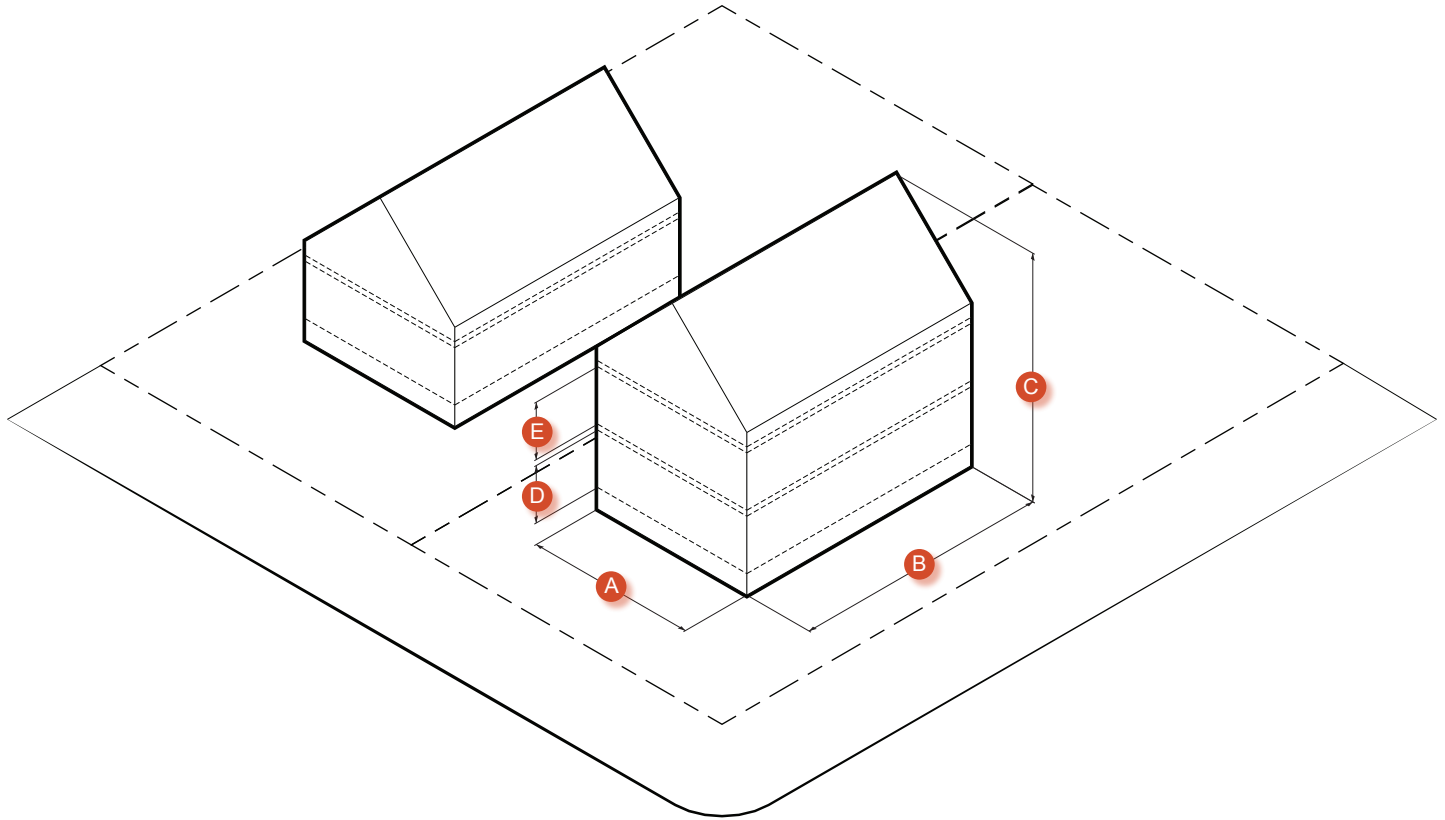
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

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

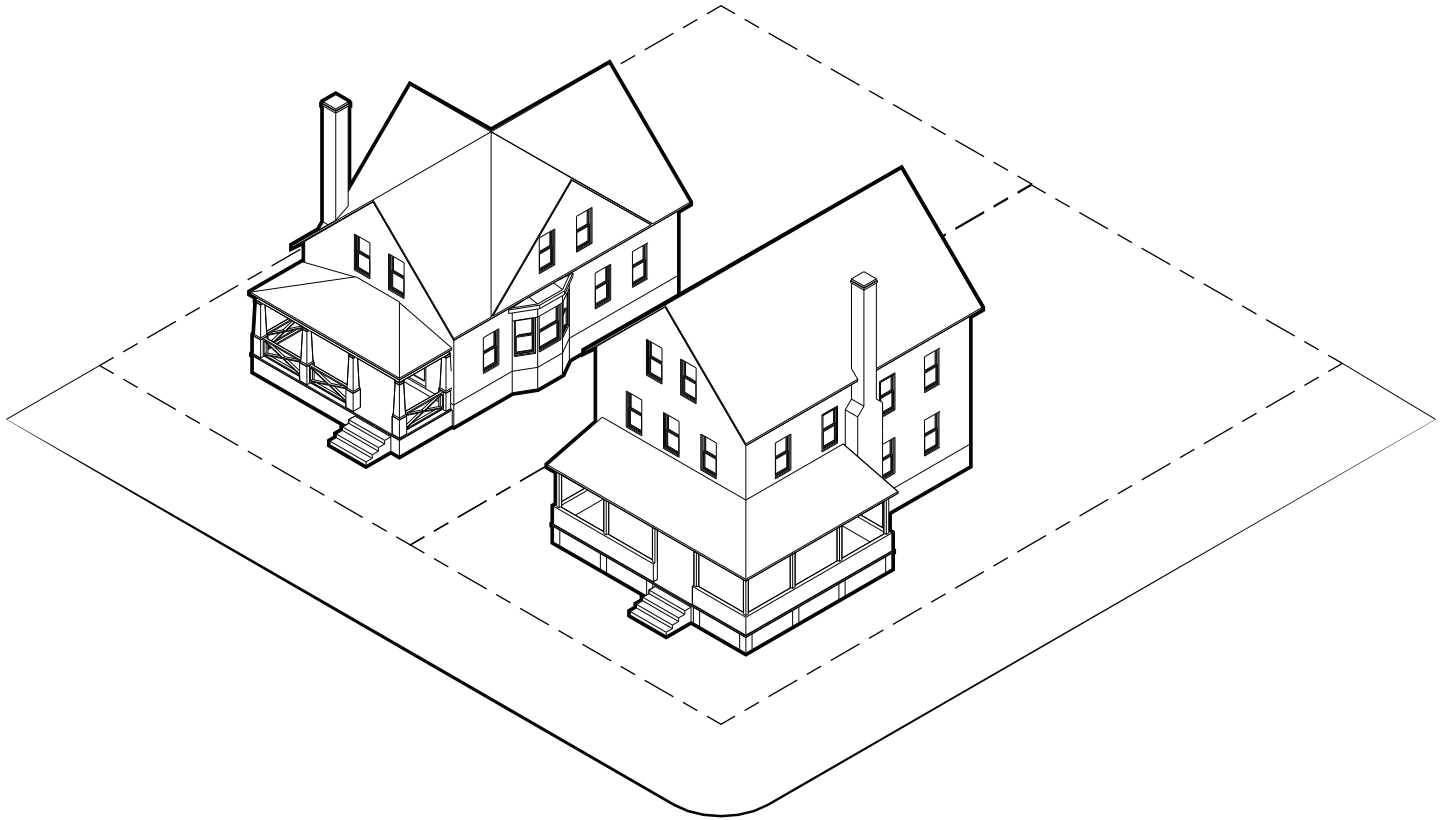
FACADE COMPOSITION

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

FRONTAGES

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

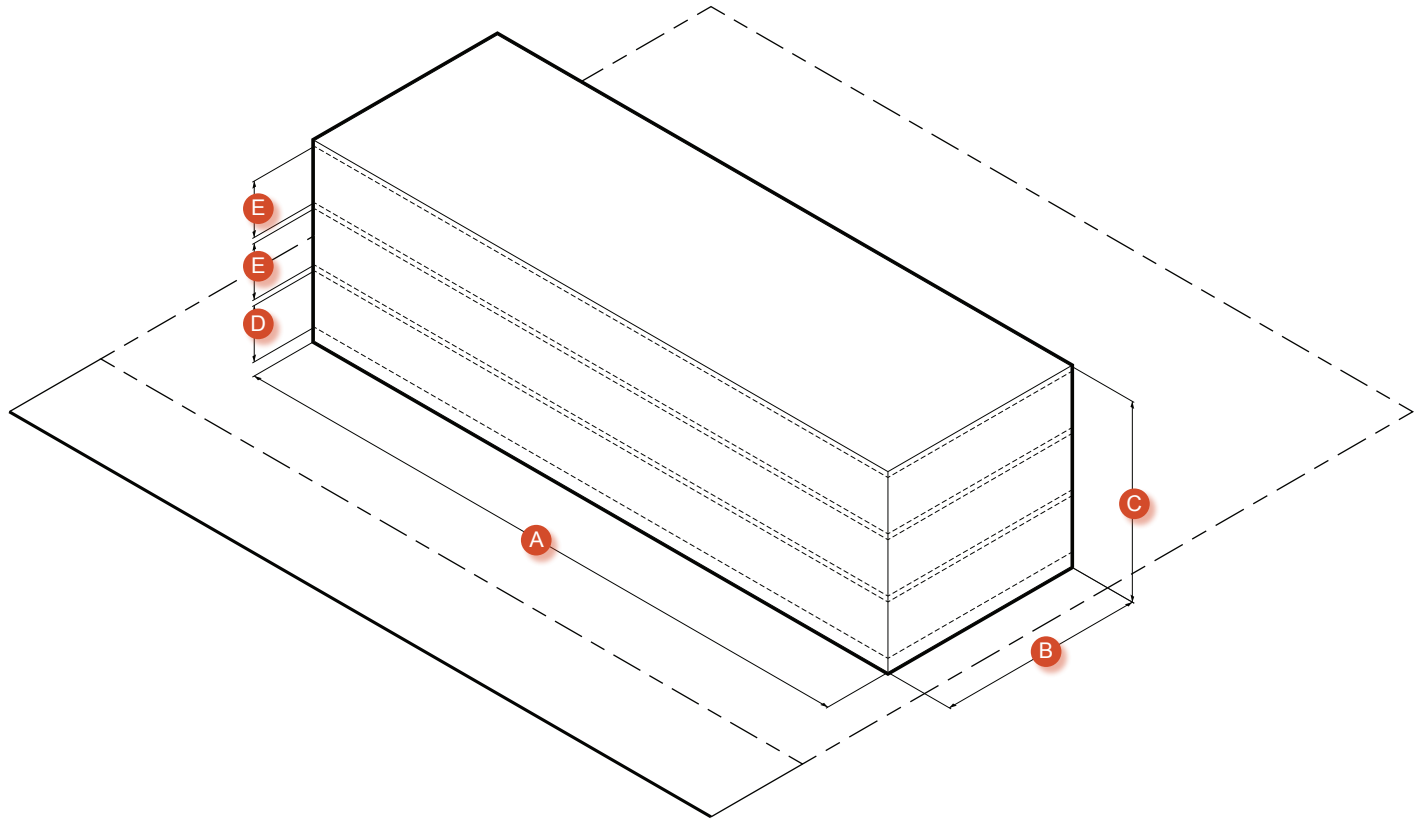
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

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

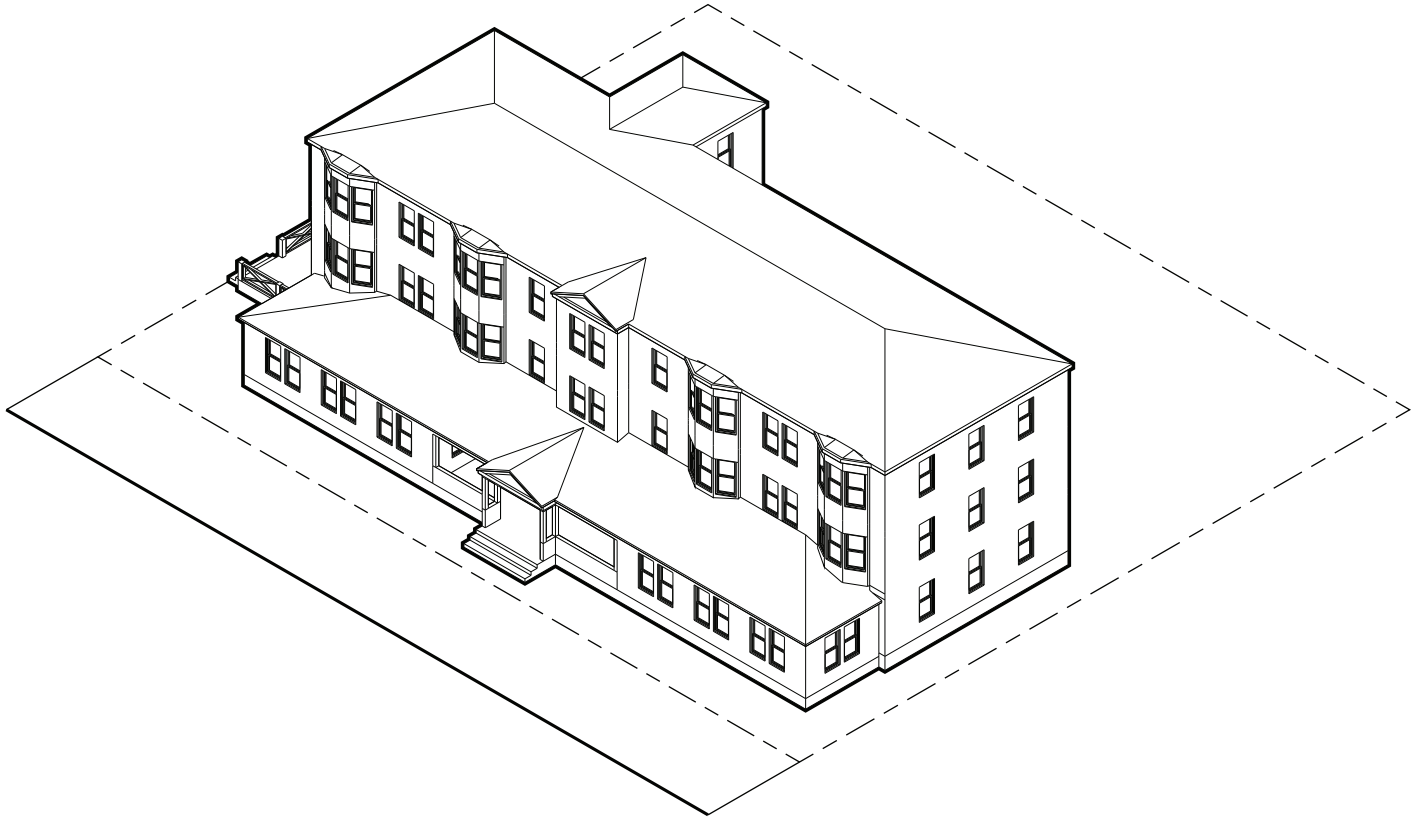
FACADE COMPOSITION

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

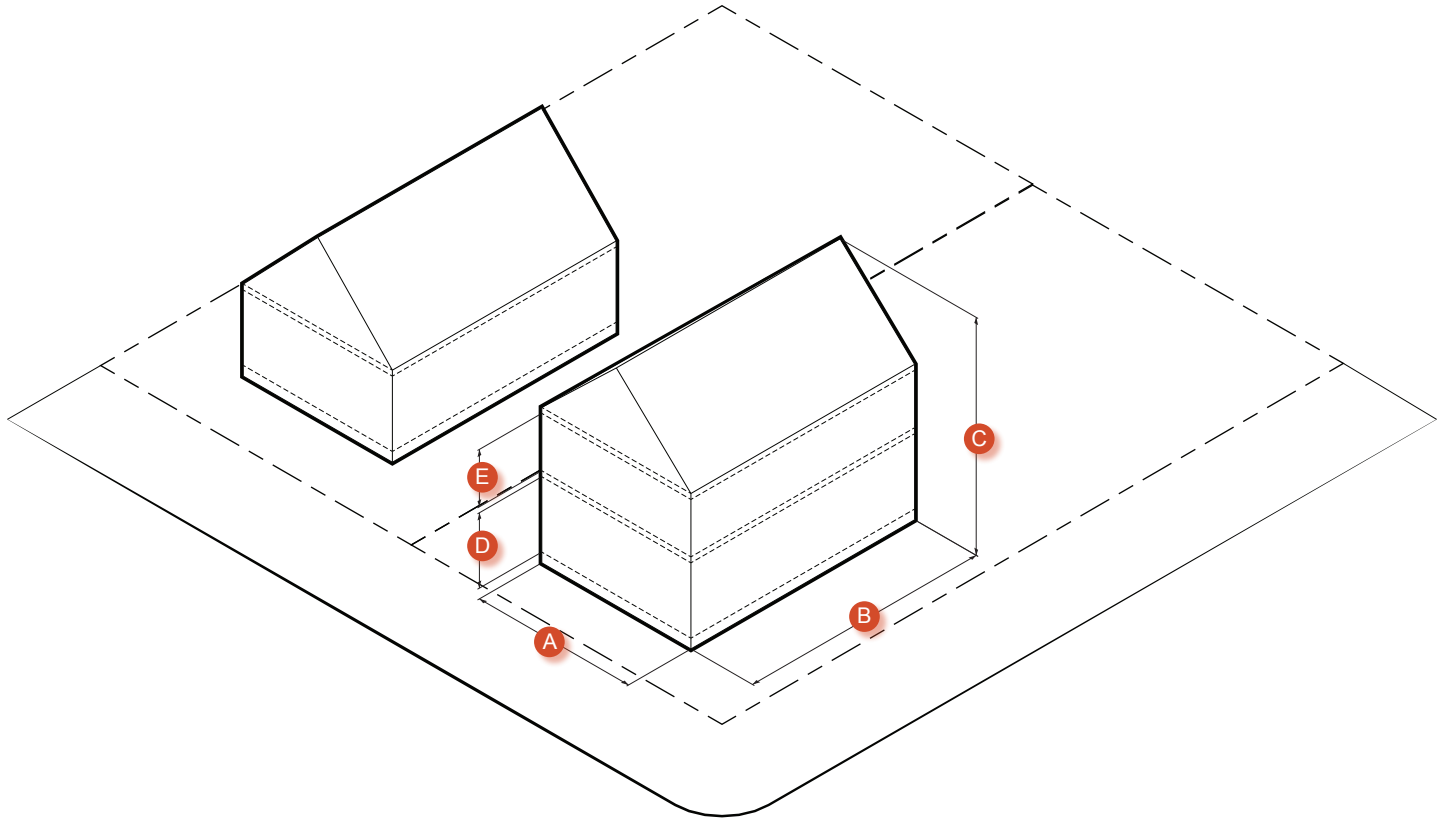
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots 100ft wide min.

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

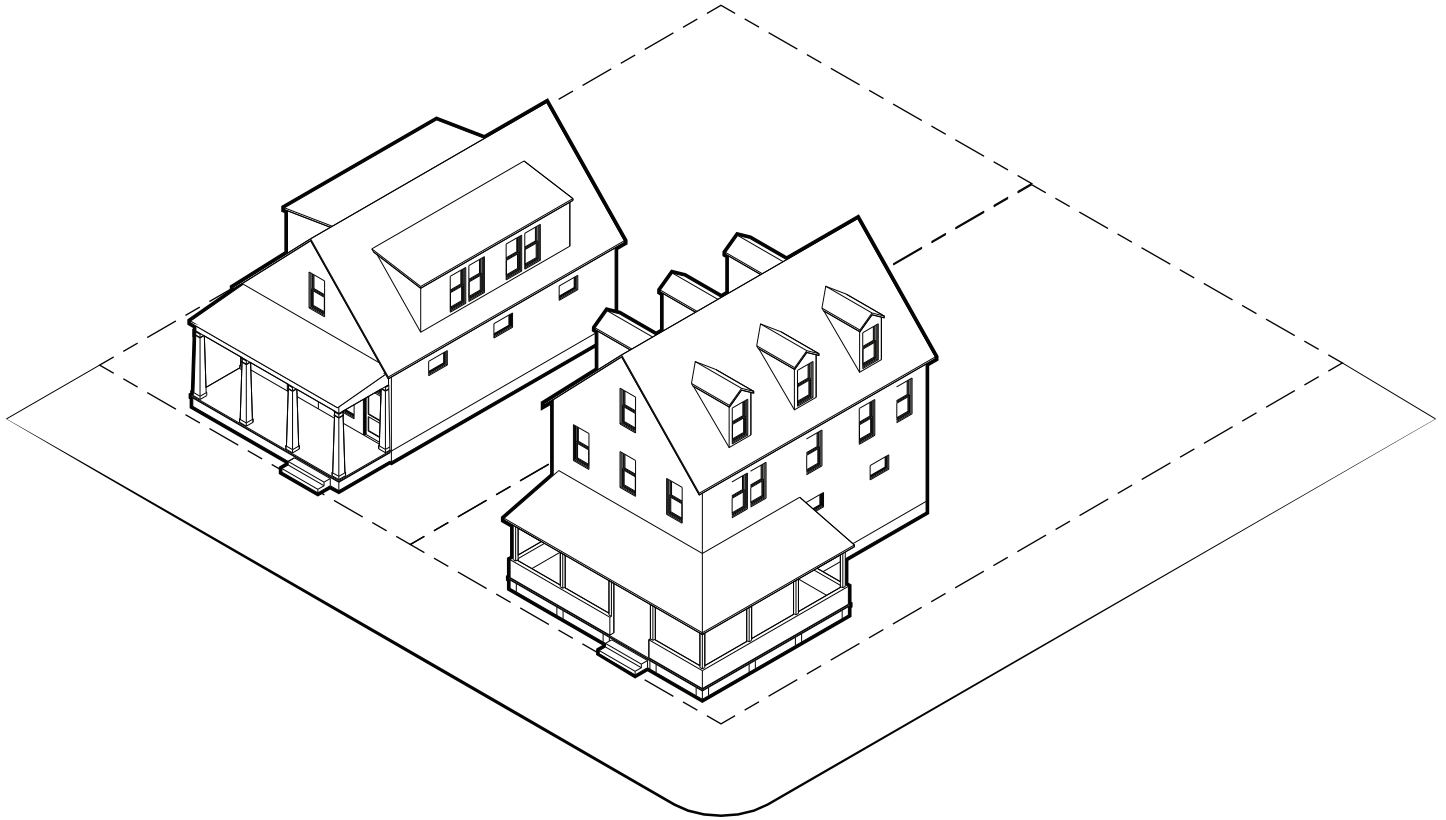
FACADE COMPOSITION

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

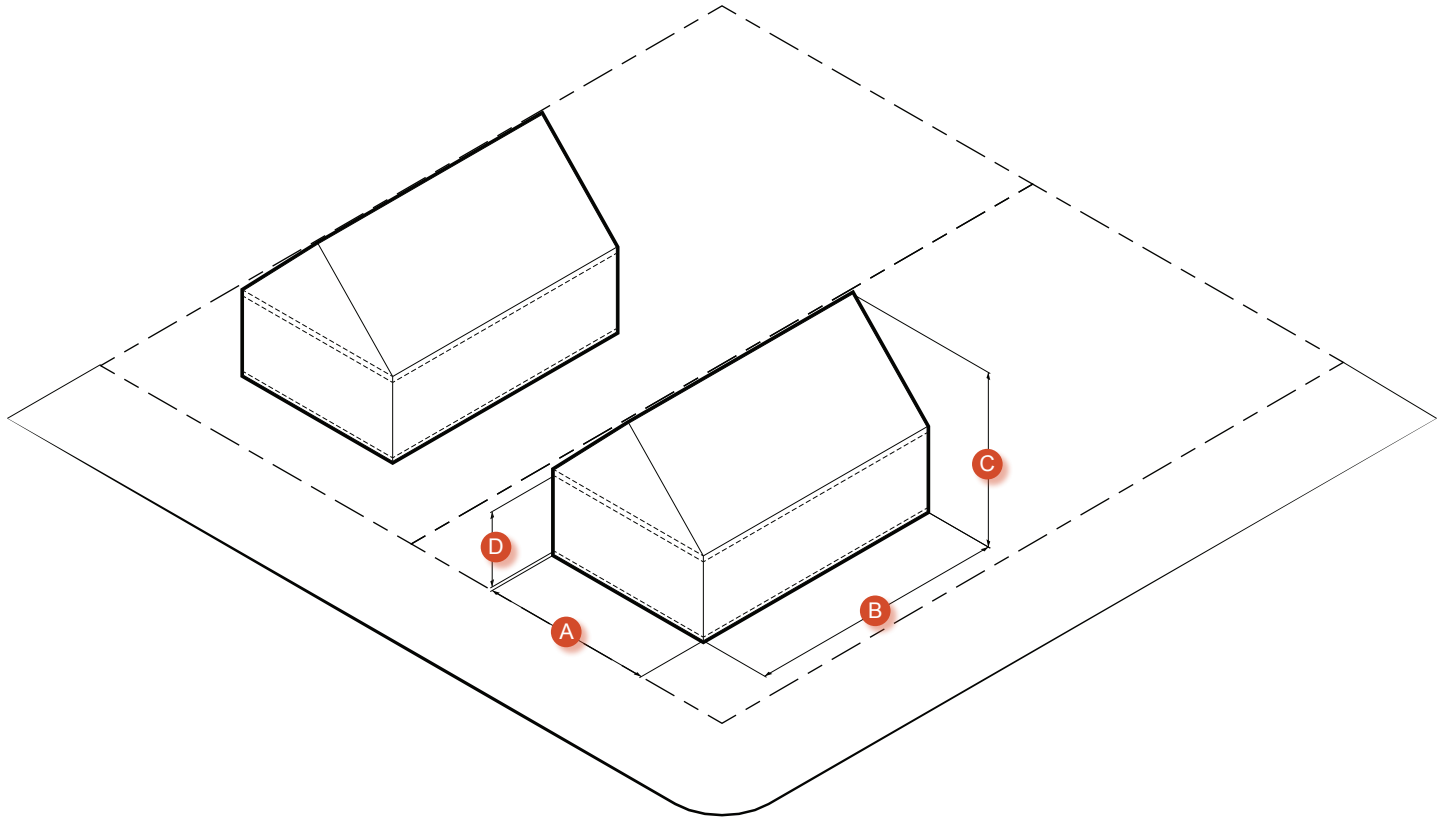
Permitted on lots 100ft wide min.

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

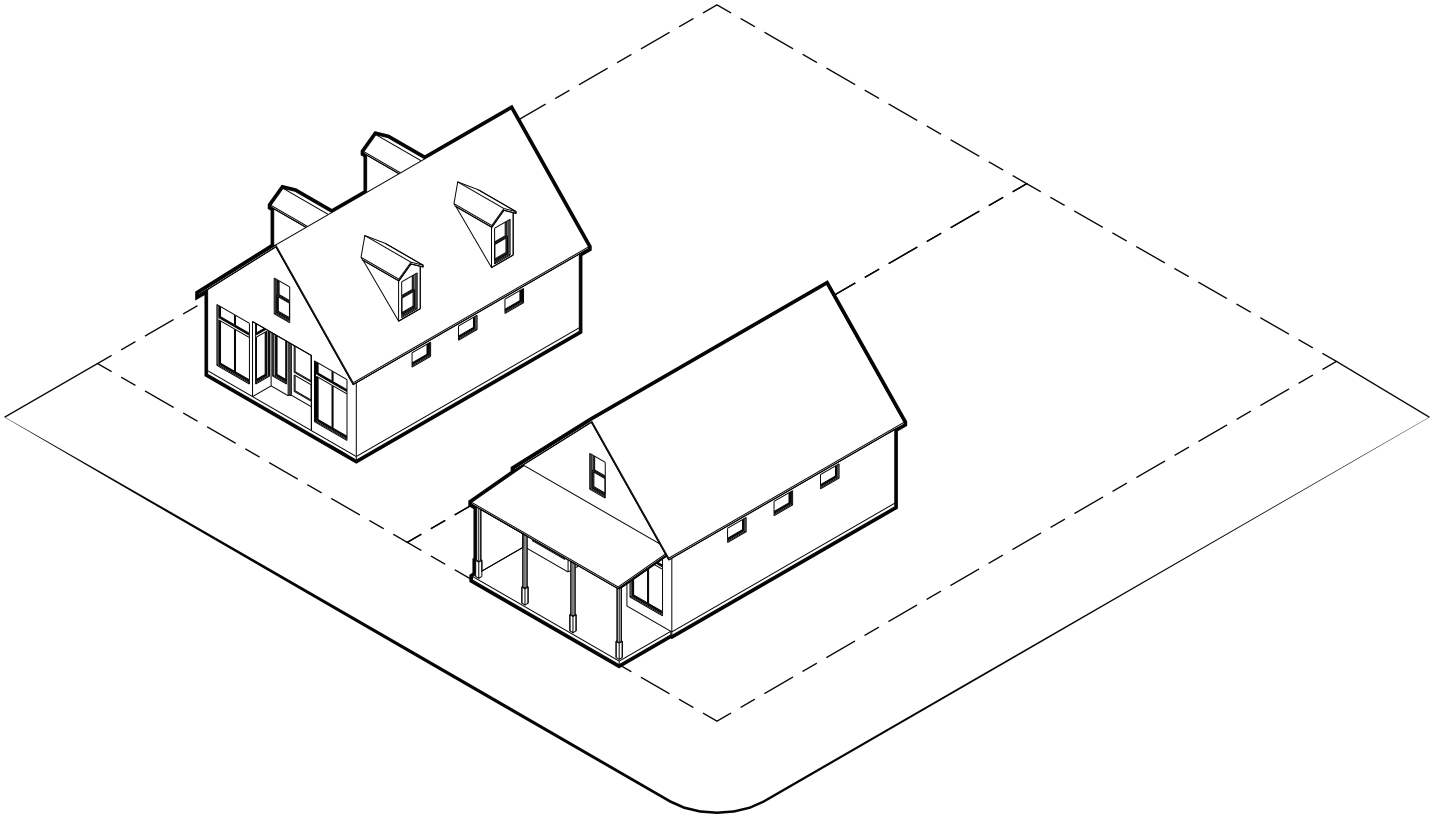
FACADE COMPOSITION

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

FRONTAGES

	See Article 4D
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

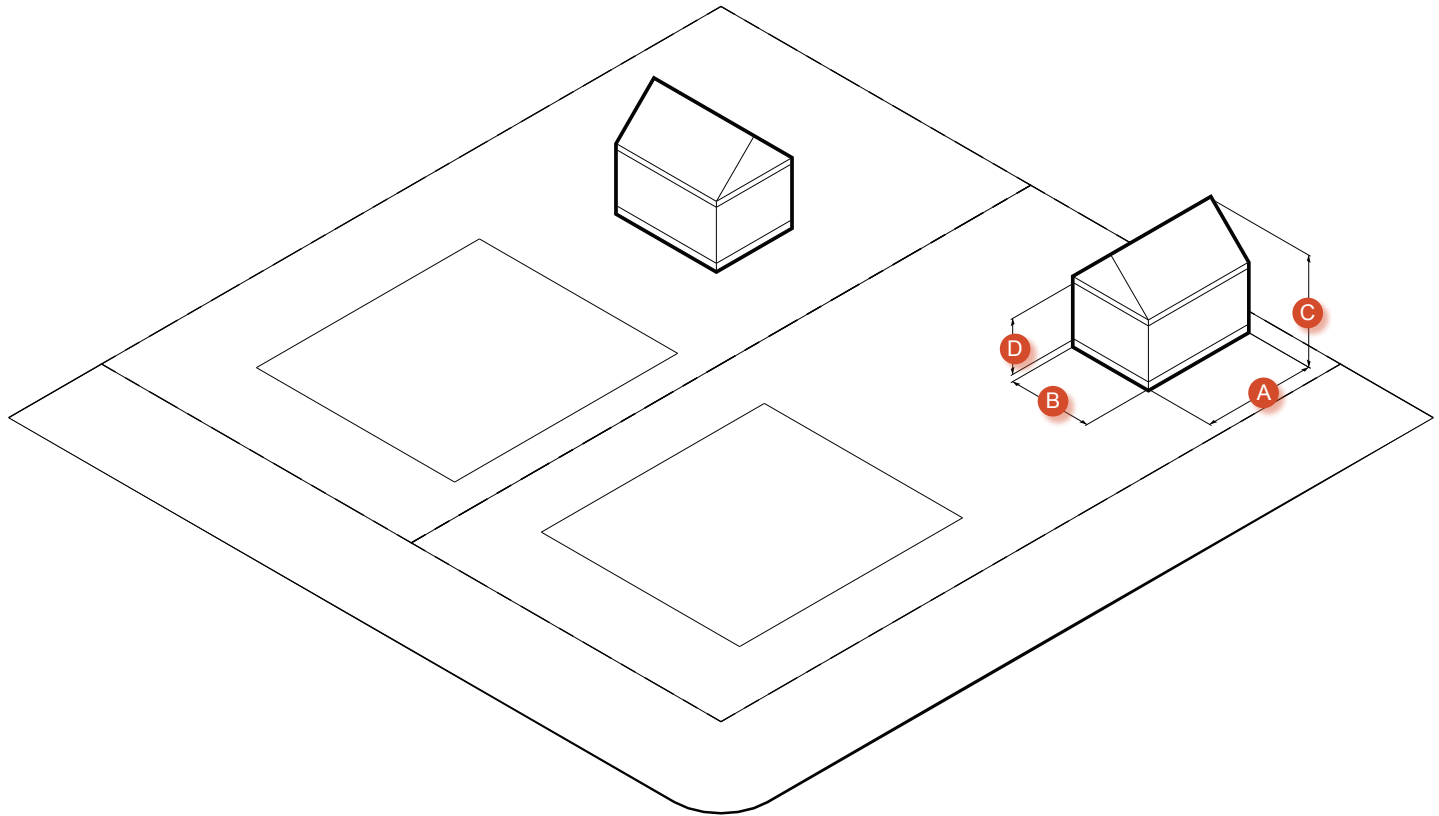
STANDARDS

- 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

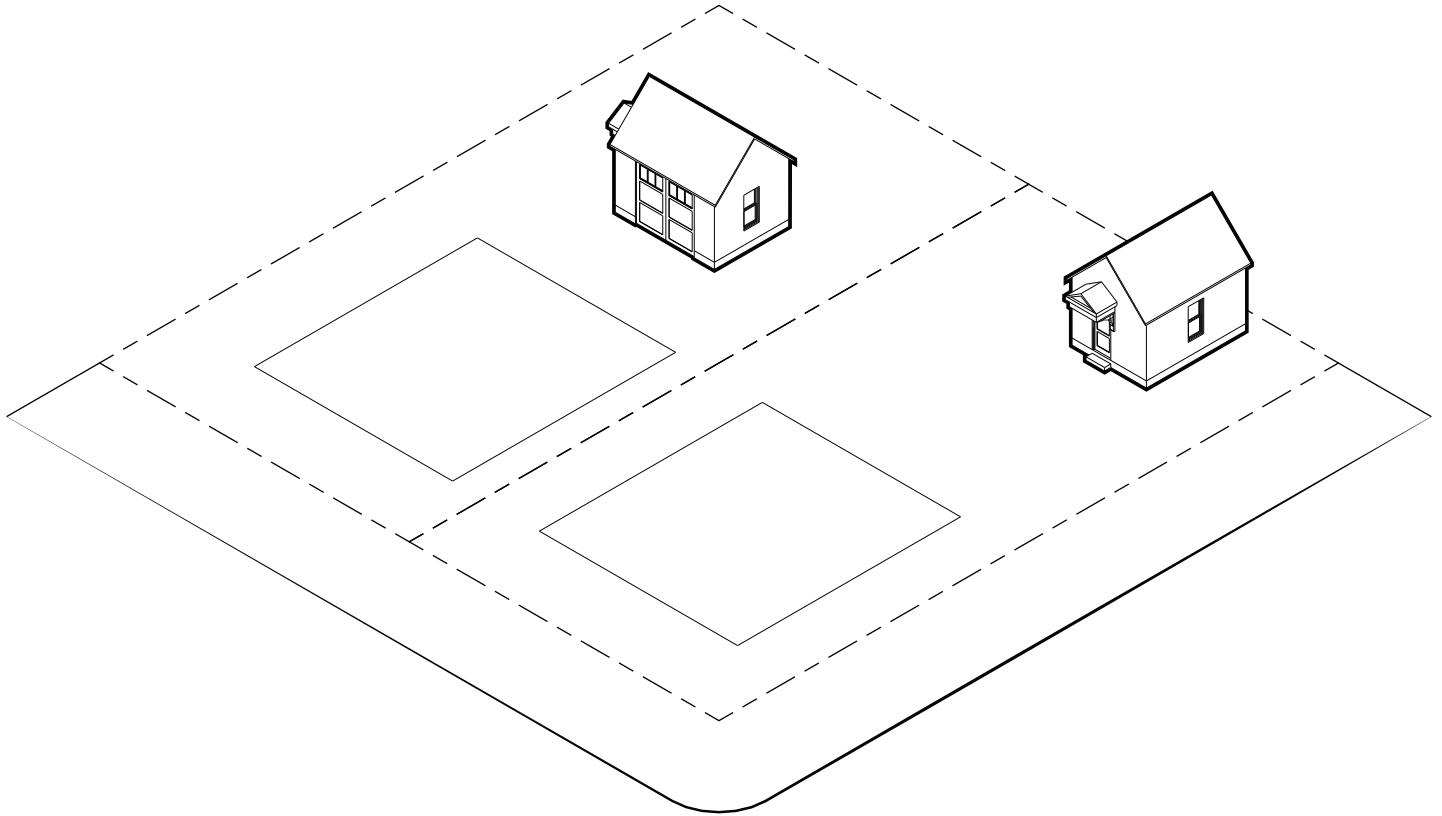
Ground Story Fenestration	10% min
Upper Story Fenestration	n/a

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

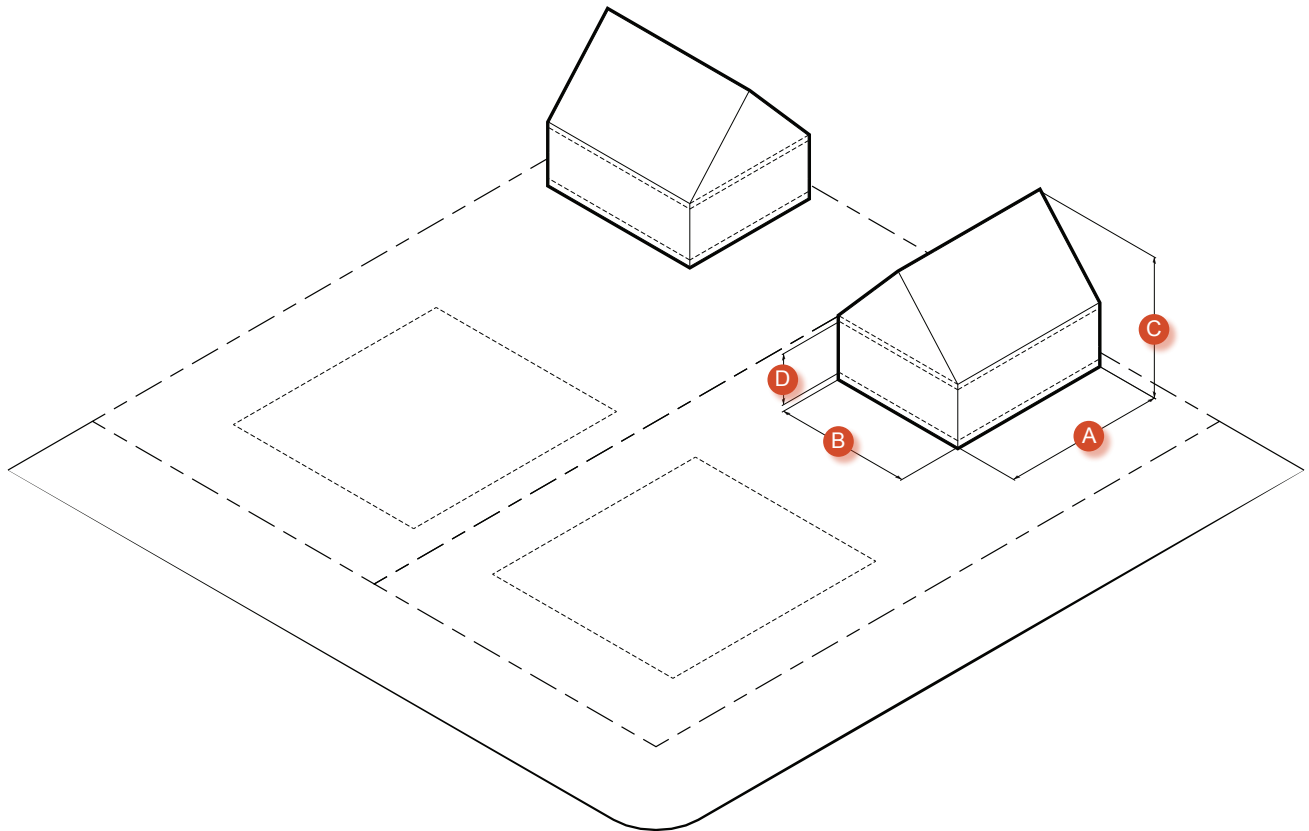
Rear Addition	Not Permitted
Side Addition	Not Permitted
Estate Addition	Not Permitted

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

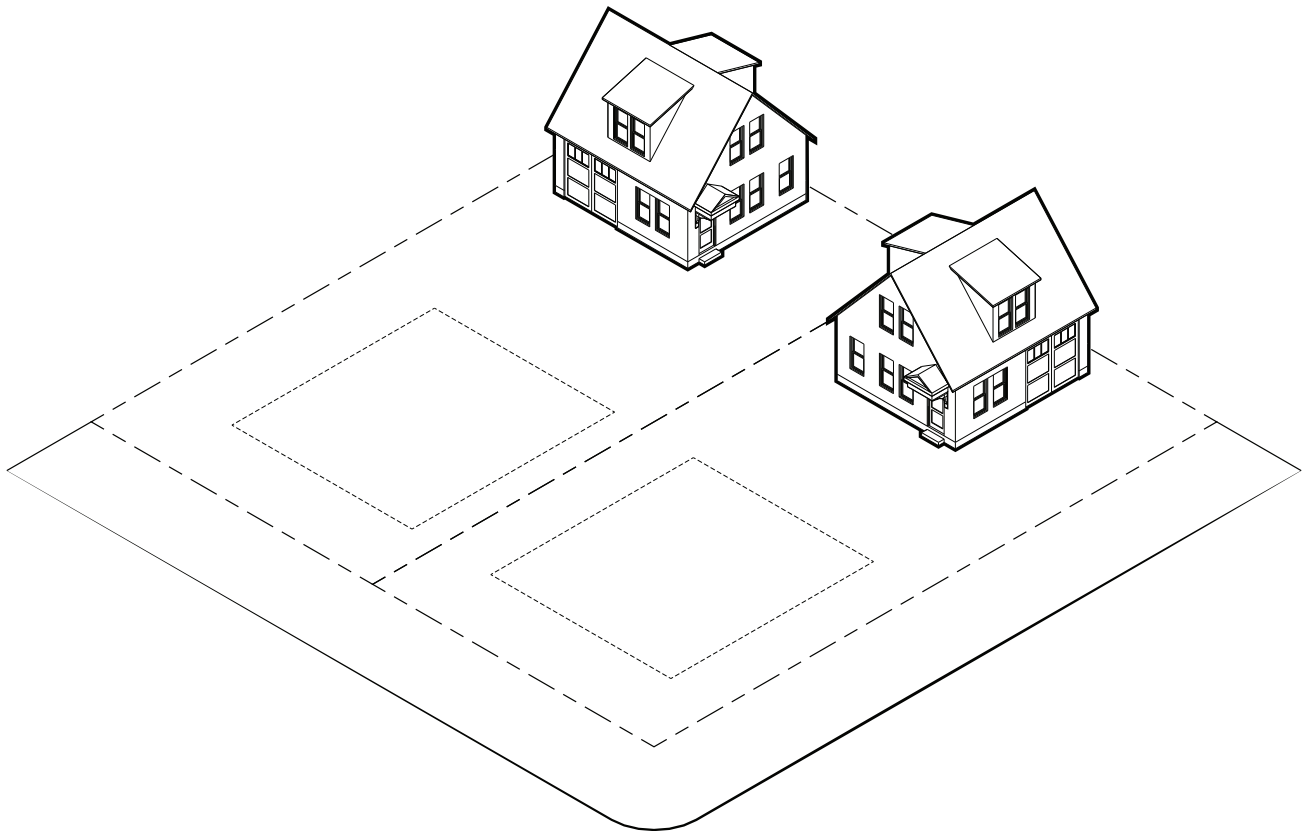
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

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.

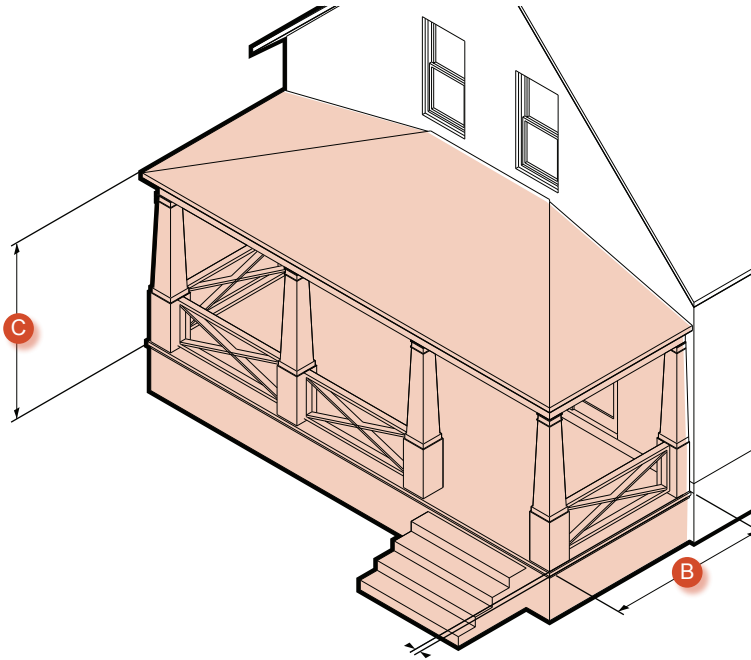
D. BUILDING COMPONENTS

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

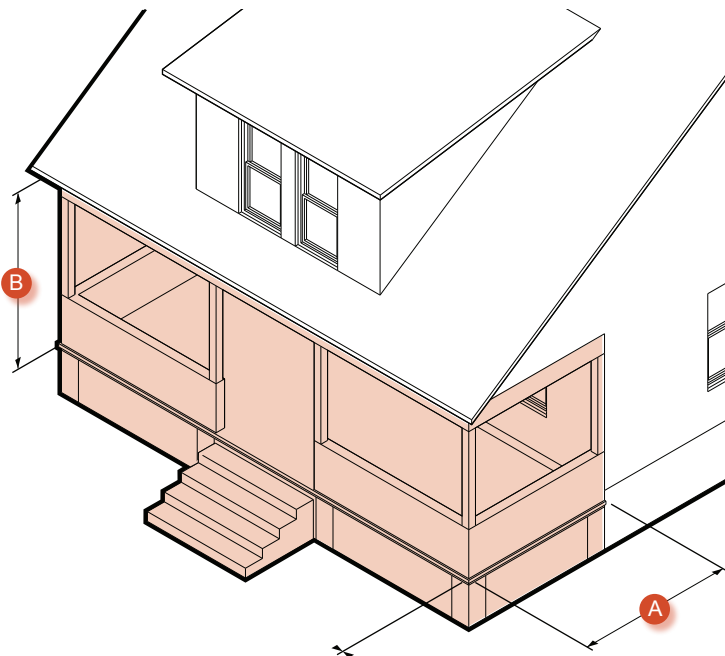
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% in (when enclosed)	

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

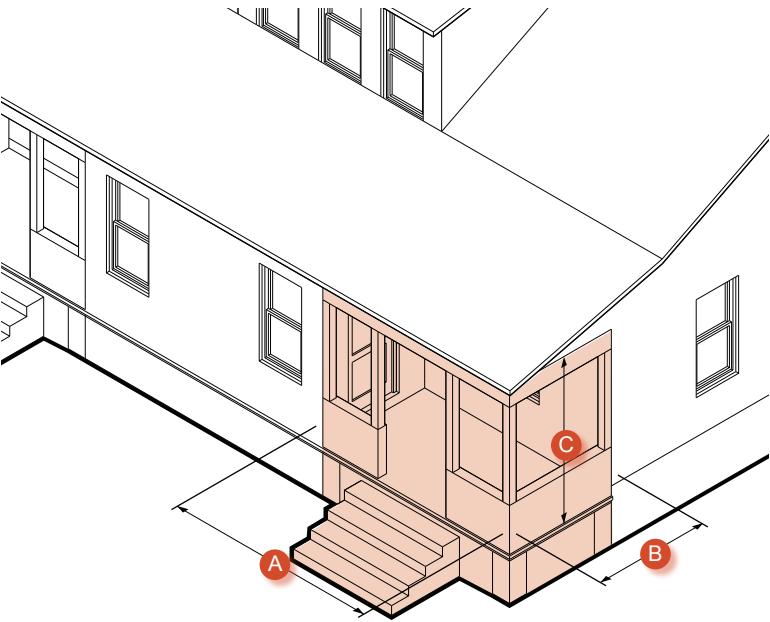
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

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

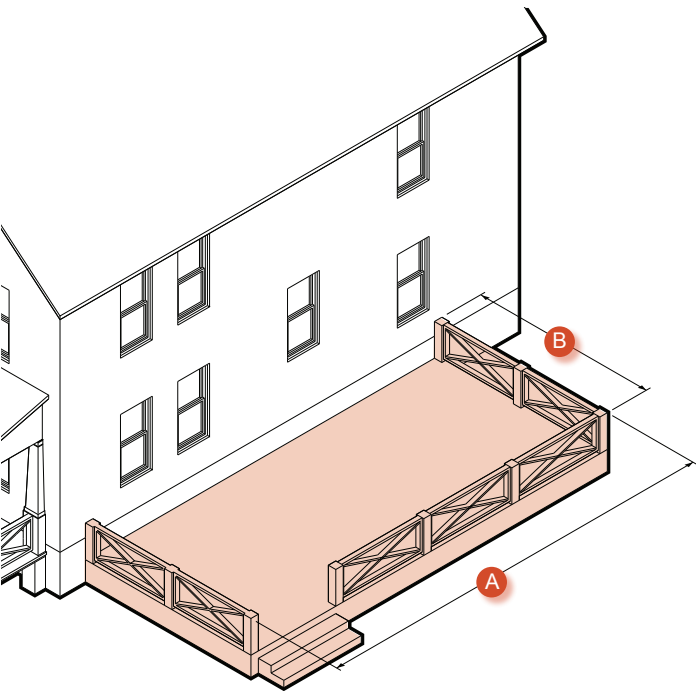
Width	8 ft min	A
Depth	6 ft min, 10 ft max	B
Height	8 ft min	C
Permitted Encroachment	May encroach into setbacks as part of a rear addition, side wing or estate wing.	
Roof	See Table 4.1	
Fenestration	60% min (when enclosed)	

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

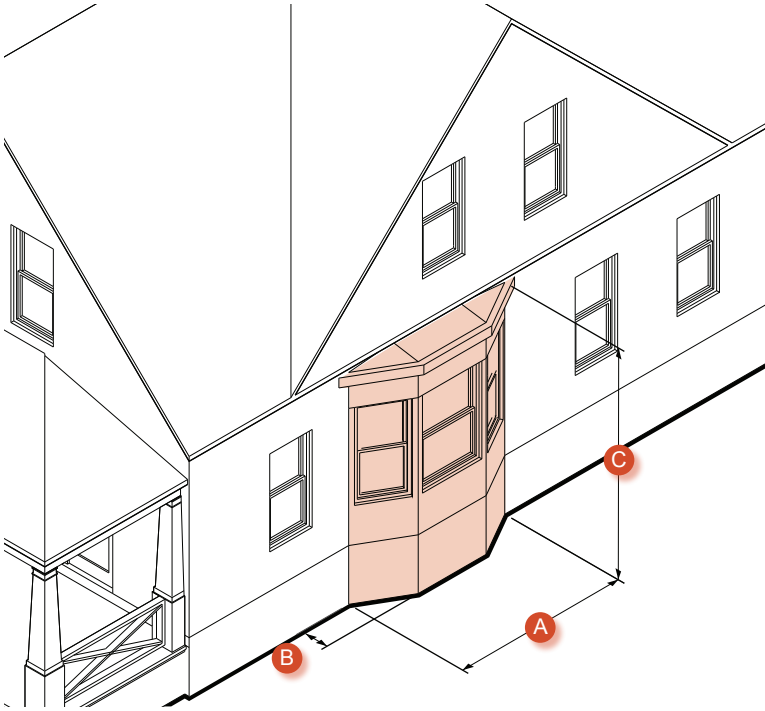
Width	12 ft min, 24 ft max	A
Depth	8 ft min	B
Permitted Encroachment	8 ft	

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

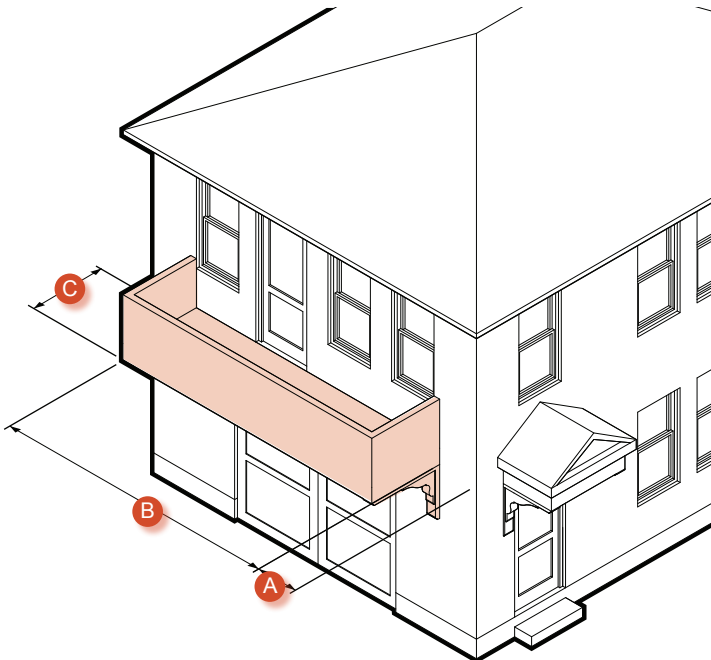
Width	50% max of Facade or Elevation	A
Depth	12 in min, 3 ft max	B
Fenestration	50% min	
Height	Total number of complete building stories	C
Permitted Encroachment	3 ft	

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

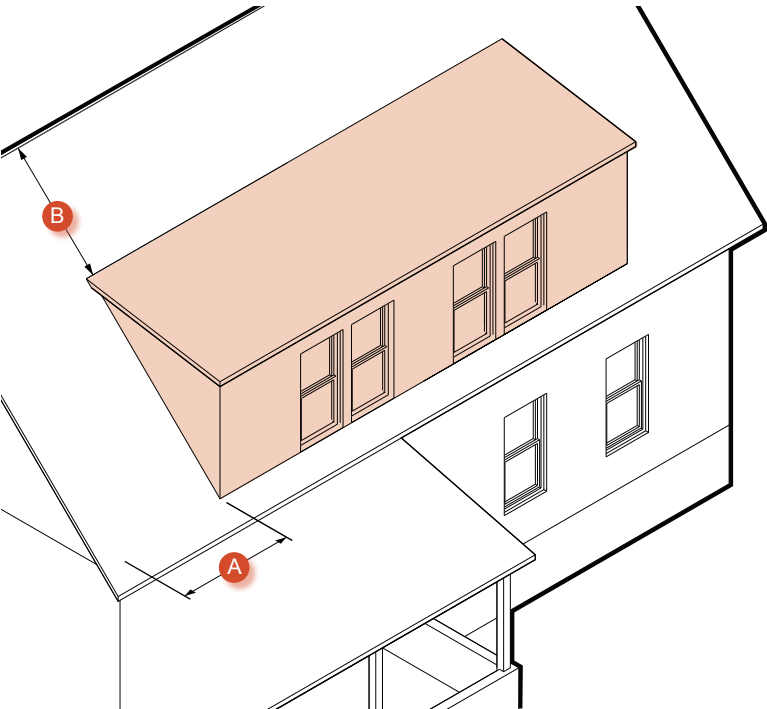
Required Inset	3 ft min	A
Width	5 ft min	B
Projection from Facade	5 ft min	C
Permitted Encroachment	5 ft	

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

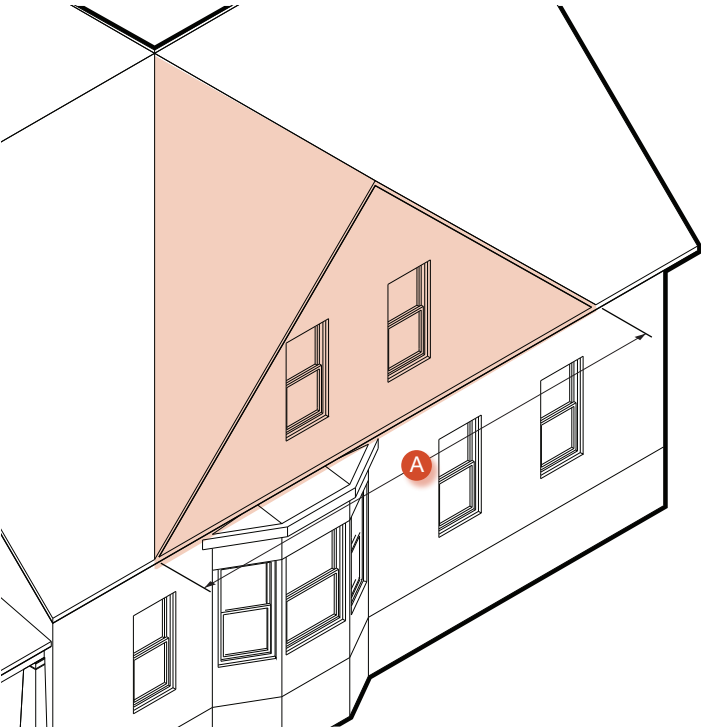
Gable End Setback	4 ft min	A
Ridge Line Setback	1 ft min	B
Fenestration	50% min	
Roof	See Table 4.1	

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.



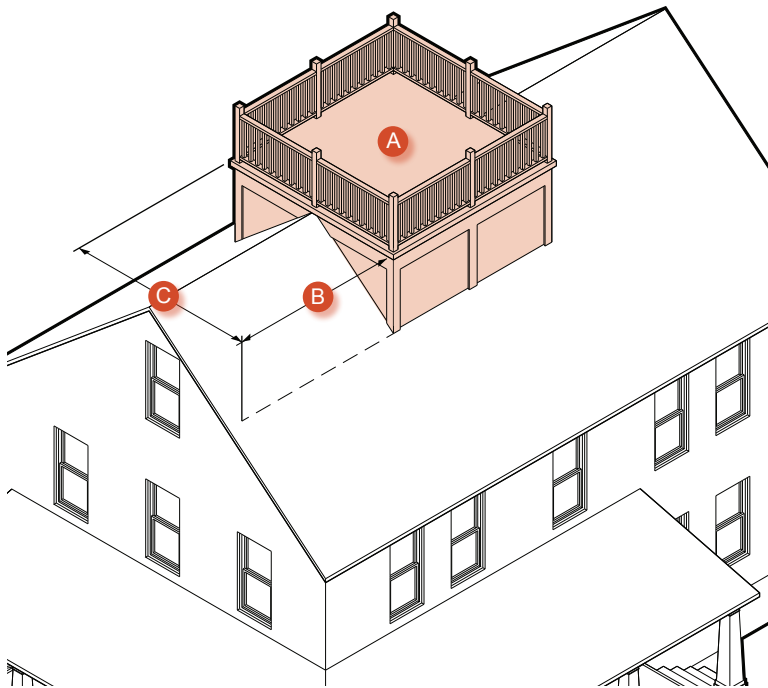
DIMENSIONS

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

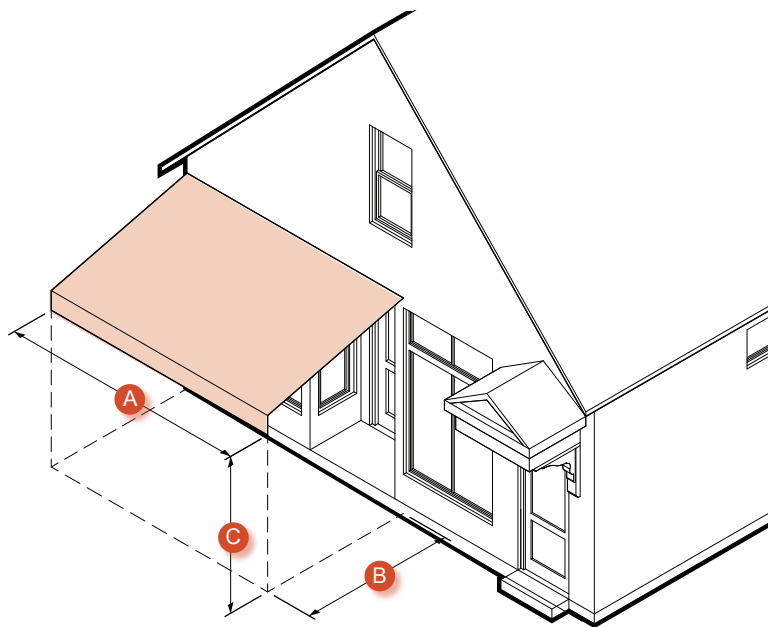
Total Area	400 sq ft max	A
Setback from Facade	5 ft min	B
Railing Height	3 ft min 4 ft max	C

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

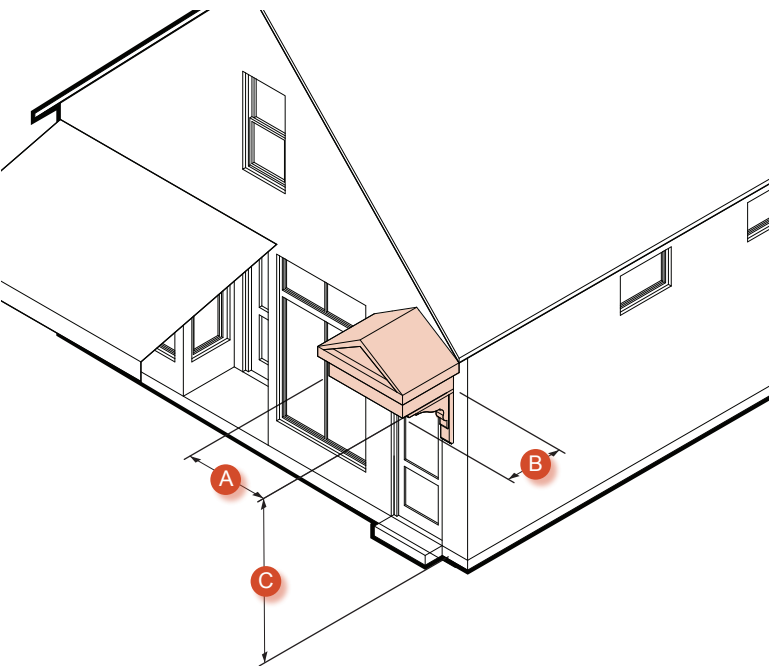
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

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

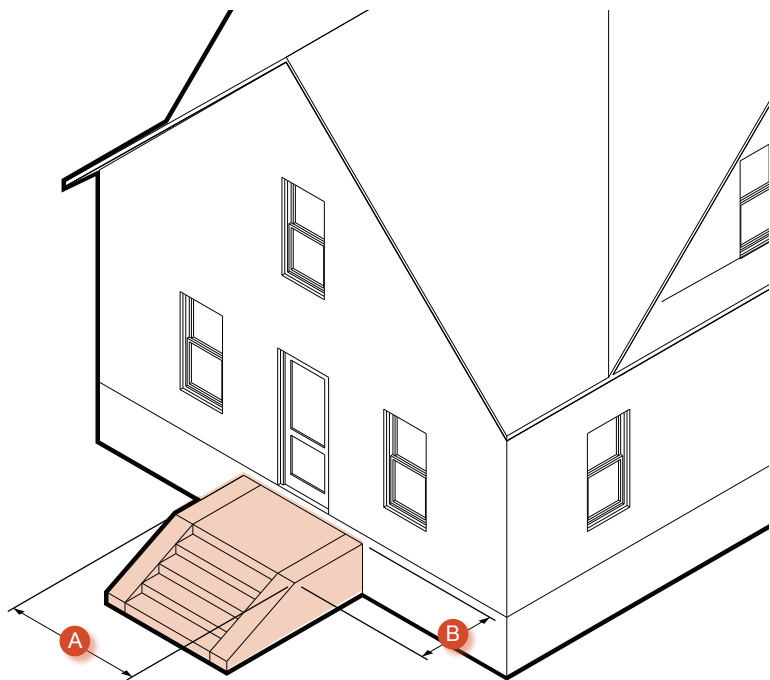
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

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

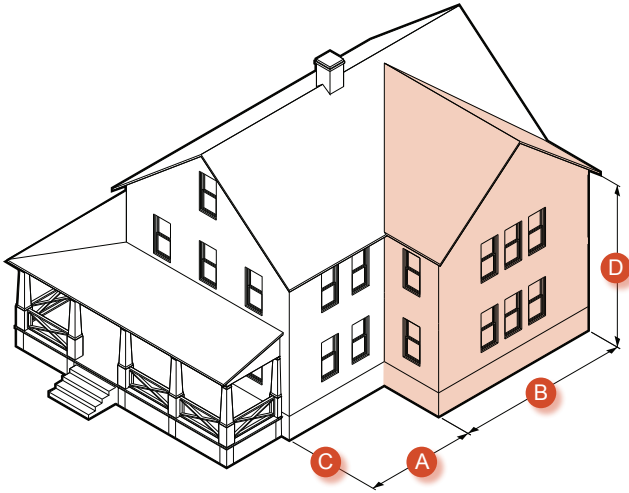
Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

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

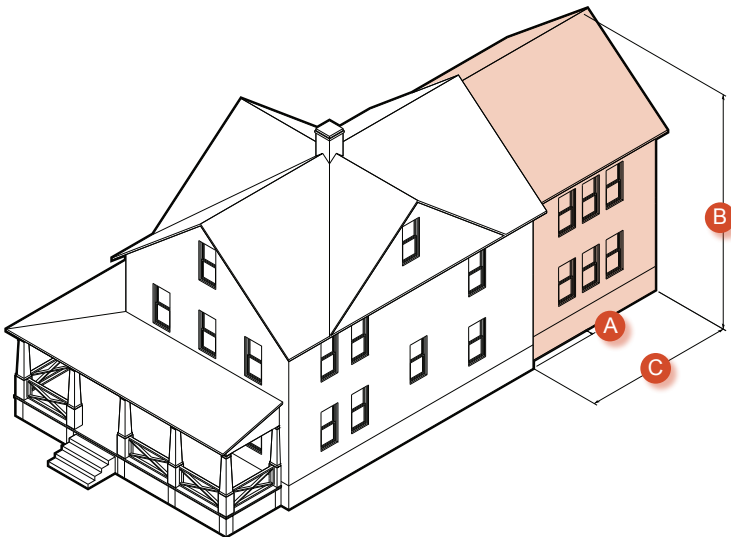
Setback from Facade	10 ft min	A
Floor Plate Area	50% max of the Floor Plate of the Principle Building	
Width		B
1-Story	1/2 depth of the Principle Building	
2-Story	1/3 depth of the Principle Building	
Projection	2/3 width of the Principle Building	C
Height	Same Height of Principal Building (max)	D
Roof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

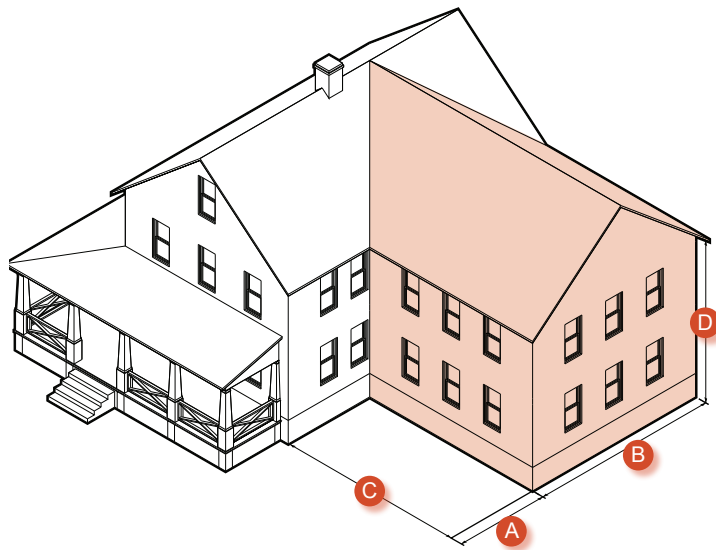
Setback from Side Elevations	1 ft	A
Height	Same Height of Principal Building (max)	B
Roof	see Table 4.1	
Encroachment into Rear Setback	5 ft (if less than 2 stories) 0 ft (if 2 stories or greater)	C

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.



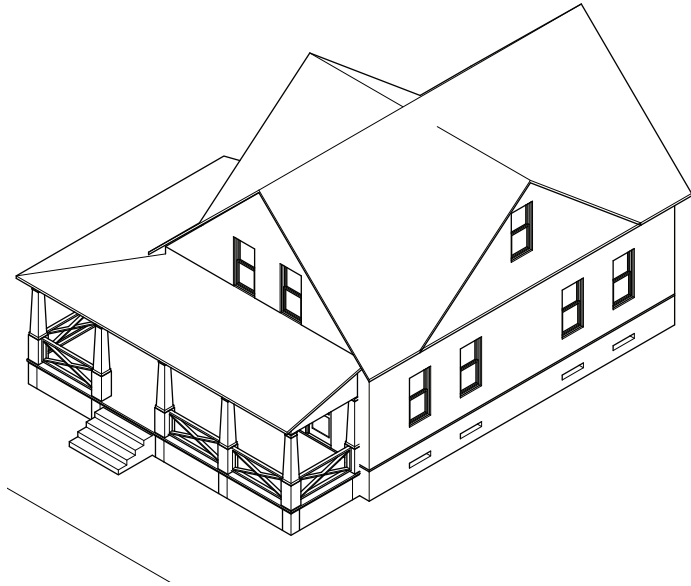
DIMENSIONS

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

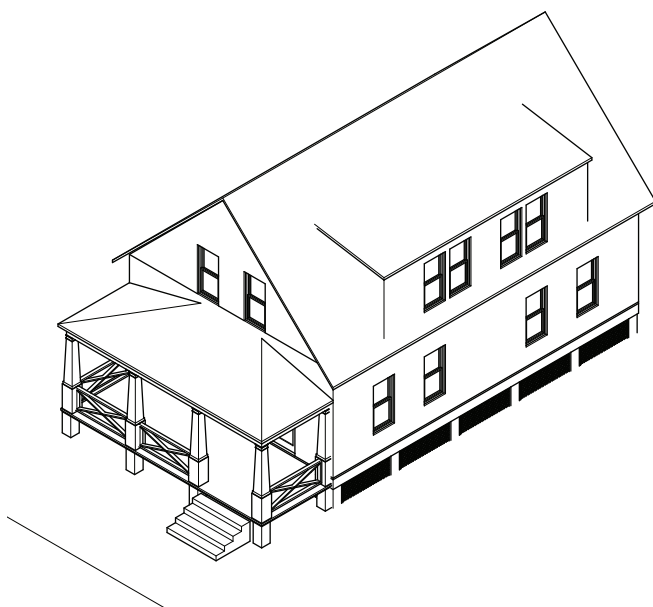
16. 0-4 FT HYDRAULIC FOUNDATION



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.

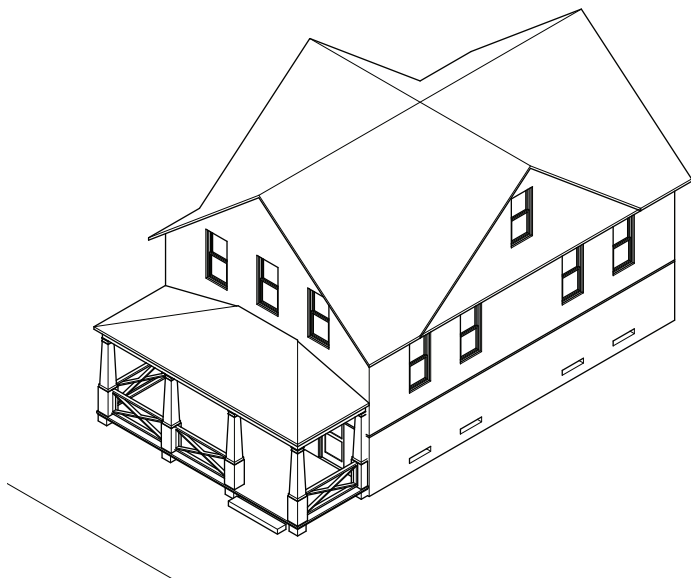
17. 0-4 FT PILE/PIER FOUNDATION



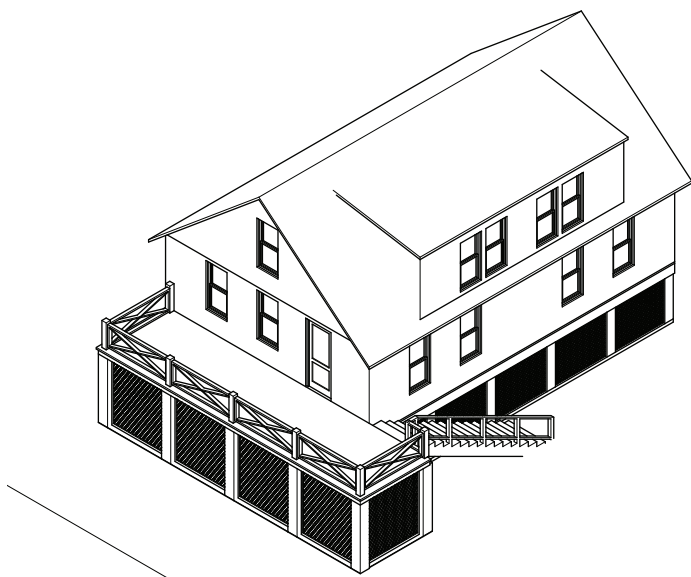
STANDARDS

- 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



19. 4-8 FT PILE/PIER FOUNDATION



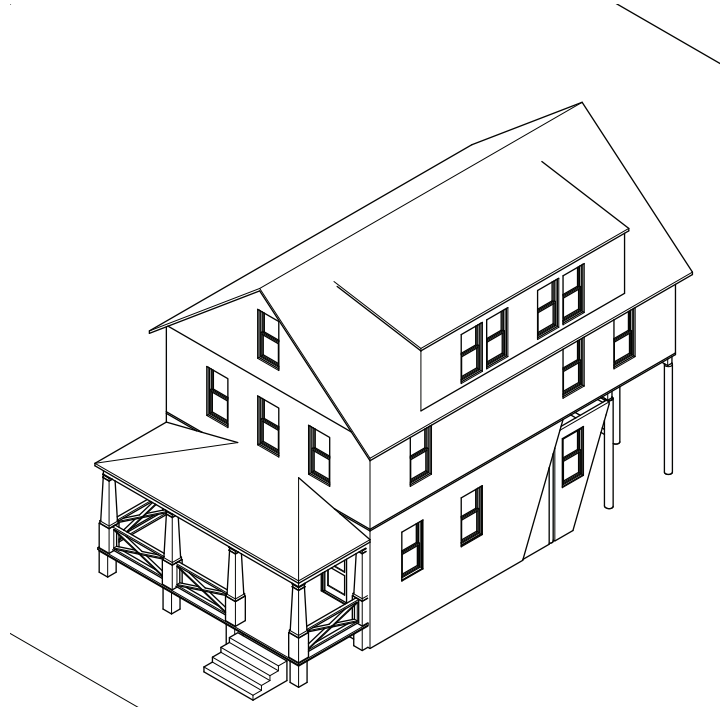
STANDARDS

- 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.

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.

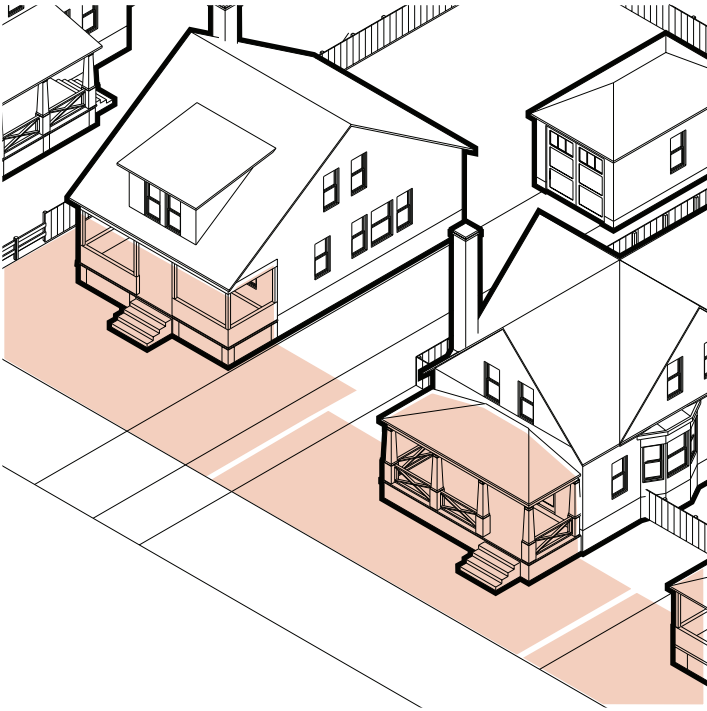
E. BUILDING FRONTAGE TYPES

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.

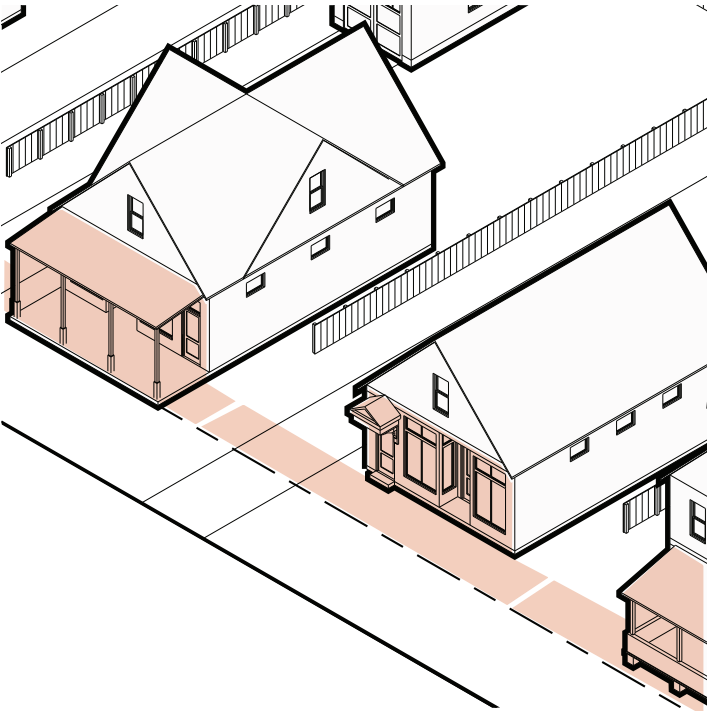


STANDARDS

- 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.

PORTION OF PLANNING BOARD MINUTES FROM
THE NOVEMBER 16TH MEETING

Public Hearing Items 4, 5 & 6

Mr. Mazer explained to the public and Board members that Mr. Bacon will present items 4, 5 and 6 and after the presentation he will open each item sequentially for public comment as well as Board comments.

Dan Bacon, Town Planner opened with a presentation on the proposed amendments to Zoning Ordinance, Chapter 405, proposed amendments to the Town of Scarborough Official Zoning Map and proposed amendments to Chapter 405c, Shoreland Zoning Ordinance as it pertains to the Higgins Beach community.

Mr. Bacon explained that the need for code repair in the Higgins Beach is due to the unique lot sizes, setbacks and building placement. Mr. Bacon explained that most lots are 50 x 100 and are non-conforming which has resulted in many properties needing to obtain special approvals from the Board of Appeals for improvements. The concept behind creating the code is to bring more lots into conformance and enable additions, renovations etc., without having to apply to the Zoning Board of Appeals for a variance.

Mr. Bacon reviewed the current challenges at Higgins Beach, the proposed character districts of Coastal Residential 1 and Coastal Mix Use Districts as well as the Coastal Overlay and Shoreland Zoning.

Mr. Bacon explained that the Shoreland Zoning change would increase development coverage from 20% to 35%.

Mr. Bacon presented the ordinance proposals in regards to building standards, proposed building components, standards around dimensions, form, scale and size as well as ways to possibly elevate structures.

Mr. Bacon explained that the code is about building placement, form, and scale and is not about style or mandating architecture.

Mr. Mazer asked if the proposed code was in a printed handout form. To the questions Mr. Bacon responded that copies can be made available and that all information is located on the website for viewing.

4. The Planning Board will conduct a public hearing to receive input regarding the proposed amendments to Zoning Ordinance, Chapter 405, to add the Higgins Beach Character-Based Code

Mr. Mazer opened the public comment on item #4.

Walt Wilson with Design Company located in Saco spoke. Mr. Wilson explained that he was under the impression when reviewing the code that there was only 3 types of houses you could build and was glad to hear that isn't so. Mr. Wilson spoke on driveways and their location. Mr. Wilson reviewed the Limited Reduction in Yard Size variance verses the Practically Difficulty Variance. Mr. Wilson stated that the

Practical Difficulty variance is responsible for the issues at Higgins Beach and for the odd shaped homes and off set building levels.

Mr. Mazer closed the public comment.

Ms. Auglis stated that the changes will need to be followed-up on after they are in use. Ms. Auglis is in favor of the proposed amendment.

Mr. McGee stated he appreciate everyone's effort and patience with the process and stated this is a fantastic first step.

Mr. Wood question if 50 x 100 lots was representative of the area. To the question Mr. Bacon stated they are plus or minus. Mr. Bacon explained that if the draft is adopted it will help lessen the need for variances and residents having to apply to the ZBA.

Based on Board deliberation, Mr. Mazer stated that the Board will make a favorable recommendation to the Town Council.

5. The Planning Board will conduct a public hearing on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts

Mr. Mazer opened the comment on item #5.

Walt Wilson with Design Company located in Saco spoke. Mr. Wilson questioned what if the existing commercial uses changed. How much control would there be. To the question Mr. Bacon explained that changes to the site have to go before the Planning Board. Changes to the use though does not necessarily trigger Planning Board review.

Roger Chabot, 12 Houghton Street, thanked the people involved in the development of the code. Mr. Chabot also stated that the information put on the Town website was also put on the Higgins Beach Association website and that the majority of the Higgins Beach residents were informed of the proposed changes. Mr. Chabot stated it was a great effort and he supports the changes.

Rodney Laughton, 2 Bayview Avenue, owner of the Breakers also stated he supported the changes and would like it to be approved as presented.

Mr. Mazer closed the public comment.

Mr. Wood questioned what would be permitted uses in the commercial areas of Higgins Beach. To the question Mr. Bacon directed him to the last page of the code draft for a more detailed answer.

Based on Board deliberation, Mr. Mazer stated that the Board will make a favorable recommendation to the Town Council.

6. The Planning Board will conduct a 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

Mr. Mazer opened the comment on item #6.

Walt Wilson with Design Company located in Saco spoke. Mr. Wilson questioned the proposal with regards to rear setbacks and impacts on lot coverage. To the question Mr. Bacon responded that it was done intentionally to move homes towards the front of the lots verses the rear.

Mr. Mazer closed the public comment.

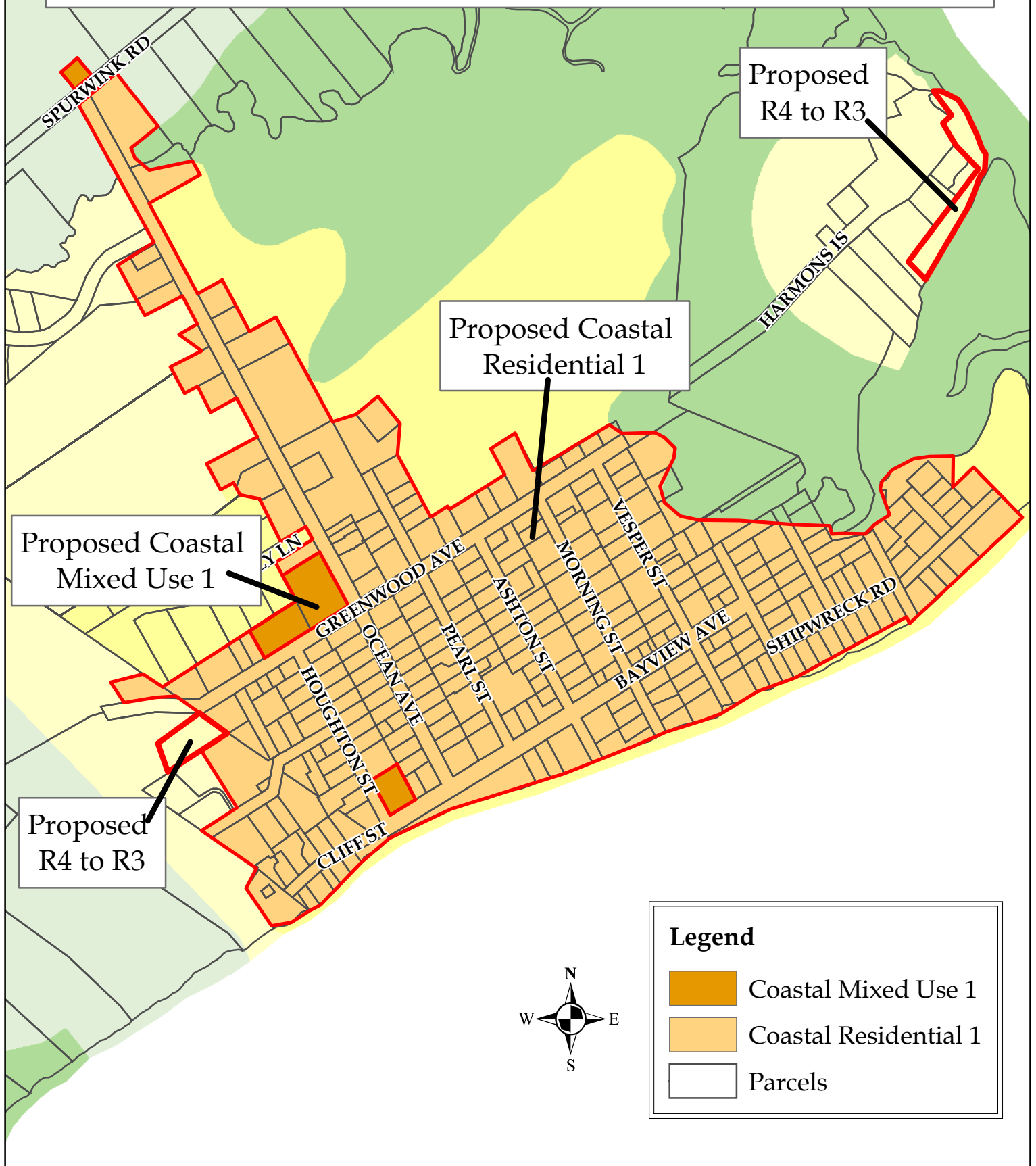
Mr. Wood questioned the reduced side yard setbacks and the need for additional fire protection. To the question Mr. Bacon responded that it does trigger the need for buildings to be fire rated or meet Fire Dept. specifications.

Based on Board deliberation, Mr. Mazer stated that the Board will make a favorable recommendation to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-085. Move approval of the second reading on the proposed amendments to the Town of Scarborough Official Zoning Map to delineate the Higgins Beach Character Districts.

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 – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-086. Move approval of the second reading 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.

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:

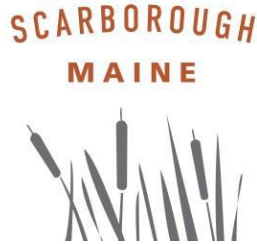
a. In the Shoreland Overlay District, when the property is located east of the railroad right-of-way and the underlying zoning district is the Town and Village Centers Pine Point District – TVC-4 and/or the Industrial Overlay District – I-O, the total footprint area shall not exceed seventy-five (75) 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 – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-094. Move approval of the first reading and refer to the Planning Board for a public hearing the proposed amendment to Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine – Section XVIII. Town and Village Centers District - Subsection C. Permitted Uses, Conventional and Planned Developments Residential Uses and schedule a public hearing upon receipt of the Planning Boards recommendations.



To: Town Councilors and Tom Hall, Town Manager
From: Long Range Planning Committee and Dan Bacon, Planning Director
CC: Scarborough Housing Alliance
Date: October 17, 2015

Proposed Multi-Family Housing Amendment Town and Village Centers District (TVC)

As a key policy in the Comprehensive Plan, as well as a past Town Council goal and general efforts by the Town's Housing Alliance, the Town has been working to provide a wider range of housing choices in Scarborough. This is in terms of not only housing costs and affordability, but also housing types – such as two-family, multi-family, and townhouse style housing in addition to the single-family housing that has been the dominant trend for decades in Scarborough.

These policy goals have been bearing fruit over the past few years, as a variety of developments have included mixed housing (like Eastern Village and Dunstan Crossing that include single-family, two-family and townhouse units) or are specifically multi-family (like Avesta's project at 577 Route One, Burnham Village Phase 2 off Broadturn Rd, and the Griffin Rd and Bellavita elderly housing projects). These new and different projects have also been dictated by demographic and market forces, as both the baby boomers and the millennials in many cases are gravitating away from conventional single-family subdivisions and toward these mixed housing neighborhoods or various forms of multi-family housing (elderly, townhouses, apartments, condos etc) for reasons such as age, income, and lifestyle.

With experience working on these projects, we've found our zoning has been fairly responsive and accommodating to these housing trends, styles and goals, but it is always important to take time and analyze our zoning standards with a critical eye. Recently, the Long Range Planning Committee has done this and is recommending a modest change on how multi-family housing is regulated in our Town and Village Centers (TVC) Districts.

Currently the TVC District allows multi-family housing with a variety of standards that limit the size, height and number of units per building. These include a building footprint limit of

10,000 square feet; a height limit of 3 stories and 45 feet; a residential density of 5 to 8 units per acre (depending if bonuses are used); and a maximum of twelve (12) units per building. These standards are structured to ensure multi-family buildings are in scale with the character of the TVC zoned areas (Oak Hill and Dunstan) and reflect a more village or suburban form.

As we examine these standards and limitations, its staff's and LRPC's perspective that the twelve unit per building limit is without effect in regulating building scale and form, and may unnecessarily be prohibiting some 1 and 2 bedroom multi-family projects from occurring. In terms of building size, height, parking and number of occupants etc., a three story building with a 10,000 square foot footprint could likely accommodate twelve (12) 2 and 3 bedroom units or perhaps twenty (20) 1 and 2 bedroom units and contain a similar number of overall occupants (i.e. density) and require a similar number of parking spaces and the like. And in terms of trying to provide a wider range of housing choices and price points, enabling more 1 and 2 bedroom units in a multi-family setting can further these goals without changing the standards in the zoning that regulate scale, form and character.

To this end, the LRPC offers the attached zoning amendment that deletes the current limitation of twelve (12) dwelling units per building under the multi-family housing use category, while maintaining all the other standards in the zone.

We look forward to presenting and discussing this further with the Town Council. Thank you.

Proposed Amendment to the Zoning Ordinance Regarding Multi-Family Housing in the Town and Village Center District (TVC)

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

Amend SECTION XVIII. TOWN AND VILLAGE CENTERS DISTRICT subsection C. as follows (additions are underlined; deletions are struck through):

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS RESIDENTIAL USES

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

1. Multifamily dwellings, ~~limited to no more than twelve (12) dwelling units per building~~
2. Multiplex dwellings
3. Townhouses, limited to no more than eight (8) dwelling units per building
4. Senior housing

MIXED USES

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

5. Dwelling units in a mixed use building, ~~limited to no more than eight (8) dwelling units per building~~. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I) of this Ordinance.

Amendment Dated 10-17-15

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-095. Move approval on the recommendations for Council Chair Liaison Committee/Board Appointments.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 2, 2015
REGULAR MEETING – 7:00 P.M.

Order No. 15-096. Move approval on the request to approve the new Town of Scarborough Outside Agency Funding Policy, as follows:

Town of Scarborough
Outside Agency Funding Policy
[Adopted December 2015]

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the new Outside Agency Funding Policy is hereby adopted as follows:

Introduction - The Scarborough Town Council may fund outside agencies in a given fiscal year that meet the criteria set forth herein.

Program Eligibility - Requests will only be considered from agencies that are Scarborough-based and whom provide the majority of their services to Scarborough residents.

The services must meet a documented material need(s) of the Scarborough community, such as food, shelter, safety or healthcare. Needs shall be identified annually by reviewing 2-1-1 call data or by other methods such as surveys.

Application Required- Applicants must submit a proposal to the Town Manager outlining the specific financial request and detailed rationale in support of each request.

Evaluation of Applications- The following are additional evaluation criteria:

- The program or service reduces costs to the Town;
- The program or service will be more cost-effective than a Town administered program due to volunteerism, other aid grants, or other means;
- The program or service will provide quality, non-discriminatory service that demonstrates qualities such as cooperation between providers or innovation;
- The applicant has material support from other sources;
- Funds shall be used for program activities, not capital expenses.

Process for Determining Awards - The following process shall be employed to determine awards under this program:

The Town Manager shall present recommendations to the Town Council in conjunction with the submission of a proposed budget. Approval shall occur through the budget approval process. In presenting recommendations it is within the discretion of the Town Manager to give such weight as the Town Manager deems appropriate to the program eligibility criteria.

Annual Evaluation – All awards will be reviewed to determine if expected outcomes were achieved. The results of the evaluation will be considered in the evaluation of future awards.