AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 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: August 16, 2017 – Regular Meeting.

Item 6. Adjustment to the Agenda.

Item 7. Items to be signed: a. Treasurer's Warrants.

Order No. 17-82. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals. *[Town Manager]*

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

Order No. 17-015, 7:00 p.m. Public hearing and schedule a second reading on the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs. *[Ordinance Committee]*

Order No. 17-083, 7:00 p.m. Public hearing and action on the request for a Food Handler's License and a Special Amusement Permit from the Loyal Order of Moose, located at 19 Spring Street. *[Town Clerk]*

Order No. 17-084, 7:00 p.m. Public hearing and action on the request for a Food Handlers from Village Tie-Up Market & Deli, LLC, d/b/a New Higgins Beach Market, LLC, located at 82 Spurwink Road and DJIJR, INC, d/b/a Salty Bay Seafood, located at 68 Jones Creek Drive. *[Town Clerk]*

OLD BUSINESS:

Order No. 17-055. Second reading on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One. *[Planning Department]*

Order No. 17-065. Second reading on the proposed amendments to the Higgins Beach Character-Based Zoning Districts. *[Planning Department]*

Order No. 17-066. Second reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations. *[Ordinance Committee]*

Order No. 17-067. Second reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions. *[Ordinance Committee]*

Order No. 17-068. Second reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach. *[Ordinance Committee]*

Order No. 17-078. Act on the request to submit the referendum question to construct and equip a new Public Safety Building to the November 7, 2017, Election. Tabled from the August 16, 2017, Town Council meeting. *[Town Manager]*

NEW BUSINESS:

Order No. 17-085. First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). *[General Assistance]*

Order No. 17-086. First reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District. *[SEDCO]*

Order No. 17-087. First reading and refer to the Planning Board, the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP). *[SEDCO]*

Order No. 17-088. First reading and schedule a public hearing and schedule a second reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way.*[Ordinance Committee]*

Order No. 17-089. Act on the request from the Police Department to receive an anonymous donation in the amount of $3,600.00 for a new speed/radar sign for the Pine Point area. *[Police Department]*

Order No. 17-090. Act on the request to re-certify the July 25, 2017, School Budget Validation Referendum Election. *[Town Clerk]*

Order No. 17-091. Act on the request to certify the September 5, 2017, School Budget Validation Referendum Election. *[Town Clerk]*

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 – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-82. Move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(E) in consultations with legal counsel regarding a legal matter pertaining to pending litigation related to the Higgins Beach-Pine Point-Prouts Neck Tax Abatement Appeals. *[Town Manager]*

Town Manager	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-015. The second reading on the six month moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs is scheduled for Wednesday, September 20, 2017. *[Ordinance Committee]*

Ordinance Committee	*Ought to Pass*
Sponsor	Recommendation
02/15/17 5 Yeas. [Absent - St. Clair and Foley]	*09/20/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

TOWN OF SCARBOROUGH
ORDINANCE ESTABLISHING A MORATORIUM ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, a referendum on legislation titled the Marijuana Legalization Act, codified at 7 M.R.S.A. Chapter 417, was approved, subject to recount, by the voters of the State of Maine on November 8, 2016; and,

WHEREAS, as enacted by the voters, the Marijuana Legalization Act will authorize the licensure and operation of retail marijuana establishments and retail marijuana social clubs as a regulated program of the State of Maine; and

WHEREAS, the Maine Department of Agriculture, Conservation and Forestry is required to adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products and for the enforcement of the Act no later than February 2018; and,

WHEREAS, 7 M.R.S.A. Section 2449, Local Licensing, allows municipalities to regulate the location, operation and licensing of retail marijuana establishments and retail marijuana social clubs and to adopt and enforce regulations for such uses; and,

WHEREAS, operations related to retail marijuana establishments and retail marijuana social clubs raise a number of concerns related to public safety and welfare, including, but not limited to, potential adverse effects on neighborhoods, security of the facilities, and odors that may create a public nuisance or hazard; and,

WHEREAS, there has been an increasing number of requests regarding the establishment of facilities for the cultivation and/or retail sales of marijuana; and,

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of retail marijuana establishments and retail marijuana social clubs and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs; and,

WHEREAS, the Town needs a reasonable amount of time to study the land use implications of retail marijuana establishments and retail marijuana social clubs, to review the rules and regulations to be developed by the Maine Department of Agriculture, Conservation and Forestry and to develop reasonable regulations governing their location and operation; and,

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning retail marijuana establishments and retail marijuana social clubs; and,

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the Scarborough Town Council, assembled as the legislative body of the Town, as follows:

1. DEFINITIONS. As used in this Ordinance, the following terms have the following meanings as defined in the Marijuana Legalization Act:

"Marijuana": means cannabis.

"Retail Marijuana Establishments": a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

"Retail Marijuana Cultivation Facility": an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

"Retail Marijuana Products Manufacturing Facility": an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

"Retail Marijuana Social Club": An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

"Retail Marijuana Store": an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

"Retail Marijuana Testing Facility": an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

2. APPLICABILITY AND PURPOSE.

This moratorium shall apply to retail marijuana establishments and retail marijuana social clubs, as defined above, that are proposed to be located within the Town of Scarborough on or after the effective date of this Ordinance. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302 or any other law, this Ordinance applies to any application relating to the establishment or operation of a proposed retail marijuana establishment and retail marijuana social club, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, or any other approval, received after the effective date of this Ordinance relating to the establishment or operation of a business or operation of a retail marijuana establishment and/or retail marijuana social club. No person shall establish or operate a business or operation of a retail marijuana establishment and/or retail marijuana social club within the Town of Scarborough that was proposed on or after the effective date of this Ordinance.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

This Ordinance shall be enforced by the Scarborough Code Enforcement Officer. Any person who violates Section 3 of this ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

5. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Scarborough Town Council.

6. SEVERABILITY.

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-083. Move approval on the request for a Food Handler's License and a Special Amusement Permit from the Loyal Order of Moose, located at 19 Spring Street. *[Town Clerk]*

Town Clerk	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

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: August 31, 2017

RE: **Requests for a Food Handlers License and a Special Amusement Permit**

The following applicant is seeking approval on a Food Handlers License and a Special Amusement Permit:

- The Loyal Order of Moose, located at 19 Spring Street.

This item is before you as the applicant did not meet the renewal deadline and any renewal applications not received on or before its deadline shall be process in the same manner as a new application, which requires a public hearing and approval by the Town Council.

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
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Order No. 17-084. Move approval on the request for a Food Handlers from Village Tie-Up Market & Deli, LLC, d/b/a New Higgins Beach Market, LLC, located at 82 Spurwink Road and DJIJR, INC, d/b/a Salty Bay Seafood, located at 68 Jones Creek Drive. *[Town Clerk]*

Town Clerk	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

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: August 31, 2017

RE: **Requests for a Food Handlers License**

The following applicants are seeking approval on their Food Handlers License:

- Village Tie-Up Market & Deli, LLC d/b/a New Higgins Beach Market, located at 83 Spurwink Road.
- DJIJR, Inc. d/b/a Salty Bay Seafood, located at 68 Jones Creek Drive

This item is before you as the applicants did not meet the renewal deadline and any renewal applications not received on or before its deadline shall be process in the same manner as a new application, which requires a public hearing and approval by the Town Council.

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-055. Move approval of the second reading on the proposed fourth amendment to Contract Zone I – Frank R. Goodwin, E & F Limited Liability Company and Raymond C. Field [Land Rover Dealership], located at 371 US Route One. *[Planning Department]*

Planning Department	*Ought to Pass*
Sponsor	Recommendation
06/07/17 7 Yeas. *08/16/17 Public Hearing*	*09/06/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

April 25, 2017
03401

Thomas Hall, Town Manager
Members of the Scarborough Town Council
Town of Scarborough
259 U.S. Route One
Scarborough, Maine 04070

Request for Contract Zoning Agreement Amendment
Scarborough Jaguar / Land Rover dba E&F Limited Liability Company

Dear Mr. Hall and Council Members,

On behalf of E&F Limited Liability Company (E&F), we are pleased to submit this request for your consideration. This request pertains to a proposed building renovation and minor expansion of the Jaguar / Land Rover automobile dealership located at 371 U.S. Route One. The purpose of the proposed project is to renovate the existing building to comply with the current branding of these international automobile manufacturers, who periodically require the dealerships to comply with current company standards.

This project proposes a new building façade facing U.S. Route One and a renovation of the showroom, sales and customer services spaces within the building. In addition, this proposal includes removal of a portion of the existing stone drive track on the site in order to add parking spaces near the front of the building as well as installation of several pole mounted lights, which will replace the existing building mounted lights to be removed.

This site was initially developed in 1996 under a contract zoning agreement with the Town. Since that time, the Town has agreed to three amendments in 2000, 2004, and 2016 respectively.

This request would be the Fourth Amended Contract Zoning Agreement. Currently in force, the Third Amended Contract Zoning Agreement allows a building area of 14,730 square feet and 115 total parking spaces. This current request would increase the allowable building area to 16,500 square feet with no change to the overall number of parking spaces within the site.

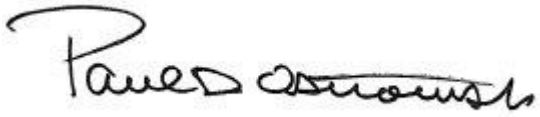
To assist you in your consideration of this request, we enclose the following exhibits for your review:

- Photograph of Existing Building
- Proposed Building Elevation
- Proposed Conceptual Site Plan
- Draft Fourth Amendment to the Contract Agreement

We look forward to meeting with the Council at the May 3, 2017 meeting to discuss this request in greater detail. Thank you for your time and consideration.

Sincerely,

SEBAGO TECHNICS, Inc.



Paul D. Ostrowski
Project Manger

cc: Christopher Goodwin
Ryan Senatore

PDO/llg
Enc.

FOURTH AMENDMENT TO EXHIBIT I
CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND
FRANK R. GOODWIN, E & F LIMITED LIABILITY COMPANY
AND RAYMOND C. FIELD

WHEREAS, E & F Limited Liability Company ("E & F") entered into a Contract Zoning Agreement with the Town of Scarborough on the 15th day of July 1996 (the "Contract"), a copy of which is attached hereto as Schedule A; and,

WHEREAS, E & F acquired certain real estate from Raymond C. Field by two deeds dated June 21, 1996 and recorded in the Cumberland County Registry of Deeds at Book 12576 Page 54 and by Corrective Warranty Deed dated October 27, 1997, recorded in the Cumberland County Registry of Deeds at Book 13402, Page 45; and,

WHEREAS, E & F built a 3,826 square foot addition to its existing building on the north side of the building away from U.S. Route One, which addition is used for the purposes of automobile sales and service pursuant to a First Amendment to the Contract, dated October 2, 2000, a copy of which is attached hereto as Schedule B; and,

WHEREAS, in order to have the proper set backs, E & F acquired an approximate additional 17,070 square feet by deed of KDA LLC (successor to Raymond Field), which deed was dated April 10, 2000 and recorded in the Cumberland County Registry of Deeds at Book 15410, Page 322; and,

WHEREAS, the Amended Contract, Schedule B, at paragraph 3(a), states that E & F was authorized to have an automobile dealership with the structure of 13,730 square feet; and,

WHEREAS, the current initial structure is 13,730 square feet and the anticipated additions to the structure will be 2,270 square feet for a total building footprint of 16,500 square feet; and,

WHEREAS, the addition to the automobile dealership will also involve an increase in the square footage of the area utilized for outdoor display, storage or parking of vehicles. An additional 7 parking spaces, 5 new spaces being visible from the road will bring the total number of parking spaces to 115, 23 of which will be visible from the road. The relocation of outdoor vehicle storage and display or parking areas to parts of the site closer to the property boundaries or road sidelines than shown on the originally approved site plan is contemplated; and,

WHEREAS, the size, location, configuration and topography of this site permit a level of buffering, landscaping and site design which will mitigate what might otherwise be adverse impacts of outdoor displays, storage and sales, because the additional square footage of the building is away from U.S. Route One.

WHEREAS, the Amendment to the Contract Zoning Agreement would be consistent with the policies and future land use plan of part three of the Scarborough Comprehensive Plan and is permitted pursuant to the Zoning Ordinance and Maine Law and is consistent with the existing and permitted uses within the original zoning classification.

NOW THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Map of the Town of Scarborough by adopting the map change shown on Schedule C hereto.

DRAFT

2. All references in the original Contract Zoning Agreement, the First Amendment to the Contract, the Second Amendment to the Contract, the Third Amendment to the Contract, and the Fourth Amendment to the contract and to the "site plan" shall hereafter mean the amended site plan approved by the Scarborough Planning Board on (TBD), 2017, attached hereto as Schedule D.
3. Upon approval of an amended site plan by the Scarborough Planning Board, E & F Limited Liability Company is authorized to construct the addition to the automobile dealership as portrayed on the Attached Schedule C. The additional construction will be completed within 12 months after execution of this Agreement. Construction of the addition shall be subject to the following conditions:
   a. The maximum allowable building footprint for the building shall be 16,500 square feet and the maximum building height shall be two stories.
   b. Building design, style and materials for the addition shall be substantially as depicted on the building elevation plans as prepared by Ryan Senatore Architecture dated TBD 2017, submitted during Site Plan Review.
   c. No trees or other vegetation existing on the date of this Agreement shall be removed except as indicated in the approved addition site plan.
4. Except as amended hereby, E & F Limited Liability Company reaffirms each and every provision of the Contract Zoning Agreement, Schedule A and the First Amendment, Schedule B.
5. E & F Limited Liability Company shall record this Amendment to Contract Zoning Agreement in the Cumberland County Registry of Deeds within 30 days after its approval by the Scarborough Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to Contract Zoning Agreement this _____ day of _____, 2017.

WITNESS:

_____

TOWN OF SCARBOROUGH

By: _____

Its: Town Manager (duly authorized by a vote of the Scarborough Town Council on (TBD), 2017)

E & F LIMITED LIABILITY COMPANY

_____

By: _____

Frank R. Goodwin

Its: Managing Member

STATE OF MAINE
COUNTY OF CUMBERLAND

_____, 2017

Personally appeared the above named _____, in his/her capacity as Scarborough Town Manager and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

_____

Notary Public/Attorney at Law

STATE OF MAINE
COUNTY OF _____

_____, 2017

DRAFT

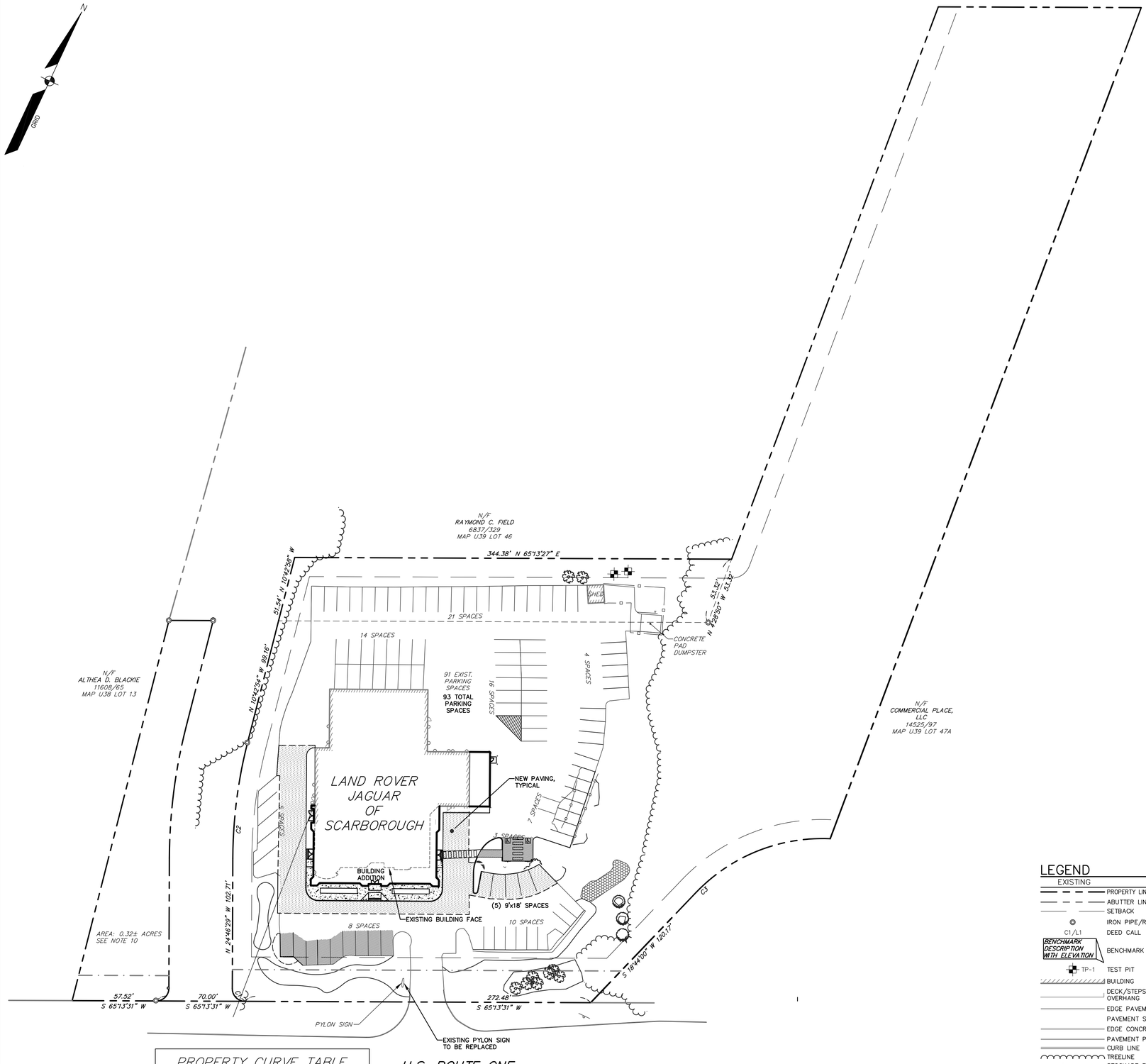
Personally appeared the above named Frank R. Goodwin in his capacity as Managing Member of E & F Limited Liability Company and acknowledged the foregoing instrument to be his free act and deed.

Before me,

_____

Notary Public/Attorney at Law

DRAFT



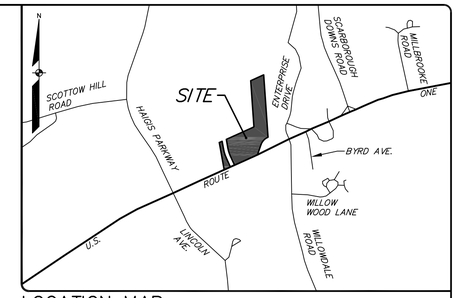
PROPERTY CURVE TABLE

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C1	15.71'	10.00'	S 69°46'08" E	14.14'
C2	92.02'	375.00'	S 17°44'42" E	91.79'
C3	117.45'	137.82'	S 43°08'47" W	113.93'

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
1 INCH = 40 FT.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER LINE/R.O.W.	
SETBACK	
IRON PIPE/ROD	
C1/L1 DEED CALL	
BENCHMARK DESCRIPTION WITH ELEVATION — BENCHMARK	
TP-1 TEST PIT	
BUILDING	
DECK/STEPS/ OVERHANG	
EDGE PAVEMENT	
PAVEMENT SAWCUT	
EDGE CONCRETE	
PAVEMENT PAINT	
CURB LINE	
TREELINE	
STOCKADE FENCE	
DECIDUOUS TREE	
CONIFEROUS TREE	
MULCH LINE	
SIGN	
RIPRAP	



LOCATION MAP N.T.S.

GENERAL NOTES:

1. THE RECORD OWNER OF THE PARCEL IS E & F LIMITED LIABILITY COMPANY BY DEED DATED OCTOBER 27, 1997 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 13402, PAGE 45 AND DEED DATED APRIL 10, 2000 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15410, PAGE 322.
2. THE PROPERTY IS SHOWN AS LOT 46A ON THE TOWN OF SCARBOROUGH TAX MAP U39 AND IS LOCATED IN THE B3 - GENERAL BUSINESS DISTRICT.
3. SPACE AND BULK CRITERIA FOR THE B3 GENERAL BUSINESS DISTRICT ARE AS FOLLOWS:

MINIMUM LOT SIZE:	10,000 SQ. FT.
MINIMUM STREET FRONTAGE:	200 FEET
MINIMUM FRONT YARD:	35 FEET
MINIMUM SIDE YARD:	15 FEET
MINIMUM REAR YARD:	15 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT:	DETERMINED BY PLANNING BOARD

* SEE NOTE 13 FOR PROPOSED SPACE AND BULK.

4. TOTAL AREA OF THE TWO (2) PARCELS DEPICTED HEREON IS APPROXIMATELY 5.04 ACRES AS DEPICTED ON PLAN REFERENCE 6A.
5. BOUNDARY INFORMATION IS BASED ON THE LOCATION OF EXISTING MONUMENTS AND AS DEPICTED ON PLAN REFERENCE 6A AND THE DEEDS REFERENCED HEREON. SEBAGO TECHNICS, INC. HAS NOT PERFORMED AN INDEPENDENT BOUNDARY RETRACEMENT SURVEY IN PREPARING THIS PLAN OR. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN APRIL & MAY OF 2016.
6. PLAN REFERENCES:
   A. "STANDARD BOUNDARY SURVEY LAND ROVER OF SCARBOROUGH, E & F LIMITED LIABILITY COMPANY, ROUTE 1, SCARBOROUGH, MAINE RECORD OWNER - RAYMOND C. FIELD, 371 U.S. RTE. 1, SCARBOROUGH, MAINE" DATED FEBRUARY 14, 1996 AND REVISED THROUGH OCTOBER 21, 1997 BY PAUL P. GADBOIS. THIS PLAN IS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 197, PAGE 473.
   B. "STANDARD BOUNDARY SURVEY LAND ROVER OF SCARBOROUGH, E & F LIMITED LIABILITY COMPANY, ROUTE 1, SCARBOROUGH, MAINE RECORD OWNER - RAYMOND C. FIELD, 371 U.S. RTE. 1, SCARBOROUGH, MAINE" DATED FEBRUARY 14, 1996 AND REVISED THROUGH MAY 11, 1996 BY PAUL P. GADBOIS. THIS PLAN IS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 196, PAGE 234.
7. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
8. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
9. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF SCARBOROUGH, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 230052 0020 D, HAVING AN EFFECTIVE DATE OF JUNE 19, 1985. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING, NO SHADING.
10. THIS IS A PORTION OF THE LOCUS PARCEL AND IT IS WHOLLY UNDEVELOPED.
11. THE 50' WIDE RIGHT-OF-WAY DEPICTED HEREON IS SUBJECT TO A ROAD MAINTENANCE AGREEMENT BETWEEN RAYMOND C. FIELD AND E & F LIMITED LIABILITY COMPANY AS DESCRIBED IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12628, PAGE 140 DATED JULY 24, 1996.
12. REFERENCE IS MADE TO DEED OF E & F LIMITED LIABILITY COMPANY TO SCARBOROUGH SANITARY DISTRICT DATED NOVEMBER 21, 2003 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 20793, PAGE 338 REGARDING SEWER EASEMENT OVER LAND OWNED BY E & F LIMITED LIABILITY COMPANY.
13. THIS PLAN SET DEPICTS A PROPOSED AMENDMENT TO THE CURRENTLY APPROVED SITE PLAN FOR THIS PROPERTY. THE AMENDED SITE PLAN IS GOVERNED BY A CONTRACT ZONE MUTUALLY AGREED TO BY THE APPLICANT AND THE TOWN OF SCARBOROUGH. THE PURPOSE OF THIS AMENDED SITE PLAN IS TO UPGRADE THE DESIGN OF THE BUILDING TO MEET CURRENT NATIONAL BRAND STANDARDS, TO REMOVE (1) EXISTING ROCK TRACK/ VEHICLE DISPAY AREA, AND TO ADD (7) PARKING SPACES TO THE SITE. ELEMENTS OF THIS AMENDMENT INCLUDE THE FOLLOWING :

EXISTING BUILDING AREA	13,434 S.F.
PROPOSED BUILDING AREA	15,579 S.F.
PROPOSED BUILDING HEIGHT	37 FT.
EXISTING PARKING	91 SPACES
PROPOSED PARKING	93 SPACES

14. PARKING CALCULATIONS
    REQUIRED :
    15,579 S.F. BUILDING AREA / 1 SPACE PER 250 SF = 63 SPACES

    PROPOSED :
    (15) EMPLOYEE SPACES @ MAXIMUM SHIFT
    (8) CUSTOMER SPACES
    (70) SALES/ DISPLAY SPACES
    (93) TOTAL SPACES
15. THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED ON THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THIS PLAN AND ALL REPRESENTATIONS MADE BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERT ARE CONDITIONS OF THE APPROVAL. NO CHANGE FROM THE CONDITIONS OF APPROVAL IS PERMITTED UNLESS AN AMENDED SITE PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
LICENSED
PROFESSIONAL ENGINEER
4-25-17

DESIGNED	CHECKED
PDO	PDO

REV.	BY:	DATE:	STATUS:
A	PDO	04-25-17	TOWN COUNCIL FIRST READING

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. Suite 1A South Portland, ME. 04106 Tel. 207-200-2100
250 Goddard Rd. Suite B Lewiston, ME. 04240 Tel. 207-753-9825

OVERALL AMENDED SITE PLAN
OF:
LAND ROVER JAGUAR OF SCARBOROUGH
371 U.S. ROUTE ONE
SCARBOROUGH, MAINE 04074
FOR:
E & F LIMITED LIABILITY COMPANY
P.O. BOX 160
BRUNSWICK, MAINE 04011

PROJECT NO.	SCALE
03401	1" = 40'

SHEET 1 OF 7

03401S.dwg, TAB:03401OAS

Existing Photograph



MARCH 30, 2017

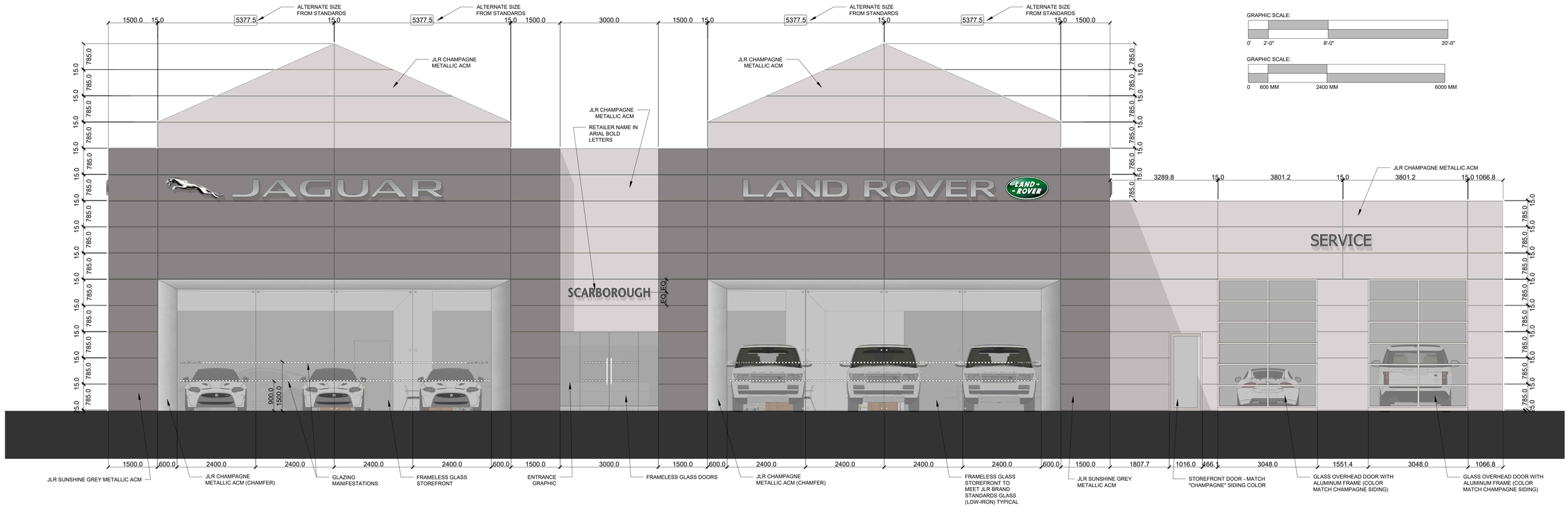
Goodwin MOTOR GROUP

SCARBOROUGH, MAINE

ELEVATION MATERIALS KEY:	
MAIN FACADE COLOR	PRISMA JLR SUNSHINE GREY METALLIC
CHAMFER, ABOVE ENTRANCE COLOR AND DRIVE-IN SERVICE	PRISMA JLR CHAMPAGNE METALLIC
CLEAR GLASS DOORS	12 mm TOUGHENED GLASS WITH METAL SECURITY LOCKING BAR AT THE BASE (LOCK COLOR = STAINLESS STEEL)
WORKSHOP AND BACK OF HOUSE CLADDING	HORIZONTAL TRAPEZOIDAL CLADDING R32 / 1000 - RAL 9006 (TATA TRISOMET 333 OR SIMILAR)
EXISTING CMU	PAINT TO MATCH RAL 9006 COLOR

ELEVATION NOTES:

1.) FACADE DESIGN AND MATERIALS PER JLR STANDARDS (PANEL LENGTH IS LONGER THAN 4800mm) (MAIN ENTRANCE IS 3000mm)
2.) FACADE SIGNAGE TO BE PROVIDED BY APPROVED VENDOR AND MEET JLR STANDARDS (**CUSTOM SIZE)
3.) ALL CLADDING SYSTEMS TO MEET JLR STANDARDS
4.) ALL FRAMELESS GLAZING TO MEET JLR STANDARDS (**CUSTOM SIZE)
5.) SHOWROOM LOADING TO MEET JLR STANDARDS
6.) PYLON SIGN TO MEET JLR STANDARDS
7.) FACADE SIGNS TO MEET JLR STANDARDS (**CUSTOM SIZE)
8.) RETAILER NAME SIGN TO MEET JLR STANDARDS
9.) WELCOME SIGN TO MEET JLR STANDARDS
10.) APPROVED VEHICLES CUSTOMER PROMISE SIGNS TO MEET JLR STANDARDS
11.) APPROVED VEHICLES FACADE SIGN TO MEET JLR STANDARDS
12.) ENTRANCE GRAPHICS TO MEET JLR STANDARDS
13.) GLAZING MANIFESTATIONS TO MEET JLR STANDARDS
14.) DIRECTIONAL SIGNS TO MEET JLR STANDARDS
15.) GENERAL LIGHTING TO MEET JLR STANDARDS
16.) VEHICLE PARKING AREA LIGHTING TO MEET JLR STANDARDS
17.) APPROVED VEHICLES DISPLAY LIGHTING TO MEET JLR STANDARDS
18.) DRIVE-IN SERVICE TO MEET JLR STANDARDS



1 ELEVATION

GRAPHIC SCALE:
0' 2'-0" 8'-0" 20'-0"

GRAPHIC SCALE:
0 600 MM 2400 MM 6000 MM

ALLIED COOK CONSTRUCTION
Managers • Builders
Building Excellence Since 1958

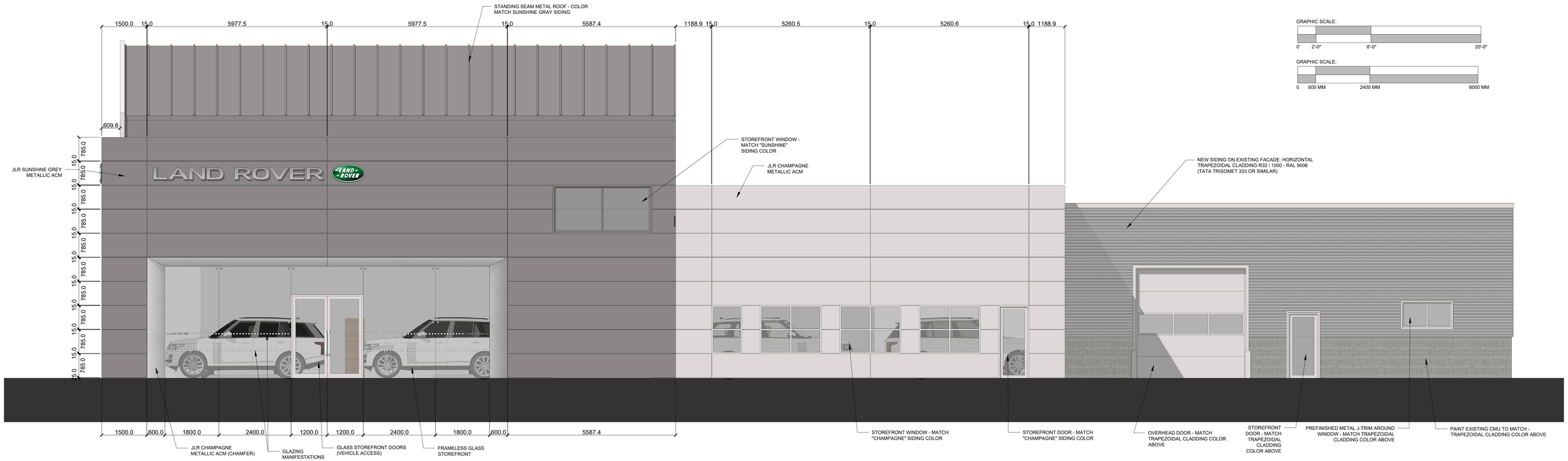
PROGRESS PRINT ONLY
Not for Construction

RYAN SENATORE ARCHITECTURE

MARCH 30, 2017

Goodwin MOTOR GROUP

SCARBOROUGH, MAINE



2 ELEVATION

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RYAN SENATORE ARCHITECTURE

MARCH 30, 2017

Goodwin MOTOR GROUP

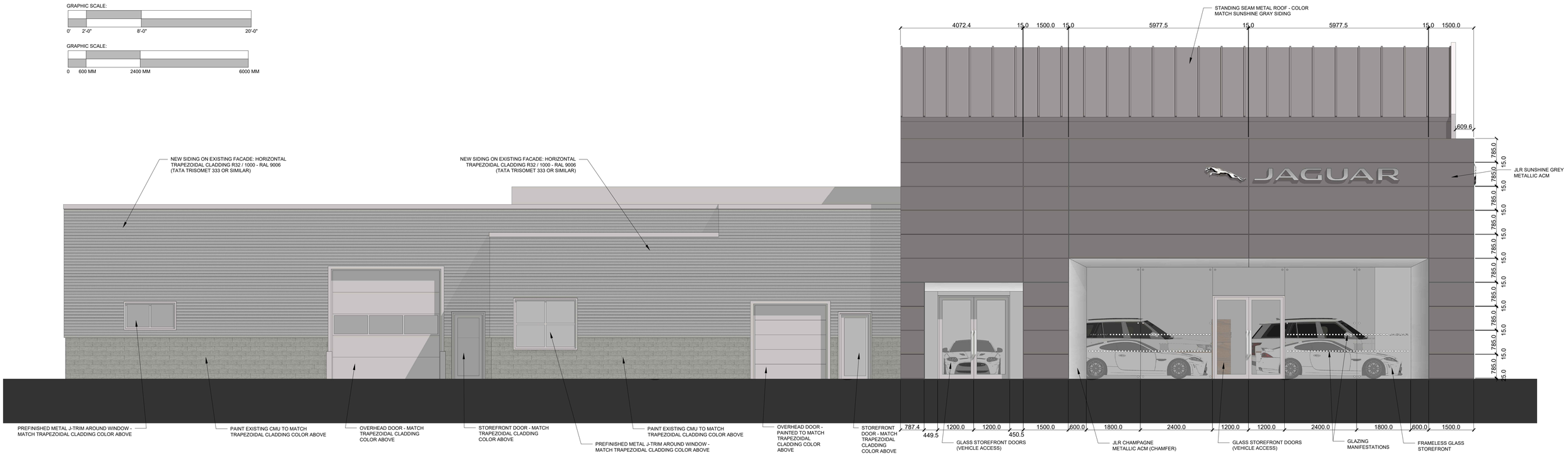
SCARBOROUGH, MAINE

GRAPHIC SCALE:

0' 2'-0" 8'-0" 20'-0"

GRAPHIC SCALE:

0 600 MM 2400 MM 6000 MM



3 ELEVATION

ALLIED COOK CONSTRUCTION
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RYAN SENATORE ARCHITECTURE

MARCH 30, 2017

Goodwin MOTOR GROUP

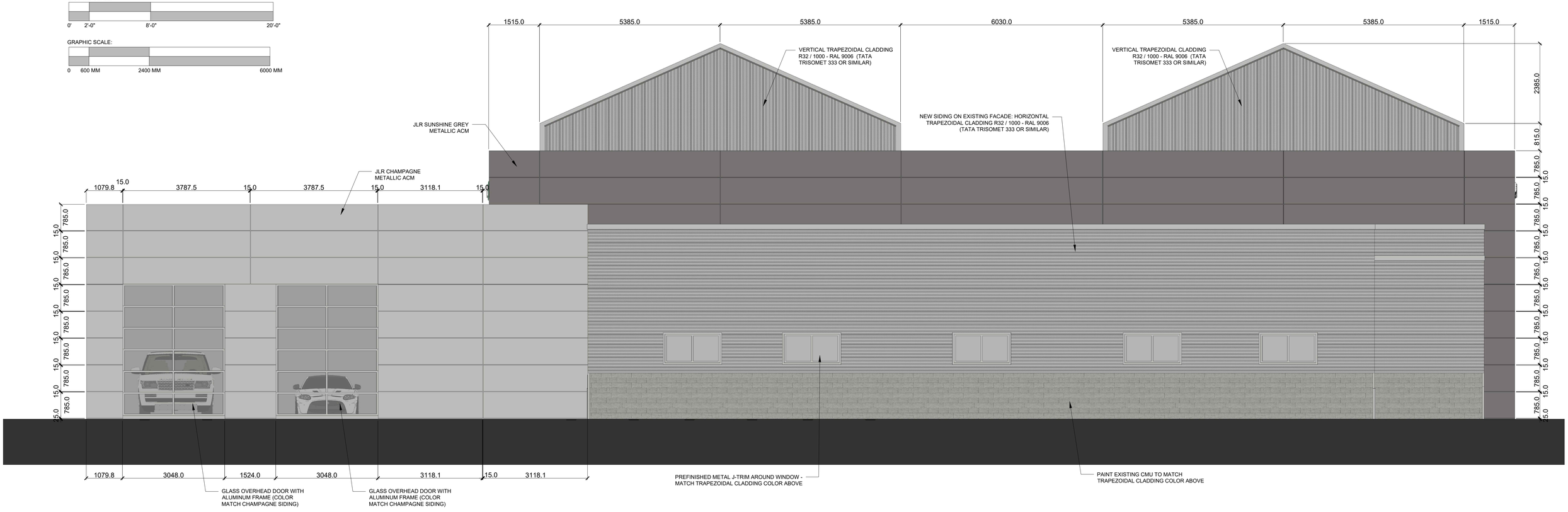
SCARBOROUGH, MAINE

GRAPHIC SCALE:

0' 2'-0" 8'-0" 20'-0"

GRAPHIC SCALE:

0 600 MM 2400 MM 6000 MM



4 ELEVATION

ALLIED COOK CONSTRUCTION
Managers • Builders
Building Excellence Since 1958

PROGRESS PRINT ONLY
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RYAN SENATORE ARCHITECTURE

PORTION OF THE PLANNING BOARD MINUTES FROM THE JULY 17TH MEETING

"**9. <u>E & F Limited Liability Company, requests an amended site plan review for Land Rover Jaguar, 371 US Route 1, Assessor's Map U39, Lot 46A*</u>**

Mr. Chace informed the Board the applicant is requesting to amend the Contract Zone for the site. Mr. Chace reminded the Board that the site received a contract zone amendment in 2016 to increase the building size from 13,600 sf to 14,370 sf and is now seeking to increase the total to 15, 579 sf. Mr. Chace stated that the applicant is seeking preliminary approval subject to the Town Council amending the contract zone.

Paul Ostrowski with Sebago Technics is representing the applicant. Mr. Ostrowski explained that the proposed project is to renovate and expand the existing dealership to comply with the current branding. Mr. Ostrowski stated that the expansion will include an additional service bay.

Ryan Senatore stated the type of materials use for the project and provided samples for the Board to review.

Ms. Hendrickson asked what would be on the second floor. Mr. Ostrowski stated a break room and mezzanine.

Board members add no further issues with the proposal.

Mr. Fellows took a Board vote and it was unanimous. Mr. Fellows stated that a positive recommendation would be made to the Town Council.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-065. Move approval of the second reading on the proposed amendments to the Higgins Beach Character-Based Zoning Districts. *[Planning Department]*

Planning Department	*Ought to Pass*
Sponsor	Recommendation
07/19/17 7 Yeas. *08/16/17 Public Hearing*	*09/06/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

SCARBOROUGH, MAINE INC. 1658

To: Town Council and Tom Hall

From: Jay Chace, Planning Director

Date: September 1, 2017

RE: Higgins Beach Character Code Audit- Amendments for Consideration at 2nd Reading

As a follow-up to our Department's July 12 & August 11 memos related to the Higgins Beach Audit process I offer this memo to address updates for consideration that have come to our attention as part of the on-going review process.

Staff offers the following amendments to the working draft document dated July 18, 2017 of the Higgins Beach Character-Based Zoning Districts for Council consideration.

1. Recommended language modifying to the non-conforming uses and structures provision of proposed Article 5.C.2, NON-CONFORMING USES STRUCTURES (page 53) –
Underlined items in this memo are proposed subsequent to the July 18 document

a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.

i. Any such building may be expanded, enlarged, or increased in height provided that any such expansion or addition is within the principal building placement identified in Article 2 and the addition meets all other building standards of Article 4. A building that is nonconforming as to the maximum front setback may be expanded pursuant to the requirements in this subsection without becoming conforming regarding the maximum front setback.

---

d. Additions and components that meet the dimensional standards of the code may be added to existing non-conforming buildings, so long as the change does not expand or create a new nonconformity.

e. Additions and components may match an existing, non conforming roof pitch with the exception of non conforming flat roofs, provided all other dimensional standards of the code are adhered to.

f. Additions and components may match exiting non conforming eave heights, provided all other dimensional standards of the code are adhered to.

If amendments are accepted, the sub-sections following "f." will be relabeled accordingly.



2. Recommend porch encroachment language in Article 4. E. 1 & 2 (page 38), projecting and integral porches, be amended as follows:

Permitted Encroachment	4 ft max Secondary Front Setback 10 ft max Primary Front, Rear Setback Encroachment not permitted in Side Setback

3. Recommend clarifying porch width when added to the rear of a structure in section Article 4. E. 1 & 2 (page 38) (this language was added to engaged porches, see page 39, but staff missed adding this to projecting and integral porches as well- proposed additions shown underlined below)

Porch - Projecting:
Dimension:
Depth 6 ft min, 10 ft max (v)

Standards:
v. Porches, or sections of porches, attached to a rear facing wall may extend to a maximum depth of 12 ft.

Porch – Integral
Dimension:
Depth 8 ft min, 10 ft max (iv)

Standards:
iv. Porches, or sections of porches, attached to a rear facing wall may extend to a maximum depth of 12 ft.

- **Administrative Adjustments**

1. **Recommend language modification for consistent of requirements as well as editing clean-up- 4.A.8.b (page 18).**

b. Buildings located closer than ~~15~~ 5 feet from a side or rear property line must meet the fire rated construction requirements as approved by the Scarborough Fire Department.

Under Article 4.A.8.b the standard states that fire rating must be met if a building is less than 15' from a property line. The Building Code and NFPA Standards actually requires fire rating when less than 5' from a property line.

2. Recommend adding the word and to the title of Article 5.C.2 (page 53), "Non-Conforming Uses and Structures"

3. Article 4.E.15 (page 15) ~~100'~~ is appropriately shown with ~~strikethrough~~; however the replacement 98' is not underlined.

A revised draft of the Code, with the proposed amendments identified above, will be provided to the Council at the Council meeting. The document will identify all subsequent changes to the 7-18 draft red lettering for ease of differentiating.

Town of Scarborough
HIGGINS BEACH
CHARACTER-BASED ZONING DISTRICTS

Adopted 12-2-15
Amended XX-XX-XX
Working Date: 7-18-17

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TABLE OF CONTENTS

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

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

ARTICLE 6: DEFINITIONS

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A. PURPOSE

a. To implement the Comprehensive Plan of the Town of Scarborough.

b. To coordinate development and redevelopment according to plans collaboratively developed with community members from Higgins Beach.

c. To maintain a complete, walkable neighborhood that continues to promote community and neighborly activity.

d. To preserve and enhance the existing character of Higgins Beach, respects the existing built form, and honors the historic development pattern inherent in the original plat of Higgins Beach.

e. To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).

f. To promote the adaptation of existing buildings and to permit redevelopment and infill construction that contributes to and preserves the character of Higgins Beach.

g. To allow for a narrow range of business activity that supports the local residents of Higgins Beach.

h. To enable continued access to Higgins Beach's greatest amenity, the beach, marshes, and other coastal areas.

B. APPLICABILITY

a. Unless otherwise specified, this District is applicable to all real property within Higgins Beach as described on the Town of Scarborough Official Zoning Map.

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

C. TEXT & GRAPHICS

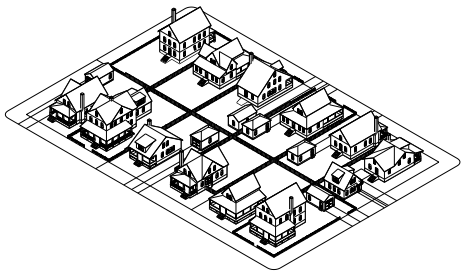
a. Illustrations, graphics, pictures, and flowcharts are included in this District to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Chapter and any illustration, graphic, picture, or flowchart, the text shall govern.

b. All metrics included in tables shall be interpreted as text under this Chapter and shall govern.

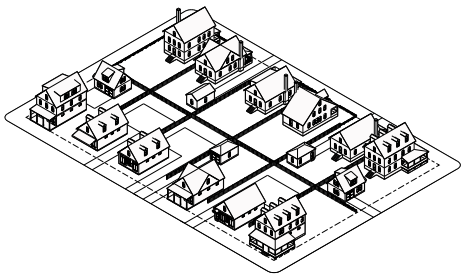
D. GENERAL TO LOTS

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

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE



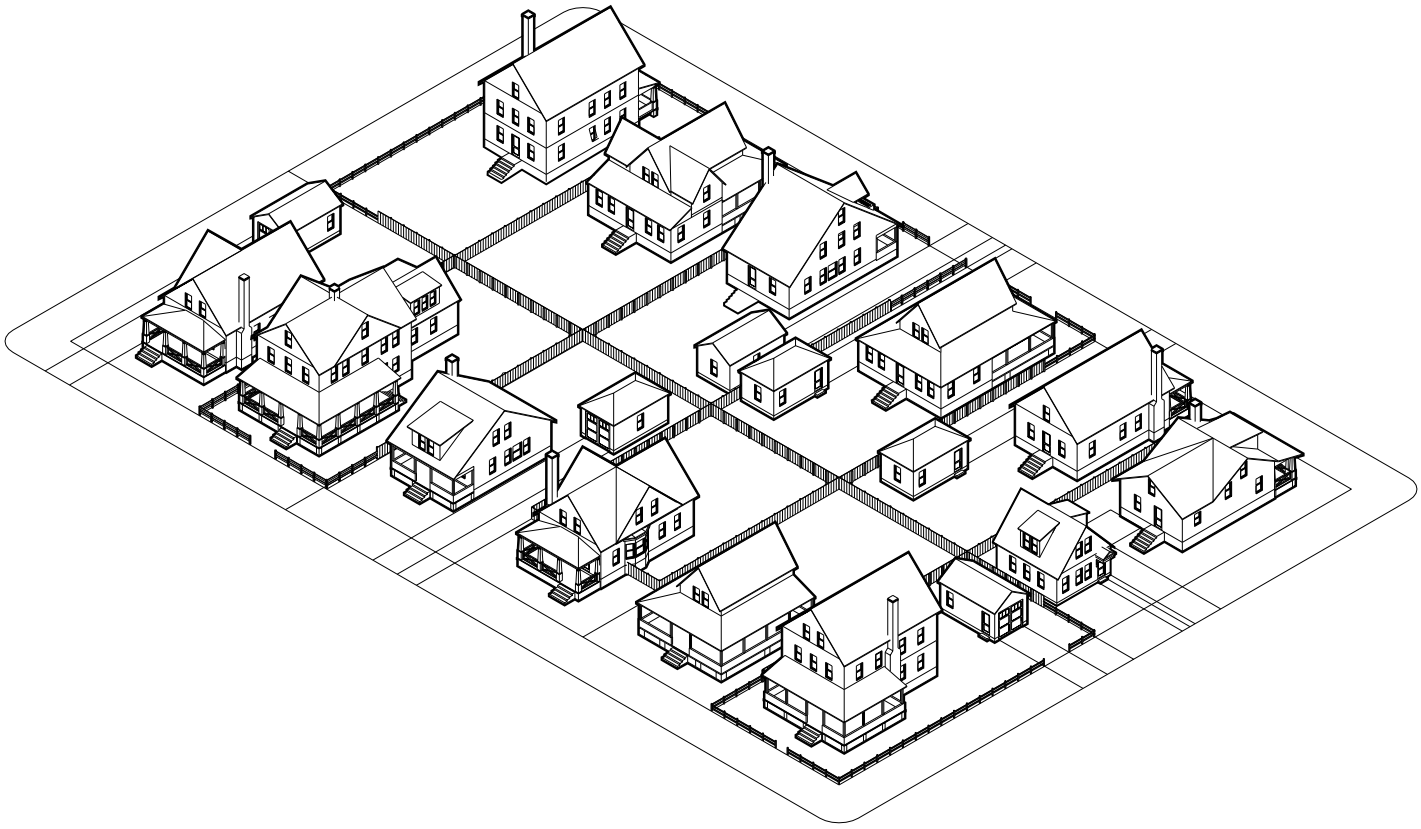
1. COASTAL RESIDENTIAL 1 (CD-CR1)



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

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A. COASTAL RESIDENTIAL 1 (CD-CR1)



INTENT

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

PURPOSE

a. To permit the development of new single-family residential building types on individual lots.

b. To provide for the administrative review of additions and modifications to existing structures, in keeping with the standards of this District.

BUILDING STANDARDS

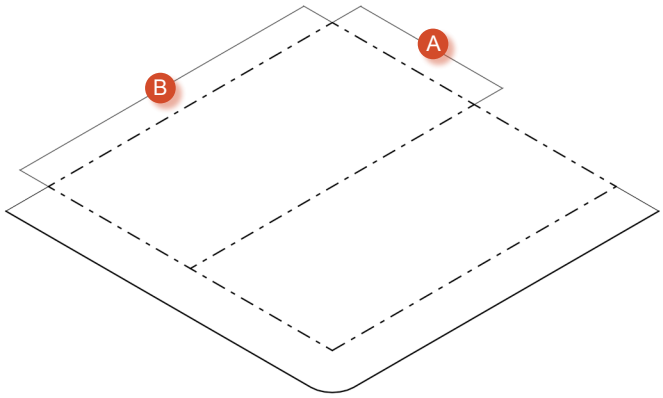
a. See Article 3: Building Standards for the standards for each building type.

PERMITTED BUILDING TYPES

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

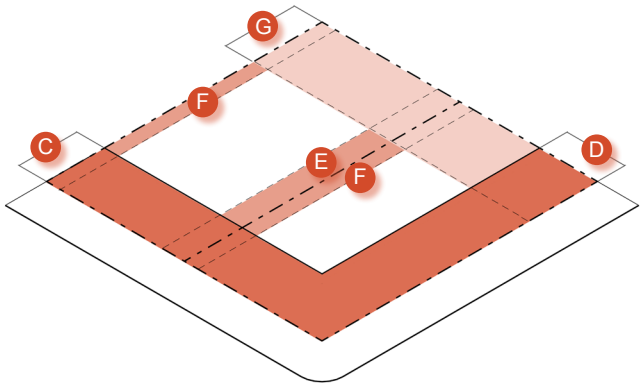
LOT DIMENSIONS

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



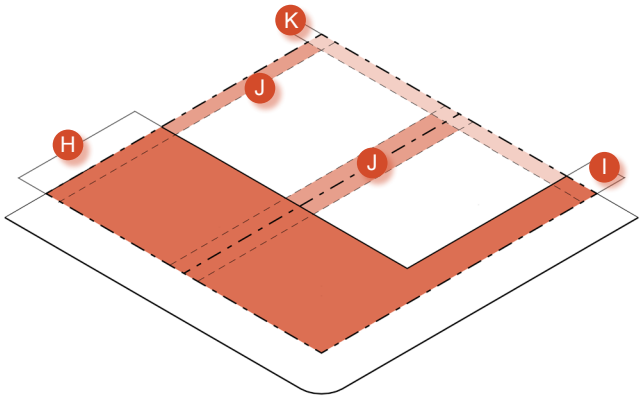
PRINCIPAL BUILDING PLACEMENT

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

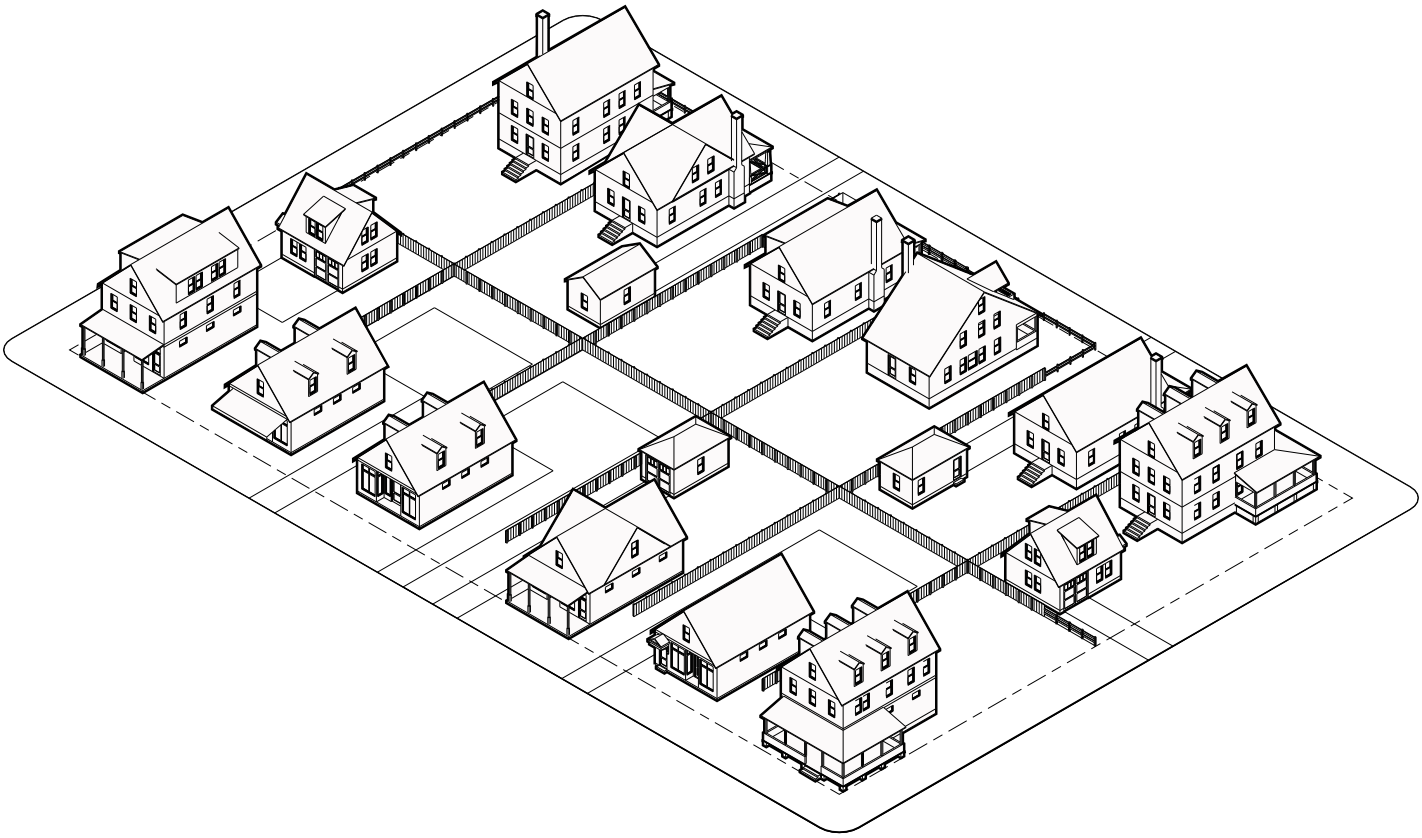


ACCESSORY BUILDING PLACEMENT

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



B. COASTAL MIXED-USE–LIMITED (CD-CML)



INTENT

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

PURPOSE

a. To permit appropriate, small-scale commercial uses in keeping with the character of the neighborhood.

b. To protect existing historic commercial properties that contribute to the character of Higgins Beach.

BUILDING STANDARDS

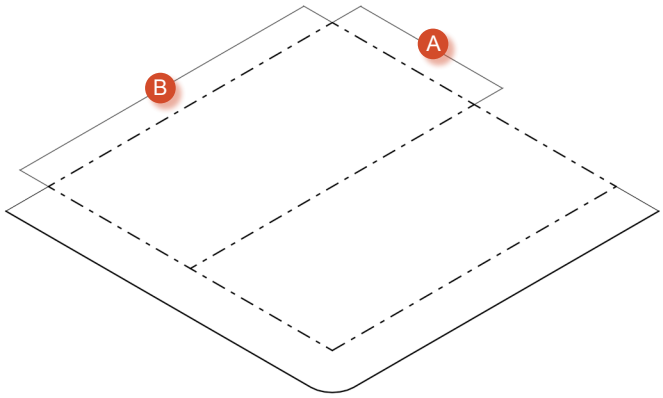
a. See Article 3: Building Standards for each building type.

PERMITTED BUILDING TYPES

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

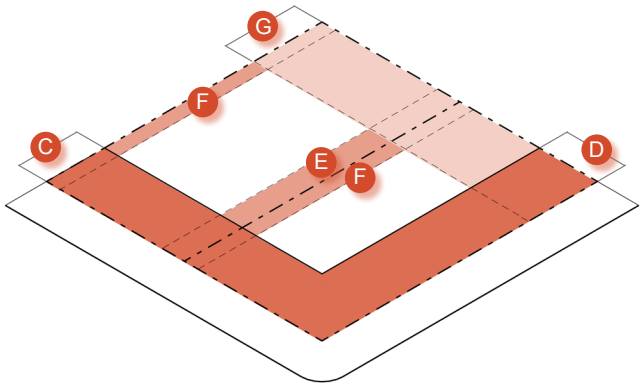
LOT DIMENSIONS

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



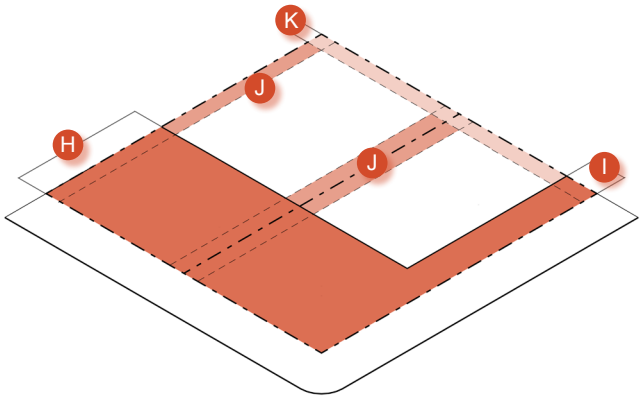
PRINCIPAL BUILDING PLACEMENT

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



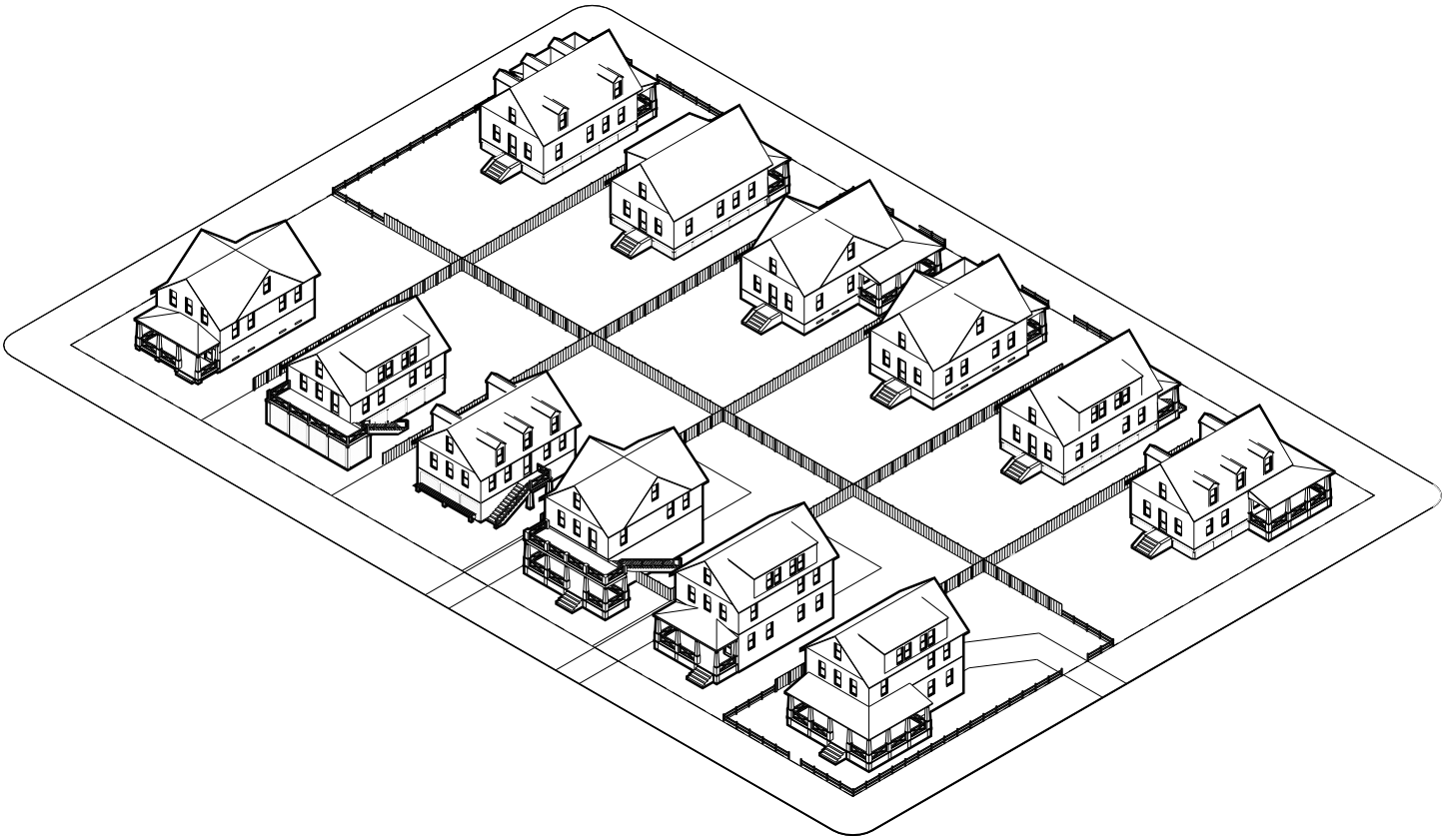
ACCESSORY BUILDING PLACEMENT

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



A. SHORELAND OVERLAY

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



	75 ft from the resource	75 to 250 ft from the resource ** measured from highest annual tide
New Construction	No new construction.	New construction allowed per Coverage standards below.
Additions/ Expansions	30% expansion max., area and volume, from January 1, 1989.	Expansions allowed per Coverage standards below.
Coverage	Limited to existing coverage as per Chapter 405C the Shoreland Zoning Ordinance	35% Development Coverage * includes all land covered by nonvegetated surfaces as per Chapter 405C the Shoreland Zoning Ordinance
Height	See Article 4.A.2.	See Article 4.A.2.
Placement on Lot	May not move or add to an existing structure any closer to the resource as per Chapter 405C the Shoreland Zoning Ordinance	See Article 2. Character Districts
Accessory Units	In the Shoreland Overlay accessory units are considered separate dwelling units and are only permitted when both the single-family dwelling and the accessory unit individually comply with the lot dimensional requirements	See Section 15.A.5. of Chapter 405C the Shoreland Zoning Ordinance

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INCLUDED FOR COMPARISON

B. FLOODPLAIN

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

	VE	AE	AO	A
New Construction	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.	New construction allowed per elevation standards below.
Additions/ Expansions	~~No additions to existing structures, except fire escapes and handicap access.~~	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.	Expansions allowed per elevation standards below.
Coverage	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.	Controlled by Character District and Shoreland Zoning.
Elevation	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance ~~* Measused to bottom of lowest horizontal framing member~~	1 ft above base flood as defined under Chapter 405A the Floodplain Management Ordinance ~~* Measured to 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.

PROPOSED REVISIONS FOR APPROVAL

B. FLOODPLAIN

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

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

AS ADOPTED PAGE TO BE DELETED

INCLUDED FOR COMPARISON

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 * inlcludes buildings, porches, driveways, and landscaped areas.~~ ~~20% building coverage * inlcludes building footprint, n/a porches.~~ ~~2,500 sf max building footprint * inlcludes building footprint, including porches.~~ ~~Plus additional 500 sf for parking or handicap access.~~ ~~In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.~~	~~40% **development** coverage * inlcludes buildings, porches, driveways, and landscaped areas.~~ ~~20% building coverage * inlcludes building footprint, n/a porches.~~ ~~2,500 sf max building footprint * inlcludes building footprint, n/a porches.~~ ~~Plus additional 500 sf for parking or handicap access.~~ ~~In the case where existing lot exceeds the 20% buildng coverage, the replacement building can not exceed the footprint of the previously existing building.~~	~~40% **development** coverage * inlcludes buildings, porches, driveways, and landscaped areas.~~ ~~20% building coverage * inlcludes building footprint, n/a porches.~~ ~~2,500 sf max building footprint * inlcludes building footprint, n/a porches.~~ ~~Plus additional 500 sf for parking or handicap access.~~ ~~In the case where existing lot exceeds the 20% building coverage, the replacement building can not exceed the footprint of the previously existing building.~~
Elevation	~~Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint~~ ~~Developed lot: 3 ft above the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.~~		Undeveloped lot: 3 ft above highest existing elevation within the buildings footprint Developed lot: the highest natural elevation measured 5 ft from corners of existing bldg foundation or the elevation required in local floodplain ordinance.
Height	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.	35 ft measured from the elevation used by the municipality when determining compliance with local ordinances.
Placement on Lot	~~Seaward building facade may not extend beyond that of adjacent structures~~	~~Controlled by Character District.~~	~~Controlled by Character District.~~
Specifications	~~Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.~~		~~Elevated on posts or pilings. See International Residential Code 2009, Section R322 and R404 for specific standards on foundation construction and Article 4.D.~~

PROPOSED REVISIONS FOR APPROVAL

C. SAND DUNES

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

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

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A. STANDARDS FOR ALL BUILDINGS

1. GENERAL

a. Principal building types are summarized on Table ~~3.1~~ 4.2A and permitted according to Character District standards in Article 2: Character Districts.

b. See Article ~~3.B~~ 4.B for the standards for each building type.

c. The Planning and Code Enforcement Department shall classify existing principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types.

d. Existing buildings may be considered a component or accessory building of a new principle building on the same lot, provided they meet all dimensional requirements for that component or accessory building (with the exception of roof pitch, which may remain nonconforming provided the existing nonconformity is not extended to the roof pitch of the new principle building.)

2. BUILDING MASSING & ASSEMBLY

a. All principal and accessory buildings must meet the standards for one of the building types provided in Article 4B.

b. Each principal building and accessory building type must be comprised of a main building mass with a rectangular form and a single allowed roof type.

c. In order to create a broad range of building designs and promote architectural creativity, components may attach to both principal and accessory buildings.

d. The outer wall of a main building mass must be located entirely in a single plane. Articulation in the wall plane is not permitted except through the use of a component.

e. For the purpose of measurement, building length and width standards apply only to the main building mass of principal and accessory buildings. Components have unique dimensions and standards.

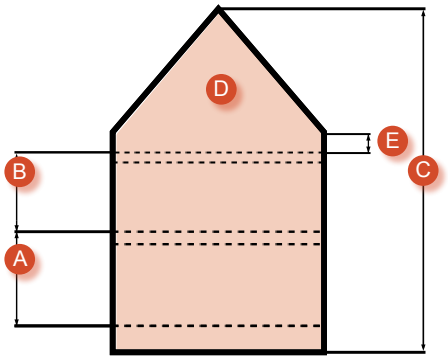
f. Integral or engaged components may recess within the envelope of the main building mass only at the story to which they are attached, and may not alter the boundary of the main building roof above.

g. Terraced components may recess within the structure of a pitched roof.

h. Architectural decorations, moldings, adornments, and details shall not be regulated by this ordinance provided they project from the face of a building or component by less than 6 inches.

3. HEIGHT

a. Building Height, Stories



i. Story height is measured from the surface of any floor to the surface of the floor above it (A) or, if there is no floor above, from the surface of the floor to the top of the lowest horizontal roof joist or collar tie, whichever is lower (B).

ii. To calculate building height by number of stories, each story above the average ground level within the required building placement area is counted as 1 story (C).

iii. Basements are counted as 1-story when 5 feet or more of an exterior basement wall at the front setback ~~excluding the rear wall,~~ is exposed above the average ground level ~~within the the required building placement area.~~

a). An unfinished or flood resistant enclosure for utilities, building access or storage in an area other than a basement area is not considered a building's basement.

iv. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a full story. (D)

v. A habitable floor within a pitched roof must be counted as a full story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 1 feet above the finished floor of the space. (E)

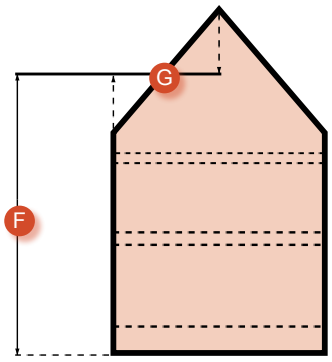
vi. A half-story is a habitable story within a pitched roof where the roof rafters intersect the wall plate or top of the exterior wall frame at a height less than 1 feet above the finished floor of the space. (E)

vii. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.

viii. ~~When building height allows for a half-story, the half story is counted as the habitable space located directly under a pitched roof. The following standards apply:~~

~~a). The roof rafters must intersect the wall plate or top of the wall frame of the exterior walls at the finished floor of the half story.~~

b. Building Height, Feet



i. In the Character Districts building height is generally regulated by stories, but shall also comply with a maximum building height limit of thirty-two (32) feet.

ii. Building height by feet shall be measured as required in the Zoning Ordinance definition: the vertical distance F measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roof G.

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

c. ~~Story Height~~

i. ~~Story height is measured from the top of the finished floor to the finished floor above, or top of wall plate on single story structures.~~

ii. ~~Minimum story height requirements do not apply to half-stories.~~

d. Ground Floor Elevation

i. Ground floor elevation is measured from the average ground level at the front of the building, to the top of the finished floor of the ground story of a building.

ii. Ground story dwelling units must be elevated above grade a minimum of 2 ft.

iii. Ground floor should not be confused with "lowest floor" as defined in Chapter 405A - Scarborough Floodplain Management Ordinance on those parcels in Special Flood Hazard Areas.

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

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

BUILDING TYPES	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	-	-	-
Neigborhood Store	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Outbuilding	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	1.5:12 Min* 2:12 Max
Carriage House	9:12 Min 14:12 Max	3:12 Min 12:12 Max	-	3:12 Min 6:12 Max	-

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

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

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

4. ROOFS

a. Pitched roofs, if provided, must be symmetrically sloped in accordance with roof pitch standards for the building type (Table 4.1) with the exception of the Bungalow type, which has a unique roof composition.

b. Pitched roofs must converge, symmetrically, to a single ridge beam at their highest point. Roof assemblies with multiple ridge beams are prohibited.

c. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the ~~primary~~ principal building, unless specifically allowed to be taller.

d. Gable ends must be located on the narrowest building face or component face, with the exception of the bungalow.

e. Raking eaves at a building frontage must be restricted in depth such that no part of the roof overhangs the wall below by more than 1ft, measured horizontally.

f. No part of any roof may overhang the wall below by more than 3 ft.

5. FENESTRATION

a. Facades are required to have doors and windows with ~~transparent~~ glass for a percentage of the total area of a facade, measured for each story independently.

b. Required windows and doors must provide clear, transparent, and un-tinted glass.

c. Fenestration of a story's facade is measured from the top of a finished floor to the top of the finished floor above, or top of wall

TABLE 4.1B ROOFS BY COMPONENT TYPE

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

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

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

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

plate on a single story structure.

d. Fenestration requirements are only applicable ~~to front facades~~ to building walls that face a road, the beach, or any other public way. Exterior walls ~~not~~ facing an interior ~~front~~ lot line are exempt. Components have their own fenestration requirements that apply to all component faces.

e. To the extent possible, fenestration patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts. Other strategies, including the use of translucent glass on the bottom half of windows or strategically placed landscape elements, should be utilized if it is not possible to offset windows.

6. BUILDING PLACEMENT

a. All buildings and structures must be located at or behind any required minimum front, side, or rear setback, except as allowed for under Article 4.A.5. Setback Encroachments.

b. All stories of the facade of a principal building must be built at or within the provided setback range.

c. The facade of a principal building must be built in a manner generally parallel to a front lot line or to the tangent of a curved front lot line with some adjustment allowed based on irregularly shaped lots.

d. Not withstanding the Definition of Corner Lot under Section VI. of this Ordinance, corner lots shall have primary and secondary front setback, side setback and a rear setback as shown under Article 2. Building Placements.

7. SETBACK ENCROACHMENTS

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

~~ii~~ b. Accessory buildings and structures may encroach as indicated in Article 4: Building Standards and Article 6: Development Standards.

8. MATERIALS

a. Buildings must be sided with wood siding, vinyl siding, or cement board siding.

b. Buildings located closer than 1 5 feet from a side or rear property line must meet the Town's Fire Rating Policy fire rated construction requirements as approved by the Scarborough Fire Department

9. GARAGES AND PARKING

a. Any building, accessory building, or component may contain a garage.

b. Garages must be setback from the ~~front~~ principal facade of the ~~primary~~ principal building by at least 20 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.

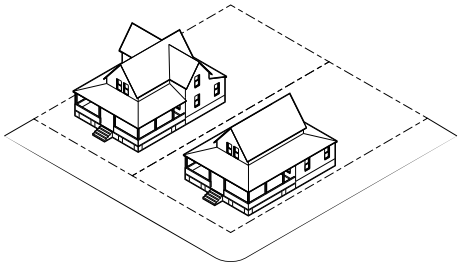
c. Any paved driveway or parking area with a width greater than 12 feet must be setback from the ~~front or secondary front~~ facades of the ~~primary~~ principal building by at least 10 feet, with the exception of lots having a front both on a street and the beach, which are exempt from this provision.

10. ACCESS

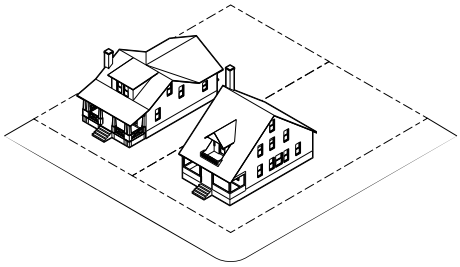
a. All buildings must be accessed by a primary entrance located on the main building mass at, or within 12 ft of, the ~~front~~ principal facade.

b. Additional entrances may be located on any building or component face.

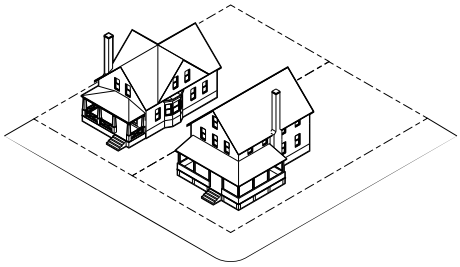
TABLE 4.2A BUILDING TYPES SUMMARY TABLE



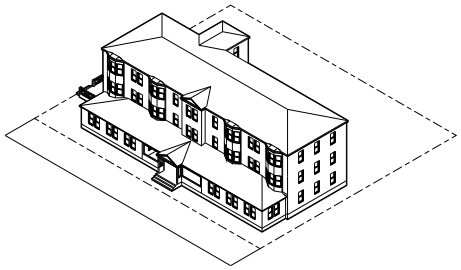
1. COASTAL COTTAGE



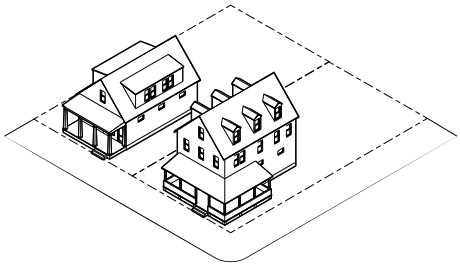
2. BUNGALOW



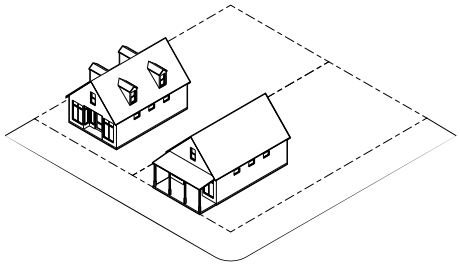
3. HOUSE



4. INN BUILDING

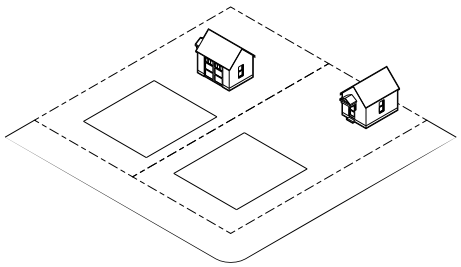


5. SHOPHOUSE

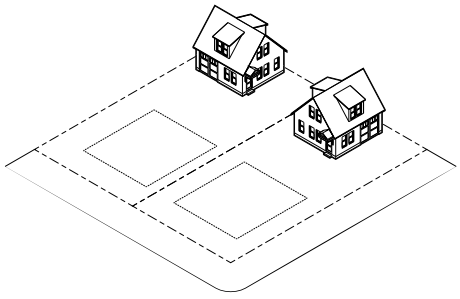


6. NEIGHBORHOOD STORE

TABLE 4.2B ACCESSORY BUILDING TYPES SUMMARY TABLE



1. ONE-STORY OUTBUILDING



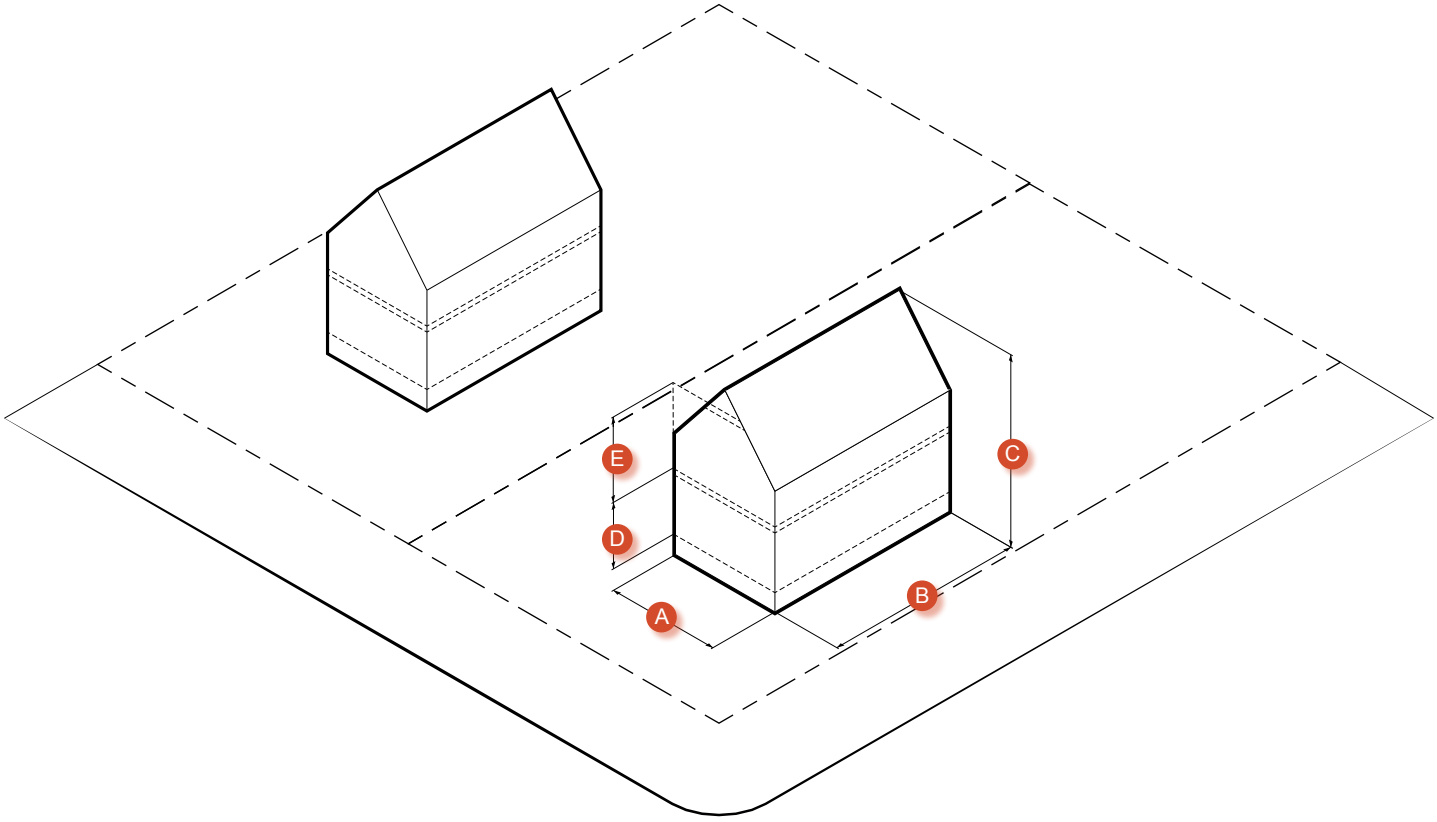
2. ONE-STORY CARRIAGE HOUSE

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B. PRINCIPAL BUILDING TYPES & STANDARDS

1. COASTAL COTTAGE

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



BUILDING FORM

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

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

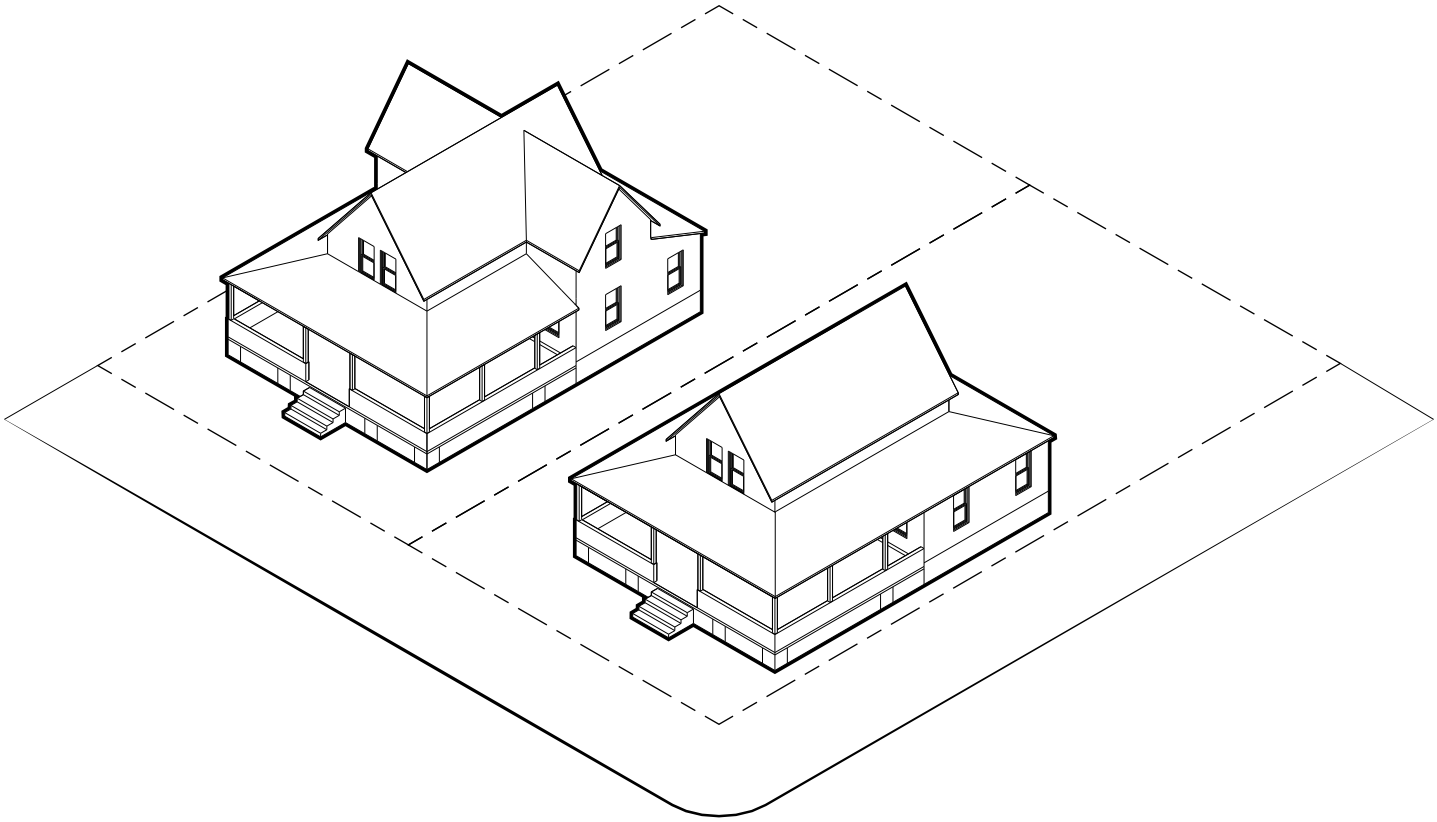
FACADE COMPOSITION

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

FRONTAGES — See Article 4D

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

~~1.~~ COASTAL COTTAGE COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Permitted
Side Addition	Permitted

STANDARDS

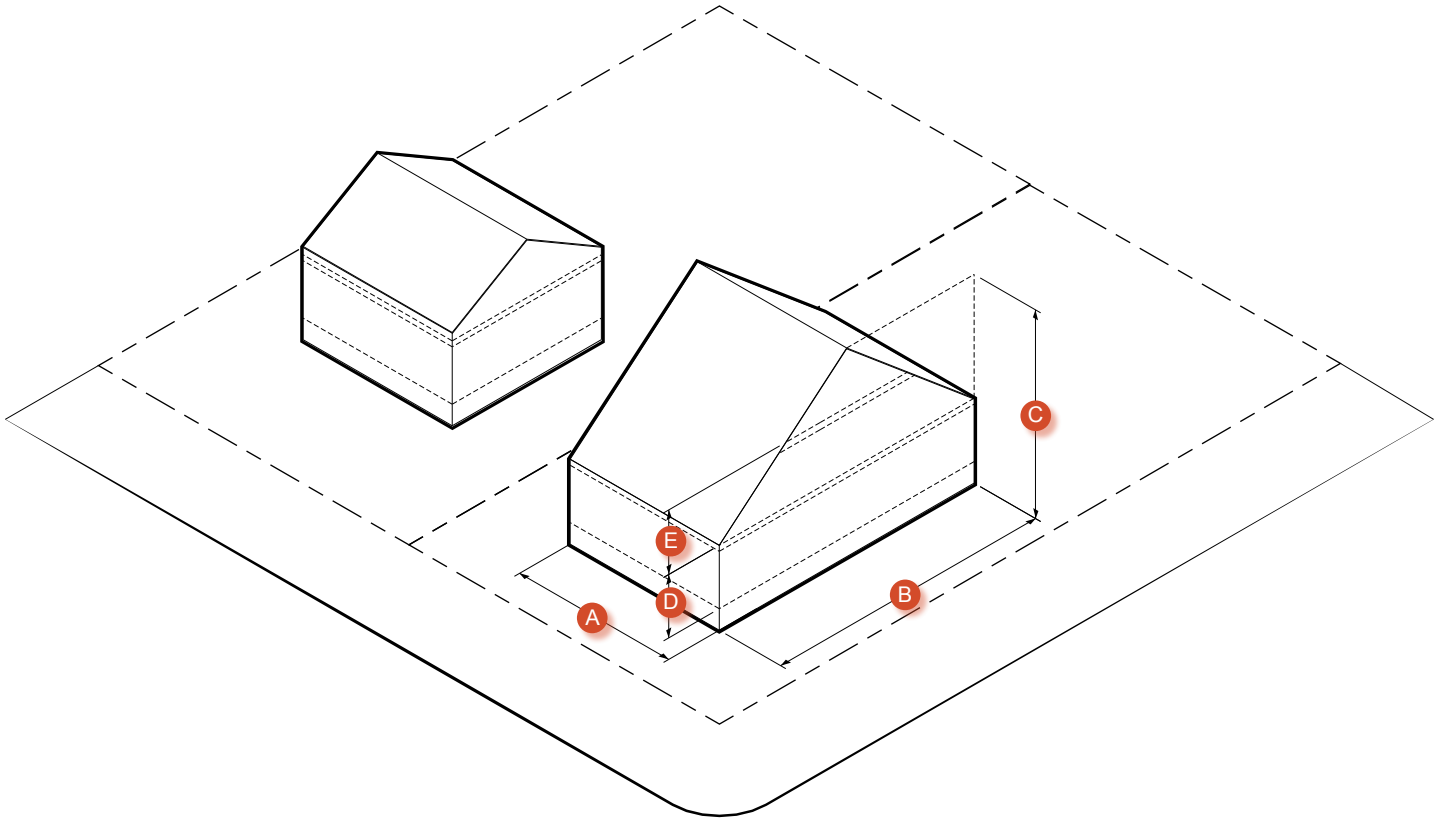
i. A minimum of two components may be applied to the ~~base building massing~~ main building mass, including a Porch as required under the Residential Yard Frontage standards (Article 4D).

ii. The Coastal Cottage may have both a Rear Addition and a Carriage House.

iii. The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

2. BUNGALOW

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



BUILDING FORM

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

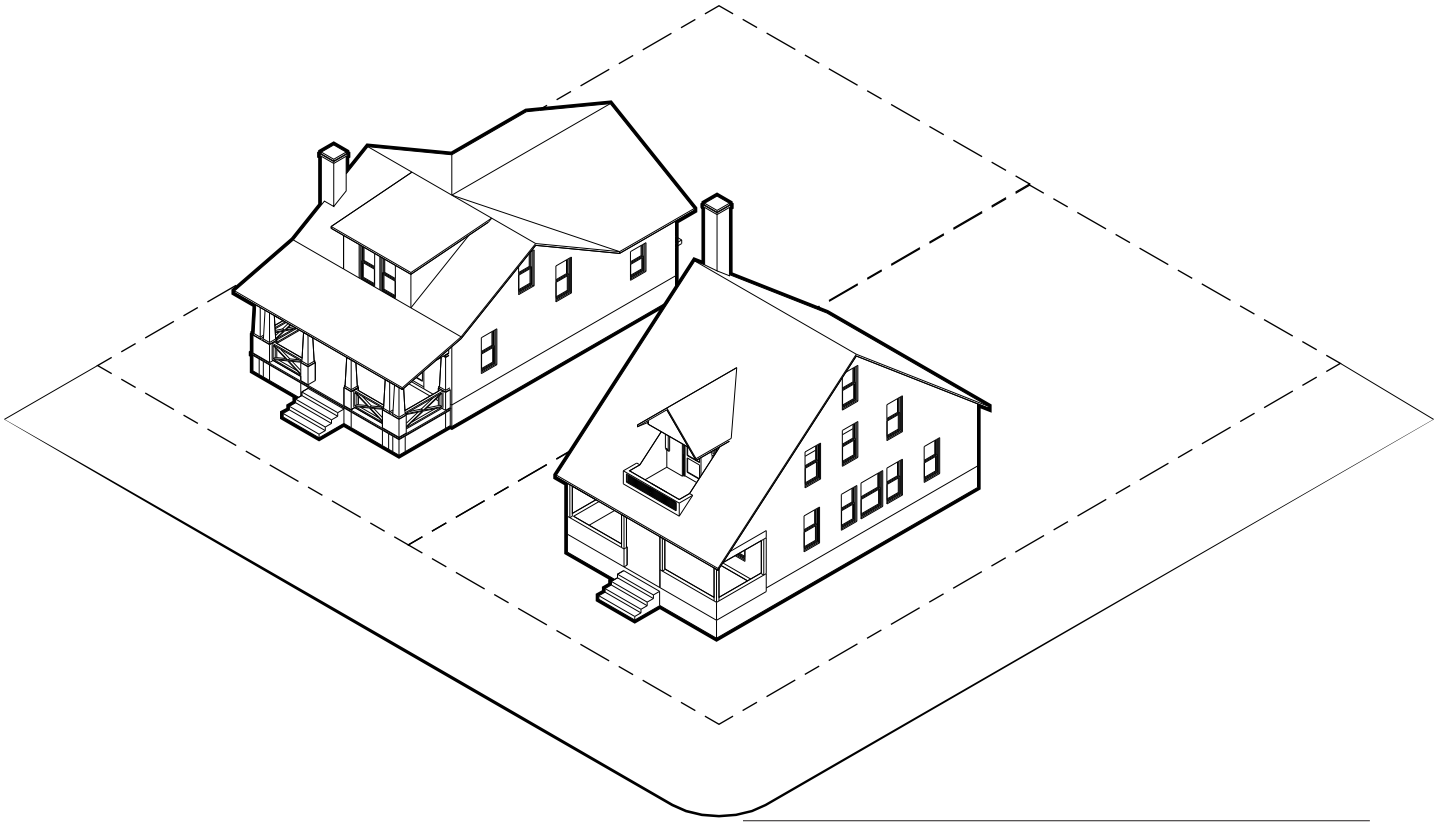
*See Article ~~4.A.2~~ 4.A.3 for Height Standards.

FACADE COMPOSITION

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

FRONTAGES	See Article 4D
Residential Yard	Permitted
Shopfront	Not Permitted
Beachfront Yard	See Special Requirements Map
Beachfront Garage Court	See Special Requirements Map

~~2.~~ BUNGALOW COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Permitted
Integral Porch	~~Required~~ Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Not Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

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

STANDARDS

i. The gable end of a bungalow must be oriented away from the primary frontage.

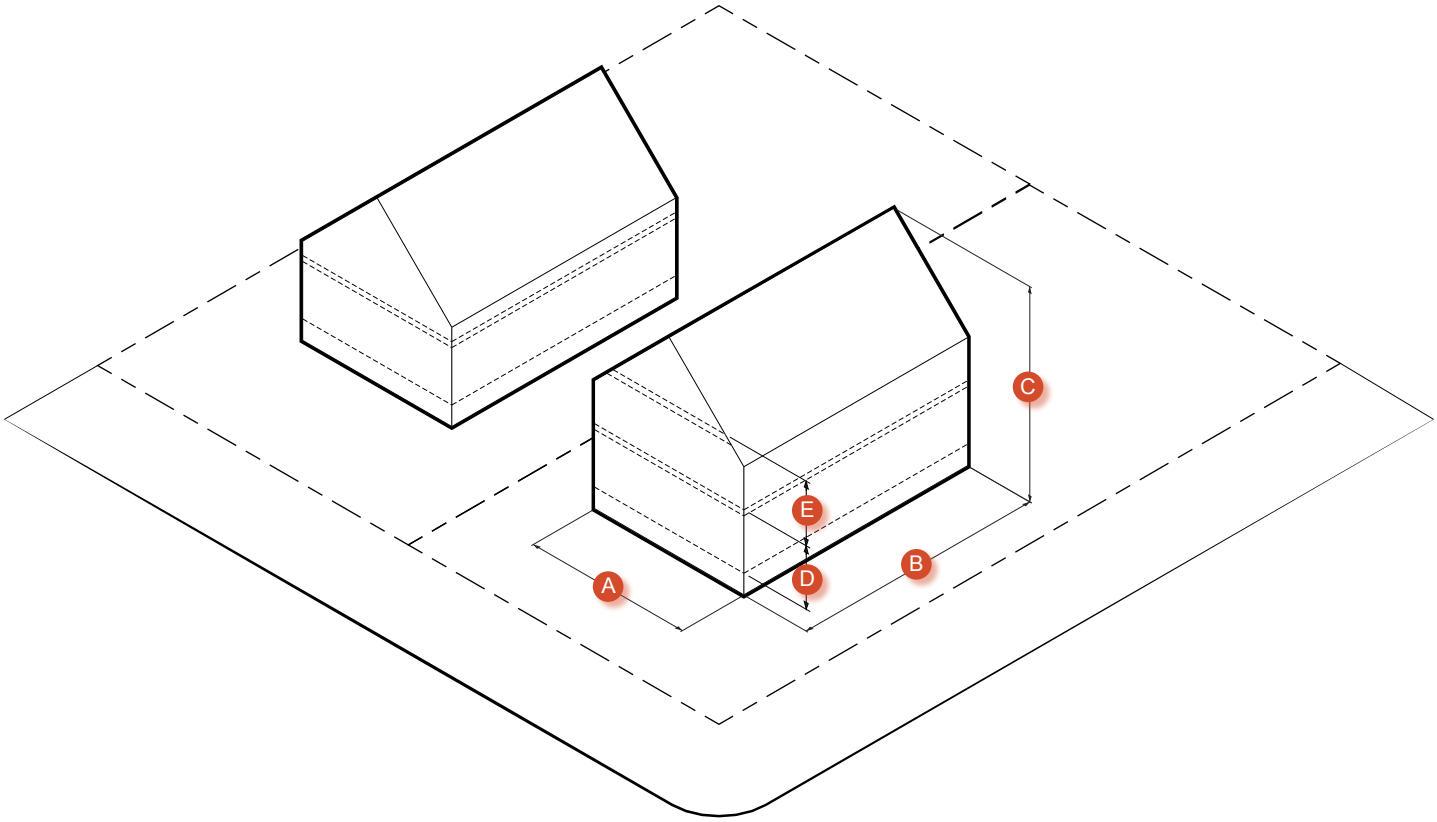
ii. *Stories above the first story must be contained within the roof structure.

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

iv. The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

3. HOUSE

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



BUILDING FORM

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

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

FACADE COMPOSITION

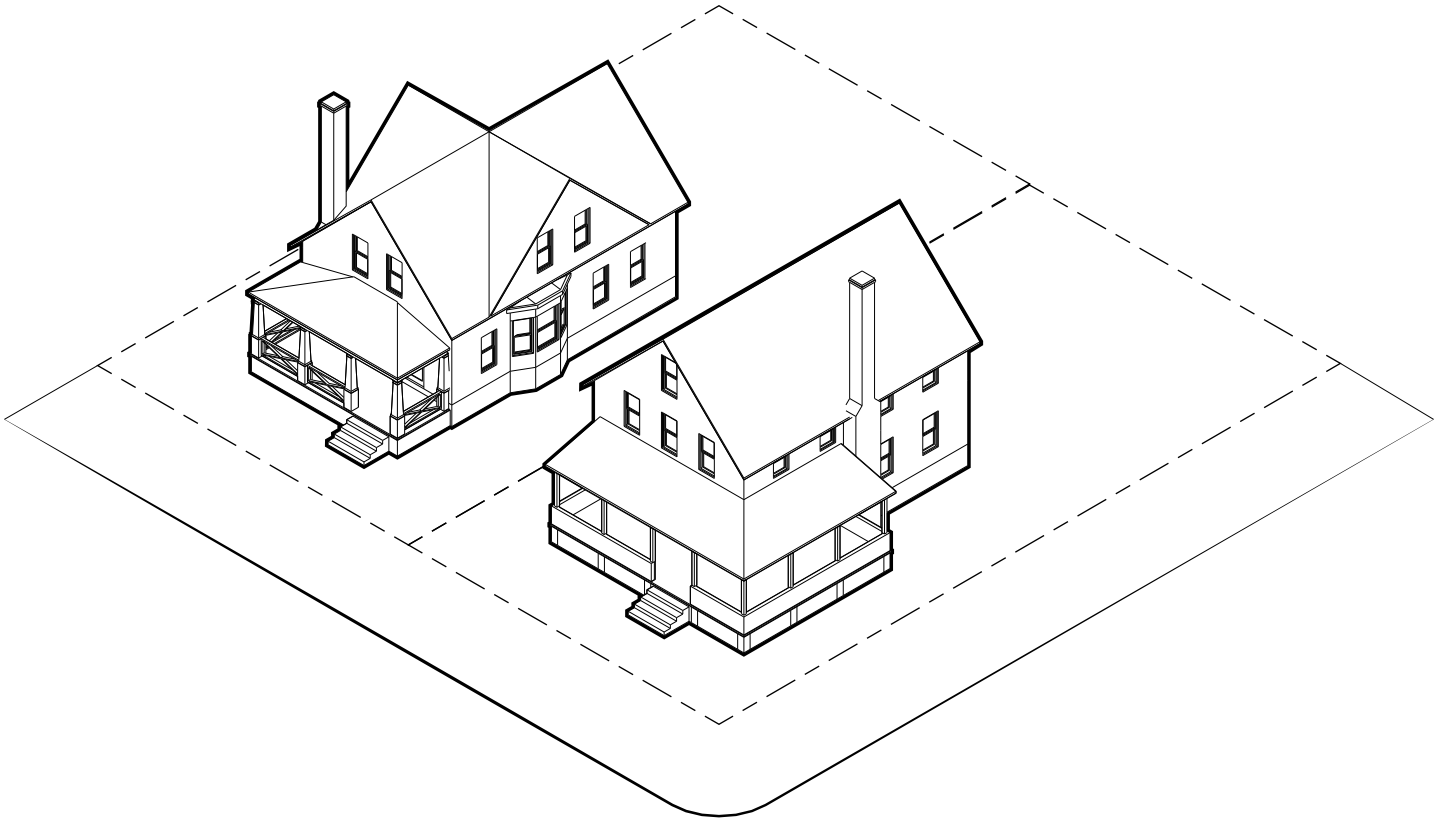
Ground Story Fenestration	20% min
Upper Story Fenestration	10% min

FRONTAGES

See Article 4D

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

~~3.~~ HOUSE COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Permitted
Integral Porch	Not Permitted
Engaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Not Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

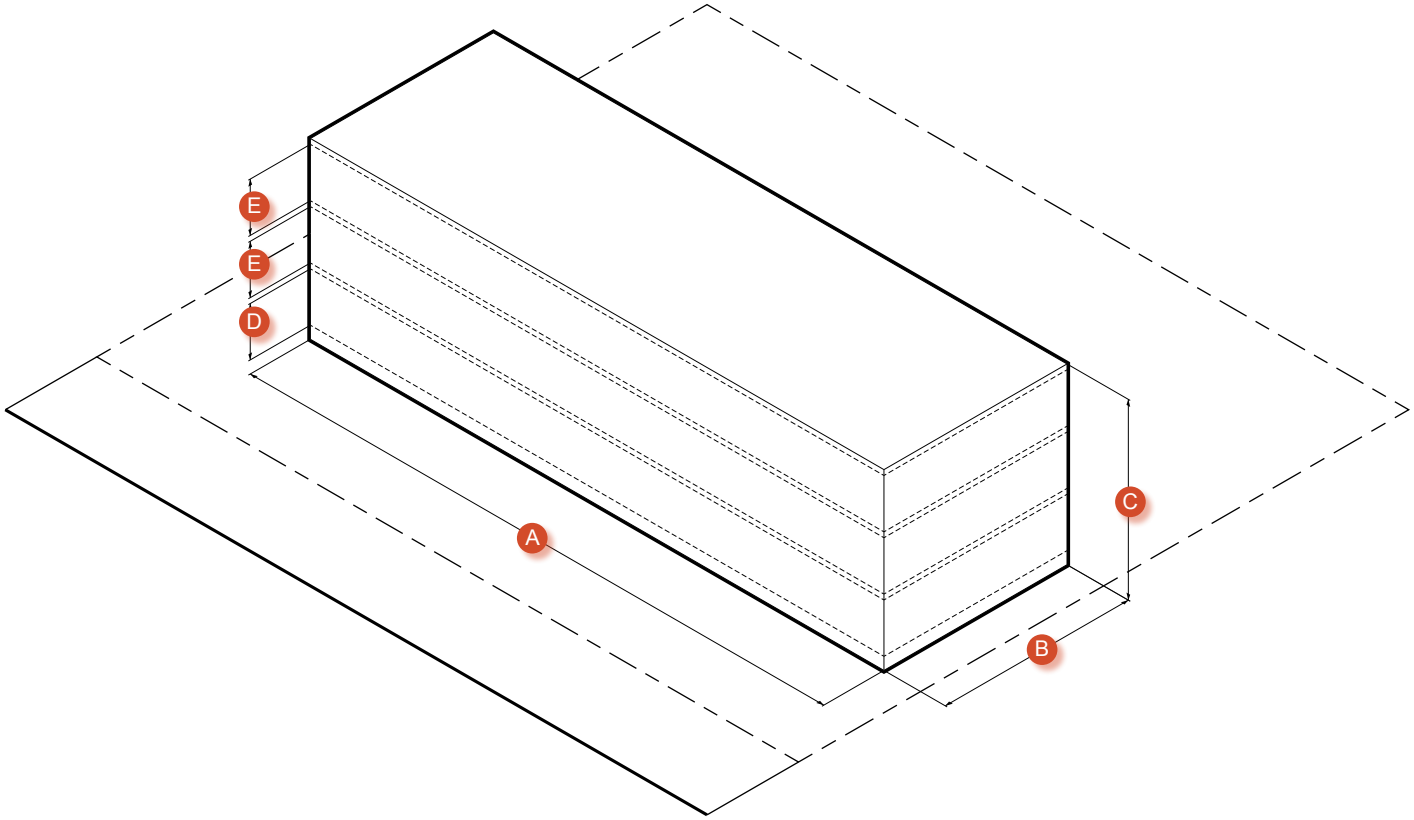
STANDARDS

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

ii. The eave height may not exceed 16 feet, measured from the top of the buildings' foundation.

4. INN BUILDING

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



BUILDING FORM

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

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

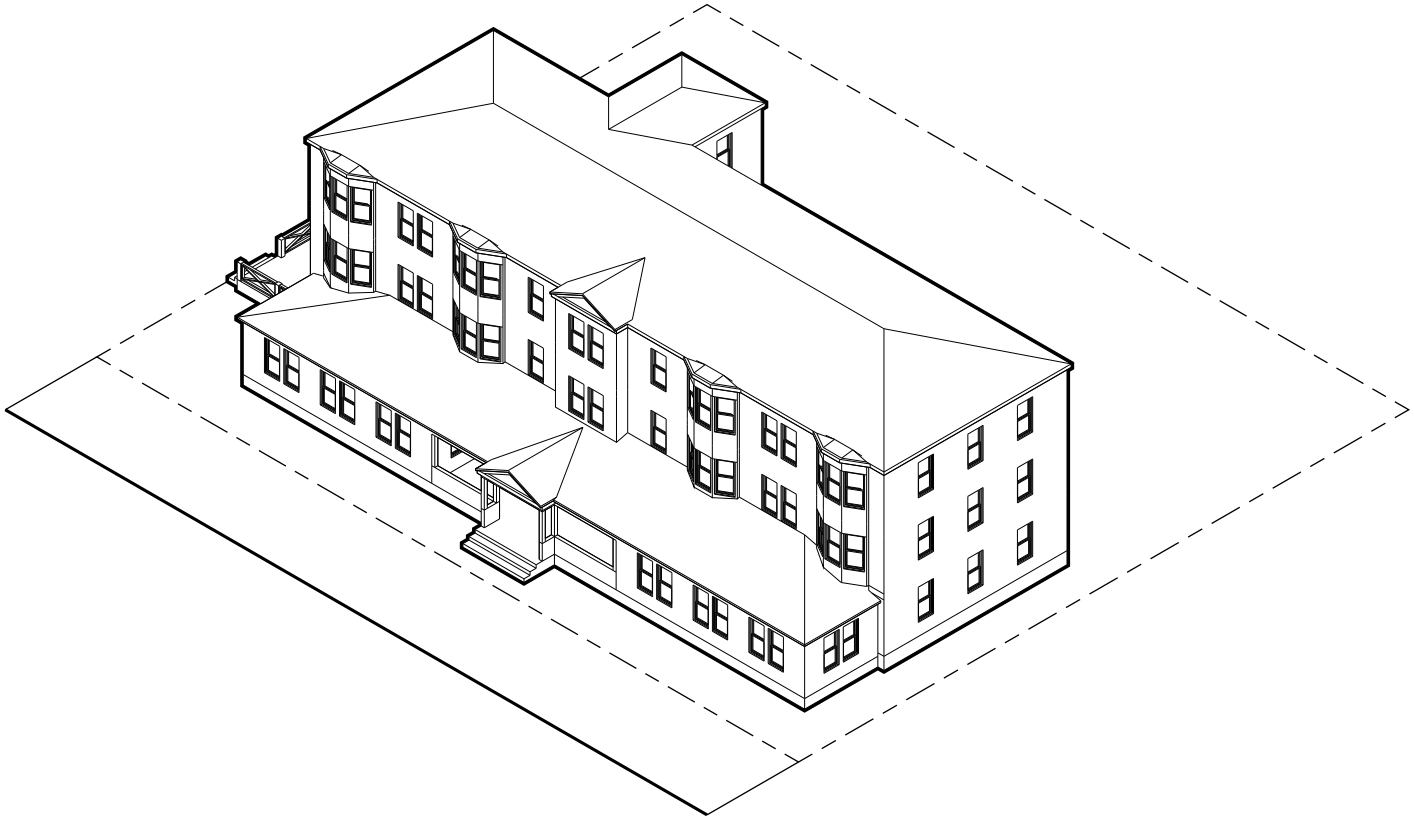
FACADE COMPOSITION

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

FRONTAGES — See Article 4D

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

~~4.~~ INN BUILDING COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

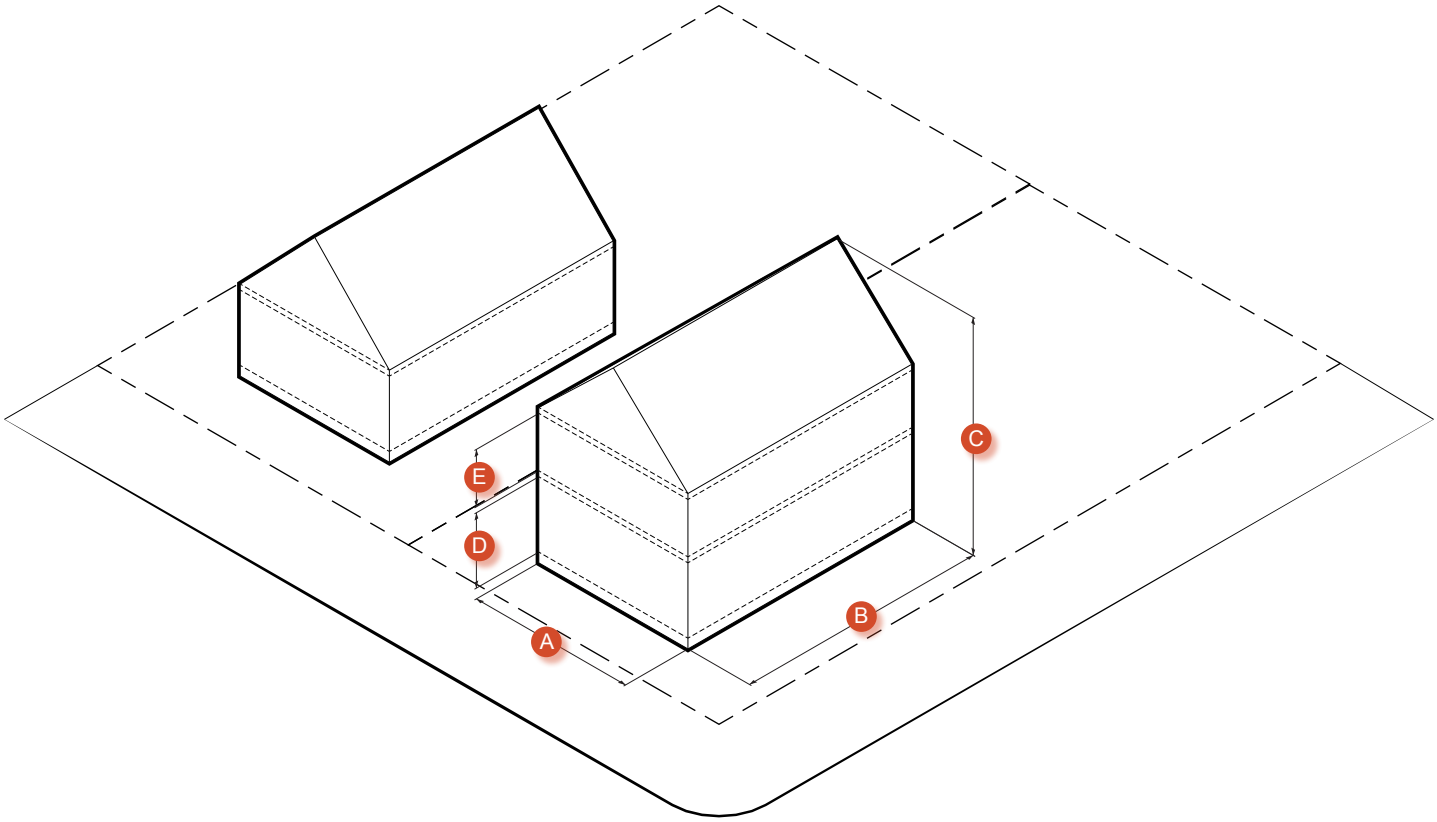
COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

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

5. SHOP HOUSE

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



BUILDING FORM

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

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

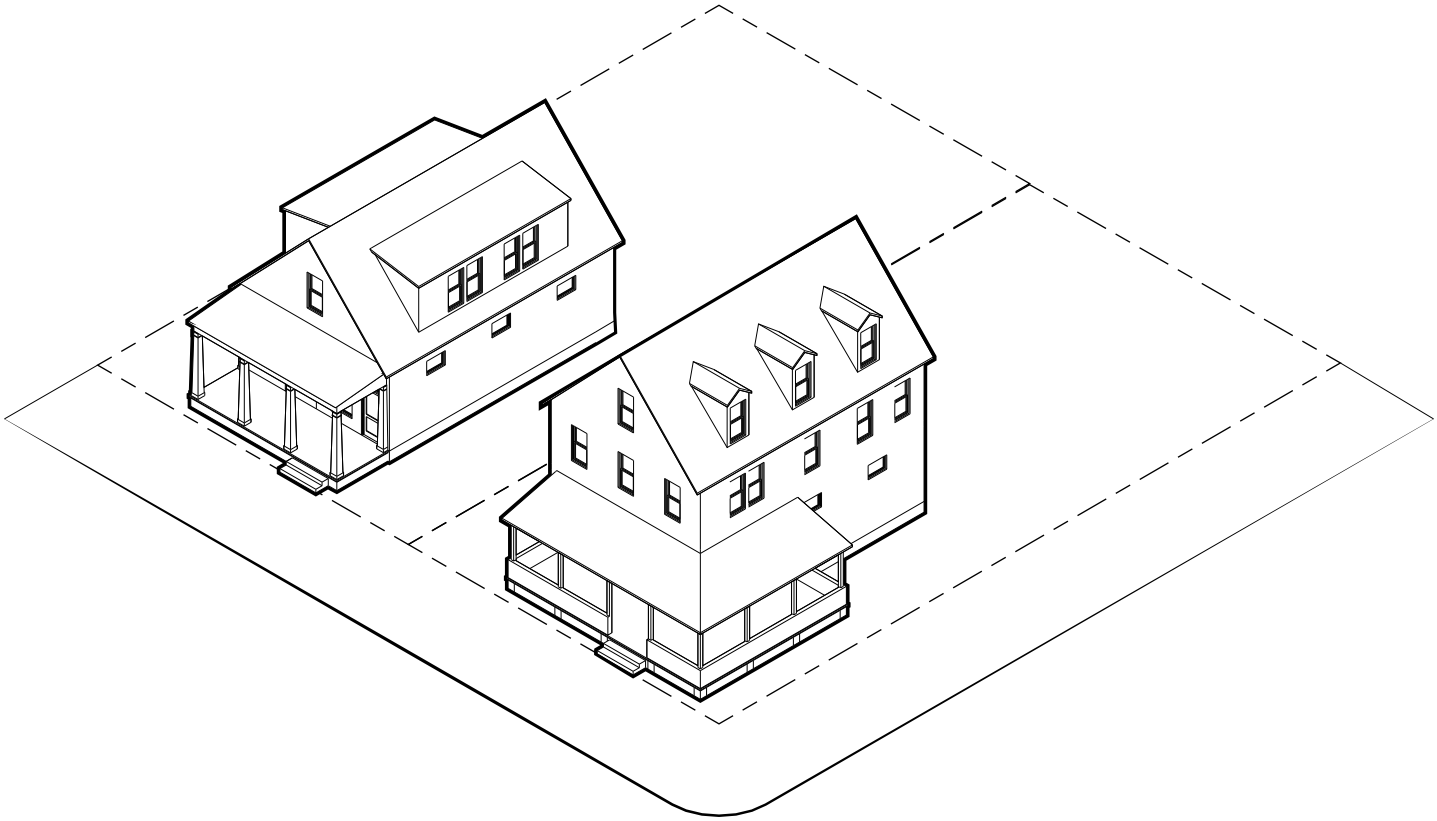
FACADE COMPOSITION

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

FRONTAGES — See Article 4D

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

~~5.~~ SHOP HOUSE COMPONENTS



COMPONENTS	See Article 4C
Projecting Porch	Permitted
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted

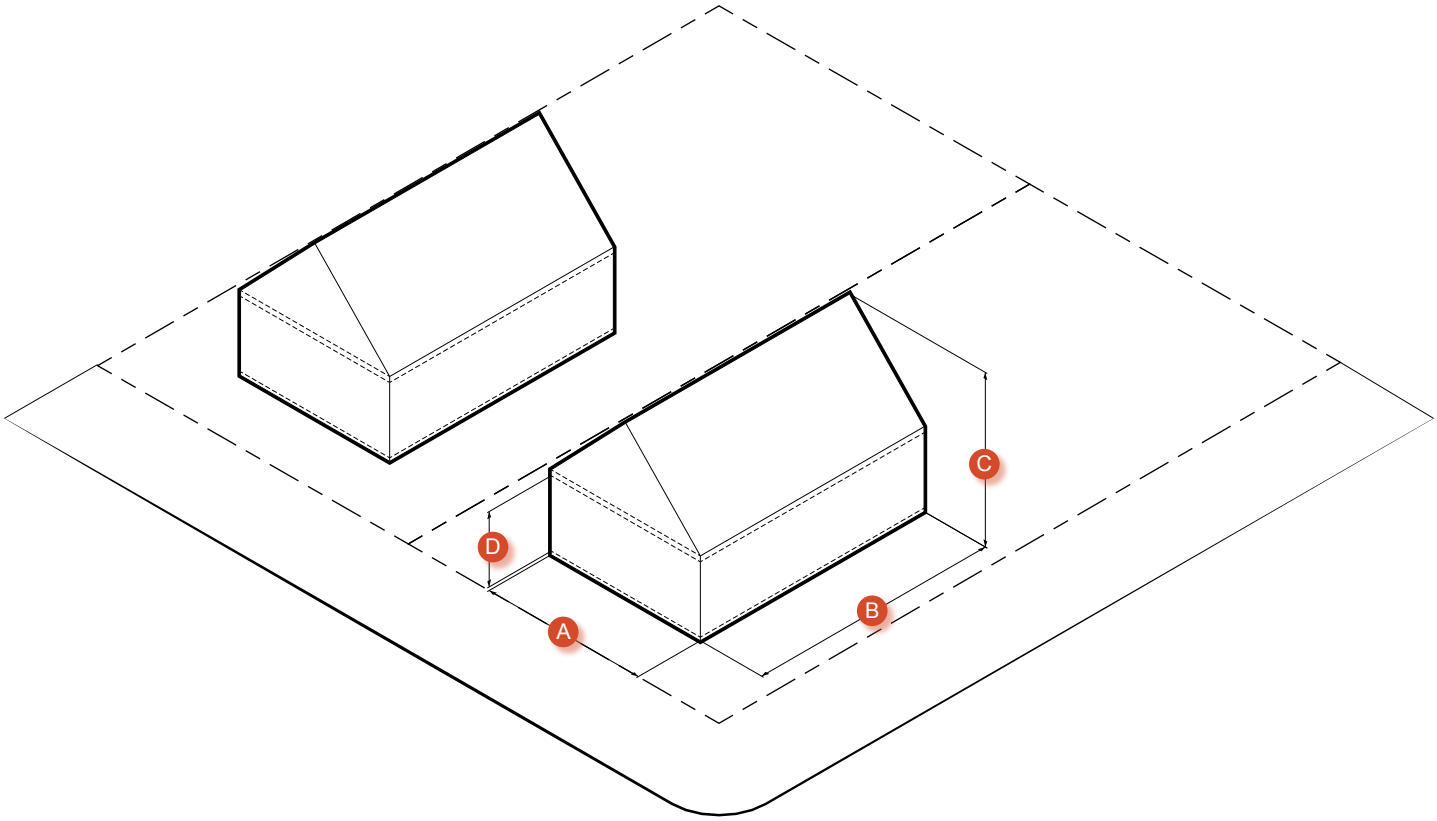
COMPONENTS (CONT'D)	See Article 4C
Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Permitted on lots ~~100~~ 98 ft wide min.

STANDARDS

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

6. NEIGHBORHOOD STORE

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



BUILDING FORM

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

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

FACADE COMPOSITION

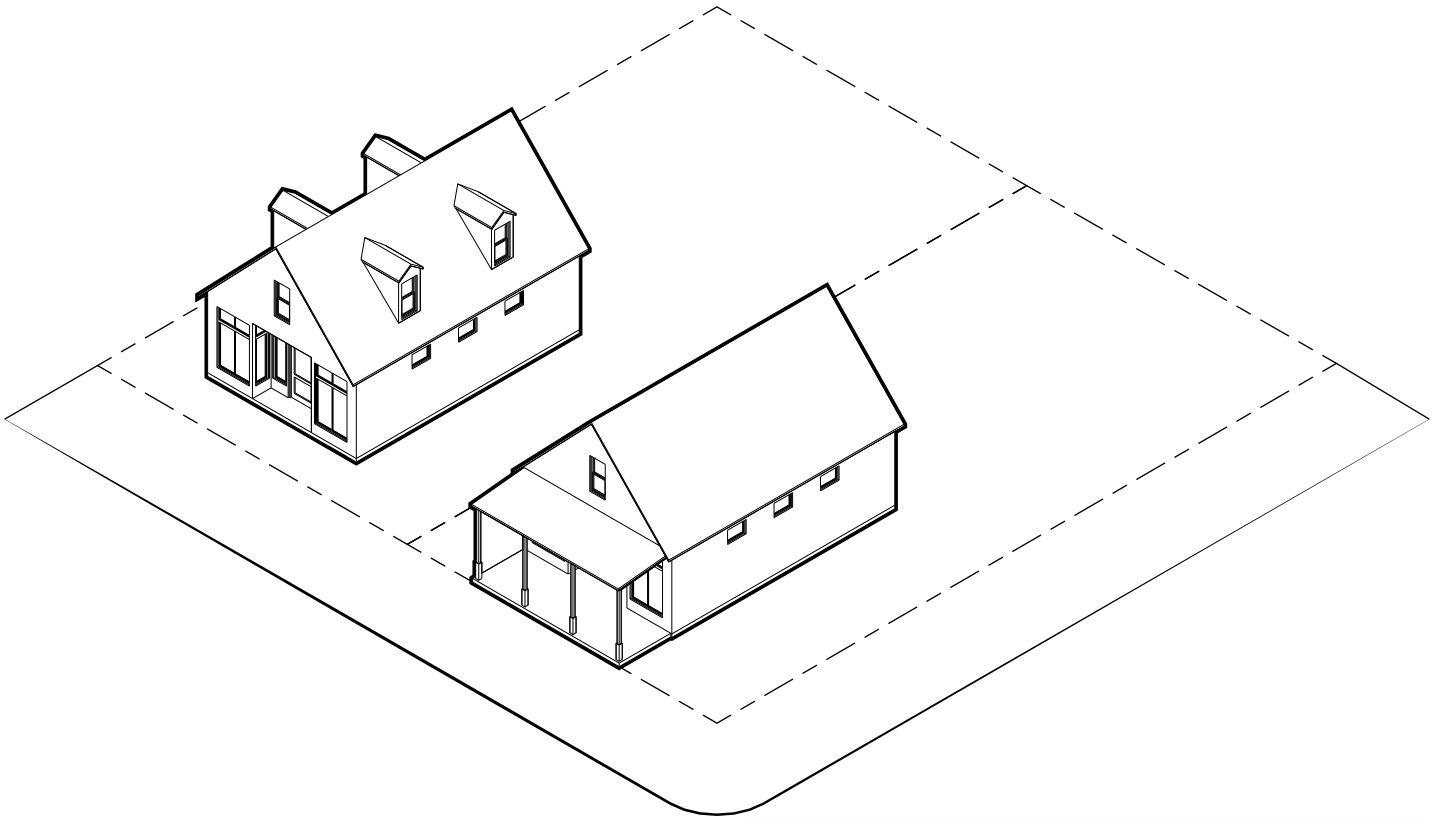
Ground Story Fenestration	20% min
Upper Story Fenestration	n/a

FRONTAGES — See Article 4D

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

COMPONENTS — See Article 4C

~~6.~~ NEIGHBORHOOD STORE COMPONENTS



Projecting Porch	Required
Integral Porch	Not Permitted
Enagaged Porch	Permitted
Balcony	Permitted
Bay Window	Permitted
Dormer Window	Permitted
Cross Gable	Permitted
Roof Walk	Permitted
Retail Awning	Permitted
Canopy	Permitted
Stoop	Permitted
Deck	Permitted
COMPONENTS (CONT'D)	**See Article 4C**

Rear Addition	Permitted
Side Addition	Permitted
Estate Addition	Not Permitted

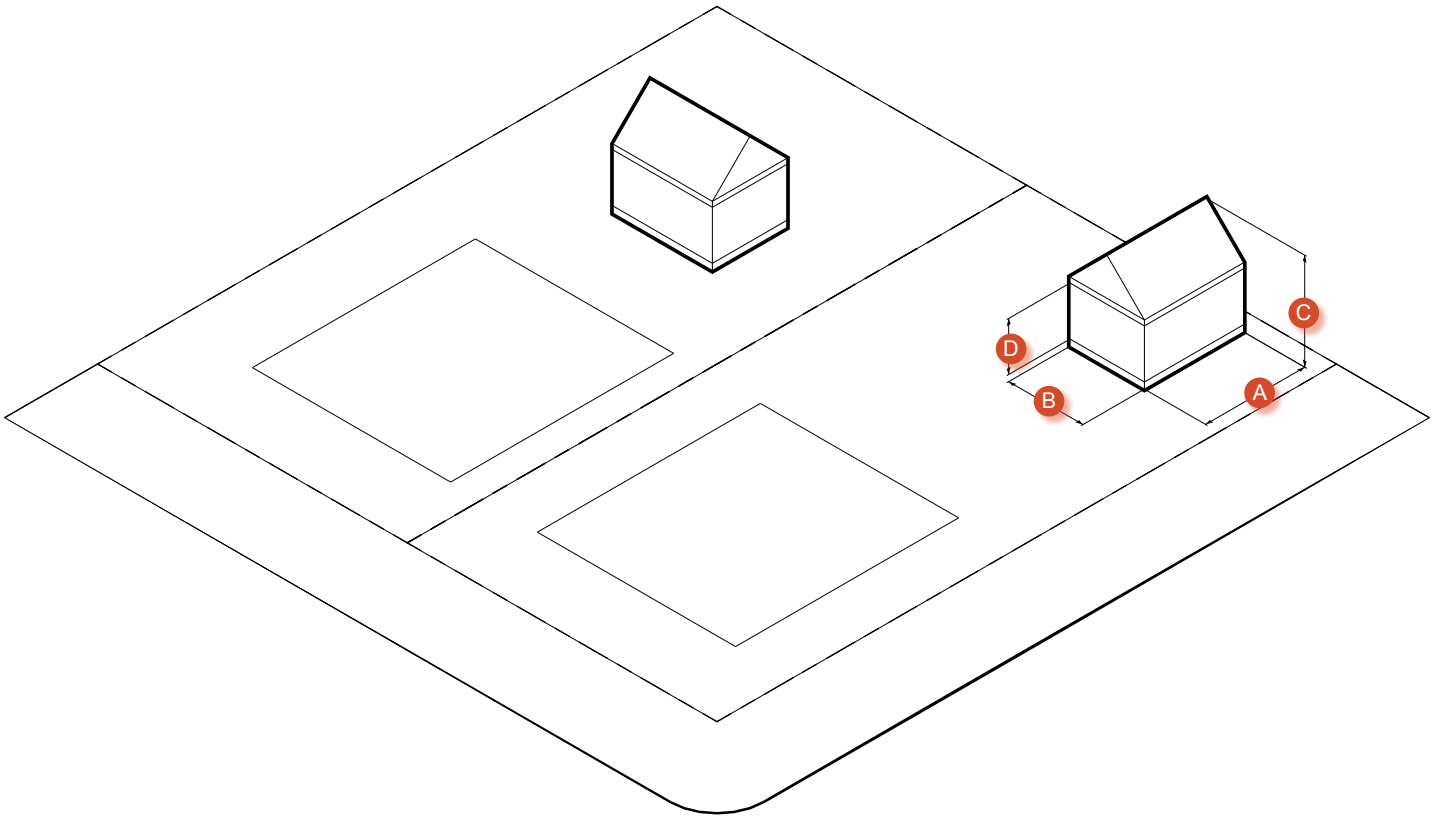
STANDARDS

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

C. ACCESSORY BUILDING TYPES & STANDARDS

1. ONE-STORY OUTBUILDING

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



BUILDING FORM

Building Width	20 ft max	A
Building Depth	12 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	10 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

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

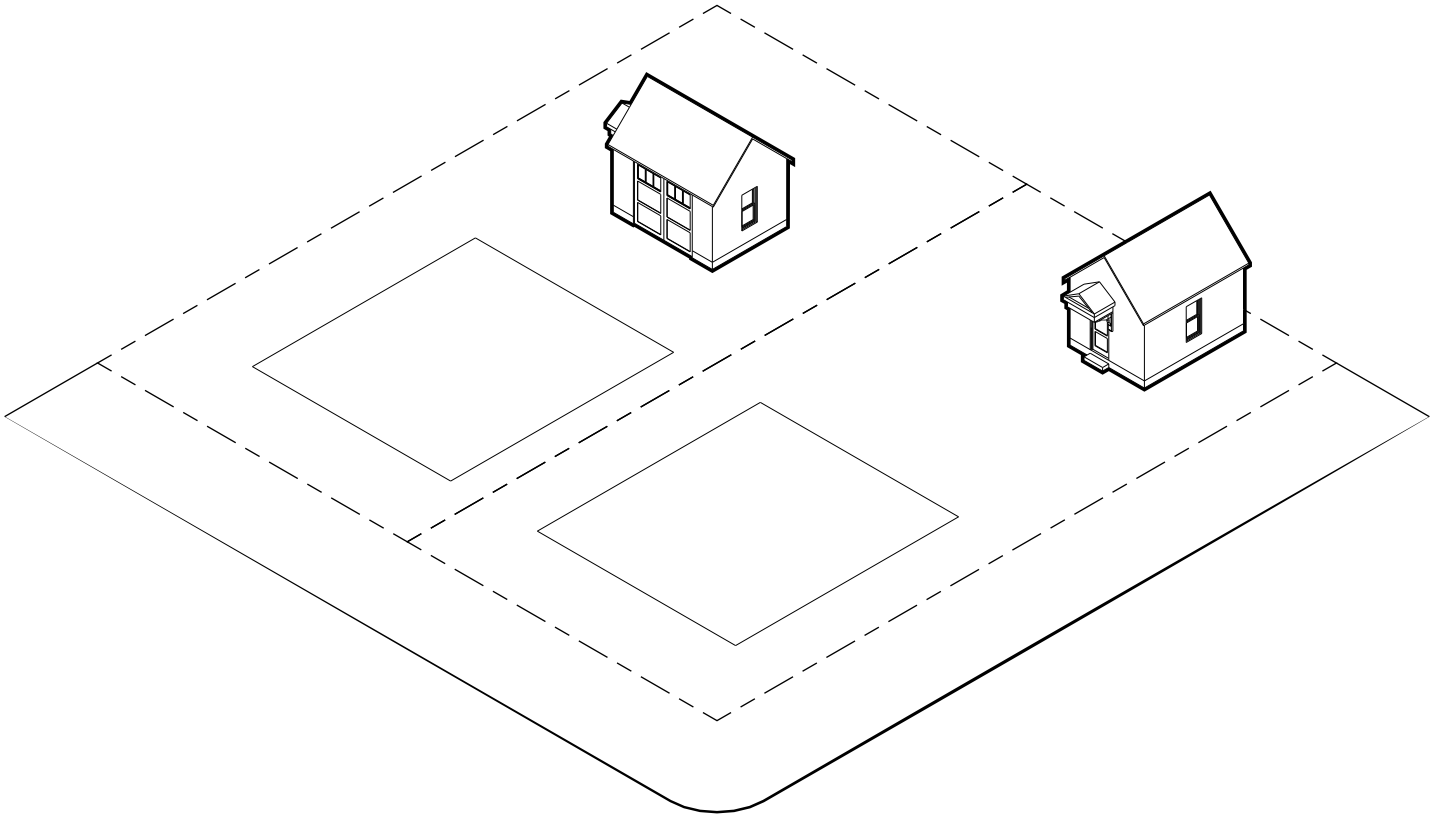
FACADE COMPOSITION

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

COMPONENTS — See Article 4C

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

ONE-STORY OUTBUILDING COMPONENTS



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

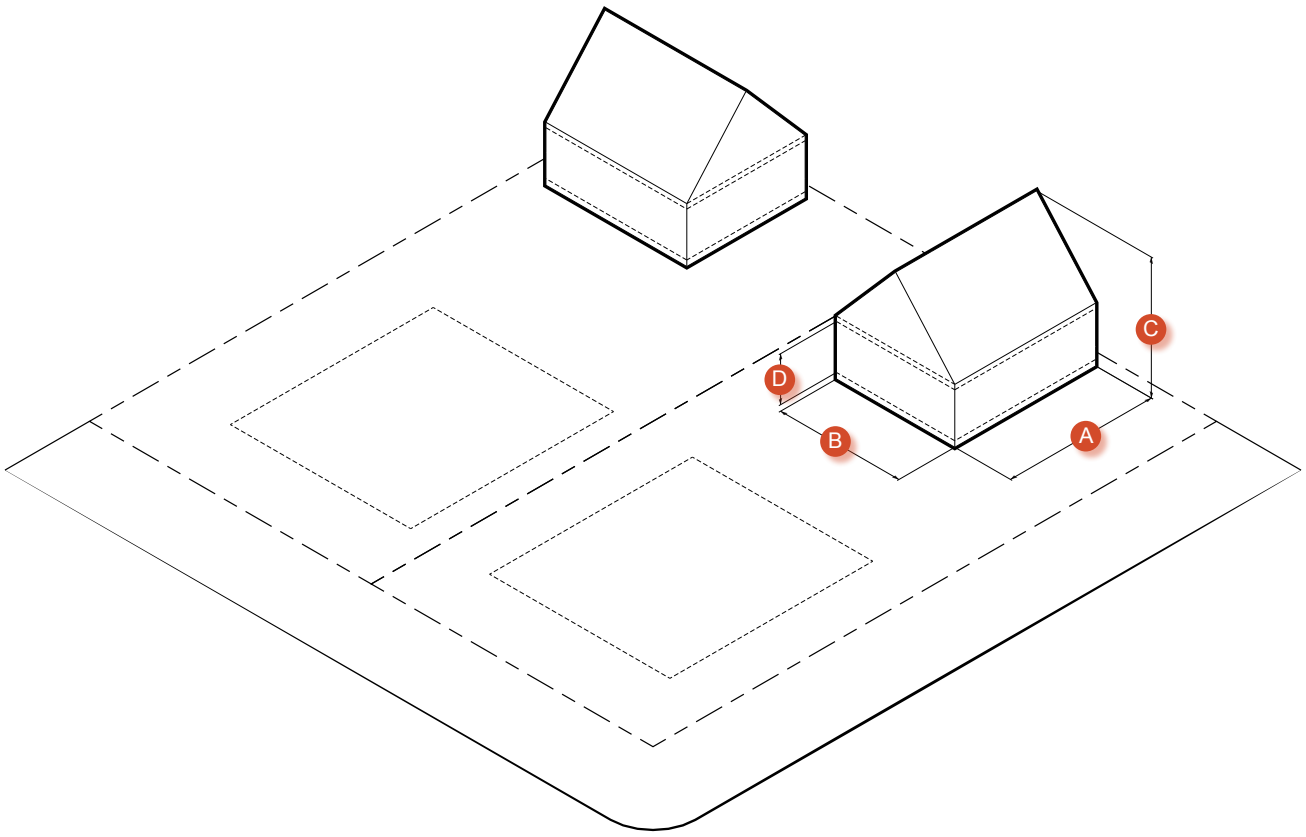
STANDARDS

i. The Outbuilding is required to be detached from the principal building and components, and sited in accordance with the accessory building placement under Article 2.

ii. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

1. ONE-STORY CARRIAGE HOUSE

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



BUILDING FORM

Building Width	24 ft max	A
Building Depth	24 ft max	B
Total Stories	1.5 stories max*	C
First Story Height*	12 ft max	D
Upper Story Height*	n/a	
Roof	See Table 4.1	

*See Article 4.A.2 for Height Standards

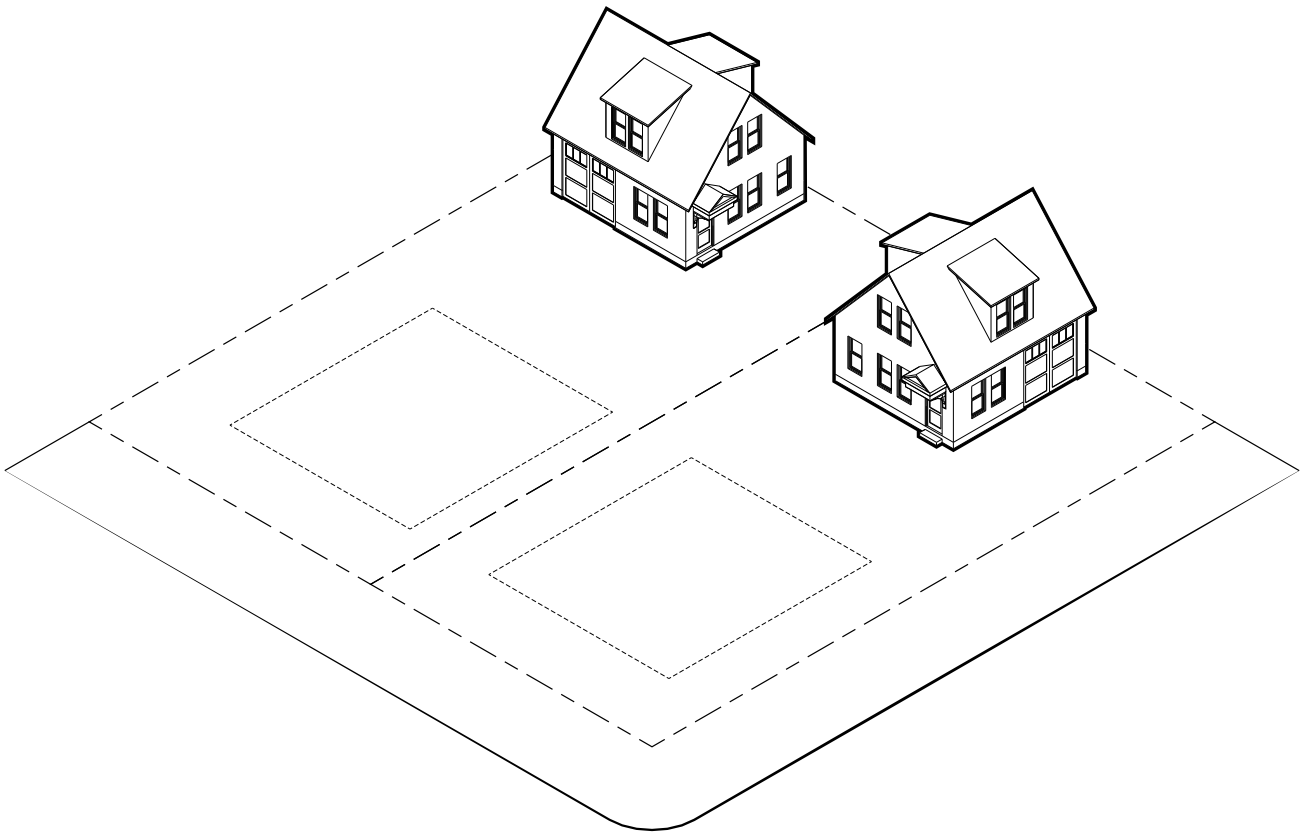
FACADE COMPOSITION

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

COMPONENTS — See Article 4C

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

ONE-STORY CARRIAGE HOUSE COMPONENTS



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

STANDARDS

i. The Carriage House is required to be detached from the principal building and components and sited in accordance with the Accessory Building Placement under Article 2.

ii. A minimum of one component must be applied to the carriage house massing.

iii. Carriage Houses may not be built on the same lot as a Rear Addition, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.

iv. Accessory buildings are prohibited from adding the following components; roof deck, side wing, estate wing, rear addition.

D. BUILDING COMPONENTS

1. GENERAL

a. Building Component standards are ~~summarized on Table 4.3 and are permitted according to the standards in this Article 2.B-D~~ detailed in Article 4.D. 2-16 and Table 4.1B. Components are permitted by building type according to Article 4.B-C.

b. Building components are accessory features that increase the floor area, living space, exterior space and/or generally enhance the usefulness of a building.

c. All components may attach to all other components and to all buildings and accessory buildings unless specifically disallowed by the building or component.

d. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.

e. Certain Building Components are permitted to encroach into the Building Setbacks found in the Character Districts standards in Article 2 and as per Article 4.A.4. This Permitted Encroachment standard is meant to encourage and allow certain Building Components that contribute to the character of Higgins Beach.

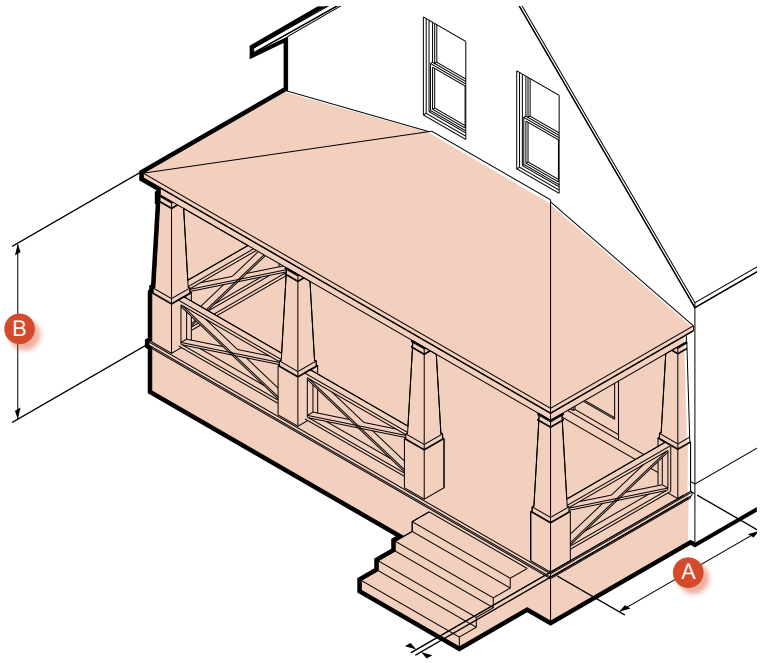
f. Stairs that extend off porches, stoops, decks and principal buildings are not required to meet the setback or setback encroachment limits provided that at least 3 ft is maintained from the vertical plane of any front, side or rear lot line.

g. Porches are required along the Primary Frontage on all new or replacement dwellings with the residential yard frontage type and must extend across at least 75% of the width of the building facade.

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

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



DIMENSIONS

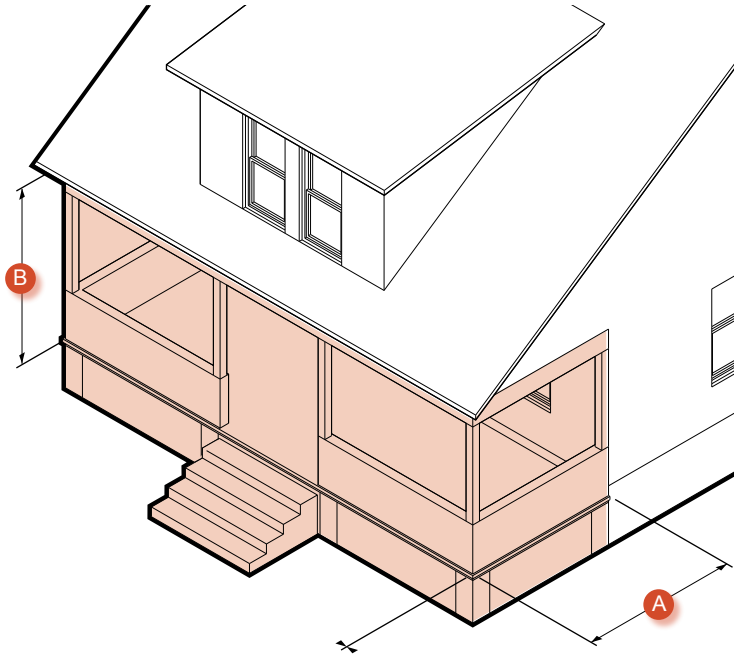
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft max	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

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

2. PORCH - INTEGRAL

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



DIMENSIONS

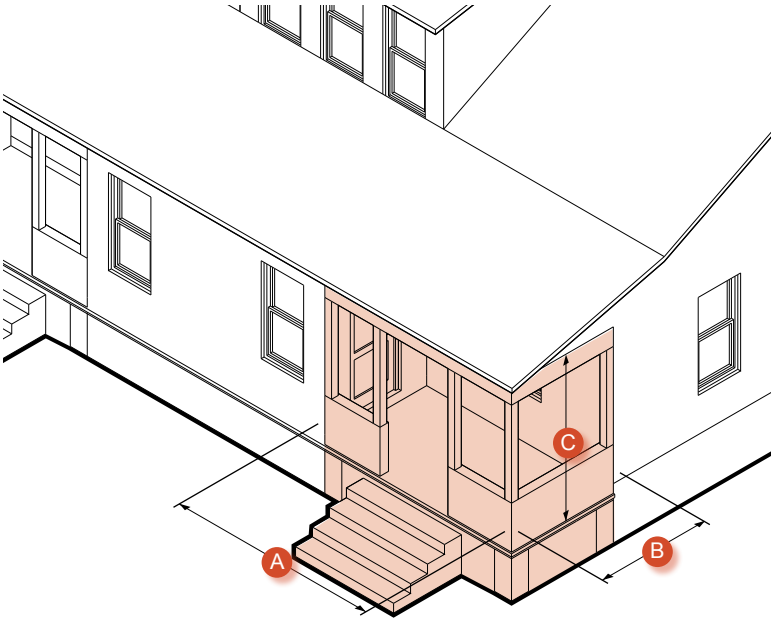
Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	10 ft	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

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

3. PORCH - ENGAGED

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



DIMENSIONS

Width	8 ft min	A
Depth	6 ft min, 10 ft max (iv)	B
Height	8 ft min	C
~~Permitted Encroachment~~ Encroachment not permitted	~~May encroach into setbacks as part of a rear addition, side wing or estate wing.~~	
Roof	See Table 4.1B	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

i. Stairs may extend off the front or side of the porch.

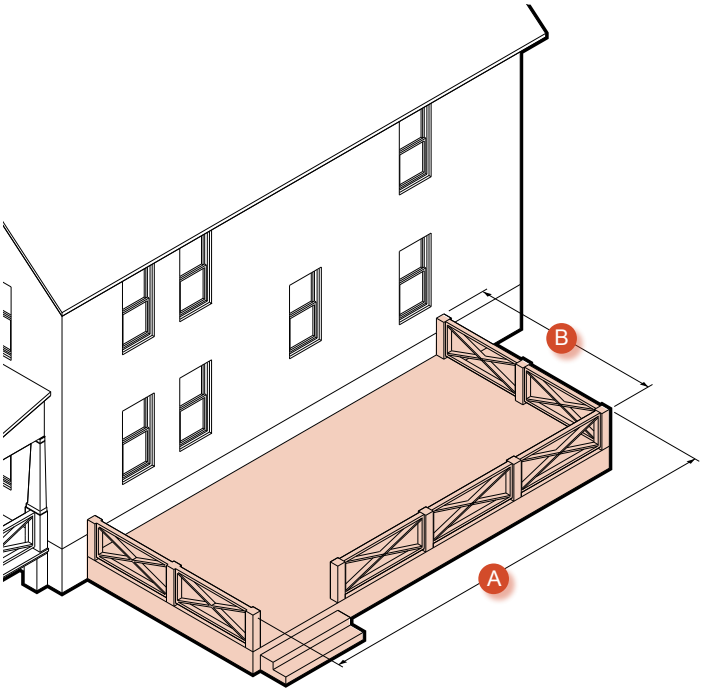
ii. Engaged porches may not occur on any primary frontage except the Garage Court Frontage (see Projecting Porch for options along any primary frontage)

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

iv. Porches, or sections of porches, attached to a rear facing wall may extend to a maximum depth of 12 ft.

4. DECK

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



DIMENSIONS

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

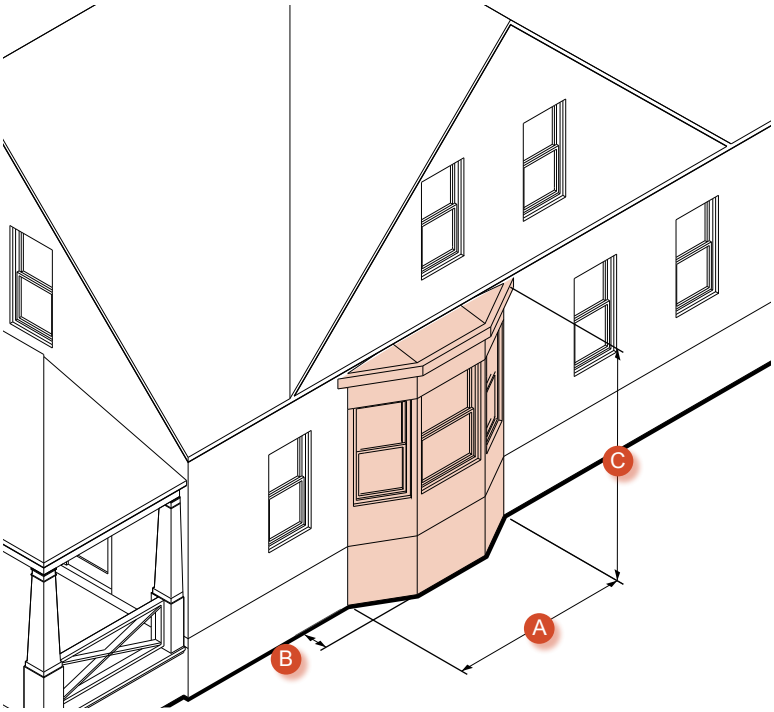
STANDARDS

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

ii. The deck may connect a primary building with an accessory building.

5. BAY

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



DIMENSIONS

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

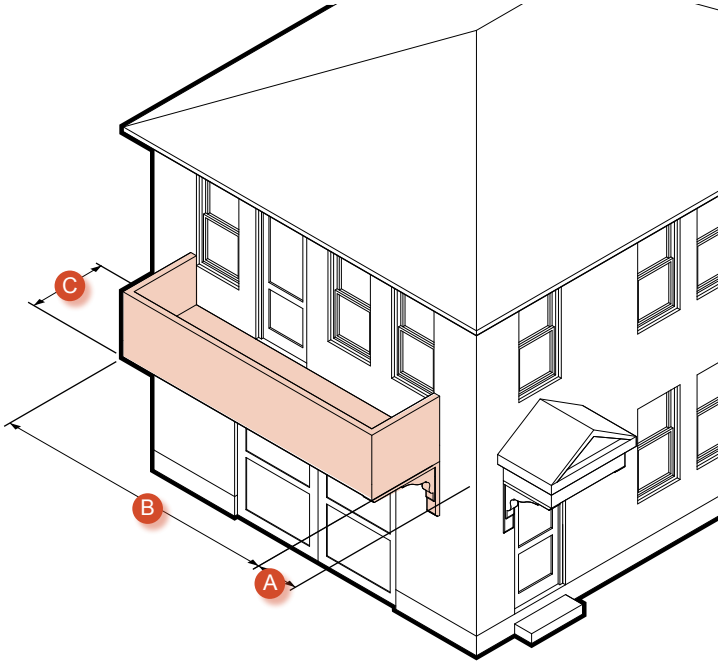
STANDARDS

i. Bays must have a foundation extend all the way to the ground level or be visually supported by brackets or other architectural supports.

ii. Bays may be integrated within an unenclosed porch, provided the Depth does not exceed 2ft.

6. BALCONY

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



DIMENSIONS

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

STANDARDS

i. Balconies may be ~~recessed~~ integral, projecting, a combination of the two, or terraced as part of the main building roof or the roof of a portico, porch, or bay.

ii. Terraced balconies are the only type permitted ~~on~~ to attach to the ~~primary frontage~~ ~~front~~ facade.

iii. A projecting balcony must have a clear height above the ground of at least 10 ft.

iv. The railing of any projecting balcony oriented toward a front lot line must have posts and rails with spacing.

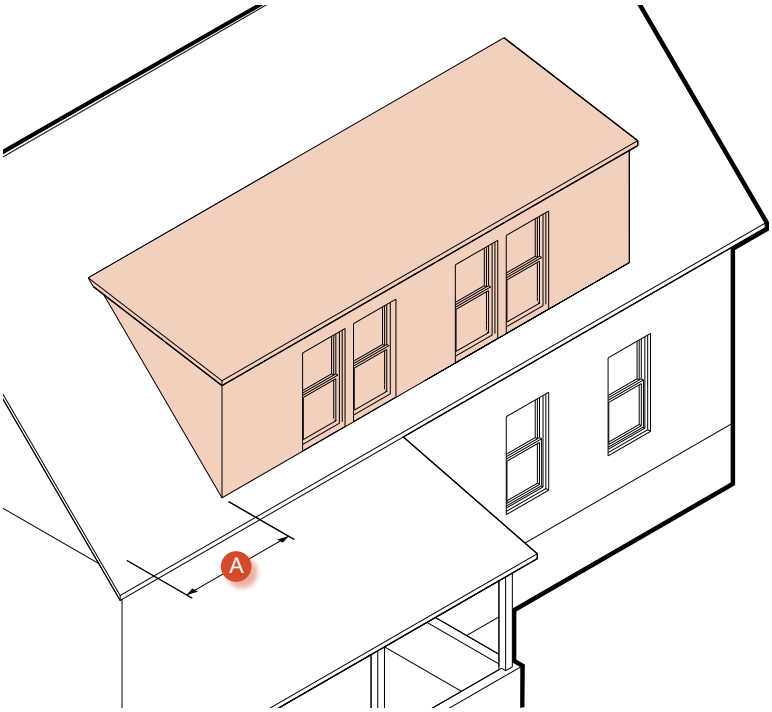
v. Balconies should be supported on wood or metal brackets or columns in keeping with the character of the building.

vi. Integral balconies may stack on top of integral porches.

vii. An integral balcony may meet a ~~the front~~ facade at a corner.

7. DORMER WINDOW

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



DIMENSIONS

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

STANDARDS

i. The face of the dormer should not project beyond the building ~~eaves~~ wall face below.

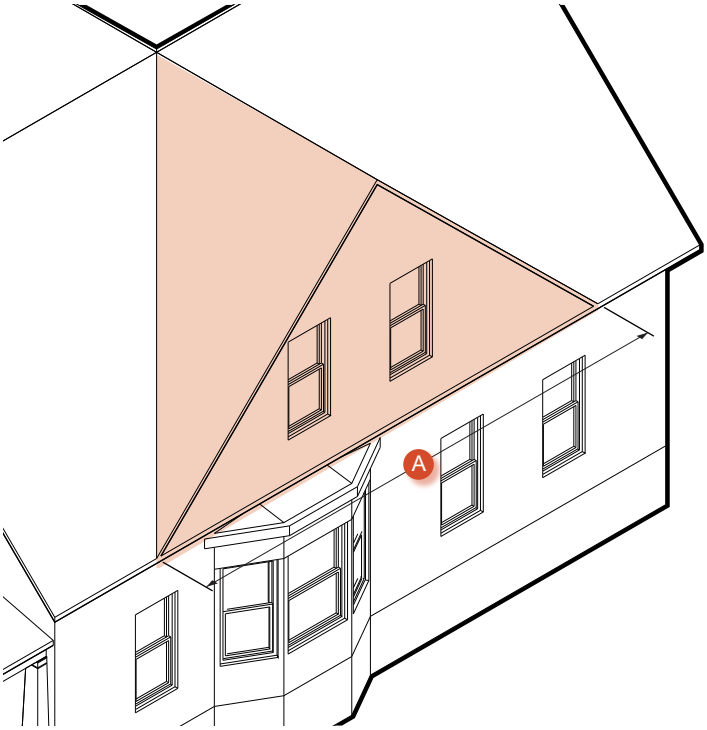
ii. Dormers must also conform to the height standards under Article 4.A. and the overall average height limit

iii. Windows in a dormer may not be narrower than 20 inches in width.

iv. The face of the dormer must be set back at least 12 ft from the vertical plane of all side lot lines, regardless of the setback of the building to which it is attached ~~to~~.

8. CROSS GABLE

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

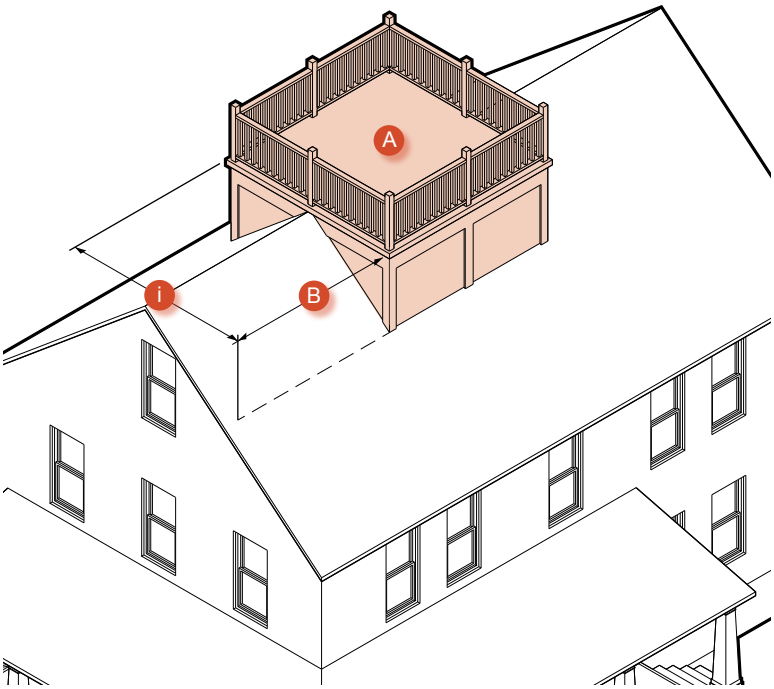


DIMENSIONS

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

9. ROOF WALK

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



DIMENSIONS

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

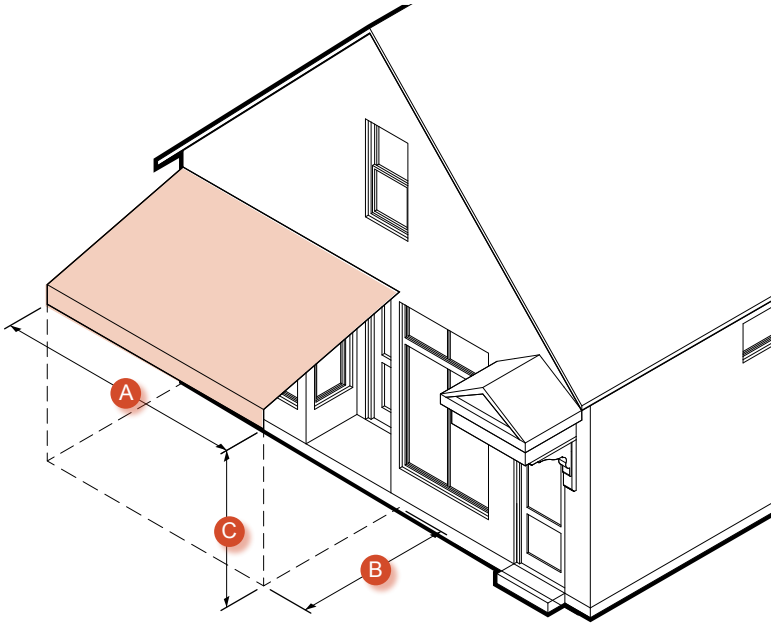
STANDARDS

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

ii. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity.

10. AWNING

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



DIMENSIONS

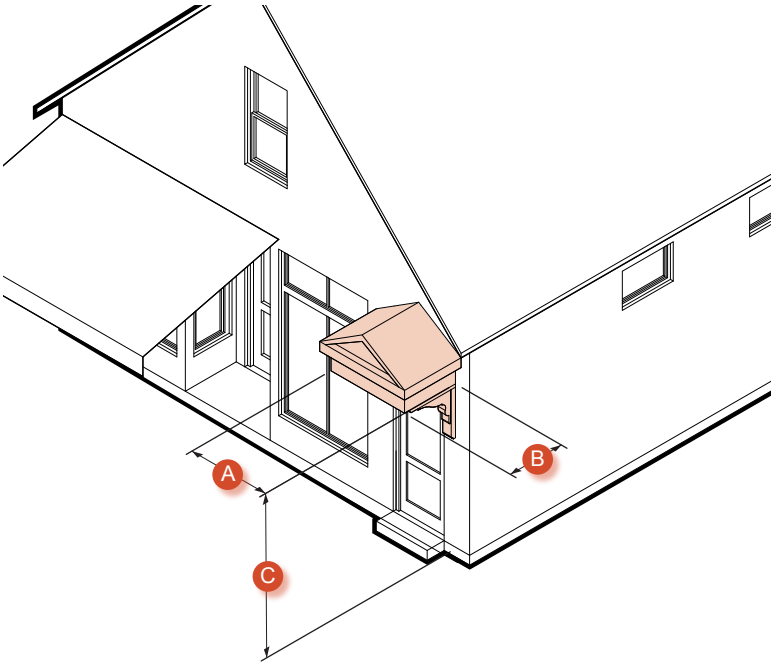
Width	12 ft min	A
Depth	6 ft min	B
Clearance	8 ft min	C
Permitted Encroachment	6 ft	

STANDARDS

i. Where possible, awnings should be retractable.

11. CANOPY

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



DIMENSIONS

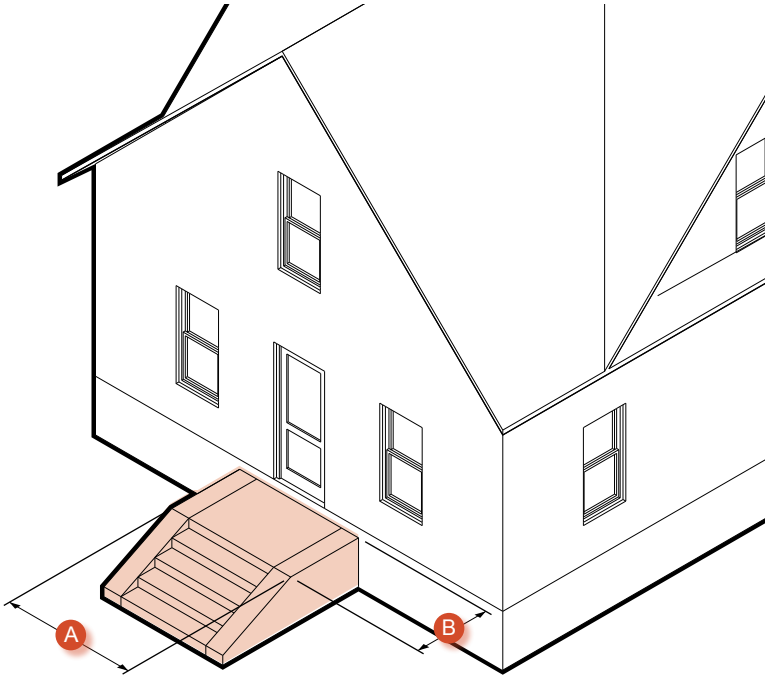
Width	4 ft min	A
Depth	3 ft min	B
Clearance	8 ft min	C
Roof	See Table 4.1	
Permitted Encroachment	3 ft	

STANDARDS

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

12. STOOP

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



DIMENSIONS

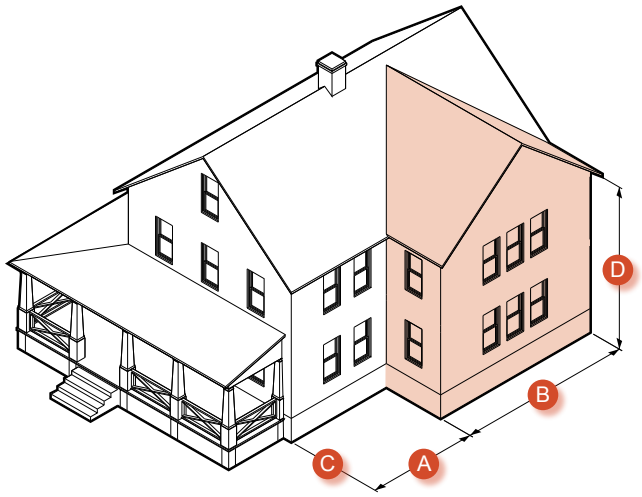
Landing Width	4 ft min	A
Landing Depth	4 ft min	B
Permitted Encroachment	4 ft	

STANDARDS

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

13. SIDE WING

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



DIMENSIONS

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

STANDARDS

i. Side Wings may not encroach on setbacks.

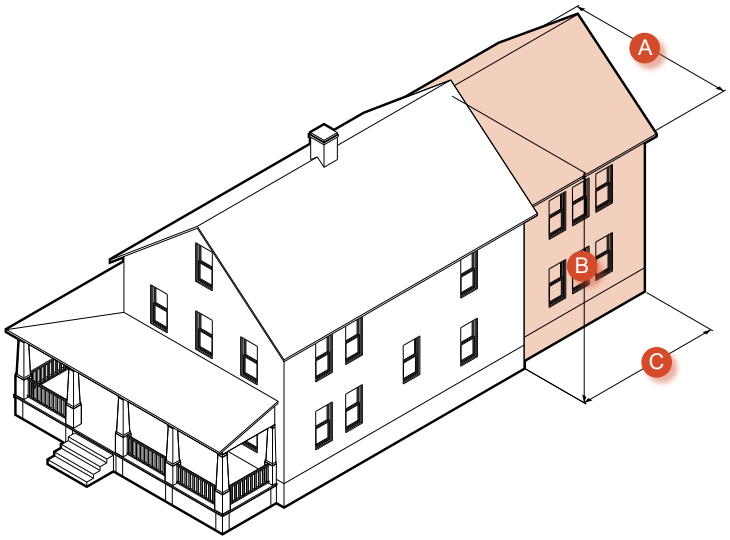
ii. Side wings may be centered or offset at the side wall of the principal building, provided they share at least 6 ft with the common wall.

iii. Side Wings are not permitted on buildings that have an Estate Wing.

iv. Only one Side Wing is permitted per building side.

14. REAR ADDITION

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



DIMENSIONS

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

STANDARDS

i. Rear Additions may not encroach on setbacks.

ii. Rear Additions may not be built on the same lot as a Carriage House, except when built on the same lot as a coastal cottage, or when the lot exceeds 98 ft in width.

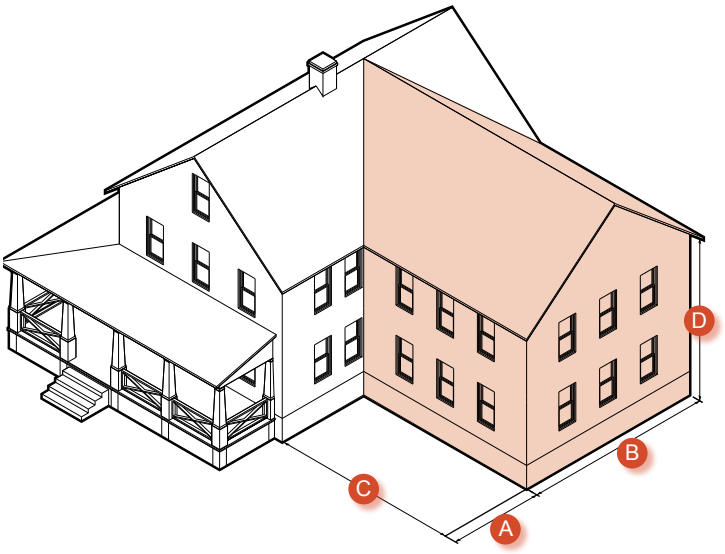
~~iii. Rear additions may not contain a garage.~~

iii. Rear additions may be centered or offset at the rear wall of the principal building, provided they share at least 6 ft with the common wall.

iv. The side wall of a rear addition must be offset at least 1 ft from the plane of the side wall of the primary building, to prevent the creation of overly long side elevations.

15. ESTATE WING

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



DIMENSIONS

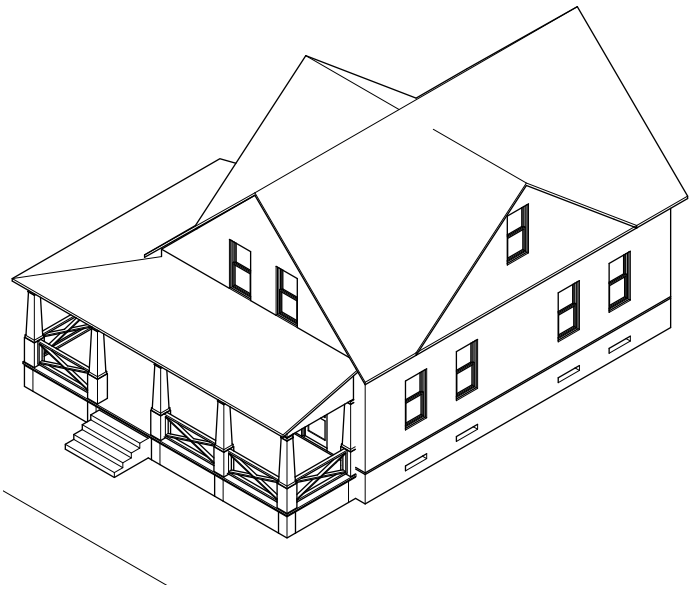
Setback from Facade	10 ft min	A
Width	Same Width as Principal Facade (max)	B
Projection	Same Width as Principal Facade (max)	C
Max Height	Same Height of Principal Building (max)	D
Roof	see Table 4.1	
Fenestration	Same as Principal Building	

STANDARDS

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

F. FOUNDATIONS & STANDARDS

16. 0-4 FT HYDRAULIC FOUNDATION



STANDARDS

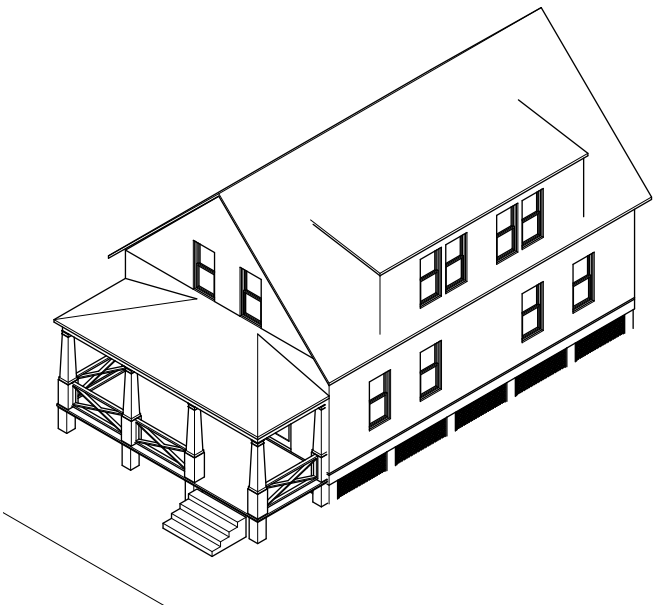
i. Hydraulic foundations up to 4 ft in height should have the general appearance of typical foundations.

ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.

iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance

iv. All heights measured from established ground plane.

17. 0-4 FT PILE/PIER FOUNDATION



STANDARDS

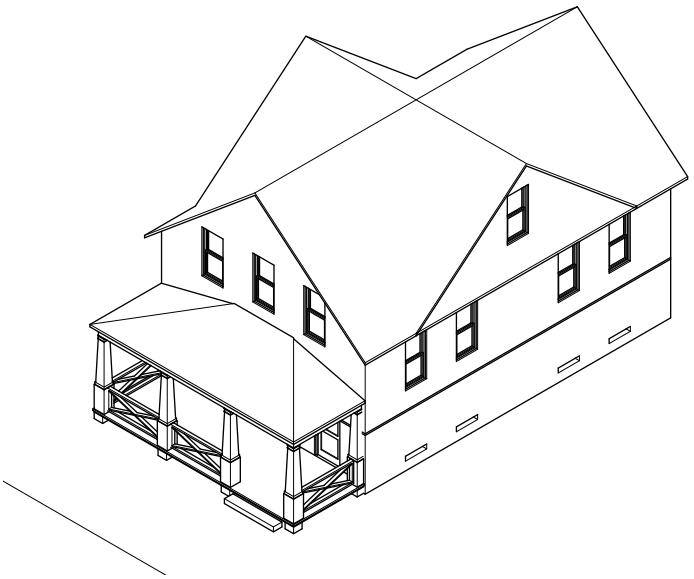
i. Pile/pier foundations up to 4 ft in height should be consistent with overall building architecture and have the gaps between piles or piers filled with approved breakaway panels or flow through latticework to give an impression of solidity.

ii. Doorways and windows should generally be located above the level of the foundation and should not penetrate it.

iii. Enclosed area may only be used for building access or storage and may not be inhabited as per Floodplain Management Ordinance.

iv. All heights measured from established ground plane.

18. 4-8 FT HYDRAULIC FOUNDATION



STANDARDS

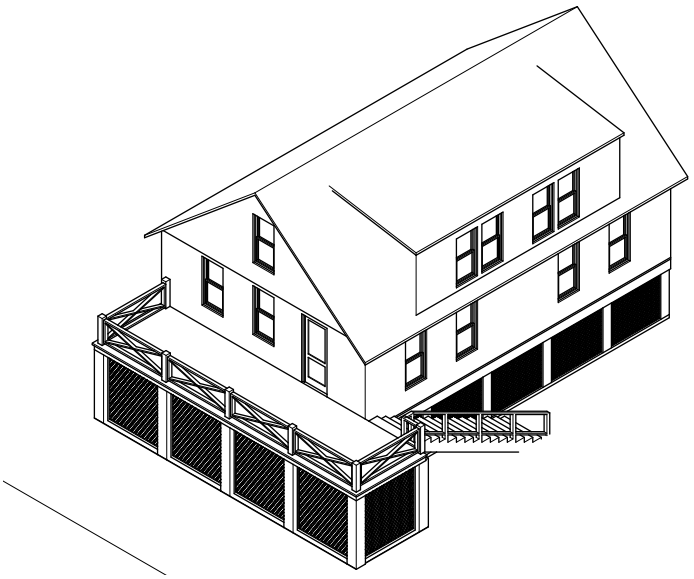
i. Hydraulic foundations between 4 ft and 8 ft in height may have the general appearance of a split-level foundation.

ii. Doorways and windows may penetrate the foundation in order to provide access from the outside and to conceal access stairs within the enclosed area of the foundation itself.

iii. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and mot not be inhabited as per the Floodplain Management Ordinance

iv. All heights measured from established ground plane.

19. 4-8 FT PILE/PIER FOUNDATION



STANDARDS

i. Pile/pier foundations between 4 ft and 8 ft in height may not have the appearance of a split-level foundation.

ii. Gaps between pile/ piers must be filled with approved breakaway panels or flow through lattice work to give an impression of solidity on all street facing walls.

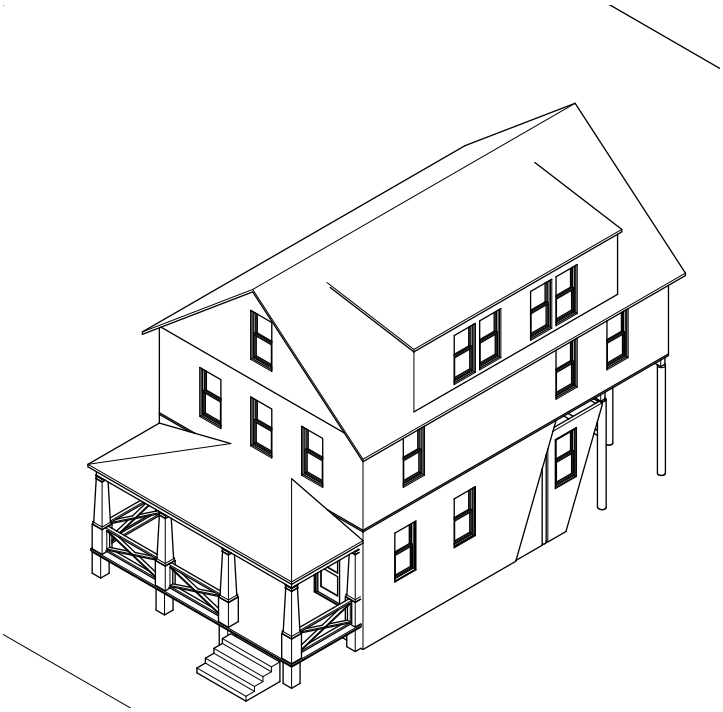
iii. Doorways and windows may occur in breakaway walls as a means of access to the enclosed area, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause damage to the house.

iv. Stairways should be concealed either within the enclosed area or in a side or rear yard. Stairways should not extend across the primary frontage.

v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and mot not be inhabited as per the Floodplain Management Ordinance

vi. All heights measured from established ground plane.

20. 8 FT AND TALLER PILE/PIER FOUNDATION



STANDARDS

i. Pile/pier foundations above 8 ft in height should have the general appearance of a full story.

ii. Gaps between pile/ piers must be filled with approved breakaway panels on all street facing walls.

iii. Doorways and windows should occur in breakaway walls as a means of access to the enclosed area and to appear like a typical first floor, but may not extend across the boundary between breakaway walls and permanent walls above as this will hinder the panels ability to separate and may cause extensive damage to the house.

iv. Stairways should be concealed either within the enclosed area or in a side or rear yard, stairways should not extend across a primary frontage.

v. Enclosed area may only be used for building access to upper levels, parking of vehicles or storage and may not be inhabited as per the Floodplain Management Ordinance

vi. All heights measured from established ground plane.

G. BUILDING FRONTAGE TYPES

1. GENERAL

a. Building Frontages are ~~summarized on Table 4.3~~ described in Article 4.G.2-4 and permitted according to the standards in Article 2.A-B.

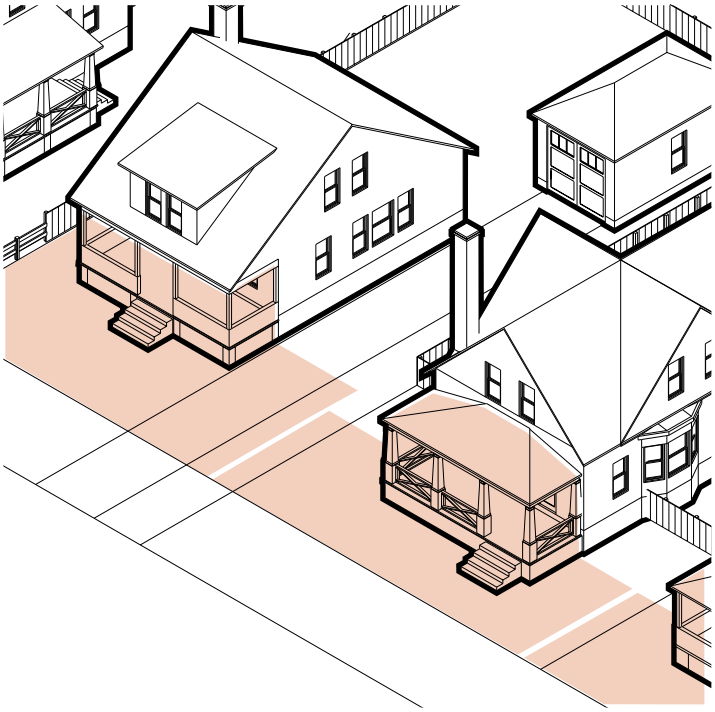
b. Building frontages provide an important transition between the public realm (sidewalks, streets, and civic space) and the private realm (yards and building interiors).

c. At least 1 building frontage type is required for each principal building.

d. Lots may include multiple frontage types.

1. RESIDENTIAL YARD

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

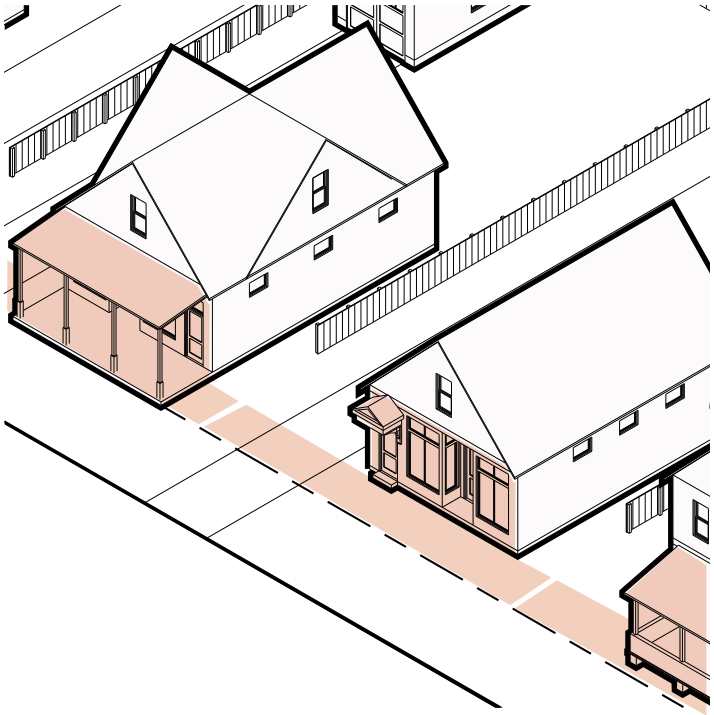


STANDARDS

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

2. SHOPFRONT

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



STANDARDS

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

3. BEACHFRONT GARAGE COURT

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



STANDARDS

i. Driveways and parking may occur within the beachfront garage court, other parking related provisions notwithstanding.

ii. Paving is restricted to walkways, driveways, and parking, and permeable materials are encouraged for these surfaces, including crushed shells, crushed stone, ribbon driveways and pavers to maintain the coastal feel of the beach and minimize impervious area.

iii. Notwithstanding the Accessory Building Placement requirements in Article 2, an Accessory Building is allowed within this frontage subject to a front setback of 3 ft. This is the only frontage type that allows this placement.

iv. Whenever possible, garage doors should be oriented away from the primary and secondary frontages.

v. When this frontage type is assigned to an applicable lot, it may only be applied along the frontage the lot shares with a street, the portions of the lot that front on the beach must be built to the standards of the Residential Yard frontage type.

vi. Porches are required along the street facing facade of the primary building and must extend across at least 30% of the width of the building facade.

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A. COASTAL RESIDENTIAL 1 DISTRICT

1. PERMITTED USES

a. Single family detached dwellings

b. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)

c. Accessory uses

d. Municipal buildings and uses

2. SPECIAL EXCEPTION USES

a. Home occupations

b. Family day care homes, group day care homes, and nursery schools

c. Public utility facilities including substations, pumping stations and sewage treatment facilities permitted uses

3. RESIDENTIAL DENSITY

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

B. COASTAL MIXED-USE - LIMITED DISTRICT

1. PERMITTED USES

a. Hotels

b. Bed and Breakfasts, except that in this District they are not subject to the performance standards of Section IX of this Ordinance

c. Restaurants with no drive-thru service

d. Retail Sales and Services, excluding automobile repair and service facilities, car washes, and outdoor sales and services

e. Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions

f. Municipal buildings and uses

g. Single family detached dwellings

h. Accessory Units subject to the performance standards of Section IX.J. (prohibited in Shoreland Overlay Zone)

i. Accessory uses

2. SPECIAL EXCEPTION USES

a. Home occupations

b. Family day care homes, group day care homes, and nursery schools

c. Public utility facilities including substations, pumping stations and sewage treatment facilities residential density

3. RESIDENTIAL DENSITY

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

C. ADMINISTRATION AND PERMITTING

1. ADMINISTRATIVE REVIEW

a. Applications for new single family detached dwellings, additions, renovations, modifications, accessory units, out buildings, carriage houses and other permitted uses shall be reviewed and permitted administratively by the Planning and Code Enforcement Department. This administrative process will include a review and determination of compliance and consistency with the provisions of the Character Districts and standards as well as review and permitting under any other applicable local codes and ordinances including the building permit.

b. Applications for special exception uses shall require Zoning Board of Appeals review and permitting prior to any administrative review and permitting by the Planning and Code Enforcement Department.

c. Applications for uses and activities requiring review under Chapter 405B the Site Plan Review Ordinance, including any changes in use, shall require review under that ordinance by the Planning Board prior to any administrative review and permitting by the Planning and Code Enforcement Department.

2. NON-CONFORMING USES STRUCTURES

a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.

b. General routine repair or maintenance of non-conforming uses, structures, buildings, lots, or signs is permitted.

c. Alterations made to restore structures or buildings to a safe condition is permitted.

d. Components that meet the dimensional standards of the code may be added to existing non-conforming buildings, so long as the change does not expand or create a new nonconformity.

e. Components may match an existing, non conforming roof pitch with the exception of non conforming flat roofs, provided all other dimensional standards of the code are adhered to.

f. No nonconforming lot may be subdivided to increase the nonconformity.

g. ~~A lot that is nonconforming due to insufficient lot width or insufficient lot area may be developed, so long as any applicable setback standards are met. The administrator may waive building size dimensions, lot dimensions, or setbacks on lots that can't meet all of the above standards within the code.~~

h. Restoration of Damaged Structures is permitted as follows:

i. When a nonconforming structure is damaged or destroyed

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

ii. When a nonconforming structure is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the cause of damage was not by any means within the control of the owner, the nonconformity is not expanded, and no new nonconformity is created.

iii. A Zoning Permit for repairs or reconstruction must be granted within one year of the date of damage or destruction, unless an additional one year extension is granted by the Development Administrator.

iv. When a structure containing a nonconforming use is damaged or destroyed, and the cause of damage was not by any means within the control of the owner, the nonconforming use may be reestablished provided that the above standards are met and the degree of the previous nonconforming use is not increased.

BUILDING TYPE:

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

COMPONENT:

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

DEPTH:

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

EAVE:

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

ENGAGE:

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

FAÇADE:

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

FRONTAGE:

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

FRONTAGE, PRIMARY:

The primary frontage is located along the street upon which the lot fronts. For corner lots, the primary frontage is designated by one or more of the following conditions:
The property's postal address.
The orientation of primary building.
The lot line with the narrowest width.
The widest street, or the street with the widest pedestrian walkway.

FRONTAGE, SECONDARY:

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

FRONT SETBACK, PRIMARY:

The setback required along a primary frontage.

FRONT SETBACK, SECONDARY:

The setback required along a secondary frontage.

GROUND FLOOR:

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

INTEGRAL:

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

PIER:

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

PRIMARY ENTRANCE:

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

PRIMARY FRONTAGE:

See Frontage, Primary

SECONDARY FRONTAGE:

See Frontage, Secondary

SETBACK:

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

TOP PLATE:

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

VERTICAL PLANE:

A flat surface perpendicular to the ground or horizontal plane.

SCARBOROUGH, MAINE INC. 1658

To: Town Council and Tom Hall

From: Jay Chace, Planning Director

CC: Brian Longstaff, Zoning Administrator

Date: August 11, 2017

RE: Higgins Beach Character Code Audit- Amendments for Consideration at 2nd Reading

As a follow-up to our Department's July 12 memo related to the Higgins Beach Audit process I offer this memo to address updates for consideration that have come to our attention as part of the on-going review process. Staff will be prepared to introduce the amendments at public hearing.

- Non-Conforming Structures

As identified during 1st reading, the non-conforming language proposed at 1st reading remained under review. The language in the current amendments, dated 7/18/17, adequately addresses the addition of *components* to non-conforming structures, but is insufficient to enable expansions of non-conforming *principal buildings* within the allowable building envelope without the need for Zoning Board of Appeals review. The proposed additional language below is aimed at addressing this issue.

1. **NON-CONFORMING USES STRUCTURES**

a. A nonconformity is any use, building, lot, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming as a result of the adoption of this Ordinance, or subsequent amendments, and may continue so long as the nonconformity remains otherwise lawful and complies with this section.

i. Any such building may be expanded, enlarged, or increased in height provided that any such expansion or addition is within the principal building placement identified in Article 2 and the addition meets all other building standards of Article 4. A building that is nonconforming as to the maximum front setback may be expanded pursuant to the requirements in this subsection.

Without this language only components could be added to non-conforming structures (see proposed Article 5.C.2.d) in conforming areas of a given lot, but expansions of principal buildings within the conforming areas would not otherwise be allowed.

Recommended language, as stated above, would be added to proposed Article 5.C.2, "Non-Conforming Uses Structures" (page 53)

Recommend adding the word and to the title of Article 5.C.2, "No-Conforming Uses and Structures"

- Porch Encroachment

Porch Encroachment is another item that was identified for additional attention. As adopted in 2015, projecting and integral porches were only allowed at the principal entrance of a building. The proposed language seeks to enable greater allowances for the use of the porch component; however the permissible encroachment of a porch was not duly considered. After deliberation, the Long Range Planning Committee felt it was appropriate to reconsider and offer the following for consideration:

1. Maintain the 10' encroachment for the primary frontage.
2. Enable encroachment on the rear setback, which is consistent with the allowance for decks in the rear yard.
3. Allow encroachment on secondary frontage yards, which would maintain the same overall setback as primary front yards (i.e. setback from a street).
4. No allowance of encroachment into side yards. Side yard setback are already reduced to 8'. The Committee felt further encroachment would not be consistent.

Recommended language is further demonstrated on below, Article 4.E. 1 & 2, "Permitted Encroachment" (page 38).

- Administrative Adjustment

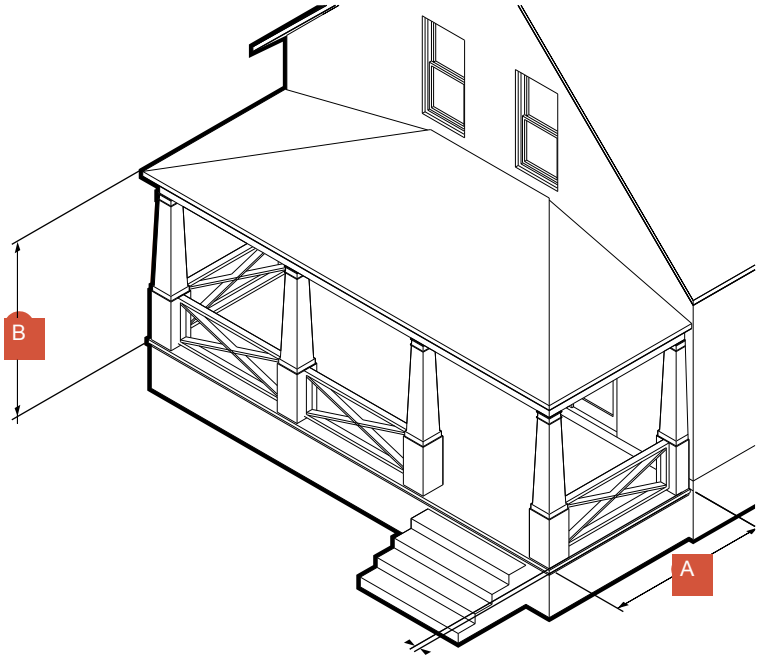
Under Article 4.A.8.b the standard states that fire rating must be met if a building is less than 15' from a property line. The Building Code and NFPA Standards actually requires fire rating when less than 5' from a property line.

Recommendation is to strike the ~~15~~' and replace with 5' under Article 4.A.8.b (page 18).

E. BUILDING COMPONENTS & STANDARDS

1. PORCH - PROJECTING

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



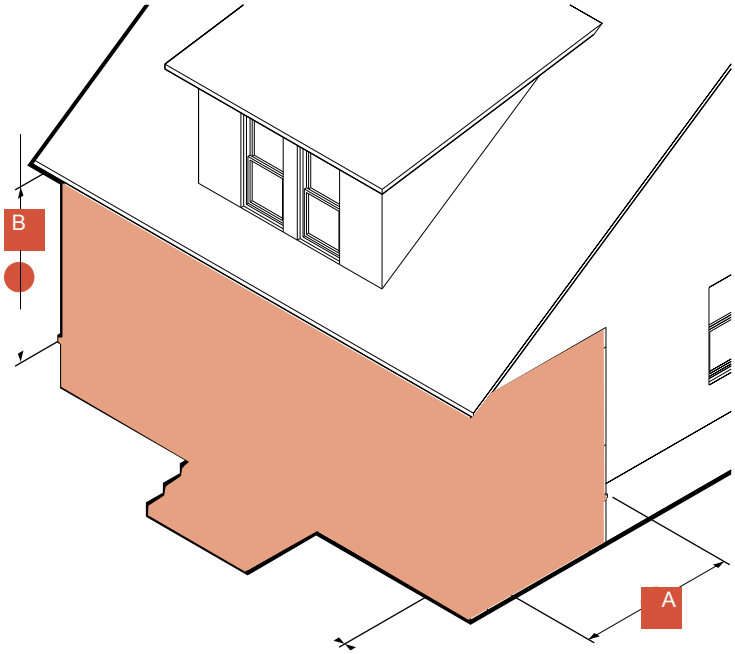
Depth	6 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max Secondary Front Setback 10 ft max Primary Front, Rear Setback Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

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

2. PORCH - INTEGRAL

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



DIMENSIONS

Depth	8 ft min, 10 ft max	A
Height	8 ft min	B
Permitted Encroachment	4 ft max Secondary Front Setback 10 ft max Primary Front, Rear Setback Encroachment not permitted in Side Setback	
Roof	See Table 4.1	
Fenestration	60% min when enclosed 40% min on side or rear porches	

STANDARDS

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-066. Move approval of the **s**econd reading on the proposed amendments to Chapter 405, the Town of Scarborough Zoning Ordinance, Section XII. Sign Regulations. *[Ordinance Committee]*

Ordinance Committee	*Ought to Pass*
Sponsor	Recommendation
07/19/17 Vote: 6 Yeas. 1 Nay [Councilor Hayes] *08/16/17 Public Hearing*	*09/06/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

MEMORANDUM

TO:	MEMBERS OF THE TOWN COUNCIL
FROM:	THE ORDINANCE COMMITTEE
SUBJECT:	PROPOSED CHANGES TO THE SIGN ORDINANCE FROM FIRST READING
DATE:	AUGUST 31, 2017
CC:	THOMAS HALL, TODY JUSTICE

The proposed changes will be presented at the Town Council meeting on September 6, 2017 in an edited version of the sign ordinance showing changes adopted in First Reading in red and proposed changes in blue.

Below is a summary of the proposed amendments that the Ordinance Committee is recommending.

1. Section J: The 50' setback from the 8 high accident intersections is reduced to 30' to match up the State law spacing signs 30' apart. A definition of how to measure the distance and an accompanying diagram has also been added.

2. Section J: Scenic view locations are narrowed or eliminated to limit them to the highest priority areas.

3. Section J.1: The time limit for temporary signs in the ROW is increased from 3 to 6 weeks to match up with State law and recognize the typical length of time that election signs are up.

4. Section J.1: The time that temporary signs in the ROW need to be removed before reposting is reduced from 6 weeks to 1 week to address circumstances such as can arise with the school referendum votes.

5. Section J.1: Spacing between "same" signs is reduced to 30' to match up with State law. The "similar" signs reference is eliminated to reduce confusion.

6. Section J.2: A 30 day removal period has been added to the private property temporary sign section to reduce the restrictiveness of the 6-month limitation. i.e., the sign can be put back up after 30 days.

7. Section B.27, G.1: The change to the electronic sign ordinance that Jay identified has been made.

8. The repeal of the political sign ordinance will be in the Order.

AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING SIGN REGULATIONS

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

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

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

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.
The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment.

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

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

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

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

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

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

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

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

Doorway signs under Section XII(B.13.)

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

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

4. Exceptions.
For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. ~~or of events or functions conducted by churches or civic organizations, limited to one event or function per church or organization per year.~~ (10/21/92) (4/6/94) (5/01/96)

B. GENERAL SIGN STANDARDS

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

1. Maintenance and Conformance of Signs. No sign shall be erected, maintained, used or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings. The sign must be maintained at all times in safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.. (4/6/94)

2. General Safety Standards for Signs. No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.

3. ~~Signs identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does~~

When a commercial sign is authorzed on a residential building it must not exceed six (6) square feet in area and ~~is~~ be non-illuminated.

4. A bulletin board, reader board or similar sign in connection with any ~~church, museum, library, school~~ commercial activity or similar public structure is allowed. [4/6/94]

5. Except as provided in Section XII(J.) concerning ~~certain~~ temporary signs and Section XII.(I.) off-premise official business directional signs, no sign shall project over or be located within a public right of way. [4/6/94]

6. Animated signs, animated displays or flashing signs are prohibited, with the exception of time and temperature signs as allowed under Section XII.(C.). No sign or part of a sign shall consist of a balloon or other inflatable component. [4/6/94]

7. Internally-lit signs shall have an opaque or dark background to minimize glare and lighting impacts.

8. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign. This paragraph does not prohibit temporary decoration of buildings or structures during holiday seasons when such decoration is customary. [4/6/94]

9. Motor Vehicle Signs. Signs on motor vehicles are not subject to the regulations of this Section XII unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exits:

    a. the motor vehicle is unregistered;

    b. the motor vehicle is uninspected;

    c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;

    d. the motor vehicle is parked or stored continuously in the same locations;

    e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;

    f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or,

    g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section CII may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying,

displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

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

    a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);

    b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or

    c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

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

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

12. Directional signs having a display area that does not exceed three (3) square feet, and does not extend higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.

13. Identification signs indicating the location of, or direction to a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

14. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this ordinance.

15. Roof signs are not allowed.

16. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.E.

17. Identification signs identifying the name of a ~~church, residential subdivision, condominium, apartment, multi-family housing project, residential neighborhood, or a commercial subdivision which has a place name different from the names of any of the businesses within the subdivision,~~ commercial activity or similar public activity may be permitted if approved by the Planning Board. Such signs may be illuminated by shielded lights and located as approved by the Planning Board, and shall be maintained by an approved owner or association. The Planning Board may waive setback requirements for an identification sign when the Board finds that locating the sign in compliance with setback requirements would be impractical or ineffective. Signs allowed under this paragraph shall not be counted in calculating the maximum number of signs allowable on a lot or in applying requirements for separation between signs. [05/01/96]

18. Graphics and pictorial artwork are allowed on signs and shall be considered a part of the gross display area for the purpose of determining the size of a sign. [4/6/94]

19. An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall constitute a wall sign, including the calculation of total gross display area. [4/6/94]

20. Any premises which utilizes an identification or advertising sign must display its street numbers on at least one of the permanent signs permitted under this Section XII in a location visible from the nearest street. Numbers shall be placed on the sign face or on a panel parallel to the sign face and shall be as nearly perpendicular to the sideline of the street as possible. If it is not physically feasible to place the street numbers on the sign face, the numbers may be placed on the end of the sign parallel to the sideline of the street as long as they are of contrasting color and easily visible from the roadway. The characters of the street number shall be at least 11 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 11 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 11 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after April 7, 1994 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph. [4/6/94] [4/5/95] [05/01/96]

21. A banner, limited to a maximum of twenty five (25) characters (numbers and letters), the dimensions of which do not exceed twenty-four square feet may be displayed by any ~~retail business or service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government (except home occupations)~~ commercial or similar public entity during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Under this subsection, a ~~business~~ commercial or similar public entity may display ~~both~~ one ~~(1) "open"~~ banner ~~and one (1) banner~~ limited to a maximum of twenty-five (25) characters during the hours such business is open for customers. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag. [4/6/94] [Amended 08/19/09]

22. No lighted sign, including a nonconforming sign replaced or relocated pursuant to Section XII.K. shall be located within eight feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver. [4/6/94] [4/5/95] [5/01/96]

23. ~~Marquees are allowed for theatres and movie houses and on buildings or portions of buildings that are used as theatres or movie houses~~. Marquees may not be animated signs or have animated sections.

24. One or more ~~menu boards~~ freestanding signs installed at the points where customers place their orders at a drive-through ~~restaurant~~ commercial establishment, which does not exceed 32 square feet of gross display area per sign and the location of which has been approved by the Planning Board under the Scarborough Site Plan Review Ordinance, shall not be counted as a sign in applying the dimensional requirements of Sections XII(D), XII(E) and XII(F). [Amended 08/17/05]

25. Illuminated signs are prohibited in all residential districts, except as allowed by Section XII(B)(17). [7/17/91]

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

26. Vision triangle. No sign shall be located in an area that conflicts with clear sight distance for oncoming traffic. Sign permits will be issued by the Code Enforcement Officer if the applicant provides supporting evidence that the proposed sign will be located at least 15 feet from the existing edge of pavement. If an applicant desires a location less than 15 feet from the edge of pavement then they must provide certifiable evidence from a licensed Professional Engineer who specializes in Traffic Engineering that the proposed sign location will not obstruct vehicular sight distance within the boundaries of following described vision triangle:

    a. The vision triangle is determined by measuring from the intersection of the edge of the major street and the minor street or driveway along the major street the appropriate distance as determined based upon the posted speed limit (see table) and a distance of 15 feet along the minor street/driveway. and then connecting: the two points with a straight line.

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

    c. Major Street Speed Limit Measurement Distances

25 mph	=	250 feet
35 mph	=	350 feet
40 mph	=	400 feet

45 mph	=	450 feet
50 mph	=	500 feet
55 mph	=	550 feet

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

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

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

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

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO-R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
~~Temporary grand opening (window or banner)~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
~~Off-premise farm stand: FS~~	~~J~~	~~Gross Area~~	~~8 sf~~				~~8 sf~~			
~~Temporary going out of business (window or banner)~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
~~Temporary relocation (window or banner~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
Temp. sandwich board	J	Gross Area	8 sf				8 sf			
CAMPUS SIGNS										
Campus directory	H.	Gross Area						75 sf	75 sf	75 sf
		Height						10’	10’	10’
Campus primary directional	H.	Gross Area						45 sf	45 sf	45 sf
		Height						9’	9’	9’
Campus secondary directional	H.	Gross Area						16 sf	16 sf	16 sf
		Height						8’	8’	8’
Campus pedestrian directional	H.	Gross Area						8 sf	8 sf	8 sf
		Height						8’	8’	8’
~~ADVERTISING / RETAIL SIGNS~~										
~~Advertising~~ Freestanding Signs	B/C	Gross Area: FS	32 sf	32 sf	32sf	32 sf	100 sf			
	C	Length FS	16’	16’	16’	16’	16’	16’	16’	16’
	C	Height FS	8’	8’	8’	8’	16’	16’	16’	16’
~~Advertising~~ Wall Signs	C	Gross Area/bldg. face: Wall *(See Note 5)*	50 sf	50 sf	16 sf	16 sf	100 sf			

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

Sign Dimensional Chart Notes and Standards

1. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.

2. Banners allowed under Section XII(B)21. do not count toward maximum number of signs on a lot.

3. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.

4. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.

5. Unless otherwise provided, wall and window signs shall conform to the following:

a. Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.

b. Except in the case of an awning, no wall sign shall project more than 12" inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

D. MAXIMUM NUMBER OF FREESTANDING SIGNS PER LOT

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

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

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

E. ADDITIONAL FREESTANDING SIGN REQUIREMENTS

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

1. The required minimum distance between signs on the same lot or unified development is one hundred (100) feet.
2. The required minimum lot line setback is fifteen (15) feet from side and rear lot lines.

3. The required minimum setbacks to the front lot line and right-of-way (ROW) is variable based on the height of the sign in accordance with the following chart:

VARIABLE SETBACKS		
DISTANCE FROM ROW	**MAXIMUM HEIGHT**	**MAXIMUM SIZE**
5'	8'	32 sf
10'	10'	60 sf
15'	16'	100 sf

a. There is no minimum front lot line setback required for freestanding signs from the Haigis Parkway right-of-way; all other dimensional requirements established in Section XII (C) shall apply

4. The maximum sign height requirements are listed in Section XII(C) and are, subject to the variable setback requirements above. [10/20/04]

5. The required minimum setback/distance for signage located in a "Business" District is two hundred (200) feet from a "Residential" District. [7/17/91] [4/6/94]

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

1. Except as otherwise provided in this Subsection (F), a Business Directory Sign shall comply with all the requirements of this Section XII. A Business Directory Sign shall be deemed an on-premise, freestanding sign, not a billboard.

2. Business Directory Signs shall be permitted only in the B-1, TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, HP, BO-R, RH, RH2, CPD and Industrial districts.

3. Notwithstanding the provisions of Sections XII(C) and XII(D), the maximum gross display area of a Business Directory Sign shall be 150 square feet. At least 10 percent of the gross display area shall be devoted to identifying the Unified Development by name (or by generic description such as "office park" or "shopping center" if no name has been assigned) and by street address on the Main Thoroughfare. The numbers of the street address must be no less than 11" (eleven) inches high. The remaining gross display area may be used only to identify and advertise uses within the Unified Development and must be located below the name and street address of the Unified Development. Before the Building Inspector issues a permit for a Business Directory Sign, the Addressing Officer in coordination with the Town Planner must determine that the name of the Unified Development is not identical to or likely to be confused with the name of any other development already existing in Scarborough. [4/6/94]

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

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

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

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

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

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

G. ELECTRONIC MESSAGE AND TIME/TEMPERATURE SIGNS

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

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

a. An electronic message sign may only be used as a readerboard on a free-standing sign. Electronic message signs may not be used as stand-alone signs.
b. An electronic message sign must not give the appearance of motion, flashing, blinking, or shimmering. When the display changes, it must change as rapidly as is

technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

c. The message may be changed no more frequently than twice in each 60 minute period. [Amended 08/19/09]

d. Electronic message sign lettering or numbering height shall be a minimum of 8" and a maximum of 12" and may consist only of white or gold lettering or numbering on a black background. [Adopted 08/19/09][09/21/2011]

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

a. Any sign otherwise permitted may include a time and/or temperature sign. (09/21/2011)

b. A time and/or temperature sign, or the portion of a sign used to illustrate the time and/or temperature, shall be limited to 10 square feet in area. (09/21/2011)

c. A time sign shall be permitted to change no more frequently than thirty-second intervals.

d. A temperature sign shall not change except when the temperature changes one degree.

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

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

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

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

3. Dimensional Requirements

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

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

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

6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches in capital letter height. See Scarborough Design Standards for further description of signage requirements.

7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.

8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development.

9. The maximum number of signs for the Unified Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical ~~content~~ layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.

10. Off-site directional signs shall not be considered campus directional signs. However. for purposes of signage review, off campus directional signs that are part of a Unified Development shall be designed as part of the Signage Master Plan.

I. OFF-PREMISE OFFICIAL BUSINESS DIRECTIONAL SIGNS

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

1. Comply with Maine Department of Transportation "Regulations for the Installation of Official Business Directional Signs" except as is otherwise specified above.

2. Maximum sign size shall not exceed 16" x 72"; (Note: sign size to be determined by Maine DOT but not to exceed 16" x 72").

3. Off-Premise Official Business Directional Signs shall not be located within the Haigis Parkway Right-of-Way between Payne Road and Route One.

~~**4.** Business establishments undertaken and permitted pursuant to the provisions for home occupations shall not be permitted directional signs under this section.~~

5. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:

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

J. TEMPORARY SIGNS

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

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

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

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

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

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

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

1. Temporary Signs in the Right-of-Way

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

   ~~Temporary Signs Giving Notice.~~

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

2. Temporary Signs on Private Property

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

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

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

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

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

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

3. Temporary Development or Construction Site.

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

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

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

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

To the extent permitted by State law, the operator of a Farm Stand or Agricultural Products Store may install a maximum of four (4) Off-Premises Farm Stand/Agricultural Products Store Signs for the purpose of directing motorists to the location where local agricultural

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

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

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

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

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

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

on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

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

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

K. NON-CONFORMING SIGNS

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

1. Any sign existing at the effective date of adoption of this Section XII which does not conform to the regulations and requirements of this Section XII and any sign existing on the effective date of any amendment to this Section XII which renders the sign nonconforming: may continue to be used and maintained in a condition of good repair until removed, pursuant to the conditions of this Ordinance.

2. No non-conforming sign shall:

a. Be enlarged if such enlargement would increase any nonconformity.

b. Be changed to another nonconforming sign.

c. Be changed in shape or size.

d. Continue to be used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for ninety (90) days or longer, or, in the case of a seasonal business, for three hundred sixty-five (365) days or longer.

e. Be repaired, or replaced after damage or destruction, if the expense of repair exceeds fifty percent (50%) of the current cost of replacing or duplicating the existing sign, as determined by a professional sign manufacturer.

f. Continue to be used or allowed to remain in place following any activity that requires site plan approval by the Planning Board.

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

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a non-conforming sign has been taken down or moved, said sign may only be replaced with a sign that is in conformance with the requirements of this Ordinance, except that a seasonal business may take down nonconforming signs in the off season and replace them in the same locations when the business reopens the following season.

4. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

5. Notwithstanding the above, if there is a change of use on a single-use property, and there were one or more on-premise nonconforming signs which advertised the former business or use, any new signs used, and all new signs faces for the new use or business must meet all sign requirements for the underlying zoning district. This provision shall not apply in cases where the supply of parking would be reduced below that required by ordinance, or where the new sign location would create a public safety hazard or block sight distance. A change in use means a change in function as described in the Land-Based Classification Standards of the American Planning Association (APA).

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

L. SUBSTITUTION CLAUSE

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

M ~~L~~. DEFINITIONS SPECIFIC TO SIGN REGULATIONS.

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

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

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

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

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

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

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

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

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

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

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

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

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

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

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

l. Electronic Message Sign:
An electronically activated changeable sign whose variable message capability can be electronically programmed.

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

n. Freestanding Sign:
A sign supported by one or more uprights or braces permanently affixed into the ground.

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

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

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

q. Historical Site Signs:
A wall sign erected or provided by local historical society or government agency that denotes a recognized historical site or structure.

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

s. Internally Illuminated Sign:
A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

t. Main Thoroughfare:
Means any of the following streets:

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

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

v. ~~Menu Board~~ Drive-through Sign:
A permanently mounted sign displaying the bill of fare for a drive-through ~~restaurant~~ commercial establishment.

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

x. Off-Premise Official Business Directional Sign (OBDS):
An off-premise directional sign allowed under Maine DOT Chapter 200 (or current) Regulations.

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

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

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

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

cc. Principle Sign:
The main sign on a property.

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

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

ff. Roof Sign:
A sign located upon or over a roof of a building.

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

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

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

jj. Time and/or Temperature Sign:
A sign designed to show time and outdoor temperature.

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

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

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

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

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

PORTION OF THE PLANNING BOARD MINUTES FROM THE AUGUST 7TH MEETING

"**4. <u>The Planning Board will conduct a public hearing to receive comment on the proposed amendments to Chapter 405, the Scarborough Zoning Ordinance, Section XII. Sign Regulations*</u>**

Mr. Chace explained the ordinance amendment process and the Board's role.

Councilor Donovan explained that the amendments to the Section XII. Sign Regulations is designed to bring the Ordinance in compliance with the Supreme Court ruling of Reed v. Gilbert. Councilor Donovan stated that in the ruling the Court reasoned that because signs were classified into different categories on the basis of their message it subjected each category to different restrictions and was unconstitutionally content based. Councilor Donovan explained that the Ordinance committee presented new sections that include limitations on the placement of signs within scenic and ecologically sensitive areas, within 50' of the busiest intersections and frequency of identical signs along the roadway. Councilor Donovan stated that the ordinance is content neutral and was uniformly applied. Councilor Donovan explained that 528' or 1/10 of a mile is the stated number for frequency of temporary signs along the roadway.

Mr. McGee opened the public comment.

Larry Hartwell, 9 Puritan Drive presented the Board with a drawing showing the difficulty of use the 528' method for sign placement at intersecting street. Mr. Hartwell also showed a roadway with an intersecting roadway and stated that sign placement is not clear at intersecting roads.

Mr. McGee closed the public comment.

Mr. Beeley asked if the scenic and ecological areas where chosen due to complaints. Councilor Donovan stated that was in part, but the Ordinance committee felt it will help to protect these sensitive areas and reduce the proliferation.

Ms. Auglis stated she had no issue with the changes and suggested that the changes be posted on the Town's homepage once approved.

Ms. Saunders asked where the 50' from the intersection started. Was it from the centerline or edge of pavement? Councilor Donovan stated edge of pavement.

Ms. Hendrickson asked if the Ordinance committee attempted to reconcile with state law on temporary signs. Councilor Donovan explained that the State has provisions as to the length of time political signs can be up and because the proposed changes are content neutral the committee tried not to focus on the provisions the State has provided for political signs and design exclusively for the Town of Scarborough.

Councilor Donovan explained some of the differences between the proposed ordinance changes and State law for political signs. Ms. Hendrickson stated that any candidate will have to be knowledgeable on two sets of rules and then determine which to follow. Councilor Donovan stated that from the advice of counsel the Town has the authority to regulate signs under their zoning authority and the Town is within their rights to establish these conditions.

Ms. Hendrickson questioned the distance opposing parties can place their signs. Councilor Donovan stated that had not been addressed as they kept it content neutral. Ms. Hendrickson stated that would still allow for a cluster of signs. Ms. Hendrickson suggested looking at the State's rules for political signs to try and harmonize or take from them what might be beneficial. Ms. Hendrickson question the use of the word "similar" in the temporary sign provision and asked how it would be defined and that it needed to be looked at carefully because in an election something could be similar, yet diametrically opposed. Ms. Hendrickson also pointed out that the language used regarding length of time and the fact it didn't solve the problem as there were ways around it. Ms. Hendrickson addressed the 6 month temporary signs restriction on private properties and stated that elections take more than six months and political speech can take lots of forms. Ms. Hendrickson stated she felt it could be an abridgement of political speech and 1st amendment rights. Ms. Hendrickson stated it should be scrutinized very closely to ensure we are not restricting freedom of speech.

Mr. McGee acknowledged the challenges that come with a task of this size and echoed Ms. Hendrickson's sentiments. Mr. McGee had serious concerns with the limitation set on signs on private property and questioned if the language could be viewed as an attempt to limit free speech. Mr. McGee also had concerns with temporary signs in the right of way and the request that it have the name and phone number. Mr. McGee stated that the FEC regulates national candidates and does not require this information and that there is some potential for malfeasance and should be looked at for consistency. Mr. McGee brought up the provision regarding temporary signs and their placement on utility poles or trees and could there be any leeway for a person having a yard sale or looking for their lost cat. Mr. McGee also felt some leeway should be given on illuminated signs on residential buildings.

After further deliberation and recognition of the difficult task, Mr. McGee stated that the Board will make a favorable recommendation to the Town Council with consideration.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-067. Move approval of the second reading on the proposed amendments to Chapter 601, Town of Scarborough Traffic Ordinance, Section 25- Parking Restrictions. *[Ordinance Committee]*

Ordinance Committee	*Ought to Pass*
Sponsor	Recommendation
07/19/17 7 Yeas. *08/16/17 Public Hearing*	*09/06/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

CHAPTER 601

TOWN OF SCARBOROUGH

TRAFFIC ORDINANCE

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

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

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

(1) Upon certain of the public streets or highways within the Pine Point area known as Oak, Granite, Bliss, Dover, Pine, Beach, Sea Rose Lane, Bay, Ninth, or Eleventh Streets.

(2) King Street (or Front Street) from Pine Point Road to Avenue Seven - both sides. [Amended 07/21/77]

(3) Entire length of Riversands Drive - both sides.

(4) On the Easterly side of Avenue Five from Jones Creek Drive to King Street.

(5) On both sides of Avenue Five from King Street to the Ocean.

(6) Driftwood Lane (the entire length - both sides).

(7) Upon East Grand Avenue Except in accordance with the following: [Amended 09/21/03]

~~a. On the Northerly side of East Grand Avenue from Pine Point Road to the Westerly entrance of 3 East Grand Avenue - No Parking. [Amended 07/16/14]~~

a. On the Northerly side of East Grand Avenue in front of number 3 East Grand Avenue at CMP pole #116 back to Pine Point Road – No Parking.

b. On the Ocean side of East Grand Avenue from the Old Orchard Line to a point opposite the Westerly side of 27 East Grand Avenue - No Parking. [Amended 07/16/14]

~~c. From a point opposite the Westerly entrance to 3 East Grand Avenue to the Pine Point Road - No Parking. [Amended 07/16/14]~~

~~d~~ c.. On the Northerly side of East Grand Avenue each business shall have one designated parking space in front of the business for the business - 20-minute business parking.

~~e~~. d. From ~~the Westerly entrance to Conroy's Garage~~ CMP pole #116 at 3 East Grand Avenue to the Old Orchard Line "Unlimited Parking Within Designated Spaces Only".

(8) Tasker Avenue - Both sides from Jones Creek Drive to King Street.

(9) Upon both sides of Avenue One, Avenue Two, Avenue Three and Avenue Six, from Jones Creek Drive to King Street. [Amended 07/16/14]

(10) On the East Side of Avenue Four from Jones Creek Drive to King Street.

(11) On the Northerly side of Jones Creek Drive from the Pine Point Road to the intersection of Avenue Four. [Amended 05/05/82]

(12) On the Northerly side of Jones Creek Drive from the intersection of Avenue Four to the intersection of Avenue Six - 20 minutes business parking. [Amended 05/05/82]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-068. Move approval of the second reading on the proposed amendments to Chapter 604A, Town of Scarborough Horse Beach Permit Ordinance, Section 604A-6. Regulations of Horses on the Beach. *[Ordinance Committee]*

Ordinance Committee	*Ought to Pass*
Sponsor	Recommendation
07/19/17 7 Yeas. *08/16/17 Public Hearing*	*09/06/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

CHAPTER 604a
TOWN OF SCARBOROUGH
HORSE BEACH PERMIT ORDINANCE

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

604A-6 Regulation of Horses on the Beach

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

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-078. Move approval on the request to submit the referendum question to construct and equip a new Public Safety Building to the November 7, 2017, Election. Tabled from the August 16, 2017, Town Council meeting. *[Town Manager]*

Town Manager	*Ought to Pass*
Sponsor	Recommendation
08/16/17 7 Yeas to table. *09/06/17*	
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

Town of Scarborough

Public Safety Building Committee

From: Kevin Freeman, Public Safety Building Committee Chair
To: Public Safety Building Committee Members
Date: August 4, 2017
Re: Town Council Meeting 8/16/17

I wanted to once again thank all of you for your work to date on this important project. As you know the Town Council has authorized the continuation of our work to help educate the public and advocate for the project. The next step is for the Town Council to consider an order to place a referendum question authorizing a not to exceed bond amount. After analyzing the balance in the reserve account for this purpose, and a very conservative anticipated sale value for the existing facility the Town Manager will be recommending the following language for the bond order:

Total estimated project cost	$ 21,548,095
Less reserve funds dedicated for this purpose	$ (625,000)
Less anticipated revenue from the sale of the existing public safety building	$ (1,423,095)
Bond amount not to exceed	$ 19,500,000

If the council approves sending this question to the voters in November we will have a lot of work to do in terms of public outreach and education over the next ten weeks. We have already, or are planning to reach out to the following groups: Lion's Club, Rotary Club, Kiwanis Club, Buy Local, Scarborough Chamber of Commerce, Piper Shores, Community Services' Senior Group, and the SEDCO board. We are hoping many of these groups will choose to hold their regularly scheduled meetings at the public safety building so they can see the facility themselves, but we are also willing to meet at their normal meeting locations.

We have also reached out to Superintendent Kukenberger for a date to address the Board of Education to educate them on our project, and to seek their support and assurance that they don't have any significant construction projects coming forward in the next few years. We are also planning a series of neighborhood meetings at the various fire stations, likely in conjunction with outreach meetings that some of the town councilors routinely host. One of our signature events will be an open house at the end of Fire Prevention Week on 10/14. This will be held at the Public Safety Building with fun educational activities to keep the children engaged while we conduct tours and educate the parents about the project.

Assuming a positive vote by the town council on 8/16, I would like to get the committee together at our regular meeting time on 8/23 at 8:00 in the public safety classroom to discuss these and other potential outreach ideas so we can develop a plan that leverages the experience and talent of the members of our committee.

Thank you,
Kevin

Referendum Question No. 1:

Shall the Order entitled "**ORDER AUTHORIZING ISSUANCE OF UP TO $19,500,000 IN GENERAL OBLIGATION BONDS OF THE TOWN OF SCARBOROUGH TO FUND COSTS FOR A NEW PUBLIC SAFETY BUILDING**" be approved?

EXPLANATION AND RECOMMENDATION: Approval of this Order would authorize the issuance of up to $19,500,000 in general obligation bonds of the Town to provide funds to construct and equip a New Public Safety Building.

Total estimated cost	$21,548,095
Less reserve funds dedicated for this purpose	$ (625,000)
Less anticipated revenue from sale of existing Public safety facility	$(1,423,095)
Bond amount not to exceed	$19,500,000

The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1. Total Indebtedness:

A. Bonds outstanding and unpaid:	$84,460,000
B. Bonds authorized and unissued:	$ 3,119,870
C. Bonds to be issued if this Article is approved:	$19,500,000

2. Costs:

At an estimated maximum interest of 3.50% for a maximum thirty (30) year maturity, the estimated costs of this bond issue will be:

Principal:	$19,500,000
Interest:	$ 9,934,750
Total Debt Service	$29,434,750

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Ruth D. Porter
Town Treasurer

You have now completed voting.

Final Report on the Public Safety Building Presented to Council

By Kevin Freeman, Chairperson

On Wednesday, July 19th the Ad-Hoc Public Safety Building Committee presented its final report to the Town Council during a workshop session prior to the regular Town Council meeting. As chair of the committee, I led the presentation with assistance from Chiefs Thurlow and Moulton, and Jeff Shaw, our consultant from Context Architecture.

We reviewed each of the charges that the committee was directed to accomplish when it was first set up in November of 2016. Those included reviewing the previous 2008 feasibility study from Gawron/Turgeon Architects, considering other municipal facility needs, the consideration of energy efficiency and life cycle costs, the incorporation of public involvement, and the exploration of best practices and tours of similar facilities.

As part of the committee's evaluation of the current site, it was clear in 2008 and again during the most recent analysis that maintaining a combined public safety complex on this site wasn't feasible due to the lot size constraints and egress/access concerns. Additionally we reviewed the municipal facility needs document to see what might be incorporated into a new public safety building, or something that might be able to repurpose the current site. An evaluation of some IT department needs were analyzed but it was determined there were other more cost effective solutions. We looked at the potential of two different size community centers on the existing site, but lot size and parking limitations discounted that option.

The town worked with a commercial real estate broker who specializes in rehabilitating current facilities to determine a reasonable estimate of the value of the current facility and land. At our last meeting the committee voted to recommend the highest and best use of the current facility was to sell it for redevelopment and to apply the proceeds from that sale as well as the remaining funds in the Public Safety Building Reserve Fund towards the cost of constructing the new facility. Based on preliminary data the committee felt that between those two sources of funding it would allow the council the option of setting a total bond amount of less than $20,000,000 for consideration during a referendum vote.

Beyond the committee charges there were some specific deliverables that were explained in detail. The first was a site selection process. The location of a new fire station is limited by the Insurance Services Office (ISO) standards for travel distance between stations and response times within the district served from this station. We evaluated 12 different sites that were large enough to accommodate the proposed facility (including the current site) against a weighted scoring matrix analyzing 16 different variables. The site on municipally owned land just west of Town Hall was the clear top scoring site.

The second deliverable was to conduct a space needs assessment. Context started by using the 2008 feasibility study as the foundation for this process. They then worked with the Chiefs to understand current and projected staffing, and over the course of several months we worked through six different drafts. The building proposed includes a joint facility with many shared spaces including the training room/emergency operations center, dispatch, conference room, administration reception, fitness areas and others.

Once the space needs were identified the next deliverable was a schematic design where those spaces were designed into a layout that worked from an operational and security perspective. In order to

reduce the overall footprint, and take advantage of the high ceiling height required for the apparatus bays, the design included a mezzanine level where many of the mechanical and IT spaces were located making the design more efficient and cost effective. Perspective renderings from three different directions were created by an artist to illustrate a conceptual design to match Town Hall and other buildings in the area.

The 4th deliverable was a proposed site plan. This effort included cooperation between Context's civil engineering team from Sebago Technics along with a parallel effort undertaken with Terrance DeWan & Associates, who had been contracted to conduct a multi-phase study of the entire town/school campus. Due to the steep grade of the hill, traffic volumes, access/egress and safety concerns, the site plan includes an access road that runs between the car wash lot and Municipal Park so emergency vehicles can respond via the controlled intersection at Sawyer Road and Route 1.

The final deliverable was a probable cost estimate. Context worked with local structural and civil engineers and a local cost estimator familiar with construction projects in our area to develop a detailed estimate of costs. Construction costs including the site work, road infrastructure (including some added value items for the campus above and beyond the public safety building), communications tower, and an escalation factor to cover cost increases out to the 2018 construction season totaled $17,043,000. There are a total of $2,801,000 in what is referred to as soft costs which includes architectural/engineering fees, commissioning, furnishings, equipment, network/IT, dispatch, security, and other cost. Finally there is a $1,704,000 contingency to cover any unanticipated costs or adjustments that may need to be made for a total estimated project cost of $21,548,000.

The committee and our consultant have met all of the charges and deliverables requested by the Town Council. They have met diligently every other week over the past nine months to finalize their report for this meeting. The committee strongly recommends that based on the clear need, low interest rates, and future construction cost escalation that the Town Council move this project to a referendum vote on this November's ballot.

Based on the original action that formed the committee, it officially ceases to exist after delivery of this final report. The committee is made up of a wide-range of Scarborough citizens with a great deal of experience and expertise. The members of the committee are more than willing to continue their work to help educate the public on this important project, and if successful to continue the detailed work of actual design and construction. At the Town Council meeting following the workshop the council did vote to continue the ad-hoc committee through the November election to assist with public outreach.

The Ad-Hoc Public Safety Building Committee has a website which can be accessed from the Town of Scarborough's home page. On the left under Town Government click on Boards & Committees, then at the bottom of the first list is a link to our site. On it you will find copies of the agendas and minutes for each meeting, the final presentation to the Town Council, an informative Questions & Answers document that was produced based on feedback received during the public presentation in June, as well as a number of other documents for those that are looking for more detailed information.

Thank you to the members of the Ad-Hoc Public Safety Building Committee, and to Jeff Shaw from Context Architecture for a job well done. We look forward to working on this project as it continues through the various steps in the approval process.

SCARBOROUGH ECONOMIC DEVELOPMENT CORPORATION

TO: Kevin Freeman, Chair
Public Safety Complex Building Committee
FROM: Karen Martin, SEDCO Executive Director
DATE: July 11,2017
SUBJECT: Building Value of Existing Public Safety Building

Over the past two months, SEDCO has been working with a local broker to assess the potential value of the existing Public Safety complex. We have approached it from a private sector view point, trying to assess the potential uses and value of the existing property and the associated building.

Background

The current property actually consists of 2 parcels (246 US Route 1 and 9 Fairfield Road). The details on these two properties from **Town Assessor's** data set is as follows:

Parcel	Acreage	Land Value	Building Value	Total Value
9 Fairfield	0.31	$ 98,900	0	$ 98,900
246 US Route 1	2.27	$681,000	$1,413,100	$2,094,100
Total	2.58	$779,900	$1,413,100	$2,193,000

The assessor's file has the building listed as 19,700 square feet resulting in a building only value of approximately $72/square foot. The land is valued at approximately $302,300/acre of land.

Directly across the street from the current public safety building is the restaurant, El Rayo, which sold for $420,000 (land and building) in 2013. The property consists of .75 acres and one structure of 4,500 square feet. The sales price in 2013 is approximately 58% of the current assessed value of land and building. The current assessed value of the property is $723,100, which reflects significant improvements on the property since the sale in 2013. Breaking down the building from the land, the property is currently valued at $346,000/acre and $103/square foot of building.

Looking at other small lots in the Oak Hill area, including the Biddeford Savings Bank/Starbucks property, we find a range in value from $250,000 to $346,000 per acre. Building value can range $70 to $100 per square foot of exiting space.

Based on a combination of recent sales and assessed values, one sale scenario could be as follows:

$350,000 * 2.58 acres = $903,000
$100* 19,700 sq feet = $1,970,000
Total Value = $2,873,000

Unfortunately there are too many variables to feel confident about a $2.9 million dollar price tag. This number would be contingent on complete re-use of the building, with very little investment in renovations. Such a scenario is highly unlikely, if not impossible.

Building Potential

To help us understand the current market, we sought assistance from Roxane Cole of Roxane Cole Commercial Real Estate, LLC. Our request was to help us understand how to obtain the highest possible market value. In particular, we were concerned about the potential reuse of the existing 19,700 square feet of structure – would that be of use to anyone?

Ms. Cole toured the building on two different occasions, and led a group of potential investors through the property. The investors were experienced in redeveloping unique properties such as our public safety building.

In summary, here is the advice at this time on the potential market value of the property.

1) Oak Hill is an extremely marketable area, and conditions are favorable for the sale of land, particularly for a parcel of 2.58 acres.
2) The zoning is favorable, with the TVC zone providing some flexibility for both commercial and housing in a mixed-use format.
3) If possible, we should let the zoning do the work on promoting types of land uses for the area. If we add additional requests for specific types of use, that narrows the market.
4) While the existing building has its challenges, awkward layout, problem areas such as the leak in Chief Moulton's office, we should not assume that the entire building would have to be torn down.
5) While the building may be able to be repurposed, it will take a creative approach. Renovation will be more expensive. This building is not typical.
6) There appears to be significant interest in the fire station façade. The investors felt that added potential to the site.
7) Timing is also a factor for pricing. The building will need to be occupied for another 2-years, even if construction on the new building is authorized in November. If the building were to sell, would we be interested in a lease back situation?
8) While Ms. Cole developed some pricing scenarios assuming significant renovation, she recommends that we not put a specific price on the building on the sale at this point.
9) She did develop pricing scenarios from $2 million to $2.5 million with various levels of renovations. These scenarios do depend on a buyer wanting to reuse the structure.
10) There is always a wildcard factor in market value. Assessed value and market value can vary widely – in a great market, the price can be significantly higher than assessed value. In a down market, the market price can fall below the assessed value.

context
ARCHITECTURE

SCARBOROUGH PUBLIC SAFETY BUILDING

Preliminary Estimate of Probable Cost, 12 July 2017

	14-Jun-17	12-Jul-17	
Facility Size (B, 1 & 2)	*[46,840 SF]*	*[46,840 SF]*	
Facility Size (Mezzanine)	*[6,188 SF]*	*[6,188 SF]*	
CONSTRUCTION COST ESTIMATES			
Building Construction (Basement, 1st & 2nd Levels)	$11,710,000		
Building Construction (Mezzanine Level)	$930,000		
Site Construction (reduced parking)	$2,300,000		
Construction Estimate	-	$16,187,595	
Communication Tower Construction	$150,000	$150,000	
Town message board	-	$25,000	*Allowance*
Hazmat Mitigation	-	$25,000	*Allowance*
Escalation	$755,000	$656,000	*changed from 5% to 4%*
Total Construction Costs	**$15,845,000**	**$17,043,595**	
SOFT COSTS			
Design & Engineering			
Architectural and Engineering fees	$1,189,000	$1,279,000	
Allowance for extra services and Owner changes	$59,000	$64,000	
Reimbursable expenses	$7,500	$7,500	
Network, Dispatch & Security Consultants	$20,000	$20,000	*Allowance*
Communications Tower Design	$45,000	$45,000	*Allowance*
Total Design & Engineering	*$1,320,500*	*$1,415,500*	
Professional Services			
Clerk of the Works	$150,000	$150,000	*Allowance*
Geotechnical Engineering & Borings	$20,000	$20,000	*Allowance*
MEP Commissioning	$30,000	$30,000	*Allowance*
Construction Testing	$25,000	$25,000	*Allowance*
Total Professional Services	*$225,000*	*$225,000*	
Fixtures, Furnishings & Equipment			
Furnishings & Equipment (incl HD storage)	$375,000	$375,000	*Allowance*
Allowance for Computer Equip. & Network	$150,000	$150,000	*Allowance*
Allowance for Dispatch Equipment (some reused)	$200,000	$200,000	*Allowance*
Allowance for Telephone System & Equip.	$50,000	$50,000	*Allowance*
Allowance for Security & CCTV System	$150,000	$230,000	*Allowance*
Total Fixtures, Furnishings & Equipment	*$925,000*	*$1,005,000*	
Project Related Expenses			
Topographic and Utility Survey	$15,000	$15,000	*Allowance*
Printing bid sets & advertising	$5,000	$5,000	*Allowance*
Moving Expenses	$40,000	$40,000	*Allowance*
Utility Fees & Backcharges	$75,000	$95,000	*Allowance*
Total Project Related Expenses	*$135,000*	*$155,000*	
Total Soft Costs	**$2,605,500**	**$2,800,500**	
Project Contingency	$1,846,000	$1,704,000	
PROJECT TOTAL	**$20,296,500**	**$21,548,095**	

68 HARRISON AVENUE BOSTON, MA 02111 **TEL** 617 423 1400 **WEB** CONTEXTARC.COM

Summary of changes between 6/28 & 7/12

Construction cost changes:	-$220k
Included smaller increase for ledge removal (added 500 yds)	
Included radiant heat in cost	
Changed stone to CMU	
Reduced amount of cast stone banding	
Changed masonry to fiber cement panels at dorm	
Deleted mirrors in gym	
Eliminated sprinkler at carport	
Switched to dry standpipes with no hose racks	
Reduced cost of compressor & air piping	
Removed time clocks	
Removed battery backups	
Added Town Message Board and sign	+$25k
Added Hazmat Allowance for homes demolished	+$25k
Added Sewer fee to utility back charges line item	+$20k
Reduced Contingency to account for ledge probing	-$250k
Reduced Contingency & A/E fees due to overall reduction in construction costs	

File: 1703 7.10

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-085. Move approval of the first reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4) and schedule a public hearing and second reading for Wednesday, September 20, 2017. *[General Assistance]*

General Assistance	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*Public Hearing & Second Reading 09/20/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

GENERAL ASSISTANCE ORDINANCE

The Municipality of _____ enacts the following General Assistance Ordinance. This Ordinance is filed with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ day of _____, _____, by the municipal officers:
(day) (month) (year)

_____ _____
(Print Name) (Signature)

_____ _____
(Print Name) (Signature)

_____ _____
(Print Name) (Signature)

_____ _____
(Print Name) (Signature)

_____ _____
(Print Name) (Signature)

Appendix A
Effective: 07/01/17-06/30/18

2017-2018 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	714	788	994	1,242	1,506
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	605	682	847	1,095	1,269
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,002	1,131	1,431	1,931	2, 097
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	982	1,025	1,333	1,714	2,173
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	761	807	1,072	1,561	1,780

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	781	863	999	1,318	1,600
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	745	872	1,079	1,457	1,477

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	618	642	760	965	1,049
Franklin County	646	671	793	985	1,400
Hancock County	693	787	992	1,249	1,367
Kennebec County	722	746	928	1,216	1,297
Knox County	754	755	928	1,186	1,315
Lincoln County	783	834	987	1,234	1,470
Oxford County	630	646	771	1,110	1,343
Piscataquis County	595	672	828	1,090	1,125
Somerset County	675	704	835	1,133	1,146
Waldo County	680	751	887	1,206	1,281
Washington County	630	645	763	985	1,173

*** Please Note: Add $75 for each additional person.**

Appendix B

Effective: 10/01/17 to 09/30/18

2017-2018 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

Note: For each additional person add $144 per month.

Appendix C

Effective: 10/01/17 to 09/30/18

2017-2018 GA Housing Maximums

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	111	476	130	559
1	111	476	134	578
2	130	558	159	684
3	167	718	204	878
4	177	762	221	949

Franklin County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	137	587
1	117	503	141	607
2	137	591	167	717
3	173	743	209	898
4	258	1,108	302	1,300

Hancock County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	139	599	167	720
2	183	788	213	915
3	227	976	270	1,159
4	242	1,041	294	1,264

Kennebec County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	158	679
2	168	724	198	851
3	219	943	262	1,126
4	226	971	278	1,194

Non-Metropolitan FMR Areas

Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694
2	168	724	198	851
3	212	913	255	1,096
4	230	989	282	1,212

Lincoln County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	150	646	178	767
2	182	783	212	910
3	223	961	266	1,144
4	266	1,144	318	1,367

Oxford County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	472	133	570
1	110	472	135	579
2	132	567	161	694
3	195	837	237	1,020
4	237	1,017	288	1,240

Piscataquis County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	106	457	126	540
1	118	508	143	613
2	147	630	177	759
3	198	853	235	1,011
4	198	853	240	1,034

Somerset County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	143	615
1	121	519	148	637
2	147	631	176	758
3	202	869	243	1,043
4	202	869	243	1,043

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	121	522	144	620
1	131	563	159	684
2	159	683	188	810
3	217	933	260	1,116
4	222	955	274	1,178

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	110	472	133	570
1	110	472	134	578
2	130	559	160	686
3	166	712	208	895
4	208	847	249	1,070

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	129	556	152	654
1	140	600	168	721
2	184	790	213	917
3	225	969	268	1,152
4	275	1,180	326	1,403

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	127	545
1	115	494	143	615
2	149	643	179	770
3	191	822	234	1,005
4	219	943	271	1,166

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	112	483	135	581
1	125	538	153	659
2	165	711	195	838
3	208	896	251	1,079
4	249	1,071	301	1,294

Metropolitan FMR Areas

Portland HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	844	219	942
1	219	943	247	1,064
2	285	1,227	315	1,354
3	386	1,658	428	1,841
4	412	1,771	464	1,994

York/Kittery/S. Berwick HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	192	824	214	922
1	195	837	223	958
2	263	1,129	292	1,256
3	335	1,441	378	1,624
4	430	1,847	481	2,070

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	140	603	163	701
1	144	619	172	740
2	202	868	231	995
3	299	1,288	342	1,471
4	338	1,454	390	1,677

Sagadahoc Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	623	168	721
1	157	675	185	796
2	185	795	214	922
3	243	1,045	286	1,228
4	296	1,274	348	1,497

York Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	587	159	685
1	159	684	187	805
2	203	875	233	1,002
3	275	1,184	318	1,367
4	269	1,156	320	1,374

Appendix D

Effective: 10/01/17 to 09/30/18

2017-2018- ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$14.00	$60.00
2	$15.70	$67.50
3	$17.45	$75.00
4	$19.90	$86.00
5	$23.10	$99.00
6	$25.00	$107.00

NOTE: For each additional person add $7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$20.65	$89.00
2	$23.75	$102.00
3	$27.70	$119.00
4	$32.25	$139.00
5	$38.75	$167.00
6	$41.00	$176.00

NOTE: For each additional person add $10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Appendix E

Effective: 10/01/17 to 09/30/18

2017-2018 HEATING FUEL MAXIMUMS

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F
Effective: 10/01/17 to 09/30/18

2017-2018 PERSONAL CARE & HOUSEHOLD SUPPLIES MAXIMUMS

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

APPENDIX G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: http://www.state.me.us/osc/

Appendix H

Effective: 10/01/17 to 09/30/18

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,125.** Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$785.** Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $50
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Appendix I

26 MRSA §1043 (23)

Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge. [1999, c. 464, §2 (rpr).]

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

(1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;

(2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;

(3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;

(4) Failure to exercise due care for punctuality or attendance after warnings;

(5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;

(6) Intoxication while on duty or when reporting to work or unauthorized use of alcohol while on duty;

(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

(8) Unauthorized sleeping while on duty;

(9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[1999, c. 464, §2 (new).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[1999, c. 464, §2 (new).]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-086. Move approval of first reading and refer to the Planning Board, the proposed amendments to Chapter 405, the Zoning Ordinance, Section VI. Definitions and Section XVIII.B. Haigis Parkway District and schedule the public hearing upon receipt of the recommendations from the Planning Board. *[SEDCO]*

SEDCO	*Ought to Pass*
Sponsor	Recommendation
09/06/17	
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

TO: Scarborough Town Council
FROM: Karen Martin, SEDCO Executive Director
DATE: August 30, 2017
SUBJECT: Consideration of Zone Changes for Enterprise Business Park

Commercial Place LLC, owner of Enterprise Business Park, is requesting assistance in bringing a company, Bluebird Storage, to the business park. Bluebird Storage is a modern interpretation of a storage facility that serves both consumers and businesses. The owners of Bluebird Self Storage are interested in building a 75,000 to 100,000 square foot structure on a 3.79-acre lot located at 100 Enterprise Dr (Map/Lot U39 4701) in the B3 Zone.

Since new storage facilities are currently **only** allowed in the Industrial zone, Commercial Place LLC has requested that the Town make appropriate changes to the Zoning ordinance to allow Bluebird Storage in the business park. Should the Council wish to consider this concept, staff has outlined a multi-step process.

This process includes the following steps:

1) Add a new definition for a high-end storage facility
2) Add the new definition as an allowable use in the Haigis Parkway District (HPZ), subject to performance standards
3) Change the above referenced lot from B3 to HP

Background

There are three separate, but related, issues being addressed by the proposed changes to the zoning ordinance.

First, the Council is being asked to consider an updated definition of a subset of storage facilities which have different characteristics than the mini warehouse/self-storage facilities defined by the ordinance in 1997.

Second, the Council is being asked whether or not this new use definition is appropriate for the Haigis Parkway Zone.

Third, the Council is being asked to move the corner lot (Route One and Enterprise Drive) of Enterprise Business Park from B3 to HP. The balance of Enterprise Business Park is already in the HP zone. This is the only lot in the park, not zoned HP.

Step one: Definition of Storage

Currently, the Scarborough Zoning Ordinance allows new "Mini-Warehouse/Storage Facilities" only in the Industrial Zone. The definition, developed in 1997, envisioned the traditional mini warehouse compound with several buildings and direct external access to all units, via overhead garage doors. Traditional designs of these buildings were often utilitarian in building design and aesthetics. The visual impact of the facilities was consistent with Scarborough's Industrial zone, rather than office parks.

Bluebird Self Storage challenged this image of self-storage. Working with the company and with research from industry groups, a new picture of modern self-storage emerged.

The industry has evolved into a new generation of facilities with the goal of fostering a stable, secure, upscale image for consumers. The new style of facilities is characterized by the following:

- Climate and humidity controlled to protect high value contents
- Limited hours of access, as opposed to 24-hour access
- Onsite management and staffing
- Internal access through corridors, rather than each unit having external access
- Higher end construction materials and design, yielding higher property values
- Landscaping as a prime consideration
- Compatible with planned office developments and business parks.

With these characteristics in mind, a new definition is proposed:

Climate Controlled/Internal Access Storage Facility

A storage facility built to a standard compatible with office and mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management.

The Climate Controlled/Internal Access Storage Facility will be subject to all performance standards of the existing definition of Mini-Warehouse/Storage Facilities with the exception of Standards 1 and 3, which will be amended as follows:

1. Mini-Warehouse/Storage Facilities shall be located only in the Industrial District. *Climate Controlled/Internal Access Storage Facilities may be located in the Industrial District and the Haigis Parkway District.*

3. Impervious surfaces (any material that prevents absorption of storm water into the ground) shall not cover more than fifty percent of the lot on which the Mini-Warehouse/Storage Facility is located*. For Climate Controlled/Internal Access Storage Facilities, impervious surface Coverage will follow the underlying zone.*

The existing definition of the Mini-warehouse/Storage facility will remain in place and will limited to the Industrial zone. Only those facilities which meet the additional definition of "Climate Controlled/Internal Access Storage Facility" would be allowed in the Haigis Parkway District.

Step Two: Amend Haigis Parkway Zone

The new definition of Climate Controlled/Internal Access Storage Facility is proposed for the Industrial District and the Haigis Parkway District.

Staff evaluated the possibility of allowing the new definition in B3, but felt the scale described by Bluebird Self-Storage and consistent with industry research, would be better suited to the Haigis Parkway District.

The Haigis Parkway District is recommended as an appropriate zone for the following reasons:

- Haigis is suited to larger scale developments (Bluebird storage is looking to build 75,000 to 100,000 square feet.)
- Haigis provides excellent logistics with respect to transportation and a central location.
- Haigis provides for a mixed-use environment.
- Haigis Parkway includes sufficient design standards to ensure a high-end building, compatible with existing and future development.

Step Three: Amend Zoning of Lot in Enterprise Business Park

The last step in this process is to consider rezoning a lot in the Enterprise Business Park from B3 to HP.

Steps one and two were about modernizing the zoning ordinance to accommodate an evolving industry. We've done these types of zone changes before, for example, on food processing.

Step three is about a specific proposal – Bluebird Self- Storage.

Bluebird Self-Storage is proposing to build a 75,000 to 100,000 square foot structure on a 3.79-acre lot located at 100 Enterprise Dr. (Map/Lot U39 4701) in the B3 Zone. This lot happens to be the only lot in the Enterprise Business Park which is NOT included in the Haigis Parkway Zone. The lot fronts onto the internal access road of the Enterprise Business Park, but is bordered on one side by Route One.

Since this lot is the only lot in the Enterprise Business Park that is NOT zoned as Haigis Parkway and the lot orientation and frontage is along Enterprise Drive, not Route One, a rezoning of the lot to HP would be reasonable.

LRPC Discussion

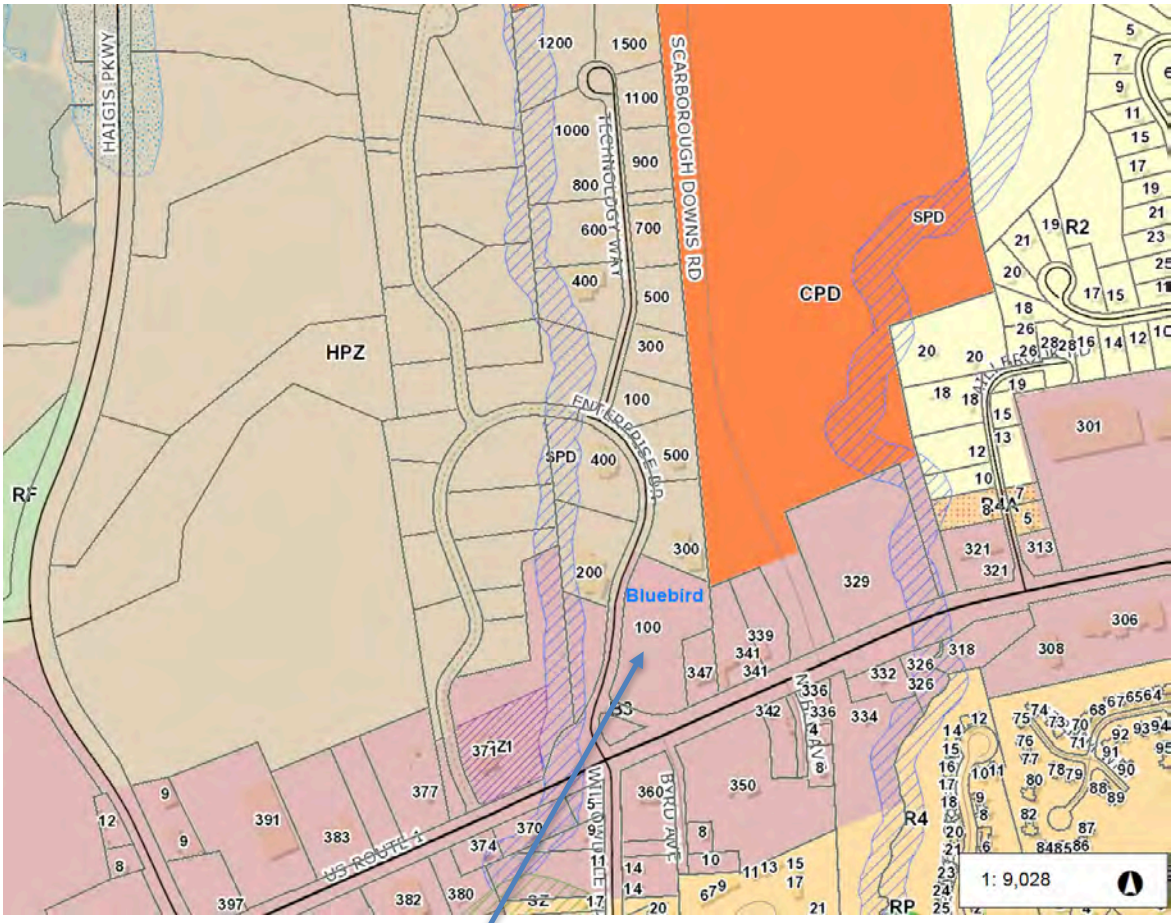
The Long Range Planning Committee (LRPC) discussed the merits of this property's zone change, as well as the additional proposed changes to the ordinance at their July 28th meeting.

They found the addition of a new definition of a high-end storage facility and the inclusion of the use in the HP to be reasonable. Further they looked at the lot proposed for rezoning and concluded that moving the lot from B3 to HP was also reasonable and consistent with the remainder of the Enterprise Business Park zoning. They also evaluated the concept of addressing the needs of the land owner through a contract zone, but felt that updating the current zoning would be in the interest of the town. This situation did not call for a contract zone.

While committee members were supportive of the change, they wanted to ensure that lots on both sides of the entrance to Enterprise Business Park were considered for rezoning. The lot on the south side of Enterprise Drive is owned and controlled by the Land Rover Dealership and is partially subject to a Contract Zone. Given the contract zone, a re-zoning did not seem appropriate.

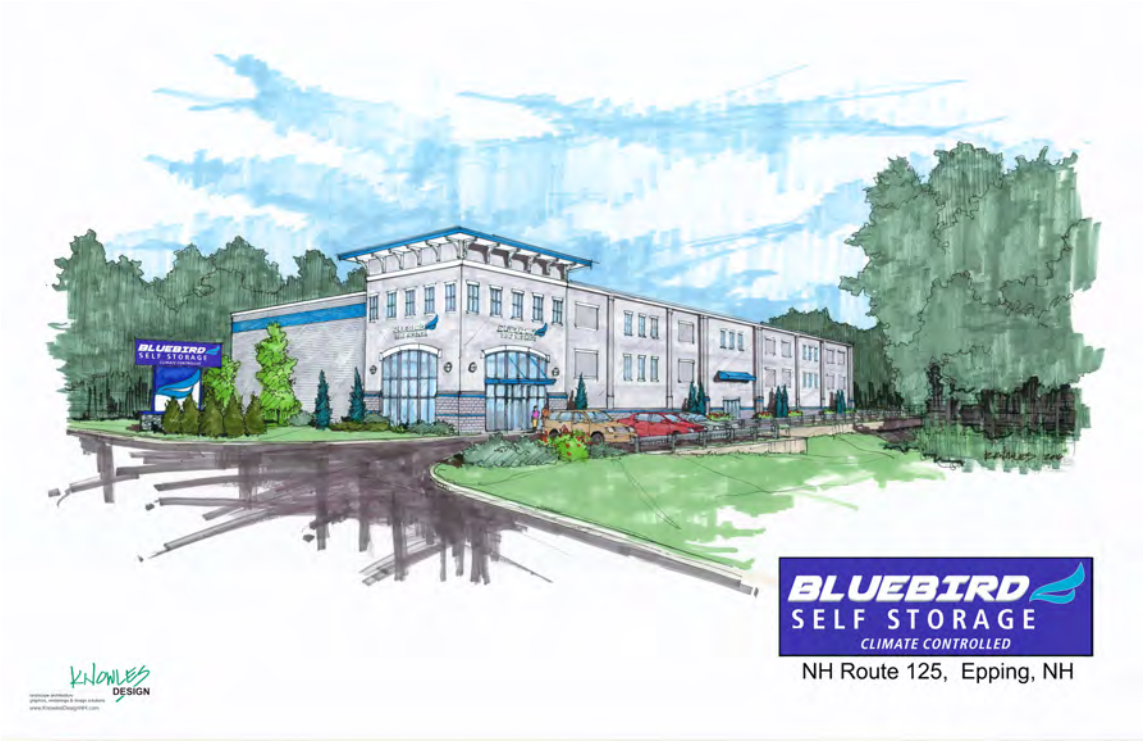
Attachments:

The following map shows the lot and its location within the Enterprise Business Park.



Bluebird Storage proposed location, currently zoned B3/proposed for HP

Examples of Bluebird Storage Facade





NORTH

MAP R51 LOT 1
N/F
THREE DIAMONDS REALTY

MAP R50 LOT 34A
N/F
THREE DIAMONDS REALTY

MAP R50 LOT 34A
N/F
THREE DIAMONDS REALTY

MAP U38 LOT 13
N/F
ALTHEA D. BLACKIE

MAP U39 LOT 46A
N/F
E AND F LIMITED LIABILITY CO.

MH #14
RIM=
INV. IN=24.31
INV. OUT=22.08

LOT 10
LOT 11
LOT 12
LOT 13
LOT 9
LOT 8
LOT 7
LOT 6
OPEN 2
OPEN 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36

75' STREAM PROTECTION DISTRICT

U.S. ROUTE ONE

N/F
STATE OF MAINE

MH #1
8"PVC

WILLOWDALE ROAD

DROP MANHOLE
RIM=
INV. IN=21.65
INV. IN=15.29
INV. OUT=15.29 (MH #1)

ENTERPRISE DRIVE

TECHNOLOGY WAY

PROPOSED 3-STORY
SELF-STORAGE FACILITY
120' X 320'
(TOTAL FA.: 115,200 SF)
SUGGESTED FFE = 31.00

ESTIMATED
HEADWAY AREA

5/8" SBR W/CAP
PLS# 1147
1" AB GND

5/8" SBR

MAP U39 LOT 48
N/F
TIRE WAREHOUSE, INC.

5/8 W/CAP
PLS# 466
0" AB GND

MAP U39 LOT 49
N/F
GILMAN REAL ESTATE MANAGEMENT

MAP R52 LOT 4
N/F
DAVRIC MAINE CORP.

MAP R52 LOT 4
N/F
DAVRIC MAINE CORP.

SCARBOROUGH DOWNS ENTRANCE ROAD

SCARBOROUGH DOWNS ENTRANCE ROAD

U.S. ROUTE ONE

SCALE

0 50 100 200

SCALE in FEET
1"=100'

REV	DATE	DESCRIPTION

REVISIONS

P.E. JASON A. VAFIADES
LIC. #12661

PROJECT
ENTERPRISE BUSINESS PARK
SCARBOROUGH, MAINE

SHEET TITLE
OVERALL EXISTING CONDITIONS PLAN

CLIENT
COMMERCIAL PLACE, LLC
PO BOX 6610
SCARBOROUGH, ME 04074

Atlantic Resource Consultants
541 US Route One
Freeport, ME 04032
Tel: 207.869.9050

DRAWN:	MPV	DATE:	AUGUST 30, 2017
DESIGNED:	JAV	SCALE:	AS SHOWN
CHECKED:	JAV	JOB NO.	16-019
FILE NAME:			
SHEET:	EX-100		

\\CIVIL02-PC\SharedFiles\16-019 Enterprise Business Park, Master Plan\Drawings\dwg\Concept\Master Plan Sheets.dwg

NORTH

N/F
STATE OF MAINE

OPEN 1

LOT 2

ENTERPRISE DRIVE

HYD

LANDSCAPED BUFFER

35'

PROPOSED 3-STORY
SELF-STORAGE FACILITY
120' X 320'
(TOTAL FA - 115,200 SF)
SUGGESTED FFE = 31.00

LANDSCAPED BUFFER

40'

20'

10'

30'

5' SIDEWALK

LANDSCAPED BUFFER

STORMWATER TREATMENT AREA

8"PVC

U.S. ROUTE ONE

38

LOT 4

#5 SBR W/CAP
PLS# 1147
1' AB GND

5/8" SBR

LOT 1
165,259 sq.ft.
3.79 acres

15'

MAP U39 LOT 48
N/F
TIRE WAREHOUSE,
INC.

SBR W/CAP
PLS# 466 6" AB
GND

MAP U39 LOT 49
N/F
GILMAN REAL ESTATE
MANAGEMENT

MAP R52 LOT 4
N/F
DAVRIC MAINE CORP.

FOR ZONING REVIEW
NOT FOR CONSTRUCTION

SCALE

0 15 30 60

SCALE in FEET
1"=30'

REV	DATE	DESCRIPTION

REVISIONS

ENTERPRISE DRIVE
SCARBOROUGH, MAINE
CONCEPTUAL SITE PLAN
BLUEBIRD STROAGE

COMMERCIAL PLACE LLC
P.O. BOX 6610
SCARBOROUGH, MAINE 04074

Atlantic Resource Consultants
541 US Route One
Freeport, ME 04032
Tel: 207.869.9050

DRAWN:	MPV	DATE:	AUGUST 30, 2017
DESIGNED:	JAV	SCALE:	1" = 30'
CHECKED:	JAV	JOB NO.	16-019A
FILE NAME:			
SHEET:	CPT-1		

\\CIVIL02-PC\SharedFiles\16-019 Enterprise Business Park, Master Plan\Drawings\dwg\Lot 1 - Bluebird\Zoning Board Concept.dwg

Proposed Amendments to Chapter 405, Town of Scarborough Zoning Ordinance: Request to Update Definitions, Performance Standards and Haigis Parkway District Uses Regarding Storage Facilities

SECTION VI – DEFINITIONS

Definitions: The Following definition will be added to the Zoning Ordinance:

Climate Controlled/Internal Access Storage Facility

A storage facility built to a standard compatible with office and/or mixed use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management.

SECTION IX (H). PERFORMANCE STANDARDS - MINI-WAREHOUSE/STORAGE FACILITIES AND CLIMATE CONTROLLED/INTERNAL ACCESS STORAGE FACILITIES [12/03/97]
The following standards shall apply to all Mini-Warehouse/Storage Facilities:

1. Mini-Warehouse/Storage Facilities shall be located only in the Industrial District.

2. Climate Controlled/Internal Access Storage Facilities may be located in the Industrial District and/or the Haigis Parkway District.

3.~~2. Mini-Warehouse/~~Storage Facilities shall be located on lots of no less than one acre and no greater than five acres total lot area.

4. Impervious surfaces (any material that prevents absorption of storm water into the ground) shall not cover more than fifty percent of the lot on which the Mini-Warehouse/Storage Facility is located.

5. Climate controlled/Internal Access Storage Facilities will follow the impervious surface requirements of the district where the facility is located.

6. Vehicle circulation within the facility shall allow for safe access to the individual storage units and shall include fire lanes acceptable to the Town of Scarborough Fire Chief.

7. Off-street parking shall be provided in accordance with Section XI of this Ordinance for any office space and for any dwelling unit located on the property pursuant to paragraph 6 below. Parking spaces shall not be provided for each unit, but the site shall be designed so that vehicles of customers picking up or depositing stored materials may stand temporarily in the aisles and adjacent to the storage units.

8. Notwithstanding anything to the contrary in this Ordinance, the lot on which ~~a Mini- Warehouse~~/ any Storage Facility ~~an~~ is located may contain one dwelling unit as an accessory structure and accessory

use to the ~~mini-warehouse/~~storage facility, provided the dwelling is occupied only by a resident facility manager or by on-duty employees of the facility.

9. Notwithstanding anything to the contrary in this Ordinance, a ~~Mini-Warehouse/~~Storage Facility may incorporate more than one storage building and may include an accessory dwelling unit without separately meeting the space and bulk requirements for each building.

10. No storage unit in a ~~Mini-Warehouse~~/Storage Facility may exceed five hundred square feet of floor area.

11. The owner of the ~~Mini-Warehouse/~~Storage Facility shall designate a facility manager who can be contacted at a specified address and telephone number, and shall at all times provide the Scarborough Code Enforcement Officer, the Scarborough Fire Department and the Scarborough Police Department with the current address and phone number of the facility manager. The function of the facility manager includes, but is not limited to: providing proper policing of the area for trash, debris and vandalism; reporting to the police department any evidence of storage of contraband property or materials unlawfully possessed by customers of the facility; reporting to the fire department and the code enforcement officer any evidence of storage of dangerous or hazardous materials.

12. The storage of hazardous, explosive or radioactive materials and of flammable liquid or gaseous materials is prohibited in a ~~Mini-Warehouse/~~Storage Facility. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.

13. No activities other than rental of the storage units and pick up and deposit of the stored personal property shall be allowed on the ~~Mini-Warehouse~~/Storage Facilities property. Examples of prohibited activities include, but are not limited to: wholesale or retail sales, auctions, garage sales; the service, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other equipment; and the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment or other similar tools. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit.

14. No outside storage of customers' goods or materials is allowed on the property of the ~~Mini-Warehouse/Storage Facility~~. This provision does not prevent storage of household articles customarily stored outdoors by the manager of the facility if the manager resides on the property.

15. The use of a ~~Mini-Warehouse/~~Storage Facility or any portion thereof may not be changed to any other use, even though such use is otherwise permitted under this Ordinance, until the proposed new use is first reviewed and approved by the Planning Board under the provisions of the Site Plan Review Ordinance.

16. Each customer, at the time of rental of a unit, shall be required to sign a lease or rental agreement which reserves to the owner and the owner's representatives, agents and employees the right to enter into and inspect the unit and its contents at any time without prior notice and which authorizes the owner and the owner's representatives, agents and employees to allow the Town of Scarborough Code Enforcement Officer, Fire Chief, Police Chief and their designated representatives to enter into and inspect the unit and its contents at any time without prior notice to the customer.

Notwithstanding anything to the contrary in this Ordinance or in 1 M.R.S.A. § 302, the standards of paragraph 1 ~~2 t~~through 16 ~~14~~ above shall apply to any application for a ~~Mini- Warehouse/~~Storage

Facility which has not received site plan approval from the Scarborough Planning Board prior to October 27, 1997 and to any application to expand, extend, enlarge, reconstruct, rebuild or replace a Mini-Warehouse/Storage Facility existing on October 27, 1997. (12/03/97)

SECTION: XVIII.B HAIGIS PARKWAY DISTRICT

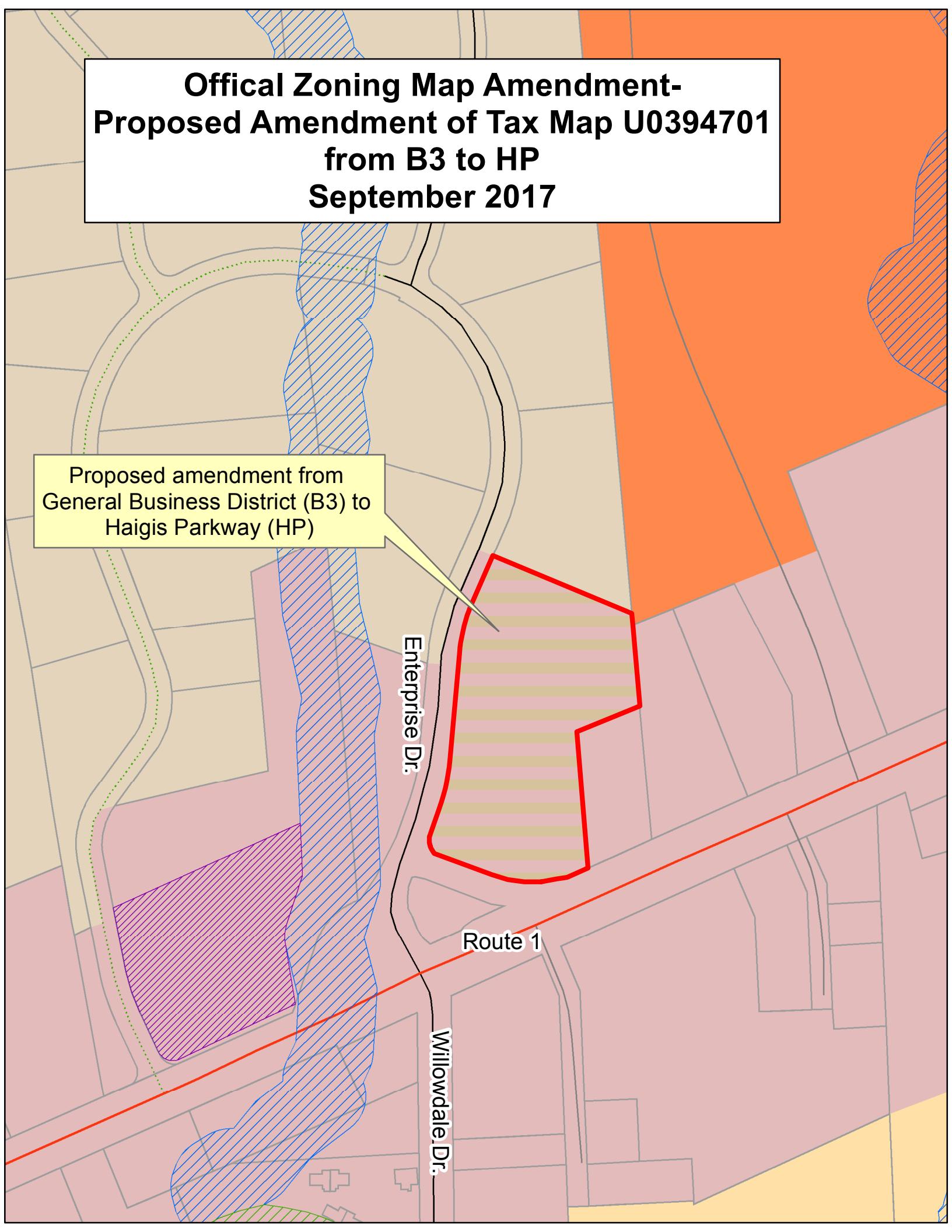
Add the Following use to SECTION B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS NON RESIDENTIAL USES

27. Climate Controlled/Internal Access Storage Facility, subject to Section IX (H) performance standards, and only within an approved subdivision.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-087. Move approval of the first reading and refer to the Planning Board, the proposed amendment to the Town of Scarborough Official Zoning Map to rezone the parcel located in the Enterprise Business Park identified as Map U39 Lot 4701 as shown on the Town Assessor's Map from the General Business District (B3) to the Haigis Parkway District (HP) and schedule the public hearing upon receipt of the recommendations from the Planning Board. *[SEDCO]*

SEDCO	*Ought to Pass*
Sponsor	Recommendation
09/06/17	
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote


Offical Zoning Map Amendment-
Proposed Amendment of Tax Map U0394701
from B3 to HP
September 2017
Proposed amendment from
General Business District (B3) to
Haigis Parkway (HP)
Enterprise Dr.
Route 1
Willowdale Dr.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-088. First reading and schedule a public hearing and schedule a second reading to repeal Chapter 308 – Town of Scarborough Ordinance Regulating Political Signs in the Public Right-of-Way. *[Ordinance Committee]*

Ordinance Committee	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*Public Hearing/Second Reading 09/20/17*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

CHAPTER 308
TOWN OF SCARBOROUGH
POLITICAL SIGN ORDINANCE
ADOPTED OCTOBER 5, 1994
AMENDED SEPTEMBER 6, 1995
REPEAL ORDER

Be it hereby ordained by the Town Council of the Town of Scarborough, Maine, in Town Council Assembled, as follows:

The Ordinance entitled "Political Sign Ordinance," as the same, has been enacted by the Town Council of the Town of Scarborough, is hereby repealed.

CHAPTER 308

TOWN OF SCARBOROUGH

POLITICAL SIGN ORDINANCE

ADOPTED OCTOBER 5, 1994
AMENDED SEPTEMBER 6, 1995

CHAPTER 308
TOWN OF SCARBOROUGH
ORDINANCE REGULATING POLITICAL SIGNS IN THE PUBLIC RIGHT-OF-WAY

1. Notwithstanding 23 M.R.S.A. §1913-A:

(a) Signs bearing political messages relating to an exclusively local election may not be placed within the right-of-way of any public way prior to twenty days before the election. An exclusively local election is an election or referendum pursuant to the Council/Manager Charter of the Town of Scarborough or pursuant to the laws governing the Scarborough Sanitary District and conducted on a day when there is no federal, state, county or regional election, primary or referendum.

(b) Signs bearing political messages relating to any election, primary or referendum and located within the right-of-way of any public way must be removed by the candidate or political committee not later than 48 hours after the election, primary or referendum.

2. Any person who places or authorizes the placement of a sign in violation of Section 1 of this ordinance or in violation of 23 M.R.S.A. Section 1913-A(l)(h) or who fails to remove a sign as required by Section 1(b) of this ordinance commits a civil violation punishable by a fine of up to $250.00. Each day each such sign remains in the right-of-way shall constitute a separate violation.

3. This ordinance shall be enforced by the Scarborough Police Department. In addition to seeking penalties under Section 2, any officer of the Scarborough Police Department may remove or cause the removal of any sign located in the right-of-way in violation of this ordinance.

4. Signs subject to regulations under this Ordinance are exempt from the requirements of the Scarborough Zoning Ordinance and the Town of Scarborough Shoreland Zoning Ordinance. [09/06/95]

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-089. Move approval on the request from the Police Department to receive an anonymous donation in the amount of $3,600.00 for a new speed/radar sign for the Pine Point area. *[Police Department]*

Police Department	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

August 9, 2017

Sgt. John O'Malley
Scarborough, ME

Dear Sgt. O'Malley,

Thank you again for coming to Pine Point last Monday, July 31, and giving me the opportunity to discuss the public safety issues here in Pine Point.

As we discussed, the speed of automobiles, motorcycles, and now mopeds gets worse every year. I have rental property on the corner of east Grand Avenue and Granite Street. I listen to and watch the speeding cars, etc .on a daily basis. Also, the crosswalk at East Grand and Granite Street is becoming more of an "accident on the way to happen". My tenants , along with the neighbors and their renters, are constantly complaining about the speed of the vehicles, the excessive noise of the motorcycles and the very dangers of crossing at the crosswalk to go to the store and/or to the beach.

The neighbors and I have been dealing with the above traffic problems/regulations and violations every summer. We have been discussing ways to make our streets, East Grand Avenue, King Street and Jones Creek Rd. safer and quieter for all the local homeowners, renters, the town's residents, and our visitors. The pedestrian traffic in the streets, especially at the intersection of the streets at bottom of Pine Point Road has dramatically increased this year, increasing the dangers and safety issues in Pine Point. We local Pine Point homeowners have gotten together, have come up with one helpful solution and have purchased a new Radar Speed Control Sign for the town of Scarborough.

This gift to the town will hopefully be placed on the roadsides of East Grand Ave, King Street and Jones Creek Rd. on a rotating basis. As we discussed, Sgt. O'Malley, we would like to have the Speed Control Sign implemented in Pine Point during the busy Summer months of July and August. In the off-season, we would hope that the town takes full advantage of this additional traffic control device to ensure the safety of the public at other town events/locations; for example, the traffic in Oak Hill at the football games, road races, etc . This gift to the town is for the safety and benefit of all.

Our hope is that the Town of Scarborough will rush the acceptance of this gift as soon as possible, so that it may be put to good use for the remaining three weeks of this busy Summer, 2017. We all know that August is the busiest month at the beaches, restaurants and stores in Pine Point. Let's make it as peaceful, safe and enjoyable as we can for all concerned.

Thank you.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-090. Move approval on the request to re-certify the July 25, 2017, School Budget Validation Referendum Election. *[Town Clerk]*

Town Clerk	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote

Town of Scarborough, Maine
US Route One, PO Box 360
Scarborough, Maine • 04070-0360

TO: Thomas J. Hall, Town Manager

FROM: Yolande P. Justice, Town Clerk

RE: Results of the July 25th School Budget Validation Referendum

DATE: August 21, 2017

Please accept this memo as notice that my office has recently identified a problem with the final vote tally from the most recent election held on July, 25, 2017. As a requirement of the post-election process, we must enter the voters off the Incoming Voter List [IVL] into the Central Voters Registration System [CVR]. This process is to ensure that the number of ballots cast match with the number of voters checked off in our IVL. During this review it was revealed that 200 ballots were not counted in the last school budget referendum vote held on July 25, 2017, the results of which were certified on August 2, 2017. Although the vote totals change as a result of this oversight, the good news is that there were equal numbers of Yes and No ballots, so the election results did not change. To ensure the integrity of the election process I recommend that the election results be re-certified by the Town Council as follows:

School Budget Validation Referendum

Yes:	1,947
No:	2,030*
Blanks:	3

To better understand how this oversight occurred, it may be helpful to provide some background regarding our process in tallying the results and why this oversight was only recently identified.

The office began this process on Wednesday, August 9, 2017 and completed entering voters from the IVL on Monday, August 14, 2017. We then printed off the Voter Participation History for the July 25th Election and found that the final numbers were off. We then started crosschecking the IVL list with the Voter Participation List and adding voters who missed being entered the first time round. The process took most of the week and it was during this process we became aware that we had more voters on IVL than ballots counted.

Once we became aware of the situation we retrieved the ballot containers from the Town Clerk's secured storage area on the first floor. We then put the lots in alphabetical/numerical order and found that four of the lots from Team C had not been signed off by the Clerk and not logged into the spreadsheets. Lots 13 and 14 both had 50 votes each for No and lots 15 and 16 had 50 votes each for Yes. Increasing the No vote by 100 and the Yes by 100. With the 200 ballots/votes that were found, we were able to balance our IVL with the Vote Participation History.

As you are aware, we hand-tally the ballots for the School Budget Validation Referendum Elections. Once the polls are closed at 8:00 p.m. the workers cleanup the area in which the hand counting takes place. We then bring the ballot container to the front of the council chambers where it is emptied and the ballots separated into groups of Yes votes and No votes. Once this is completed we then break each group into lots of 50. We then have teams of two [at the July 25th Election we had seven teams] that count the lots of 50, members of the team verify the others' lot to ensure the count is correct by signing off on each other's tally sheets [two sheets for each lot of 50]. The completed lots are then placed at the end of the table which indicates the lots are ready for pick up by a designated worker who in turn brings them to the Clerk to enter the totals into a spreadsheet. During the July 25th Election there were two individuals with laptops entering totals into their own spreadsheet for cross reference and confirmation of the totals.

When the lot of 50 ballots are presented to be entered into the spreadsheets, the two tally sheets are initialed by the Clerk; the first tally sheet is left with the Clerk who in turn enters the numbers into the appropriate slot on the spreadsheet and the second tally sheet is left with the lot of 50 ballots which is then packed in the appropriate container. Once the Clerk has entered the information from the tally sheet into her spreadsheet it is then handed to the second individual for input into the second spreadsheet. The process is repeated until all tally sheets are completed and the totals between the two spreadsheets are compared and matched.

It is my duty as Town Clerk to advise you of this matter as the integrity of the election process is far more important than my humility. I assure you that we are evaluating existing protocols to identify additional procedures and safeguards to ensure this does not happen again in future elections. Should you or the members of the Town Council have any questions, please let me know.

AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – SEPTEMBER 6, 2017
REGULAR MEETING – 6:00 P.M.

Order No. 17-091. Move approval on the request to certify the September 5, 2017, School Budget Validation Referendum Election. *[Town Clerk]*

Memo regarding certifying the results of the September 5, 2017, School Budget Validation will be available at the September 6th Town Council Meeting.

Town Clerk	*Ought to Pass*
Sponsor	Recommendation
09/06/17	*N/A*
First Reading/Vote/Public Hearing	Second Reading/Final Approval/Vote