MINUTES

SCARBOROUGH TOWN COUNCIL
WEDNESDAY – APRIL 1, 2026
HYBRID REGULAR MEETING – 7:00 P.M.

Item 1.Call to Order. Chairman Fellows called the regular meeting of the Scarborough Town Council to order at 7:05 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Clerk to the Council. Thomas J. Hall, Town Manager and Liam Gallagher, Assistant Town Manager, was present. Those Councilors present:

Councilor Scott W. Doherty — Councilor Jonathan E. Anderson
Councilor Lawrence W. Cain — Councilor William J. Donovan
Councilor Karin B. Shupe — Councilor Michelle T. Hayes
Chairman Cory R. Fellows

Item 4. General Public Comments.

- Denise Hamilton of Two Rod Road, expressed her disappointment in the town council's lack of response to her request for an investigation into the public works director's actions. She highlighted a council vote on February 4th regarding seasonal road postings and noted what she felt were unauthorized changes made on March 18th. She identified discrepancies in posting locations, road removals, and documentation obtained via a freedom of access request that contradicted official statements. She voiced her concerns about the council's compliance with its vote and the accuracy of public information, urging the council to respond and commence an investigation.

Item 5. Minutes: March 18, 2026 - Town Council Meeting. Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the minutes of the March 18, 2026, regular Town Council meeting.

Vote: 7 Yeas. Motion Carried.

Item 6. Adjustment to the Agenda. None at this time.

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

Item 8. Town Manager's Report.

a. **Presentation on the proposed FY2027 Municipal/School Budgets.** Thomas J. Hall, Town Manager and Dr. Diane Nadeau, Superintendent of Schools, presented their proposed FY2027 Budgets to the Town Council.

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

- Councilor Hayes noted that there would be Rules and Policies Committee meeting on Monday, April 6, 2025, start in at 5:00 p.m. Additionally, the Communication Committee recently discussed plans to publish dates for more discussions with councilors in the upcoming quarter. They would also be launching a pilot communication group consisting of 15 to 18 volunteers to enhance cross-town communication. Interested individuals of varying tenures and from different regions are encouraged to participate as communication ambassadors.

- Councilor Anderson, added to Councilor Hayes's comments noting that future Conversations with Counselors would focus on the budget, ensuring collaboration with the school board for scheduling and are expected to commence in May. This would allow time for deliberation post-school vacation when attendance may improve.
- Councilor Shupe stated April ordinance committee meeting has been cancelled; the next meeting would be in May. The Conservation Commission met and is collaborating with the Planning Department on a Low Impact Development Ordinance. The Planning Board is scheduled to meet on Monday, April 13th at 6:30 p.m. and would be addressing materials related to the current Council agenda.
- Councilor Cain noted the School Building Committee is progressing well, with Harriman nearing completion of the first draft of design changes after gathering input from approximately 70 meetings with school staff. Design updates will be reviewed with building principals. Third-party professionals for geo-tech and vernal pool testing have been hired, coinciding with the upcoming testing season. The full Committee is scheduled to meet Tuesday, April 14th at 6:00 p.m. at the middle school, which is open to the public for updates. The Finance committee is currently focusing on the budget process and will hold department meetings on Monday, April 13th and Tuesday, April 14th to review budget justifications. Both meeting are scheduled to start at 8:00 a.m.
- Chairman Fellows gave a report the Long Range Planning Committee meeting, which was on March 13th. There is continued discussion around zoning district consolidation with a focus on rural and suburban residential districts. The Committee meets again on Friday, April 10th, they are to wrap up that discussion and move on to u suburban zones.

Order No. 26-026, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance. ***[Town Engineer]*** Angela Blanchette, Town Engineer, gave a brief overview on this Order. Chairman Fellows opened the public hearing.

- Jim Pritchard of Maple Avenue raised a question about street parking in the Green Acres area and its relation to traffic control. The Town Engineer clarified that the current ordinance prohibits overnight parking throughout the town, but provides exceptions for specific streets. As such, overnight parking remains prohibited in the Green Acres neighborhood, although daytime parking is allowed.

As there were no further comments either for or against, the hearing was closed at 7:53 p.m.

Motion by Councilor Anderson, seconded Councilor Hayes, to move approval of the second reading on the proposed amendments to Chapter 601 – the Town of Scarborough Traffic Ordinance, as follows:

CHAPTER 601
TOWN OF SCARBOROUGH
TRAFFIC ORDINANCE

BE IT HEREBY ORDAINED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes reflects only that portion to Chapter 601 the Traffic Ordinance of the Town of Scarborough, Maine, that will be changed, is hereby amended, as follows (additions are underlined; deletions are struck through):

The Table of Contents and Renumbering of Sub-Sections will be updated upon approval.

1. Proposed amendment to Section 5:

Section 5. Parking Prohibited, Specific Locations. [amended 07/16/14]

No person shall park a vehicle in any of the following places, nor shall any person move a vehicle not owned by him into any of the said places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, other authorized person, or traffic control device:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within 20 feet of an intersection;

(d) Within 10 feet of a fire hydrant;

(e) 20 feet of ~~On~~ a crosswalk;

(f) Within 20 feet of the near corner of the curbs at an intersection;

(g) Within 30 feet upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(h) Between a safety zone and the adjacent curb;

(i) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station;

(j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(k) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or double park, so-called;

(l) Upon any bridge or other elevated structure upon a highway;

(m) At any place where official signs prohibit stopping.

2. Proposed amendment to Section 25:

Section 25. Parking Restrictions.

A. PARKING RESTRICTIONS

I. No Person shall park any motor vehicle or combination of vehicles on any public street or public way, which exceeds 23 feet in length in any areas zoned residential pursuant to the Zoning Ordinance, unless such vehicle is engaged in making a delivery, accepting or discharging passengers, loading or unloading cargo, or providing governmental, utility, emergency or other services to abutting properties. This prohibition does not apply to vehicles engaged in the construction, repair, maintenance of public streets, public ways or publicly owned property.

No person shall park any camper, recreational vehicle, trailer or similar vehicle, whether attached or not attached to another vehicle upon any public street or public way.

II. NO PARKING AT ANY TIME.

No person shall park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with direction of a police officer or authorized person or traffic control device. [Amended 07/16/14]

(1) No all-night parking upon any street (year round) between the hours of 2 A.M. and 6 A.M.

(2) Upon the Pleasant Hill Road from U.S. Route One to the Rigby Road.

(3) Upon the westerly side of the Willowdale Road from U.S. Route One to the end of the Town right-of-way. (Parking permitted on the easterly side).

(4) Upon the Black Point Road from the Old Neck Road to Kirkwood Road. No parking on the Black Point Road from Ferry Road to the end of the Public Way at Prouts Neck. [Amended 11/16/94]

(5) Upon the Broadturn Road within 50' of U.S. Route One to end.

(6) Upon the Pine Point Road (Route #9) within 50' of U.S. Route One.

(7) Upon U.S. Route One from the South Portland line to the Saco line (both sides).

(8) No parking on the northerly side of Southgate Road for a distance of not less than 200 feet from the intersection of U.S. Route One. No parking on the southerly side of Southgate Road for a distance of not less than 60 feet from the intersection of U.S. Route One.

(9) Upon Pillsbury Drive (entire length).

(10) East Grand Avenue (east side) one parking space in front of 19 East Grand Avenue formerly; Colony Motel, no parking. [Adopted 10/6/76]

(11) Avenue One Extension (entire length – from King Street to the ocean). [Amended 6/7/89] [Amended 07/16/14]

(12) Upon Douglas Circle (from Pine Point Road to a point fifty feet beyond the start of the circle) both sides of the road. [Amended 08/01/90]

(13) On Elmwood Avenue from Greenacres Lane to the Dead End by Sewer Pumping Station. [Amended 08/01/90]

(14) Eastern Road (on the southerly side only, from Route 207 to the east, entire length. [Amended August 1, 1990]

(15) Orchard Street (upon the southerly side only) from U.S. Route 1 to Carriage Way. [Amended 08/18/04]

(16) Upon the southerly side (ocean side) the entire length of Eagles Nest Drive. [Amended 09/07/04]

(17) No parking along Bayview Avenue from Houghton Street to Pearl Street. (Adopted J01/20/10]

(18) No parking on north side of Gorham Road from 183 Gorham Road to the intersection of Gorham Road and Spring Street at number 209 and on the south side of Gorham Road from the westerly end of the stockade fence fronting on 200 Gorham Road, easterly for a distance of 50 yards. [amended 12/21/17]

(19) Within 50 feet of the southwest most corner of the entrance to or within 50 feet of the northeast most corner of the exit to the Scarborough Beach State Park, located at 418 Black Point Road. [adopted 08/15/18]

(20) Parking shall be allowed on the easterly side of Acorn Lane from September 16th to April 30th.
(21) No parking on either side of Bridges Drive (entire length). [Adopted ????]

III. HIGGINS BEACH

No parking upon any of the public streets or highways within the area known as Higgins Beach. For the purpose of this Ordinance the Higgins Beach area is defined as including the area bounded on the South by the Atlantic Ocean, on the East by the Spurwink River, on the West by the property now or formerly of one Edward Piper and on the North by the Spurwink Road (Route #77).

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

a. Exempt from the paragraph above, parking is allowed in the following locations:

(i) two handicapped parking spaces on Bayview Avenue across from Ashton Street, with no time limit. (amended April 21, 1999)

(ii) From May 1st to September 15th, 1-hour parking shall be allowed, from 6:00 a.m. to 10:00 p.m., in designated metered parking spaces, on the ocean side only of Bayview Avenue. From the end of the drop-off zone to Morning Street from September 16th to April 30th, the 1-hour parking shall not be in effect.

(iii) A five-minute drop-off zone, year-round. on the ocean side of Bayview Avenue only outside the travel lane beginning at Pearl Street and continuing approximately 90 feet north toward Ashton Street.

b. On all other areas of Bayview Avenue there shall be no parking at any time, except during the off-season [September 16th to April 30th] on the ocean side of Bayview Avenue from Morning Street to Vesper Street.

c. there shall be no parking on any of the other streets year-round unless otherwise noted herein.

d. No parking upon either side of Spurwink Road (Route #77), from Pleasant Hill Road continuing to the Southerly side of Founders Way.

e. Vehicles found in the Higgins Beach Parking lot outside of the posted operational hours will be subject to ticketing as established in Section 22 of this Ordinance.

IV. PROUTS NECK (from May 1 to September 15 of each year).

a. No parking upon any of the public streets or highways within the area known as Prouts Neck area. For the purpose of this Ordinance, the Prouts Neck area is defined as including Black Point Road (both sides) from Kirkwood Road to Winslow Homer Road. ~~the area generally South of the property at 364 Black Point Road, now or formerly owned by Eucharist Archambault on the Prouts Neck Road. (Black Point Road).~~

~~b. Black Point Road from Kirkwood Road to Ferry Road.~~

XIII. SCARBOROUGH DOWNS

Notwithstanding the general prohibitions on overnight parking, such as parking bans, on-street parking between the hours of 2:00 A.M. and 6:00 A.M. is permitted on Scarborough Downs Road, Frontrunner Road, Pacer Way and Hackamore Avenue within designated on-street parking spaces.

E. LOCATIONS WHERE VEHICLES ARE REQUIRED TO MAKE A FULL AND COMPLETE STOP. [UPDATED 10/85][AMENDED 8/90; 02/05/2003 - EFFECTIVE DATE 5/1/2003][AMENDED 09/03/2003; 09/15/2004; 04/??/2026]

The Town Council shall establish by order a schedule of locations at which vehicles are required to make a full and complete stop, which will be designated as Traffic Schedule No. 1. The installation of official stop signs or other traffic control devices will identity such locations. Traffic Schedule No. 1 shall be maintained and made available at: [INSERT LINK], and be amended from time to time by Town Council Order.

~~At Abigail Way on Maple Avenue (East)~~
~~At Abigail Way on Maple Avenue (West)~~
~~At Ash Swamp Road on Hearn Road~~
~~At Avenue Five on Driftwood Lane~~
~~At Bayview Avenue on Houghton Street~~
~~At Bayview Avenue on Ashton Street~~
~~At Bayview Avenue on Vesper Street~~
~~At Bayview Avenue on Ocean Avenue~~
~~At Bayview Avenue on Morning Street~~
~~At Black Point Road on Thornton Avenue~~
~~At Black Point Road on Winnocks Neck Road~~
~~At Black Point Road on Old County Road~~
~~At Black Point Road on Highland Avenue~~
~~At Black Point Road on Roundabout Drive~~
~~At Black Point Road on Fogg Road~~
~~At Black Point Road on Woodside Drive~~
~~At Black Point Road on Clay Pits Road~~
~~At Black Point Road on Woodrock Drive~~
~~At Black Point Road on Old Neck Road~~
~~At Black Point Road on Spurwink Road~~
~~At Black Point Road on Ferry Road~~
~~At Black Point Road on Pinewood Circle (2)~~
~~At Broadturn Road on Ash Swamp Road~~
~~At Broadturn Road on Martin Avenue~~
~~At Broadturn Road on Susan Avenue~~
~~At Broadturn Road on Castle Terrace~~
~~At Broadturn Road on Hearn Road~~
~~At Broadturn Road on Holmes Road (Southeast)~~
~~At Broadturn Road on Holmes Road (Northwest)~~
~~At Broadturn Road on Burnham Road (Southeast)~~
~~At Broadturn Road on Burnham Road (Northwest)~~
~~At Broadturn Road on Hanson Road~~
~~At Beech Ridge Road on West Beech Ridge Road~~
~~At Beech Ridge Road on Dresser Road~~
~~At Beech Ridge Road on Holmes Road (East)~~
~~At Beech Ridge Road on Holmes Road (West)~~
~~At Chamberlain Road on Highland Avenue~~
~~At Chamberlain Road on Ramsey Terrace~~
~~At Clay Pits Road on Nonesuch Cove Road~~
~~At County Road on Broadturn Road~~
~~At County Road on Deering Road~~
~~At County Road on Gorham Road~~
~~At County Road on Saco Road~~
~~At County Road on Beech Ridge Road~~
~~At Driftwood Lane on Riversands Drive~~
~~At Dunstan Avenue on North Street~~
~~At Dunstan Avenue on Charles Circle~~
~~At East Grand Avenue on Eleventh Street~~
~~At East Grand Avenue on Ninth Street~~
~~At East Grand Avenue on Bay Street~~
~~At East Grand Avenue on Sea Rose Lane~~
~~At East Grand Avenue on Beach Street~~
~~At East Grand Avenue on Pine Street~~
~~At East Grand Avenue on Dover Street~~
~~At East Grand Avenue on Bliss Street~~
~~At East Grand Avenue on Granite Street~~
~~At East Grand Avenue on Oak Street~~
~~At East Grand Avenue on Route #9 at the Traffic Circle~~
~~At East Grand Avenue on Pine Point Road (Ocean End)~~
~~At Elmwood Avenue on Greenacres Lane~~
~~At Elmwood Avenue on Hunnewell Road~~
~~At Elmwood Avenue on Maple Avenue (North)~~
~~At Elmwood Avenue on Maple Avenue (South)~~
~~At Elmwood Avenue on Second Avenue~~
~~At Elmwood Avenue on Third Avenue~~
~~At Greenacres Lane on I-295 Cut Off~~
~~At First Street on Maple Avenue (North)~~

~~At First Street on Maple Avenue (South)~~
~~At First Street on Sunset Road~~
~~At First Street on Hudson Street~~
~~At Fogg Road on Ironclad Road~~
~~At Glenndale Drive at Broadturn Road (10/2/85)~~
~~At Gorham Road on Greenneedle Drive~~
~~At Gorham Road on Sawyer Road~~
~~At Gorham Road on Maple Avenue~~
~~At Gorham Road on Asselyn Drive~~
~~At Gorham Road on Spring Street~~
~~At Gorham Road on Mussey Road (Northeast)~~
~~At Gorham Road on Mussey Road (Northwest)~~
~~At Gorham Road on Payne Road (Northeast)~~
~~At Gorham Road on Payne Road (Northwest)~~
~~At Gorham Road on New Road~~
~~At Gorham Road on Running Hill Road~~
~~At Gorham Road on Beech Ridge Road (Northeast)~~
~~At Gorham Road on Beech Ridge Road (Northwest)~~
~~At Gorham Road on Exit Road from Wentworth Middle School by Town Library, (amended 08/01/90)~~
~~At Gorham Road on Exit Road from Wentworth Middle School by tennis courts, (amended 08/01/90)~~
~~At Green Road on Running Hill Road~~
~~At Greenacres Lane on Elmwood Avenue (East)~~
~~At Greenacres Lane on Elmwood Avenue (West)~~
~~At Greenwood Avenue on Ocean Avenue (amended 04/05/00)~~
~~At Greenwood Avenue on Pearl Street (both sides)~~
~~At Greenwood Avenue on Morning Street~~
~~At Gunstock Road on Minuteman Drive (amended 11/14/94)~~
~~At Gunstock Road on Nutter Way. (Both sides of intersection making a four way stop. Amended August 1, 1990).~~
~~At Gunstock Road on Powderhorn Drive (amended 11/14/94)~~
~~At Hearn Road on Ash Swamp Road (East)~~
~~At Hearn Road on Ash Swamp Road (West) (amended 09/03/03)~~
~~At Heritage Lane on Pilgrim Drive~~
~~At Heritage Lane on Puritan Drive~~
~~At Highland Avenue on Ole Musket Road~~
~~At Highland Avenue on Pleasant Hill Road from both directions~~
~~At Highland Avenue on Woodland Road~~
~~At Highland Avenue on Marcia Street~~
~~At High Point Road on Orchard Hill Road~~
~~At High Point Road on Sandy Point Road~~
~~At High Point Road on Salt Marsh Circle~~
~~At Hillside Avenue on Storer Drive~~
~~At Hillside Avenue on Kennedy Drive~~
~~At Holmes Road on Two Rod Road~~
~~At Holmes Road on Mitchell Hill Road~~
~~At Holmes Road on Dresser Road~~
~~At Houghton Street on Greenwood Avenue (Westerly side)~~
~~At Houghton Street on Shell Street~~
~~At Hunnewell Road on Laidlaw Lane~~
~~At Hunnewell Road on Maple Avenue (North)~~
~~At Hunnewell Road on Maple Avenue (North)~~
~~At Jasper Street on Dodge Street~~
~~At Jasper Street on Baker Street~~
~~At Jasper Street on Merrill Street~~
~~At Jones Creek Drive on Tasker Avenue~~
~~At Jones Creek Drive on Avenue One~~
~~At Jones Creek Drive on Avenue Two~~
~~At Jones Creek Drive on Avenue Three~~
~~At Jones Creek Drive on Avenue Four~~
~~At Jones Creek Drive on Avenue Five~~
~~At King Street on Avenue Seven~~
~~At King Street on Avenue Six~~
~~At King Street on Avenue Five - both sides~~
~~At King Street on Avenue Four~~
~~At King Street on Avenue Three~~
~~At King Street on Avenue Two~~
~~At King Street on Avenue One~~
~~At King Street on Avenue One - both sides~~
~~At King Street on Tasker Avenue~~
~~At King Street on Pine Point Road (Ocean side)~~
~~At Manson Libby Road on Southgate Road~~
~~At Maple Avenue on First Street~~
~~At Maple Avenue on Sunset Road~~
~~At Maple Avenue on Elmwood Avenue~~

~~At Maple Avenue on Laidlaw Lane~~
~~At Maple Avenue on Hunnewell Road~~
~~At Marion Jordan Road on Meadowood Road~~
~~At Minuteman Drive on Gunstock Road (amended 11/14/94)~~
~~At Mussey Road on Spring Street (both sides)~~
~~At Mussey Road on Honan Road~~
~~At Nelson Road on Ramsey Terrace~~
~~At Nelson Road on Wayne Circle~~
~~At Nutter Way on Gunstock Road~~
~~At Nutter Way on Ole Ironside Lane~~
~~At Nutter Way on Powderhorn Drive~~
~~At Nutter Way on Cannon Lane~~
~~At Ocean Avenue on Greenwood Avenue (East and West)~~
~~At Old Blue Point Road on Milliken Mills Road~~
~~At Old County Road on Kimball Drive~~
~~At Old Neck Road on Melbourne Drive~~
~~At Old Neck Road on Rhonda Drive~~
~~At Old Neck Road on Thomas Drive~~
~~At Ole Musket Road on Flintlock Drive~~
~~At Olde Mill Road on Coachlantern Lane (East and West)~~
~~At Olde Mill Road on Partridge Lane~~
~~At Olde Mill Road on Tall Pines Road~~
~~At Orchard Hill Road on Tall Pines Road~~
~~At Partridge Lane on Fern Circle~~
~~At Payne Road on Milliken Road~~
~~At Payne Road on Beech Ridge Road~~
~~At Payne Road on Scottow Hill Road~~
~~At Payne Road on Puritan Drive~~
~~At Payne Road on Pilgrim Drive~~
~~At Payne Road on Plymouth Drive~~
~~At Payne Road on Two Rod Road (North)~~
~~At Payne Road on Two Rod Road (South)~~
~~At Payne Road on Holmes Road~~
~~At Payne Road on Mussey Road~~
~~At Payne Road on Gorham Road (both sides)~~
~~At Payne Road on Spring Street (North)~~
~~At Payne Road on Cummings Road~~
~~At Pilgrim Drive on Colonial Drive~~
~~At Pine Point Road on Douglas Road~~
~~At Pine Point Road on Dunstan Landing Road~~
~~At Pine Point Road on Old Blue Point Road~~
~~At Pine Point Road on Hillside Avenue~~
~~At Pine Point Road on Eagles Nest Drive~~
~~At Pine Point Road on Sylvan Drive~~
~~At Pine Point Road on Seavey Landing Road~~
~~At Pine Point Road on Ocean View Road~~
~~At Pine Point Road on Jasper Street~~
~~At Pine Point Road on Ross Road~~
~~At Pine Point Road on Snow Road~~
~~At Pine Point Road on Bickford Street~~
~~At Pine Point Road on Holly Street~~
~~At Pine Point Road on Depot Street~~
~~At Pine Point Road on Jones Creek Drive~~
~~At Pleasant Hill Road on Rigby Road~~
~~At Pleasant Hill Road on Pond View Drive~~
~~At Pleasant Hill Road on Gibson Road~~
~~At Pleasant Hill Road on Chamberlain Road~~
~~At Pleasant Hill Road on Robinson Road~~
~~At Pleasant Hill Road on Nelson Road~~
~~At Pleasant Hill Road on Pleasant Avenue~~
~~At Pleasant Hill Road on Highland Avenue (East)~~
~~At Pleasant Hill Road on Highland Avenue (West)~~
~~At Pleasant Hill Road on Flintlock Drive~~
~~At Pleasant Hill Road on Gunstock Road~~
~~At Pleasant Hill Road on Minuteman Drive~~
~~At Pleasant Hill Road on Fogg Road~~
~~At Portland Farms Road on Eastern Road (amended 09/15/04)~~
~~At Powderhorn Drive on Gunstock Road (amended 11/14/94)~~
~~At Powderhorn Drive on Militia Lane~~
~~At Powderhorn Drive on Ole Musket Road~~
~~At Powderhorn Drive on Scabbard Road~~
~~At Ramsey Terrace on Robinson Road~~
~~At Robinson Road on Ramsey Terrace~~
~~At Route #1 on Pleasant Hill Road~~
~~At Route #1 on Payne Road~~
~~At Route #1 on Riverview Place~~
~~At Route #1 on Kenosha Avenue~~
~~At Route #1 on Portland Farms Road~~
~~At Route #1 on Foxcroft Drive~~
~~At Route #1 on Maple Avenue~~
~~At Route #1 on Downeast Lane~~
~~At Route One on Fairfield Road~~
~~At Route #1 on Westwood Avenue~~
~~At Route #1 on Libby Street~~

~~At Route #1 on Ward Avenue~~
~~At Route #1 on Millbrook Road~~
~~At Route #1 on Scottow Hill Road~~
~~At Route #1 on Milliken Road~~
~~At Route #1 on Rose Hill Way~~
~~At Route #1 on Harlow Street~~
~~At Route #1 on Orchard Street~~
~~At Route #1 on Church Street~~
~~At Route #1 on Dunstan Avenue~~
~~At Route #1 on Queens Drive~~
~~At Route #1 on Willowdale Road Turn Around~~
~~At Running Hill Road on Gorham Road~~
~~At Running Hill Road on New Road~~
~~At Sawyer Road on Barbara Avenue~~
~~At Sawyer Road on Herbert Drive~~
~~At Sawyer Road on Imperial Lane~~
~~At Sawyer Road on Phillip Street~~
~~At Saco Street on Vance Street~~
~~At Scottow Hill Road on Two Rod Road~~
~~At Serenity Drive on Eastern Road (amended 09/15/04)~~
~~At Spurwink Road on Sawyer Road~~
~~At Spurwink Road on Pleasant Hill Road~~
~~At Spurwink Road on Ocean Avenue~~
~~At Spurwink Road on Marion Jordan Road~~
~~At Sunset Road on Second Avenue~~
~~At Sunset Road on Third Avenue~~
~~At Tall Pines Road on Spruce Circle~~
~~At Tall Pines Road on Hemlock Circle~~
~~At Tall Pines Road on Cedar Circle~~
~~At Tall Pines Road on Rocky Hill Road~~
~~At Tall Pines Road on Ledgewood Circle~~
~~At Thomas Drive on Melbourne Drive~~
~~At Thornton Street on Fairfield Road~~
~~At Two Rod Road on Heritage Lane~~
~~At Vesper Street on Greenwood Avenue~~
~~At Welch Drive on Woodland Road~~
~~At Westwood Avenue on Seaview Avenue~~
~~At Westwood Avenue on Thornton Avenue~~
~~At Winnocks Neck Road on Olde Mill Road~~
~~At Winnocks Neck Road on Old County Road (2 entrances)~~
~~At Winnocks Neck Road on Orchard Hill Road~~
~~At Woodland Road on Nelson Road~~
~~At Woodland Road on Pleasant Avenue~~

F. LOCATIONS FOR "NO THROUGH TRUCKS (OVER 10 TON ~~26,001 POUNDS~~)" SIGNS. [Amended 04/??/2026]

Schedule of No Through Truck Locations. The Town Council shall establish by order a schedule of locations where "No Through Trucks" restrictions apply, which shall be designated as Traffic Schedule No. 2. Such locations shall be identified by the installation of official "No Through Trucks" signs or traffic control devices. Weights of vehicles will be determined by registered weight of the vehicle. Traffic Schedule No. 2 shall be maintained and made available at: [INSERT LINK], and may be amended from time to time by Town Council Order.

~~Chamberlain Road*~~
~~Fairfield Road*~~
~~Fogg Road*~~
~~Maple Avenue*~~
~~Mitchell Hill Road***~~
~~New Road**~~
~~Pond View Drive~~
~~Sawyer Road*~~
~~Thornton Road*~~
~~Two Rod Road (Homes Road – Scottow Hill Road)~~
~~Westwood Avenue*~~

~~*Revised to include 10/01/86~~
~~**Revised to include 8/4/88~~
~~***Revised to include 4/3/91 No Truck over 10 Tons~~

G. LOCATIONS FOR "YIELD" SIGNS [Adopted ????]

Schedule of Yield-Controlled Locations. The Town Council shall establish by Order a schedule of locations where vehicles are required to yield the right-of-way, which shall be designated as Traffic Schedule No. 3. Such locations shall be identified by the installation of official "Yield" signs or other traffic control devises. Traffic Schedule No. 3 shall be maintained and made available at: [INSERT LINK], and may be amended from time to time by Town Council Order.

H.~~G.~~ LOCATIONS FOR "EMERGENCY STOPPING ONLY" SIGNS [Adopted 01/20/2010]

Emergency Stopping Only Location. The Town Council shall establish by Order, a location where stopping is permitted only in the event of an emergency, which shall be designated as Traffic Schedule 4. Such locations shall be identified by the installation of an official "Emergency Stopping Only" sign or other traffic control devices. Traffic Schedule No. 4 shall be maintained and made available at: [INSERT LINK], and may be amended from time to time by Town Council Order. ~~Pillsbury Drive [the right-of-way between lots 37 and 38].~~

I.~~H.~~ LOCATIONS FOR "NO PARKING/STOPPING/IDLING" SIGNS [Adopted 04/02/2012]

Schedule of No Parking/Stopping/Idling Locations. The Town Council shall establish by Order, a schedule of locations location where no parking stopping or idling prohibited, which shall be designated as Traffic Schedule 5 available at: [INSERT LINK], and may be amended from time to time by Town Council Order. ~~On the eastside of Bayview between Ocean Avenue and Pearl Street.~~

J.~~I.~~ POLICE ESCORT OF OVER LIMIT HIGHWAY PERMIT - MOVES [12/01/93]

Any person, firm or corporation who moves or causes the movement of any over-limit load which requires a permit for movement of such load from the Maine Department of Transportation and said permit stipulates that a police escort is required before such move may be made upon any of the streets or highways with the Town of Scarborough, shall arrange for said escort through the Scarborough Police

Department. A fee for a police escort shall be charged by the Police Department in accordance with the hourly rate established by the Scarborough Town Council for "*Special Police Services.*" An additional fee shall be charged for the assignment of any police cruiser(s) assigned to said escort also at a rate established by the Scarborough Town Council. Fees collected must be used to defray the costs of providing services.

Vote: 7 Yeas. Motion Carried.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 26-029. First reading and schedule a public hearing on the proposed FY2027 Municipal/School Budgets. ***[Town Manager/Superintendent of Schools]*** Thomas J. Hall, gave a brief introduction to this Order. There were no comments made.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the first reading on the proposed FY2027 Municipal/School Budgets and schedule a public hearing for Wednesday, April 15, 2026, as follows:

Budget Order for Fiscal Year 2027

Be it ordered that the Scarborough Town Council approves the first reading on the FY2027 Budgets and **schedule the public hearing for Wednesday, April 15, 2026,** the line-item appropriations and expenditures for all offices, agencies and departments of the Town as follows:

SUMMARY MUNICIPAL OPERATING BUDGET 2027	
TOTAL EXECUTIVE	4,260,858
TOTAL HUMAN RESOURCE/GENERAL ASSISTANCE	772,293
TOTAL FINANCE ALL DIVISIONS	1,677,301
TOTAL MUNICIPAL INFORMATION SYSTEMS	2,818,352
TOTAL PLANNING DEPARTMENT ALL DIVISIONS	1,206,637
TOTAL COMMUNITY SERVICES ALL DIVISIONS	4,337,888
TOTAL LIBRARY NET – TOWN APPROPRIATION	1,527,371
TOTAL SEDCO	352,493
TOTAL FIRE ALL DIVISIONS	9,309,496
TOTAL POLICE ALL DIVISIONS	11,750,363
TOTAL PUBLIC WORKS ALL DIVISIONS	10,040,247
TOTAL ENGINEERING & TECHNICAL SERVICES	918,327
TOTAL DEBT (Town Only)	4,780,456

Be it further ordered that the Scarborough Town Council hereby appropriates the sum of **$575,000** for Resident Senior Property Tax Relief as authorized under – Chapter 313 – Property Tax Assistance Ordinance; and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Operating Budget (including school debt), the sum of **$76,443,417** and the Town of Scarborough raises as the local share for the Education Operating Budget, the sum of **$64,828,513** and,

Be it further ordered that the Scarborough Town Council hereby appropriates, for school purposes, the Education Adult Education and Food Services, the sum of **$2,853,205** and the Town of Scarborough raises as the local share for the Education Adult Education and Food Services Budgets, the sum of **$135,879** and,

Be it further ordered, that the Town Council hereby authorizes the Chairperson of the Town Council to sign the Municipal Expenditure Warrant approving all expenditures paid at the regular meetings of the Town Council and;

Be it further ordered that the Town of Scarborough hereby appropriates the Town's due portion of the County Tax, in the amount of **$4,065,669** for the period July 1, 2026, through June 30, 2027; and a six-month County Assessment transition of **$287,875** covering year 4 of 5; and,

Be it further ordered that the Scarborough Town Council hereby approves adding **$26,234,940** to the Capital Budget and appropriates for Capital purposes, the sum of **$0** for school capital programs and **$60,000** for town capital; for a total Capital Appropriation of **$60,000** be funded from property taxes. Be it further ordered, that the Scarborough Town Council recognizes, in the Capital Budget, the sum of up to **$9,400,000** for the Town-wide Radio Project, is subject to the appropriation authority being granted by a voter referendum pursuant to Section 907 of the Town Charter.

Be it further ordered that the Scarborough Town Council hereby further declares:

WHEREAS, included within the **$26,234,940** Fiscal Year 2027 Capital Budget were **$26,174,190** of Municipal and School projects the Town intends to advance funds from the general fund for those purposes and then issue general obligation bonds to reimburse itself for spending on those capital projects in the amounts outlined in the Capital Budget;

WHEREAS, the list of projects and the amounts the Town intend to include in future general obligation bond issuances is incorporated by reference from the Fiscal Year 2027 General Fund and Capital Budget.

NOW THEREFORE, the Town does hereby declare its Official Intent as follows:

The Town intended to allocate certain proceeds of future bond issues to reimburse the Town for any expenditures made with respect to projects listed in the category of "Bond" or "Bond – Voter Approved". Treasury Regulation Section 1.150-2 requires that the Issuer declare its official intent to reimburse any expenditure with respect to the Project no later than sixty (60) days after the payment of such expenditures. The Town intends to reimburse expenditures made with respect to the projects on the Fiscal Year 2027 Capital Budget within eighteen (18) months of the later of the date which the expenditure is paid or the project is place into service.

Be it further ordered that the Town Council hereby authorizes the following utilization of funds from dedicated accounts:

Restricted Fund Balance:

$1,512,000 from Restricted for Education to reduce the local share of the Education and Adult Ed Operating Budgets
$1,454,350 from Downtown TIF Account to support eligible operating costs
$1,962,575 from Downtown TIF Account to support eligible debt service
$1,892,433 from Haigis Parkway TIF Account to support non-SEDCO operating costs

Committed Fund Balance:

$1,500,000 from Rescue Equipment Reserve to reduce the tax rate
$ 320,613 from School Development Impact Fee Account to pay Debt Service for eligible Capital Improvements

$ 155,000 from Downtown TIF Account to pay for eligible Capital Improvements
$ 25,000 from Haigis Parkway TIF Account to pay for eligible Capital Improvements

Be it further ordered that the Total Gross Budget appropriation of $**171,900,248**, this total less estimated revenues and other credits of **$74,532,812** result in a Net appropriation of **$97,367,436**, which shall be raised from taxation. The Scarborough Town Council further fixes **Thursday, October 15, 2026**, and **Monday, March 15, 2027,** as the dates upon each of which one-half of such tax is due and payable, and pursuant to 36 M.R.S.A. Section 505.4 with interest to accrue upon taxes due and unpaid after each such date at the rate of **7.00%** per annum.

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **$187,201** for overlay, which may be adjusted and shall be finally determined by the Town Assessor pursuant to Title 36 MRSA Section 710 within State restrictions; and (such estimated amount is incorporated within the Total Gross Budget as identified within this order); and,

Be it further ordered that the Scarborough Town Council hereby appropriates an estimated **$5,394,479** for Tax Increment Financing Revenues to be deposited into Tax Increment Financing Development Program Funds, an estimated **$2,106,379** of which is authorized to be paid pursuant to applicable credit enhancement agreements, both of which amounts may be adjusted and shall be finally determined by Town staff based on actual assessed values and applicable Tax Increment Financing Districts, Development Programs and credit enhancement agreements approved by the Town Council and State Department of Economic and Community Development (such estimated amounts are incorporated within the Total Gross Budget as identified within this order).

Be it further ordered, that in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **3.00%.**

Be it further ordered, that the Town Council hereby authorizes the Finance Director and/or Treasurer to withhold monies payable to the Town of Scarborough to cover taxes due pursuant to M.R.S.A. Title 36, Section 905 and to invest funds in accordance with M.R.S.A. Title 30-A, Section 5706; authorizes the Tax Collector to sign on behalf of the Town, the necessary deeds and liens and tax settlements; in accordance with 36 M.R.S.A. Section 906, the Tax Collector and Treasurer are authorized to apply any tax payment received as payment for any property tax against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill and processed in the order of liens and fees, interest and then to principal and, after the date of perfection of the tax, the Tax Collector is authorized to discharge any obligation to collect unpaid property taxes in the amount of **$5.00** or less and remove same from the municipal books, pursuant to 36 M.R.S.A. Section 970-A.

Be it further ordered, that if the 2027 Municipal Budget exceeds the Property Tax Levy Limit for fiscal 2027, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit.

Vote: 7 Yeas. Motion Carried.

Chairman Fellows called for a brief recess at 8:23 p.m. The meeting was reconvened at 8:33 p.m.

Order No. 26-030. First reading and refer to the Planning Board, the proposed amendments to Chapter 405, Zoning Ordinance; including the creation of a new section consolidating uses; updating all Zoning Districts to reference said new use section; update childcare and residential care uses, definitions and allowed districts based on State Statute requirements; add conservation, parks, trails and associated parking to the use table, definitions and allowed districts; amend definitions, performance standards and special exception standards to capture amendments and

correct inconsistencies. ***[Planning Director]*** Autumn Speer, Planning Director, gave an overview on this Order. The following individuals spoke:

In the Room:

- Averill Hill of Maple Avenue Averill Hill of Maple Avenue opposed non-owner-occupied short-term rentals, citing their transient nature as a threat to public safety and community integrity. She criticized the Good Neighbor Ordinance for failing to address disturbances caused by guests, who lack background checks. Hill referenced survey evidence showing that short-term rentals negatively affect homeowner interest in properties and urged the town council to prioritize residential neighborhood protection over short-term rental investors' interests, advocating for regulations that preserve housing integrity..
- Suzanne Foley-Ferguson of Black Point Road, expressed appreciation for the town's proactive stance on short-term rentals but raised concerns about the timing of regulations and the mapping process. She highlighted the negative impact of hedge funds on property values in South Portland and Portland, affecting affordability. Foley-Ferguson suggested that Accessory Dwelling Units (ADUs) could help increase rental income and therefore enhance affordability. While she noted few complaints about rentals, she advocated for caution in changing regulations that could affect residents' primary assets and called for careful monitoring of related issues.
- Stephen Zamierowski of Theresa Masse Lane, thanked the Town Planner for her work on this. His comments centered on community rights, encompassing the tourism economy, landowners, residents, and the implications of short-term rentals. It was suggested that residents should have the freedom to rent their homes while on vacation without complications.
- Denise Hamilton of Two Rod Road emphasized the need for clear zoning regulations regarding car washes in Light Industrial Zone, noting the absence of public water supply and asked that it be removed from the Light Industrial Zone.. She addressed the confusion surrounding short-term rentals (STRs) that currently lack formal policies, advocating for reasonable regulations to govern them and suggested caps on non-owner-occupied rentals and special exceptions for owner-occupied properties with notifications to neighbors. She urged the Council to establish standards that safeguard neighborhoods while facilitating responsible business practices.

Via Zoom:

- Danielle Dellaquila and Tim Meyers of Fogg Road, spoke on their five-year experience renting their home on Fog Road via Airbnb, They plan to rebuild living space after a fire and wish to rent either their house or the new structure. They requested an amendment to permit multiple short-term rentals on single-family residential lots outside the coastal beach zone, proposing that each rental be independently registered, as they believed prior regulations allowed for this.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval first reading and refer to the Planning Board, the proposed amendments to Chapter 405, Zoning Ordinance; including the creation of a new section consolidating uses; updating all Zoning Districts to reference said new use section; update childcare and residential care uses, definitions and allowed districts based on State Statute requirements; add conservation, parks, trails and associated parking to the use table, definitions and allowed districts; amend definitions, performance standards and special exception standards to capture amendments and correct inconsistencies, to come back to the Town Council for a public hearing upon review by the Planning Board.

Motion Councilor Doherty, seconded Councilor Anderson, to move approval to amend the main motion to remove "Car wash" from the Light Industrial Zone.

Vote on amendment: 7 Yeas. Motion Carried.

Main Motion as amended:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to Chapter 405 the Town of Scarborough Zoning Ordinance, be and hereby is amended, as follows as presented (additions are underlined; deletions are struck through):

SECTION IV. ADMINISTRATION

A. ENFORCEMENT OFFICER

It shall be the duty of the ~~Building Inspector~~Code Enforcement Officer of the Town of Scarborough to enforce the provisions of this Ordinance. If the ~~Building Inspector~~Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions, including revocation of a previously issued Certificate of Occupancy or Building Permit.

A-1. ZONING VIOLATION CITATION [12/01/04]

As an alternative to the notice procedure under Section IV(A) above, the Code Enforcement Officer may issue a written or oral warning that a particular use, structure, activity or practice constitutes a violation of the Zoning Ordinance and that such violation must be discontinued and may not be repeated. If the person receiving the warning fails to discontinue the violation or repeats the violation, then the Code Enforcement Officer shall issue a zoning violation Citation, stating the violation, the minimum and maximum penalties for the violation under Section IV(C) of this Ordinance and the consequences of failure to respond to the Citation. A single Citation may enumerate multiple violations and/or multiple occurrences of a violation. The Citation shall be served on the person responsible for the violation by hand-delivery or by certified mail.

No later than 7 days after service, the person served with the Citation must respond either by paying the minimum penalty stated in the Citation or by notifying the Code Enforcement Officer in writing that he or she intends to contest the Citation by appeal to the Board of Appeals, which appeal must be filed within 30 days of the date of service of the Citation. If the person served with the Citation fails to respond within 7 days, then the violation(s) stated in the Citation and any continuing or repeat violation(s) shall be deemed to be willful, and the Town may seek the maximum penalties set forth in Section IV(C) of this Ordinance and in 30-A M.R.S.A. section 4452. Failure to respond to the Citation within 7 days shall also constitute a waiver of any right to contest the Citation, including any right of appeal to the Scarborough Board of Appeals, and shall enable the Town to immediately commence enforcement action in court.

B. LEGAL ACTION AND VIOLATION

When any violation of any provision of this Ordinance including failure to comply with any subdivision or site plan approved by the Planning Board, or condition imposed by the Zoning Board of Appeals shall be found to exist, the Code Enforcement Officer shall notify the Town Manager who may then institute any and all actions to be brought in the name of the Town. The Town Manager shall inform members of the Town Council before instituting action in court, but need not obtain the consent of the Town Council, and the Town Manager may institute an action for injunctive relief without first informing members of the Town Council in circumstances where immediate relief is needed to prevent a serious public harm. In addition, the Town Manger may enter into administrative consent agreements in the name of the Town for the purposes of eliminating violations and recovering penalties without court action. [Amended 12/01/04]

C. FINES

Any person, firm or corporation being the owner of or having control or use of any building, structure or land who violates any provision of this Ordinance or any condition imposed by the ~~Building Inspector~~Code Enforcement Officer, Planning Board or Board of Appeals pursuant to the provisions of this Ordinance, commits a civil violation and shall be liable for a civil penalty of no less than $100 and no more than $2,500 for each violation. Each day such violation is permitted to exist after notification thereof shall constitute a separate violation. All penalties collected hereunder shall inure to the Town of Scarborough.

D. BUILDING PERMIT

1) No building or structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the ~~Building Inspector~~Code Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Ordinance and all other applicable ordinances of the Town of Scarborough and any conditions imposed pursuant to said ordinances.

2) No building permit (except permits for single family and two family dwellings) shall be issued except after review by the Fire marshal to determine that all plans for construction comply with applicable statutes, ordinances, codes and regulations promulgated to reduce fire hazards.

3) Notwithstanding the requirements of subparagraphs (1) above, the Code Enforcement Officer may grant a waiver from the yard or maximum building coverage requirements of this Ordinance for the purpose of making a dwelling accessible to a person with a disability who is living on the property or is a regular or occasional visitor to the dwelling. Such waiver may be granted only upon request of the owner of the dwelling. The Code Enforcement Officer shall restrict any such waiver solely to the installation of equipment or construction of structures, including railing, wall or roof systems needed for the safety or effectiveness of the structure, necessary for access to or egress from the property by the person with the disability. Disability under this subparagraph has the same meaning as physical handicap under Title 5. Section 4553 of the Maine Revised Statutes. When the Code Enforcement Officer grants a waiver under this subparagraph, a certificate indicating the name of the property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a waiver,

including conditions imposed on the waiver, has been granted and the date of the granting of the waiver shall be signed by the Code Enforcement Officer and recorded by the property owner in the Cumberland County Registry of Deeds within 90 days of the date of approval of the waiver. The waiver is not valid the certificate is recorded and becomes void if the certificate is not recorded within 90 days from the date the waiver is granted. (2/17/93)

E. APPLICATION FOR BUILDING PERMIT

All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings and structures already existing, if any, the location and dimensions of the proposed building structure or alterations and the proposed sewage disposal system as prescribed by the Maine State Plumbing Code and the Scarborough Plumbing Ordinance. The Code Enforcement Officer may request such additional information including, but not limited to, survey and engineering data, as the Code Enforcement Officer deems necessary to determine whether the applicant's proposal complies with the requirements of this Ordinance, other applicable ordinances of the Town of Scarborough and any conditions imposed pursuant to said ordinances. Whenever the placement of buildings or structures depends upon the accurate location of natural features, including, but not limited to, water bodies, rivers, streams, wetlands, floodplains, soils types and vegetation types, the Code Enforcement Officer may require the applicant to produce written certification of the location of such features from a person qualified by training, experience or (where applicable) licensure to render such certification. [Amended 12/01/04]

In all districts the approval of building permit applications shall be subject to evidence of satisfactory subsurface soils conditions for drainage and sewage disposal. Such evidence shall be furnished by reference to the Soils Map of the Town of Scarborough, prepared by the United States Soils Conservation Services, and on site investigations approved by the ~~Building Inspector~~Code Enforcement Officer. Where poor site conditions are shown to exist, approval of the application shall be subject to the installation of remedial measures, which comply fully with all applicable State and local codes for health, plumbing, sanitation, conservation, and pollution abatement. Soils characteristics shall be based on suitability for use of properly installed disposal systems continuously year round and the following points of consideration shall be made: ground water table, texture, pans, depth, permeability, percolation rate, flooding, slope, effect on ground water, that soils completely handle all free effluent without its return to the surface; extremely stony or very rocky is automatically very poor or unsuitable, high water table slopes of 15% to 25% or greater are rated poor for all soils which are otherwise suited because of likelihood of resurfacing and expense of installation.

F. SPECIAL PERMITS FOR CONSTRUCTION IN FLOOD HAZARD AREAS

1.) Special Flood Hazard Areas.
Before construction, relocation, replacement, or substantial enlargement or modification of any building has commenced in the special flood hazard area designated on the maps prepared in accordance with the National Flood Insurance Act of 1968, as amended, the owner or lessee, or the architect, engineer, contractor or builder employed by such owner or lessee shall obtain from the ~~Building Inspector~~Code Enforcement Officer a permit covering such proposed work.

2.) Application.

The application for a permit shall be submitted in writing to the ~~Building Inspector~~Code Enforcement Officer and shall include, in addition to the other information required by this section, the following:

A. The name and address of the applicant and owner;
B. An address or map indicating the location of the construction site;
C. A site plan showing location of existing and proposed structure(s), sewage disposal facilities, water supply, areas to be cut and filled, and the lot dimensions.
D. A statement of intended use of the proposed structure(s);
E. A statement as to the type of sewage system proposed;
F. Specifications of dimensions of the proposed structure(s) length, width, and height;
G. The elevation (in relation to ground and mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above;
H. A copy of the plans and specifications of the proposed construction. This requirement may be modified by decision of the ~~Building Inspector~~Code Enforcement Officer when, in his opinion, such information is or is not needed to determine the conformance of the proposed construction with this Ordinance; and
I. Evacuation plans indicating alternate vehicular access and escape routes shall be filed with the local Disaster Preparedness Authority for mobile home parks or mobile home subdivisions located within Zone A on the Flood Hazard Boundary Map.

3.) Fee.

A permit fee shall be paid in such amount as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council. (09/06/95)

4.) Review.

The ~~Building Inspector~~Code Enforcement Officer shall review all aforesaid building permit applications to determine whether proposed building sites will be reasonably safe from flooding and ensure that necessary permits have been obtained from governmental agencies. Any construction, relocation, replacement or substantial enlargement or modification of any building, including prefabricated and mobile homes upon building sites in the special flood hazard area must:

A. Be designed or modified anchored to prevent floating, collapse, or lateral movement of the structure. All mobile homes to be placed in Zone Z of Scarborough, Flood Hazard Boundary Map shall meet this requirement by use of over-the-top and frame ties to ground anchors. Specific requirements are:

(1) over-the-top ties be provided at each of the four corners with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;

(2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(3) all components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

4) any additions to the mobile home shall be similarly anchored.

B. Use construction material and utility equipment that are resistant to flood damage;

C. Use construction methods and practices that will minimize flood damage; and

D. Should any proposal subject to this ordinance involve the alteration and relocation of a watercourse, the ~~Building Inspector~~Code Enforcement Officer shall so notify adjacent communities, the State Coordinating Office and the Federal Insurance Administrator prior to taking action, and the flood carrying capacity of the watercourse must be maintained.

5.) Plumbing.

The ~~Building Inspector~~Code Enforcement Officer shall require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

6.) Records.

The ~~Building Inspector~~Code Enforcement Officer shall maintain a log for public inspection and information of all permit applications and flood proofing measures required.

G. CERTIFICATE OF OCCUPANCY.

1.

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, changed, converted, altered or enlarged, or to change, alter or enlarge the use of any land, building, or structure until a certificate of occupancy is issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the land, building or structure conforms with the requirements of this Ordinance and with the Maine Uniform Building and Energy Code (MUBEC). [Amended 09/17/2025]

(b) Prior to any change in the ownership or tenancy of a building or structure other than a single-family, two-family or multi-family dwelling, the owner of the building or structure (or the prospective new owner or tenant with the written authorization of the owner) shall obtain a new certificate of occupancy. The new owner or tenant shall not occupy the building or structure until it is brought into compliance with the requirements of this Ordinance and of any other applicable law, ordinance, rule or regulation for the use proposed by the prospective new owner or tenant.

2. An applicant for a building permit shall also make application for a certificate of occupancy, which application must be received before a building permit may be issued. Upon completion of the work permitted by the building permit, the Code Enforcement Officer shall issue the certificate of occupancy upon finding that the building, structure or land and the use or occupancy thereof comply with the requirements of MUBEC and this Ordinance, with all provisions of any site plans or subdivision plans approved by the Planning Board and with any conditions imposed by the Planning Board or Board of Appeals. The certificate of occupancy

shall contain a statement that the building or structure, if constructed in a designated Flood Hazard Area, complies with the requirements of Section IV, F of this Ordinance. [Amended 09/17/2025]

3. A temporary Certificate of Occupancy may be issued by the ~~Building Inspector~~Code Enforcement Officer for a period of six months during construction or alterations for a partial occupancy of a building pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. Failure to complete all work per the temporary Certificate of Occupancy shall constitute a violation of this Ordinance.

4. The ~~Building Inspector~~Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy.

5. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance. The Certificate of Occupancy shall contain a statement that the building has been flood proofed when constructed in a designated Flood Hazard Area. Violations of this Ordinance shall be cause for revocation of a Certificate of Occupancy.

H. [deleted August 5, 1992]

I. SPECIAL EXCEPTION PERMITS.

1. SPECIAL EXCEPTIONS.
Uses designated as Special Exceptions within this Ordinance are intended as potential land uses in the districts in which they are so designated, subject to the issuance of a Special Exception permit by the Board of Appeals in compliance with this Section. Any use which was commenced prior to the effective date of adoption or amendment of this Ordinance and would require a Special Exception permit under the terms of this Ordinance or subsequent amendment is a non-conforming use, and any expansion of such use shall require a Special Exception permit in compliance with this Section.

2. APPLICATION FOR SPECIAL EXCEPTION PERMIT.
When the owner of property or the owner's authorized agent is informed by the Code Enforcement Officer or otherwise determines that a Special Exception permit is required, an application for the permit shall be filed with the Board of Appeals on forms provided for that purpose. The application shall provide all information required for a building permit application under Section IV, D of this Ordinance plus information upon which the Board of Appeals may make findings of fact as to each of the standards set forth in subsection 4 of this Section. The application shall be accompanied by an application fee in such amount as the Town Council may by rule from time to time determine, and shall be heard pursuant to the procedures set forth in Section V, C of this Ordinance.

3. BOARD OF APPEALS REVIEW.
The Board of Appeals shall hear and approve, approve with modifications or conditions, or disapprove all applications for Special Exception permits. The Board may approve a Special Exception permit only for a use which is specifically designated by this Ordinance as a Special Exception in the district where the use will be located. If the Board determines that the proposed use meets all the standards set forth in subsection 4 of this Section and in all other respects

complies with the applicable provisions of this Ordinance, the Board must approve the application. If the Board determines that the proposed use can be made to comply with the standards of subsection 4 of this Section by imposition of conditions as provided in subsection 5 of this Section, then it may approve the application with conditions. If the Board determines that the proposed use does not meet one or more of the standards of subsection 4 of this Section and conditions that would cause the use to comply with those standards are not acceptable to the applicant, the Board must deny the application.

4. STANDARDS FOR SPECIAL EXCEPTIONS.
Before it issues a special exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

a. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

b. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

c. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood.

d. The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.

e. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.

f. If located in a shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance. (8/5/92)

g. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

h. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section.

i. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

5. CONDITIONS ON SPECIAL EXCEPTIONS.
Upon consideration of the standards listed in subsection 4 of this Section, the Board of Appeals may attach such condition, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operation controls, professional

inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

~~6. CONDITIONS REQUIRED ON CHILD AND ADULT DAY CARE FACILITIES [Amended 06/01/94]~~ [moved to Section IX.DD. PERFORMANCE STANDARDS – CHILD AND ADULT DAY CARE FACILITIES]

~~a. Family Day Care Homes, Group Day Care Homes, Day Care Center Facilities, and Nursery Schools shall comply with the following conditions:~~

~~i. Shall provide outdoor play or recreation areas as required by state regulations, which shall be in rear and side yards only;~~

~~ii. All outdoor play or recreation areas shall be fenced; if a facility is approved during the winter, fencing shall be installed as soon as weather permits.~~

~~iii. Unless authorized by variance under Section V.B.3, such facilities may be located only on lots which comply fully with the minimum lot area and minimum street frontage requirements of this Ordinance, or as follows:~~

~~1. On a nonconforming lot of record in the RFM or RF Districts, the minimum lot area required for a Group Day Care Home is 60,000 square feet and the minimum lot area for a Family Day Care Home is 40,000 square feet.~~

~~1. On a nonconforming lot of record in the R-2 District, the minimum lot area required for a Family Day Care Home is 15,000 square feet, provided the lot is sewered.~~

~~2. On a nonconforming lot of record in the R-3 District, the minimum lot area required for a Family Day Care Home is 10,000 square feet, provided the lot is sewered.~~

~~3. On a nonconforming lot of record in the R-4 District or the R-4A District, the minimum lot area required for a Family Day Care Home is 7,500 square feet, provided the lot is sewered.~~

~~4. On a nonconforming lot of record in any district, the minimum street frontage required for a Family Day Care Home is seventy-five percent of the minimum otherwise required in the district.~~

~~iv. No such facility shall be situated in any location where the distance between the facility's driveway entrance and the driveway entrance of another child or adult day care facility or a home occupation is less than five times the minimum street frontage requirement for the zoning district, measured along the sidelines of streets. Where the facilities subject to this restriction are in different zoning districts with different street frontage requirements, the larger requirement shall apply.~~

~~v. The owner shall show that the sewage disposal system fully conforms to the requirements of the Maine State Plumbing Code or the requirements of the Scarborough Sanitary District.~~

~~vi. Prohibited in multiplex housing units.~~

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~~b. Group Day Care Homes, Day Care Center Facilities and Nursery Schools shall comply with the following additional conditions:~~

~~i. Access shall be permitted only from streets of higher classification than a local residential street (as defined in the Street Acceptance Ordinance of the Town of Scarborough);~~

~~ii. Off street parking shall be provided for all non-resident employees.~~

~~iii. Driveways of childcare facilities must be configured so that vehicles dropping off and picking up children are not required to back up into the driveway or into the street in order to exit the facility. (2/15/95)~~

~~c. In the RFM, RF, and R-2 districts, Nursery Schools and Day Care Center Facilities must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 800 square feet for each additional child, based on maximum licensed capacity. In all other districts, Nursery Schools must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 75 square feet for each additional child, based on maximum licensed capacity. (12/21/94)~~

~~d. A Nursery School or Day Care Center Facility in the Industrial District cannot be located on a lot, which does not have at least one hundred feet of street frontage notwithstanding the space and bulk regulations for that district.~~

7. STANDARDS APPLICABLE TO GASOLINE FILLING STATIONS – [moved to Section IX.X. PERFORMANCE STANDARDS – GASOLINE FILLING STATIONS -06/20/12]

8. CONDITIONS REQUIRED ON NON-COMMERCIAL MODEL AVIATION FLYING FIELDS. (2/17/93)

a. Site Restrictions:

1. Non-Commercial Model Aviation Flying Fields shall be permitted west of the Maine Turnpike.

2. Non-commercial Model Aviation Flying Fields shall be allowed only on sites of 50 acres or larger.

3. Non-commercial Model Aviation Flying Fields are exempt from the Off-Street Parking Regulations of Section XI of this Ordinance. However, an area for parking shall be provided of a size and configuration determined by the Board of Appeals to be sufficient to accommodate the largest number of users anticipated at the field at any one time and to avoid any parking on public roads or any private access roads to the field.

4. Adequate sanitary facilities using "portable" toilets or normal septic systems must be provided.

b. Operator Restrictions:

1. All model aircraft flyers using a site must be 18 years of age or older, or directly supervised by someone 18 years of age or older.

c. Operating Restrictions:

1. Model aircraft flying may only occur between the hours of 9:00 a.m. to 7:00 p.m. or sunset whichever is earlier.

2. Model aircraft may not exceed a wingspan of 120 inches or exceed a weight of 30 pounds.

3. No model aircraft capable of carrying a person are permitted.

4. No model aircraft may fly past the lot boundaries of the flying site.

5. No model aircraft may come within 500 feet horizontal distance of any residence.

6. No model aircraft shall be flown higher than 400 feet above the ground.

7. No more than three model aircraft may be in the air simultaneously.

8. No individual model aircraft will be permitted to fly which produces a sound level greater than 98 dB measured on the ground at a distance of 15 feet from the engine.

9. Noise produced by model aircraft operation shall not exceed a level of 65 dB measured at the property line.

J. SPECIAL PERMIT FOR MOBILE HOME CONVERSION

1. Notwithstanding any provisions in this Ordinance to the contrary, the Zoning Board of Appeals may, upon written request by the applicant and subsequent to a public hearing held in conformance with the requirements of Section V, C of this Ordinance, issue a Special Permit to allow an existing dwelling to be replaced with an individual mobile home. Such a permit may be issued only after an affirmative finding by the Board of Appeals that**:**

a. The existing dwelling is uninhabitable due to structural deterioration and unsanitary conditions. Such a finding can only be made after reports are received from the ~~Building Inspector~~Code Enforcement Officer, Electrical Inspector, Plumbing Inspector, and Health Officer, which reports shall identify with specificity the structural deterioration and unsanitary conditions observed at the dwelling. Other investigations may be requested by the Board;

b. Written evidence has been presented confirming that the applicant has made diligent efforts to obtain financing from local lending institutions, including, where available, federal or state sponsored programs, and that the financing of necessary repairs or replacement with conventional housing cannot be obtained by the applicant; and the applicant is unable to purchase conventional housing for construction at the site; and

c. The applicant is the owner in fee of the real estate upon which the mobile home is to be placed, and shall also be the occupant of the proposed mobile home.

2. Any Special Permit issued pursuant to this section shall be made subject to the following conditions:

a. The structure to be replaced shall be removed or demolished within 30 days after the mobile home is placed on the parcel and ready for occupancy;

b. The placement of manufactured (mobile) home shall comply fully with the siting and construction standards of Section XIII of this Ordinance.

c. The Special Permit to the applicant is in no way to be construed as passing to heirs by death, or passing by will, gift or sale of property.

3. The Board of Appeals shall accept public input prior to making a final decision regarding the application. However, no public comment shall be permitted regarding the applicant's personal finances and financial status. In analyzing the applicant's financial statements the Board shall secure assistance of counsel or other person qualified to advise the Board.

K. PROVISIONS ON EXPIRATION OF PERMITS.

All permits and approvals issued pursuant to this Ordinance shall expire if construction of the building or structure or commencement of the use is not begun within six months of the date on which the permit or approval was issued. Upon good cause shown, the person or board issuing the original permit or approval may extend its effectiveness for an additional six month.

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

SECTION VI. DEFINITIONS

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Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall' is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied"; the terms "building inspector" and "code enforcement officer" are synonymous. [12/01/04] [10/04/17]

Accessory Agricultural Activities:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers and/or the keeping, breeding, or raising of animals, other than household pets, or fishing and/or shellfish harvesting that is incidental and subordinate to the primary use of the property for residential or nonresidential use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property. Accessory Agricultural Activities are subject to performance standards contained in Section IX of this Ordinance. [05/05/10] [Amended 10/18/23]

Accessory Use:

A use which, in the Town of Scarborough, is customarily incidental and subordinate to the principal building or use and is located on the same lot with such principal building or use. An accessory use shall not include any use injurious or offensive to the neighborhood or adjacent area.

Accessory Building:

A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building.

Accessory Dwelling Unit:

A self-contained dwelling unit, with complete housekeeping facilities so that it can be occupied by a person or persons living independently from the persons occupying the single–family dwelling, located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet. A Town approved accessory unit approved meeting the requirements of Section IX.J shall not be considered a separate dwelling unit under this ordinance, the Scarborough Subdivision Regulations, the Scarborough Growth Management Ordinance, the Scarborough Impact Fee Ordinance, the Scarborough Road Impact Fee Ordinance or the Scarborough Sewer Assessment Ordinance. [Adopted 11/05/2003, Amended 02/15/12; 07/19/23]

Accessory Storage Container:

A roofed contained placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term accessory storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term accessory storage container does not include a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. [09/03/97]

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Addiction Treatment Facility:

A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug. [11/16/2005]

Adjunct Uses, Place of Worship:

Any of the following uses, activities, buildings or structures, when conducted on the same lot as a Place of Worship:

(1) A hall, theater, function room, auditorium, meeting room or other assembly space which, alone or aggregated with other such assembly space, occupies a floor area which exceeds 100% of the floor area of the portion or portions of the Place of Worship designed for conducting organized religious services.

(2) A gymnasium.

(3) A swimming pool.

(4) Athletic fields, playing fields, playgrounds, or similar outdoor recreational facilities.

(5) Camping or tenting areas, cabins or other overnight accommodations for persons other than clergy in residence at the Place of Worship.

(6) An amphitheater, stage or other performance space, located wholly or partly outdoors.

(7) Group day care homes, day care facilities and nursery schools.

(8) Elementary, secondary and post-secondary schools.

(9) A detached dwelling occupied by clergy in residence at the Place of Worship and located on the same lot as the Place of Worship.

(10) Outdoor parking or storage of more than two buses or passenger vans kept on the premises of the Place of Worship when they are not in use.

(11) Any detached accessory building or structure with a floor area in excess of 100 square feet. [May 5, 1999]

(12) Telecommunications Facility, where there is no visible change to the exterior of the building or use. [March 17, 2004]

Adult Day Care Program (licensed): *(FORMERLY COVERED UNDER FAMILY DAY CARE HOME)*

Program of adult day care which has been licensed by the Department of Health and Human Services according to 22 M.R.S. Sections 8601-8606. Adult Day Care is an ongoing program of health, social, maintenance and rehabilitative services available to persons needing this level of service, as determined by an assessment of their functional abilities and need for health and social services.

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Affordable Housing:

[Adopted 11/03/2004] [Amended 05/03/2006;12/03/2014;12/19/18; 07/17/19]

Affordable Housing means decent, safe and sanitary living accommodations that are affordable to households, in accordance with following provisions:

A. An Owner-Occupied Affordable Housing Unit is a unit which (i) is occupied by its owner; (ii) is owned by Qualifying Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

(I) A Qualifying Household is one with a total household income that, at the time of purchase, is 80% or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").

(II) Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any homeowners association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.

(III) The total annual payments of principal and mortgage interest referred to in A(I)(i) may, in the absence of other reasonable estimates, be estimated based on the assumed interest rate and loan term established by the U.S. Department of Housing and Urban Development for housing affordability limits. In the case of a unit which has one or fewer bedrooms, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than one bedroom, the Imputed Income Limitation referred to in A(iii) shall be 80% of the MFI standard for a household of four (4) people.

B. A Renter-Occupied Affordable Housing Unit is a unit which is leased A Renter-Occupied Affordable Housing Unit is a unit which is leased by a Qualifying Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed Income Limitation applicable to the unit.

(I) A Qualifying Household is one with a total household income that, at the time of move-in, is 80% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.

(II) Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible

for paying. In the case of a unit which does not have a separate bedroom, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed Income Limitation used to determine the maximum annual gross rent shall be 80% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Agricultural Employee Housing:

Housing quarters that are located on the premises of and are incidental and subordinate to a Commercial Agriculture or Commercial Animal Husbandry use and that are used exclusively to house seasonal agricultural employees and/or apprentices associated with the agricultural use for no more than eight (8) months per year. Units of agricultural employee housing shall not be considered dwelling units when applying the net residential density standards of this Ordinance, but must comply with all applicable OSHA standards and State and local building code requirements. [05/05/10]

Agricultural Products Store:

A building or structure, including the adjacent outdoor area, with a total area devoted to retail sales of more than 400 square feet, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use as well as other agricultural and related food products not produced by the Commercial Agriculture, Commercial Animal Husbandry Use or Commercial Fishing and Harvesting use, and handmade crafts and similar products. Agricultural Products Stores are subject to performance standards contained in Section IX.S of this Ordinance. [05/05/10] [Amended 10/18/23]

Agricultural Processing Facilities:

Buildings, structures, and equipment used for the processing, storage, and distribution of plant or animal products in conjunction with a Commercial Agriculture and/or Commercial Animal Husbandry use located on the same lot. Agricultural Processing Facilities are subject to performance standards contained in Section IX.Q of this Ordinance. [05/05/10]

Assisted Living Facility: (*FORMERLY BOADING CARE FACILITY FOR THE ELDERLY)*

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A house or other place that, for consideration, is maintained wholly or in part for the purpose of providing assisted living services to residents in private apartments in buildings that include a common dining area, either directly by the provider or indirectly through contracts with persons, entities or agencies. A private apartment is a dwelling unit with an individual bathroom, bedroom, and food preparation area.

Bed and Breakfast (B&B):

A building containing not more than six guest rooms that provides lodging accommodations and food and beverage service to transient guests and contains a dwelling unit that is occupied by the owner or manager of the facility. For purposes of this definition, a transient guest is a person who occupies a guest room for no more than 28 days in any calendar year. A Bed and Breakfast is subject to performance standards contained in Section IX.T of this Ordinance. [05/05/10]

SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Bedroom:

A room within a dwelling unit that is arranged or designed to be used for sleeping or that is in fact regularly used for sleeping and that is separated from other rooms by one or more doors. Any room that is suitable to be used as a bedroom and is physically separate from other rooms and that has a closet and an egress window meeting the requirements of the building code is considered to be a bedroom for the purpose of this ordinance. [06/06/2007]

Boarding Care Facility for the Elderly:(See Assisted Living)

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~~A type of living accommodation consisting of multiply residents' rooms, but not dwelling units, occupied by persons over the age of 62 in a shared residential living environment. Boarding care facilities for the elderly may include shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy.~~

Building:

Any structure having a roof supported by columns or walls and intended for the shelter, housing use, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate building.

Building Height:

Vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof on a flat or mansard roof and to the average height between the eaves and the ridge for all other types of roofs. (08/06/97)

Building Inspector:

~~Shall mean the inspector of buildings for the Town of Scarborough.~~See Code Enforcement Officer.

Business Services and Business Offices:

Establishments rendering business services, either in-house or to other business establishments on a fee or contract basis. The types of business services allowed include, but are not limited to: data processing, payroll services, insurance claims processing, credit reporting, advertising and mailing, building maintenance, employment agencies, management and consulting services, protective and security services, and equipment rental and leasing. (7/17/91)

Cannabis Cultivation Facility:

Shall mean either an adult use "cultivation facility" as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. §102(13) or a Medical Cannabis Cultivation Facility as defined in the Scarborough Cannabis Establishment Licensing Ordinance, as may be amended. [Adopted 01/08/20; Amended 09/04/2024]

Cannabis Manufacturing Facility:

Shall mean either an adult use "products manufacturing facility" as that term is defined in the Cannabis Legalization Act at 28-B M.R.S. § 102(43) or a medical cannabis "manufacturing facility" as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S. §2422(4-R), as may be amended. [Adopted 01/08/20; 09/04/2024]

Cannabis Testing Facility:

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Shall mean either an adult use "testing facility" as that term is defined in the Cannabis Legalization Act at 28-B M.R.S §102(54) or a medical "cannabis testing facility" as that term is defined in the Maine Medical Use of Cannabis Act at 22 M.R.S §2422(5-C), as may be amended. [Adopted 01/08/20; Amended 09-04-2024]

Chemical and Petroleum Products:

Any material that contains or is capable of producing in combination with, or in reaction to, other materials, any substance for which a contamination standard has been established as part of the Federal and State of Maine Primary Drinking Water Standards. (05/18/2011)

Child Care Center: (*FORMERLY DAY CARE CENTER FACILITIES*)

A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

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Climate Controlled/Internal Access Storage Facility:

A storage facility built to a standard compatible with office and/or ~~mixed-use~~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. [Adopted 10/04/17]

Code Enforcement Officer:

Shall mean the Code Enforcement Officer for the Town of Scarborough.

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Coffee House:

An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold. Coffee houses with drive-through service must be compatible with the character of the specific district subject to Planning Board review.

Commercial Agriculture:

The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial Agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed. [05/05/10]

Commercial Animal Husbandry:

The keeping, breeding, or raising of animals, other than household pets, primarily for sale to or use by someone other than the owner, lessor, or occupant of the property including the sale or use of the

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products of the animals such as, but not limited to, milk, eggs, meat, wool, or fur. Commercial Animal Husbandry includes leased or rented land used as part of an agricultural activity as well as the processing and storage of these animals and their products together with buildings and structures related to the agricultural activity such as barns, storage buildings and facilities, pens/enclosures, manure pits/storage, and processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed. [05/05/10]

Commercial Fishing and Harvesting:

The attempt to catch fish or any other marine animals or organisms with the intent of disposing of them for profit or trade in commercial channels and does not include subsistence fishing for personal use, sport fishing or charter boat fishing where the vessel is used for carrying sport anglers to available fishing grounds. [Adopted 10/18/23]

Commercial Outdoor Recreation:

A recreational use, activity, or facility, other than one operated by a governmental entity, in which the recreational activities occur primarily outside and do not involve the use of mechanical equipment or participant operated motorized vehicles as part of the recreational experience. Commercial Outdoor Recreation is subject to performance standards contained in Section IX.U of this Ordinance. [05/05/10]

~~**Commercial Stable:**~~

~~A public facility that receives remuneration for the boarding, breeding, and/or training of horses including buildings and structures related to these activities such as barns, storage facilities, indoor and/or outdoor riding rings/facilities, and trails. A Commercial Stable may include related activities that are accessory to the primary stable use such as trail rides, hay rides, horse shows, and animal auctions. [05/05/10]~~

Community Living Arrangement: -
Housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. "Disability" has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602. A community living arrangement is deemed a single-family use of property for the purposes of zoning.

~~**Concept Plan:**~~

~~An informal, concept map of a proposed subdivision or site plan of sufficient accuracy and detail to be used for the purpose of discussion and classification, but which carries no vesting rights for, or obligations on, any party. The purpose of the concept plan is to alert applicants to problems or permitting requirements prior to an official submission. Use of the concept plan is intended to save time and money for all parties. [8/21/96]~~

Contractor's Office Shop and Storage Yard:

Facility for construction professionals to perform shop or assembly work, store materials, equipment and vehicles.

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Contract Zoning:

The process by which the property owner, in consideration of the rezoning of his/her property, agrees to the imposition of certain conditions or restrictions not generally imposed on other similarly zoned properties.

Conservation:

Permanently protecting land and its natural resources (e.g., water, soil, wildlife, forests, etc.) from development or overuse through deeds, easements, site plan approvals, or other formal processes.

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Coverage:

That percentage of plot or lot area covered by the building area.

Cross Country Ski Area:

The use of otherwise unimproved land for both cross-country snow skiing and one or more of the following accessory activities: (10/19/94)

sale or rental of skiing equipment or accessories;

ski instruction;

food or beverage service for users of the ski area;

parking for users of the ski area; or

construction and/or maintenance of ski trails for use by persons who pay a fee, membership dues or some other consideration for their use.

Day Camp:

A facility, which may include land and buildings and indoor and outdoor activities, that operates an organized program or programs the primary purpose of which is to provide recreational, social, educational or spiritual group experiences for children, that may provide incidental food service, and that does not provide overnight accommodations for children. If incidental to the camp use, camp facilities may be utilized to provide meeting, recreation or social facilities for a private or public association or group. [05/05/10]

Day Care Center Facilities: See Child Care Center

~~a. A house or place in which 13 or more children may for consideration be cared for, on a regular basis and which is licensed by the Maine Department of Human Services as a day care facility. [Amended 06/01/94]~~

~~b. A house or place in which 13 or more children may for consideration be cared for on a non-recurring basis and which is licensed by the Maine Department of Human Services as a day care facility.~~

Designated Growth Area:

~~Designated growth area means~~A ~~a~~n area ~~that is~~ designated in the Town of Scarborough Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10)

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years is directed. ~~The Rural Farming District and Rural. [Adopted 07/19/23]~~

Disc Golf: [09/19/2007]

A game based on the rules of golf, using flying discs thrown at targets.

Disturbed Area:

Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area. [Adopted 07/19/23]

Distribution Facility:

A structure or building used for the receiving and shipping of finished goods and articles where goods are received and redirected for delivery to the ultimate customer at remote locations. [Adopted 06/20/18]

Drinking Establishment:

A bar, tavern, pub or other similar business establishment serving alcoholic beverages to paying customers or providing seating for the consumption of alcoholic beverages on the premises.

Drive-in Restaurant: (Deleted 11/16/94)

Dwelling:

A building designed or used as the living quarters for one or more families. The term shall not be deemed to include hotel, motel, rooming house or trailer.

Dwelling, accessory unit:

See Accessory Dwelling Unit.

Dwelling, attached:

A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

Dwelling, detached:

A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

Dwelling, multifamily:

A building designed and/or used for residential occupancy by three (3) or more families living independently in three (3) or more dwelling units. There is no limit to the number of dwelling units that can be in a multifamily dwelling unless there is a limit established by the zoning district regulations for the district in which the building is located. [06/06/2007]

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~~**Dwelling, semi-detached:**~~

~~A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.~~

Dwelling, single family:

A building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.

Dwelling, two family:

A detached or semi-detached building used for residential occupancy by two families living independently of each other.

Dwelling Unit:

A building or portion thereof providing complete housekeeping facilities for one family. Then term shall not be deemed to include trailer.

Dwelling Unit in a Mixed-Use Building:

A dwelling unit located in a building that contains one or more non-residential uses that occupy at least twenty percent (20%) of the floor area of the building. [06/06/2007]

~~**Emergency Operations:**~~

~~Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings and livestock from the threat of destruction or injury.~~

Extractive Industry:

The use of land for removal of topsoil, rock, sand, gravel or similar earth materials, including, but not limited to, gravel pits and quarries.

Family:

One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Family Day Care Home: **See Family Child Care Provider**

~~A house or other place in which 3-6 children or adults may for consideration be cared for and which is licensed by the Maine Department of Human Services as a day care facility or a small group adult care program. [Amended 06/01/94]~~

Family Child Care Provider: (*FORMERLY FAMILY DAY CARE HOME*)

A person who provides day care in that person's home on a regular basis, for consideration, for 4 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than 3 other children, or 4 other children if at least 2 of the children are siblings, and no more than 3 of the total number of children in the provider's care are under 2 years of age, the provider is not required to be licensed as a family child care provider.

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Farm Stand:

A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the Commercial Agricultural, Commercial Animal Husbandry, Commercial Fishing and Harvesting use or Accessory Agricultural Activities and handmade crafts and similar products. Farm Stands are subject to performance standards contained in Section IX.R of this Ordinance. [05/05/10] [Amended 10/18/23]

Financial, Insurance and Real Estate Offices:

Establishments such as, but not limited to, banks and trust companies, credit unions, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agencies, real estate agencies, real estate development offices and real estate management offices. [7/17/91]

Floor Area:

The sum of the gross horizontal areas of the several floors of a building or of a unit of occupancy measured from the exterior face of exterior walls (or from the center line of a party wall or interior wall separating units of occupancy) but not including interior parking spaces, loading space for motor vehicles, or any space where the floor to ceiling height is less than 6 feet. [7/17/91]

Food Processing Facility:

The use of land, buildings, or structures for the processing of food, seafood, or agricultural products for use or consumption primarily off the premises including such activities as commercial bakeries, breweries, bottling facilities, dairies, lobster pounds and facilities for commercial food processing and/or packaging. Food processing facility does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility. [Adopted 07/18/12]

Forest Management Activities:

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control.

Forestry:

The use of land for the raising and harvesting of timber, pulp wood, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper. The operation of a sawmill and/or chipper must be primarily used to process timber harvested on the premises, but may also process timber harvested off the premises provided this processing is accessory and subordinate to the principal forestry use of the property. The term "forestry" does not include the clearing of land for approved construction. [05/05/10]

Funeral Home:

A building used for the preparation of deceased human beings for burial and the display of the deceased and rituals connected therewith before burial or cremation. [03/07/07]

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Gasoline Filling Station:

Any building, structure, land or part thereof where motor vehicle fuel is sold at retail either as a principal use or as an accessory use. As used in this definition, "at retail" means sold to the public generally. A business which provides some other service or product, which does not hold itself out as selling motor vehicle fuel at retail, and which sells motor vehicle fuel only to purchasers of that other service or product is not a gasoline filling station. [11/4/92]

Golf Course:

An area of land laid out for playing the game of golf or disc golf, with a series of 9 or 18 holes or targets, each including tee, fairway and putting green and often one or more natural or artificial hazards. A golf course may include a clubhouse, shelter for players and other accessory structures, including one dwelling unit in an accessory structure and accessory use to the golf course, provided the dwelling unit is occupied by a resident facility manager or by on-duty employees of the facility. A miniature golf facility or a golf driving range is not a golf course. [12/21/94] [Amended 09/19/07; 07/19/17]

Group Day Care Home: See Small Child Care Facility

~~A house or other place in which 7-12 children may for consideration be cared for and which is licensed by the Maine Department of Human Services as a day care facility. [Amended 06/01/94]~~

Gross Leasable Area:

The floor area of a building or use less the area occupied by stairwells and elevator shafts, equipment rooms and utility rooms. [Adopted 01/06/10]

Harness Racing Facility:

A facility for the stabling, training, and racing of horses including related facilities such as food and beverage service areas, function rooms, permanent and temporary housing for track workers and horsemen, and gambling facilities for wagering on horse racing both on and off-track. A harness racing facility does not include facilities for gambling that does not involve wagering on horse races. [Adopted 08/21/2013]

Health Club:

An establishment that provides exercise facilities, such as running and jogging tracks, exercise equipment, game courts, swimming facilities, saunas, showers and lockers. [05/20/98]

High Technology Facility:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas, does not create offensive noise, vibration, smoke, dust, odor, heat or glare, that by reason of the high value of the product in relation to its size and weight does not create large volumes of truck traffic, and that conforms to the performance standards of Section IX(M).

Home Occupation:

An occupation or profession which is customarily carried on in a dwelling unit or in a building accessory to a dwelling unit by resident members of the family occupying the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. [Amended 05/05/10]

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Hospice Program or Hospice Providers:

~~An establishment or program caring for the physical and emotional needs of terminally ill patients within a home-like facility. [08/17/05]~~

Distinct, clearly recognizable entity that exists to provide hospice services; hospice services mean a range of interdisciplinary services provided on a 24-hours-a-day, 7-days-a-week basis to a person who is terminally ill and that person's family. Hospice services must be delivered in accordance with hospice philosophy.

Hotel/Motel:

A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel may provide kitchens or kitchenettes in guest rooms and will not, as a result, be considered a dwelling under this ordinance, so long as the hotel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel for no more than 186 days in any 365-day period. [11/02/94]

Instructional and Educational Service:

Establishments that provide instruction and training. This instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers.

Internal Road:

Any street or part of a street located within the Haigis Parkway District other than Haigis Parkway, Payne Road or U.S. Route One.[1] [11/06/02]

Impervious Area:

Means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious. [Adopted 07/19/23]

Kennel:

A commercial facility for the boarding, daycare and/or breeding of domestic pets including accessory activities such as grooming or training. The term "kennel" does not include veterinary and pet care facilities. [05/05/10]

Leachable Wastes:

Waste materials, including solid wastes, sludge, and industrial and agricultural wastes, that are capable of releasing contaminants to the surrounding environment. [05/18/2011]

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[1] As of 8/12/2002 no property in the HP District abuts U.S. Route One. The reference to Route One in the definition is in the event of future changes to the Zoning Map.

Landscape Contractor:

Landscape Contractor means the business of designing, installing, planting, or maintaining lawns, gardens, hardscapes, water features, outdoor structures, decorative features, stormwater and drainage features, or other activities intended to enhance the appearance or usefulness of outdoor areas. Landscape Contractor also means providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. Landscape Contractor includes buildings and structures used in the such as barns, storage buildings and facilities, greenhouses and temporary shelters. All structures shall be subject to site plan approval. [08/20/2025]

Library:

A library freely open to all persons and receives its financial support from a municipality, private association, corporation or group. The above serves the informational, educational, and recreational needs of all the residents of the area for which its governing body is responsible.

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Live/Work Unit:

A mixed-use unit within a multifamily dwelling or mixed-use building that contains both living space and work space. The work space shall be limited to no more than 1,000 square feet of gross floor area and may be used for any non-residential use permitted in ~~Section XVIIIC.B~~the Zoning District . The work space need not be occupied by the same occupants as the living space, unless otherwise required to meet the parking requirements of Section XI.B. The work space within a live/work unit shall not be considered, and shall not be required to comply with the requirements for, a home occupation. [05/03/06] [Amended 06/06/07]

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Living Space:

Living space is space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, or sanitation purposes. Living space includes not only those areas used for living, sleeping, eating, and cooking, but also includes bathing and washing areas such as bathrooms and closets accessed from the interior of the dwelling unit. Living space does not include: 1) storage areas such as attics and garages, 2) common or shared hallways or stairways providing access to individual dwelling units in a multifamily dwelling, or 3) other common areas in a multifamily dwelling. [05/03/06] [Amended 06/06/07]

~~**Local Retail Store:**~~

~~Retail sales and services, other than automobile repair and service facilities and car washes, which serve primarily the daily needs of a definable, immediate neighborhood. [7/17/91]~~

Lodging House:

A building in which three or more rooms are rented for living accommodations and in which no table board is furnished.

Lot:

A parcel of land described in a deed or depicted on a plan which is or is proposed to be separately owned, used, developed or built upon. [Amended 11/02/05]

Lot Area: [09/05/07] [02/06/08]

1. For lots within approved subdivisions, the gross area of the lot.

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2. For lots not within approved subdivisions, the gross area of the lot, minus:
    - Portions of the lot located within the Resource Protection District pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine.
    - Portions of the lot located in the Stream Protection or the Stream Protection 2 District pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine that are within seventy-five (75) feet, measured horizontally, of the normal high water line of the stream.
    - Portions of the lot covered by surface water bodies other than manmade ponds.
    - Portions of the lot shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
    - Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to, (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, coastal dune or tidal marsh, as determined by the Code Enforcement Officer.
    - Portions of the lot subject to easements for vehicular access to land outside the lot.

Lot Lines:

The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

Lot of Record:

A parcel of land, a legal description of which or the location and dimensions of which are contained on a deed or plan recorded at the Cumberland County Registry of Deeds.

Manufacturing and Assembly:

The use of land, buildings or structures for the production, manufacturing, assembly, fabrication, processing or treatment of materials, goods, or products. Manufacturing and assembly use may include the accessory retail sales of materials or products produced or processed on the premises. [Adopted 07/18/12]

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Manufactured Housing Community:

Shall mean a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes. [Adopted 07/20/22]

Manufactured Housing Community Lot:

Shall mean the land on which an individual home and nay appurtenant structures or additions, is situated within a manufactured housing community and which is reserved for use by the occupants of that home. Such lost shall be designated on the plan for a manufactured housing community.

Manufactured Housing Unit:

Shall mean "manufactured housing" as that term is defined in 30-A M.R.S.§4358(1)(A), as may be amended. [Amended 07/20/22]

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Notwithstanding any other provision in this Ordinance to the contrary, manufactured housing and any modular home that meets construction standards for state-certified manufactured housing~~omes~~ adopted pursuant to Title 10 section 9042 are allowed in all zones where other single-family homes are allowed.

Manufactured housing on individual lots must also meet the following standards:

(1) The unit is constructed with a roof having a pitch of 3 in 12 or greater.

(2) The roof is covered with asphalt or fiberglass composition shingles or approved wood shingles or shakes.

(3) The exterior wall surfaces are covered with materials similar to traditional site-built housing units. These materials may include clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels, except as permitted above.

(4) The minimum horizontal dimension of the unit as installed on the site is 14 feet.

(5) The minimum floor area of the unit shall be 750 square feet.

Medical and Diagnostic Facility:

A medical facility where medical treatments, diagnostic tests and procedures are performed to treat and/or diagnose various medical conditions and illnesses.

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Meteorological Tower:

A structure or structures intended to collect data to determine the appropriate siting of a Small Wind Energy System, that may include wind speed indicators, wind direction indicators, a tower, guy cables, wiring, and other wind data gathering equipment and infrastructure. The term meteorological tower does not include structures principally utilized in the operation of federally licensed amateur radio stations, which may also accommodate wind speed indicators, wind direction indicators, and other date gathering equipment and infrastructure. [Adopted 07/15/09]

Mini-Warehouse/Storage Facilities (external access):

A facility consisting of a building or group of buildings located in a fenced and gated controlled-access compound and containing individual compartmentalized, and controlled-access storage units with individual locks for each storage unit, which are leased or rented to customers of the facility for storage of those customer's personal property, designed and utilized so that each customer had individual access to his or her unit exclusive of the access of other customers of the facility and which is designed to function as a self-service facility. [12/03/97]

Mobile Food Vendor:

A vehicle, trailer, cart or stand designed and constructed to transport, prepare, sell or serve food and/or beverages and capable of being moved from its serving site at any time. Mobile food vendors are subject to Chapter 1015.A Mobile Food Vendor License Ordinance. [01/08/2025]

Mobile Food Vendor Court:

A collection of two or more mobile food vendors in a common outdoor plaza or site providing a common area for self-serve dining. For the purpose of this definition the mobile food vendor court

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may be an accessory use to the primary use of the site or the primary use of the site. Mobile food vendors courts are subject to Chapter 405 Zoning Ordinance use standards and applicable performance standards and Chapter 405B Site Plan review requirements. [01/08/2025]

~~**Multiplex:**~~

~~A type of multifamily dwelling in which no more than eight dwelling units, in any configuration are located in the building. Where more than one multiplex structure is located on a lot, the average number of dwelling units per structure shall be no greater than six. [Amended 06/06/07]~~

Museum:

A public, tribal, or private nonprofit institution which is organized on a permanent basis for essentially educational, cultural heritage, or aesthetic purposes and which, using a professional staff, owns or uses tangible objects, either animate or inanimate; cares for these objects; and exhibits them to the general public on a regular basis.

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Municipal Building or Use:

Any building or use owned or operated by the Town of Scarborough, the Scarborough School Department or the Scarborough Sanitary District, the Biddeford-Saco Water District or the Portland Water District, excluding public utility facilities. [7/17/91] [03/17/04]

Net Residential Acreage: [Amended 07/21/04; 10/20/04: 09/05/07]

The area of a tract or parcel of land, which is suitable for development, determined by subtracting, in order, the following from the total acreage of the tract or parcel:

1. Portions of the tract or parcel which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the tract or parcel, as determined by the Planning Board.

2. Portions of the tract or parcel shown to be in the floodway or coastal high hazard area as designated on the Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.

3. Portions of the tract or parcel which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to, (a) water table at the surface for all or part of the year, or (b) unstable soil such as Sebago mucky peat, costal dune or tidal marsh, as determined by the ~~building inspector~~Code Enforcement Officer subject to review by the Planning Board in the event of a dispute.

4. Portions of the tract or parcel subject to rights of way or easements.

5. Portions of the tract or parcel located in the resource protection district, except land above the upland edge of a wetland, pursuant to the Shoreland Zoning Ordinance for the Town of Scarborough, Maine. [8/5/92]

6. Portions of the tract or parcel covered by surface water bodies.

7. Portions of the tract or parcel utilized for storm water management facilities.

8. 10% of the acreage remaining after the foregoing subtractions have been made, as an allowance for roads and parking, irrespective of the actual area proposed for roads

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and parking. This Paragraph 8 shall not apply to any application to amend a subdivision plan which was approved prior to October 20, 2004. Any such application for an amendment shall be governed by the definition of net residential acreage in effect at the time the subdivision plan was originally approved.

Net Residential Density:

Net residential density shall mean the number of dwelling units allowed per net residential acre within a subdivision. [Amended 09/05/07]

Non-Commercial Model Aviation Flying Field:

A parcel of land used to fly radio-controlled miniature aircraft by model aviation hobbyists who are either (1) members of guests of a non-profit model aviation club and pay no consideration other that club dues for the use of the field or (2) social guests of the landowner. This definition and the allowance of "Non-Commercial Aviation Flying Field" as a special exception in certain zoning districts shall not be deemed to prevent otherwise permissible occasional and casual use of land in any district to fly radio-controlled miniature aircraft, provided such occasional and casual use is secondary and incidental to another use or the property is otherwise unused. Use is deemed to be "occasional and casual" only when: (a) such use is made only by the owner of the property and the owner's social guests; (b) the property owner receives no payment or consideration of any kind for the use; (c) the use is not sponsored, organized or promoted by a model aviation club or similar organization; (d) no person is granted any formal rights by lease, contract, license or any method other than social invitation to use the property to fly radio-controlled miniature aircraft; and (e) such use does not occur on more than six days in any calendar month. [2/17/93]

Non-Conforming Building or Structure:

A building or structure existing at the effective date of adoption or amendment of this Ordinance which does not conform to the Space and Bulk regulations of the district in which it is located.

Non-Conforming Lot:

A lot existing at the effective date of adoption or amendment of this Ordinance which does not conform to the Space and Bulk Regulations of the district in which it is located.

Non-Conforming Use:

A use of land, building, or structures at the effective date of adoption or amendment of this Ordinance which does not conform to the regulations and requirements of the district in which it is located. Non-conforming use includes a use existing at the effective date of adoption or amendment of this Ordinance which this Ordinance designates as a Special Exception in the district in which it is located, unless such use has been approved by the Board of Appeals under Section IV, I of this Ordinance.

Non-Municipal Government Buildings and Uses:

Buildings and uses of any department, commission, agency or instrumentality of the United States, the State of Maine, the County of Cumberland or any other governmental authority or district. Non-Municipal Government buildings and uses do not include any temporary or permanent holding facilities, jails, or prisons, which are not permitted in any zoning district. [Adopted 04/21/2021]

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Non-Municipal Government Offices:

The offices of any department, commission, agency or instrumentality of the United States, the State of Maine, the County of Cumberland or any other governmental authority or district. Non-Municipal Government Offices do not include any temporary or permanent holding facilities, jails, or prisons, which are not permitted in any zoning district. [7/17/91][Amended 04/21/2021]

Nursery School:

~~A house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:~~

~~A. No session conducted for the children is longer than 3 ½ hours in length;~~

~~B. No more than 2 sessions are conducted per day;~~

~~C. Each child in attendance at the nursery school attends only one session per day; and~~

~~D. No hot meal is served to the children.~~

~~This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of Educational and Cultural Services, in accordance with Title 20, Section 911.~~

A house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program that provides care for 3 or more children 33 months of age or older and under 8 years of age, provided that:

A. No session conducted for the children is longer than 3 1/2 hours in length;
B. No more than 2 sessions are conducted per day;
C. Each child in attendance at the nursery school attends only one session per day; and
D. No hot meal is served to the children.

This term does not include any facility operated as a child care center or small child care facility licensed under 22 M.R.S. § 8301-A(2), a youth camp licensed under 22 M.R.S. § 2495, or a public or private school in the nature of a kindergarten approved by the Commissioner of Education, in accordance with Title 20-A.

Nursing Home, Licensed:

A facility which is operated in connection with a hospital, or in which nursing care and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in the State, for the accommodation of convalescent or other persons who are not acutely ill and not in need of hospital care, but who do require skilled nursing care and related medical services. The term "nursing home" or "nursing facility" is restricted to those facilities, the purpose of which is to provide skilled nursing care and related medical services for a period of not less than 24 hours per day to individuals admitted because of illness, disease or physical or mental

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infirmity and which provides a community service.

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Open Space:

Any area of land or water, which remains essentially unimproved except for landscaping, is not occupied by any structures, gravel or impervious surfaces, and is set aside to remain undeveloped. [7/17/91]

Open Space Ratio:

The total area of open space, excluding artificially created storm water management facilities and land occupied by easements or rights of way, divided by the total area of the lot. [7/17/91]

Outdoor Sales and Services:

Those land uses in which merchandise is sold or displayed principally outdoors or in which services are offered or rendered to customers principally outdoors, including new or used car dealerships which are not fully enclosed. The use category outdoor sales and services does not include: (1) outdoor display of agricultural and horticultural products by principal uses which primarily market said products, (2) drive-up windows accessory to a permitted, (3) accessory outside displays in compliance with Section IX (D) and (4) accessory outside vending machines in compliance with Section IX(E). [7/17/91] [Amended 4/6/94; 06/03/98]

Outdoor Storage:

The keeping in an unroofed area of any goods, materials, merchandise or unregistered/uninspected vehicles in the same place for more than 24 hours. The term outdoor storage does not include service vehicles used by a commercial enterprise in the conduct of their business, which can meet the performance standards in Section IX. A (14), the storage of goods, materials or merchandise inside box trailers, semi-trailers, roll-off containers, slide-off containers, "piggy-back" containers, railroad cars, or any other similar container. Any such storage in roofed containers shall be governed by the performance standards in Section IX(G) Accessory Containers. [7/17/91] [Amended 09/03/97; 05/03/2023]

Park:

Any area of land or an interest in land, with or without improvements, managed primarily for public or private recreation or conservation purposes. Ancillary parking is permitted through the site plan review process.

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Parking Space:

Usable space for the parking of an automobile that conforms to the standards of this Ordinance. [Amended 01/06/2010]

Party Wall:

A fireproof wall separating two buildings and structurally common to both.

Personal Services:

Establishments providing services involving the care of a person or her/his apparel. The types of personal services allowed include, but are not limited to: laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry-cleaning plants,

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photographic studios, beauty shops, barber shops, shoe repair, ~~reducing salons and health clubs,~~ clothing rental, and instruction in music, language or the arts. [7/17/91][Amended 11/01/17]

Pet Care Facility Indoor:

An establishment that provides fully enclosed facilities for the training, kenneling and grooming of pets. [09/04/02]

Place of Worship:

A building or structure designed and used primarily for conducting organized religious services. The term "Place of Worship" includes customary accessory facilities located within the principal building, such as meeting rooms, assembly space, administrative offices, classrooms for religious education and living quarters for clergy, but does not include uses, activities, buildings or structures defined in this Ordinance as "Adjunct Uses, Place of Worship." [05/05/99][Amended 11/05/08]

Planning Department:

The Town Planning Department as described in Article VII of the Town of Scarborough Administrative Code. Where this Ordinance requires an approval from the Planning Department, such approval shall be evidenced by the signature of the ~~Town Planner or the Assistant Town Planner/Engineer. [11/05/03]~~Director of Planning and Codes.

Primary Residence: Residential dwelling, also known as principal residence, occupied by the owner(s) of the property permanently or for the majority of the year.

Professional Office:

The office of a member of a recognized profession maintained for the conduct of that profession. The types of professional offices allowed include, but are not limited to: medical practitioners (including mental health practitioners), social workers, attorneys, engineers and accountants. ~~Unless otherwise stated in the use regulations for a particular zoning district, the term professional office does not include addiction treatment facilities.~~ [7/17/91] [11/16/05]

Public Utility Facilities:

Facilities such as, but not limited to, substations, pumping stations sewage treatment facilities, water treatment facilities, transmission lines, pipelines, studios, transmitters, receivers, and other buildings, structures or uses necessary or accessory to the operation, or conduct of activities regulated by the Public Utilities Commission and businesses or activities which are not so regulated but which provide a public service to the Town of Scarborough, including voice, image or data transmissions, radio, television and cable television that are available for use by the general public. The term Public Utility Facilities does not include Transmission Towers, which are separately defined and regulated. The term public utility facility does not include wholesale storage and/or wholesale distribution of fuel stored in bulk. [05/17/95] [3/20/02]

Recycling Facility:

Any building, structure or land upon which used materials, waste products or parts thereof are separated or processed and then shipped off the premises for eventual use in new products or are reprocessed on the premises into new usable products. A Recycling Facility which engages in those activities may also provide for the collection, sorting and transfer of non-recyclable waste. The term

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"Recycling Facility" does not include a junkyard, automobile graveyard or automobile-recycling business, as defined in subchapter I of chapter 183 of Title 30-A of the Maine Revised Statutes. [03/06/96]

Research, Development, and Light Industrial:

The use of land, buildings or structures for research, development, light assembly, or light manufacturing activities that does not create any danger to health or safety in surrounding areas and does not create offensive noise, vibration, smoke, dust, odor, heat or glare, and that conforms to the performance standards of Section IX(M.1). [Adopted 06/20/12]

Residential Care Facility: ~~and Long Term Care Facilities for the Ill, Aged or Disabled~~: ***(FORMERLY BOARDING CARE)***

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~~A facility which provides full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. [7/17/91]~~

A house or other place that, for consideration, is maintained wholly or partly for the purpose of providing residents with assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. "Residential care facility" does not include a licensed nursing home, a mental health residential program licensed under Title 34-B, section 1203-A, a substance use treatment facility licensed under 22 M.R.S chapter 1667, a residential program for individuals with intellectual disabilities licensed under Title 34-B, section 1203-A or a shared living arrangement certified by the department.

Residential Recreational Facility:

An open space recreational use, which is customarily incidental to residential use, such as, but not limited to, swimming pools and tennis courts.

Restaurant:

A business the principal activity of which is serving food to the public. [11/16/94]

Retail Floor Area:

The floor area of a building used for retail sales or services less stairwells and elevator shafts, equipment rooms, utility rooms, inventory storage areas, general storage areas, office space and employee lounge or recreational areas. [7/17/91]

Retail Sales and Services ~~(or "Retail Businesses and Service Establishments)~~:

The sale of goods, merchandise or services to the general public for personal or household consumption. ~~Unless otherwise specified in the district use regulations,~~R~~ r~~etail sales and services ~~includes~~ excludes fully enclosed automobile repair and service facilities, ~~y and includes~~ car washes, ~~but~~ and ~~excludes~~ gasoline filling stations, automobile sales, automobile painting and body shops, junkyards and salvaging operations and restaurants. [7/17/91] [11/16/94]

Seasonal Residence: Residential dwelling occupied by the owner(s) of the subject property for a minimum of three consecutive months during a twelve (12) month period.

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School:

An institution for the teaching of children.

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Senior Housing:

An apartment-style multifamily dwelling with individual dwelling units for elderly households. An elderly household shall include at least one elderly person of at least 55 years of age, and no occupant less than 55 years of age other than a fulltime caregiver to, or a spouse or companion of the elderly person(s), or a handicapped person. Senior housing may include services for medical and non-medical care and assistance. Senior housing is not subject to the limitations on the number of units per building which apply to Multiplex. [05/03/06] [Amended 06/06/07]

Service Area:

The floor area of a building used for personal services less stairwells and elevator shafts, equipment rooms, utility rooms and storage areas. [7/17/91]

Short-Term Rental: The use, control, management or operation of a legally existing residential dwelling or portion of a dwelling unit or accessory structures offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by short-term rental guests for less than 28 consecutive days, for compensation, directly or indirectly, excluding motels, licensed campgrounds, hotels, bed-and-breakfasts, and lodging houses.

Short-Term Rental Non-Owner Occupied: A short-term rental that is not occupied by its owner(s) as their primary residence when any part of the dwelling or accessory structures are rented as a short-term rental.

Short-Term Rental Owner Occupied: A short-term rental that is occupied by the owner(s) as their primary residence when any part of the dwelling or accessory structures are rented as a short-term rental. For the purposes of this section, the owner(s) do not have to be present during the short-term rental occupancy. If the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must identify the residential dwelling as their primary residence.

Sign:

An object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Small Batch Processing Facilities:

-A category of a food processing facility or light industrial use that processes, produces or assembles small lots of consumer goods. Processors in this category include, but are not limited to, clothing design and production, small batch food production, craft brewers, jewelry makers and other product lines that have an element of handcrafted design or hand-made production. Small batch processing facilities shall not include the production or processing of adult use or medical cannabis. [Adopted 10/07/15]

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SECTION VI. DEFINITIONS [Amended 07/19/2023; 10/18/2023; 11/15/2023; 09/04/2024; 01/08/2025; 03/19/2025; 08/20/2025]

Small Child Care Facility: *(FORMERLY GROUP DAY CARE HOME)*

A house or other place, not the residence of the operator, in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 to 12 children under 13 years of age.

Small-Sscale Energy Facility:

A facility for the generation of electricity with a maximum capacity of five megawatts (5 MW), but do not include small wind energy systems or solar energy systems which are defined and regulated separately. [Adopted 06/20/12]

Small Wind Energy System (SWES):

A structure or structures that may include a wind turbine (both vertical or horizontal axis), a tower, footings, electrical infrastructure and associated equipment that is designed to produce electrical energy or pump water for the building(s) and use(s) on a particular lot or site. Small Wind Energy Systems shall be subject to the Performance Standards under Section IX.N of this Ordinance. [Adopted 07/15/09]

Snack Bar: [Deleted 11/16/94]

Solar Energy System:

A structure or structures that use sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. [05/20/09]

Solid Wastes:

Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, and refuse. [05/18/2011]

Space and Bulk Regulations:

Regulations in this Ordinance governing the size, shape, configuration and other physical characteristics of land, buildings and structures, including the requirements of this Ordinance for off-street parking.

Special Exceptions:

A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance. Any individual use for which a specific and individual special exception has been granted in accordance with this Ordinance shall be deemed as a permitted use but subject to such terms and conditions as specified by the Board of Appeals.

Stable, Commercial:

A public facility that receives remuneration for the boarding, breeding, and/or training of horses including buildings and structures related to these activities such as barns, storage facilities, indoor and/or outdoor riding rings/facilities, and trails. A Commercial Stable may include related activities

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that are accessory to the primary stable use such as trail rides, hay rides, horse shows, and animal auctions. [05/05/10]

Stable, Private:

Private facility for boarding, breeding, and/or training of horses including buildings and structures related to these activities such as barns, storage facilities, indoor and/or outdoor riding rings/facilities, and trails.

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Story:

Any enclosed habitable floor area (other than a basement or cellar) which is separated by more than 6 feet, vertical distance, from any other enclosed habitable floor area in the same building. [08/06/97]

Street:

For purposes of meeting the street frontage and access requirements of this ordinance, the term street shall mean only:

(1) a public way,

(2) a private way approved by the Planning Department under Section IX.I of this Ordinance, or

(3) a street approved by the Planning Board under the Town of Scarborough Subdivision Regulations.

For purposes of determining required setbacks under this Ordinance, including setbacks for corner lots, the term street shall mean any of the above and shall also include any right of way which is described in a deed or plan recorded in the Cumberland County Registry of Deeds prior to November 5, 2003 and which provides the principal means of access to abutting properties. [11/05/03] [Amended 07/21/04]

Structural Alteration:

Any change involving the removal or replacement of supporting members of a building or structure, such as posts, columns, plates, joists or girders.

Structure:

Anything constructed or erected, except a boundary wall or fence, the use of which requires a fixed location on the ground or attachment to something fixed on the ground, whether installed on, above, or below the surface of land or water.

Subdivision~~s~~:

As defined in Subchapter IV of Chapter 187 of Title 30-A of the Maine Revised Statutes, as such may be amended from time to time. [Amended 09/05/07]

Telecommunication Facility:

Transmission and reception antennas, cables, electronic equipment and associated facilities used for wireless transmission and reception of voice or data, mounted on, or enclosed within, a building, structure or use, no part of which shall be more than ten (10) feet above the height of the existing structure to which it is attached. [03/17/04][amended 10/15/14]

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Timber Harvesting:

The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Townhouse:

A type of multifamily housing with attached single-family dwellings in a row of at least three such units separated by party walls, with no unit located over another unit and each unit having its own front and rear access to the outside. No more than 8 units per building. [November 3, 2004] [Amended 06/06/07]

Trail:

Travel way designated to provide a variety of recreation and scenic opportunities and connectivity. Trails may be limited to foot or other nonmotorized means of transportation or motorized means of transportation or a combination. Ancillary parking is permitted through the site plan review process.

Trailer:

Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, office, or work area for one or more persons and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

Transmission Tower:

Any structure which extends more than 35 feet above grade or more than 10 feet above the highest point of the building or structure to which it is attached, whichever is higher, and which is used for the wireless transmission or reception of electric impulses or signals by means of electromagnetic waves. The term transmission tower does not include structures utilized by the Town of Scarborough for public safety or public works communications or utilized in the operation of federally licensed amateur radio stations, which are permitted in all zoning districts where municipal uses are allowed. [5/17/95] [Corrected 08/20/97][Amended 10/15/14]

Truck Terminals:

Facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck between different locations. Truck terminals serve as facilities for unloading products from an incoming vehicle and reloading quickly onto an outbound vehicle with no storage time in between. They are not designed or utilized for long-term warehousing. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal. [03/19/25]

Unit of Occupancy:

Any interior space with defined boundaries described in a deed, lease, license or agreement in which a discrete business, commercial, office, service professional or institutional activity is conducted and which is separated from any other business, commercial, office, service or professional activity by interior or exterior walls. [7/17/91]

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Use:

The purposes and activities for which land, buildings or structures were are or will be utilized in fact.

Variance:

A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance will result in undue hardship.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures, yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the particular zone or adjoining zone.

Veterinary Clinic:

A facility in which animals no larger than the largest breed of dog receive medical or surgical treatment, clipping, bathing or similar services. No overnight boarding of animals is permitted, other than those requiring emergency treatment or those recovering from surgery or anesthesia.

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Warehouse Facility:

A structure or building where goods or materials are stored for distribution to other sites or locations. [Adopted 06/20/18]

Water Dependent Sports Practice Facility:

An area equipped with distance markers for sports activities where balls are driven into an artificially formed pond. [05/21/08]

Wetlands Creation:

The use of land to create new wetlands, or to enhance the functions or values of existing wetlands, for the purpose of establishing wetland areas which can be used for compensation or mitigation banking under state and/or federal wetlands regulations. [05/07/03]

Wholesale Trade and Transportation:

The business of buying goods in large quantities and selling them in smaller quantities to other businesses or retailers. Wholesale transportation is the process of moving goods from manufacturers to retailers or businesses in bulk. Wholesale means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer. [03/19/25]

Workforce Housing: **[Adopted 07/20/2022]**

Workforce Housing means decent, safe and sanitary living accommodations that are available to households, in accordance with following provisions:

A. An Owner-Occupied Workforce Housing Unit is a unit which (i) is occupied by its owner; (ii) is owned by Qualifying WF Household and (iii) has a maximum sales price that is reasonably anticipated to result in Annual Housing Costs that are less than or equal to 30% of the Imputed WF Income Limitation applicable to the unit.

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(I) A Qualifying WF Household is one with a total household income that, at the time of purchase, is 120% or less than the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard").

(II) Annual Housing Costs shall equal the sum of (i) the total annual payments of principal and mortgage interest, (ii) the total property insurance premium, (iii) the real estate taxes due (iv) any ~~homeowners~~homeowner's association or condominium fees that are due; and (v) a reasonable estimate of the annual cost of any additional water, sewer, heat, hot water and electricity in the home.

(III) In the case of a unit which has one or fewer bedrooms, the Imputed WF Income Limitation referred to in A(iii) shall be 120% of the MFI Standard for a household of two (2) people. In the case of a unit which has more than one bedroom, the Imputed WF Income Limitation referred to in A(iii) shall be 120% of the WF MFI Standard for a household of four (4) people.

B. A Renter-Occupied Workforce Housing Unit is a unit which is leased by a Qualifying WF Household at an Annual Gross Rent that is less than or equal to 30% of the Imputed WF Income Limitation applicable to the unit.

(I) A Qualifying WF Household is one with a total household income that, at the time of move-in, is 120% or less than the most recently published Median Family Income for the Portland, Maine, MSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (the "MFI Standard"). To remain a Qualifying WF Household, the household's income must remain at or below 140% of the income limitation described in the preceding sentence.

(II) Annual Gross Rent shall equal twelve (12) times the sum of (i) monthly rent due to the landlord, (ii) any required monthly payments to the landlord for additional services or facilities and (iii) a reasonable estimate of the monthly utility costs (not including television, internet or telephone) that the household is responsible for paying. In the case of a unit which does not have a separate bedroom, the Imputed WF Income Limitation used to determine the maximum annual gross rent shall be 120% of the MFI Standard for a household of one (1) person. In the case of a unit which has one or more bedrooms, the Imputed WF Income Limitation used to determine the maximum annual gross rent shall be 120% of the MFI standard for a household with a size equal to one and one half (1.50) people per bedroom.

Yard:

A space, open to the sky, which is not occupied with any buildings or structures and is located on the same lot with a building or structure.

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Yard Front: [Amended 05/04/2022]

An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

1. Corner lots and lots abutting multiple streets the front setback line applies to each bordering street, except as provide in 2. below.
2. Corner lots and lots abutting multiple streets in a residential district (RFM, RF, R-2, R-3, R-4, R-4A) shall have a primary and secondary front yard as provided below.
   a) The primary front yard shall be deemed to be located on the street of address, or from the street of access to the lot. The front yard from any other abutting street shall be deemed a secondary front yard between the principal building and the side street, and shall not be less than 50% of the front yard requirement of uses located on the side street. (See Fig. 1)

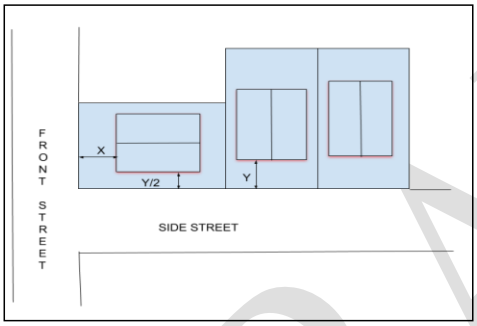

Figure 1: dimension "X" is the required front yard in a given district for the primary frontage. The "Y" dimension is the required front yard on the side street. The "Y/2" dimension is half the required front yard for the side street for the corner lot.

   b) lots that front on two or more streets shall have one primary and one or more secondary front yards. The primary front yard shall be deemed to be located on the street of address, or from the street of access to the lot. The front yard from any other abutting street shall be deemed a secondary front yard between the principal building and the side street, and shall not be less than 50% of the front yard requirement of uses located on that street. (See Fig. 2)

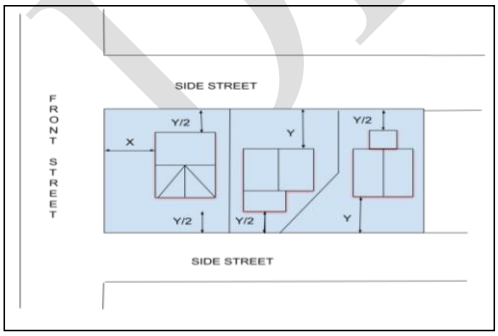

Figure 2: there are 3 lots with more than one street frontage. The required front yard on the primary street is designated as "X" for the lot with 3 front yards; "Y" is the required front yard on the side streets; and "Y/2" is half the required front yard for secondary street frontage.

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Yard Rear:

An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard Side:

An open unoccupied space on the same lot situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

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~~SECTION VII. FLEXIBLE DEVELOPMENT STANDARDS FOR HIGHER DENSITY RESIDENTIAL DISTRICTS. [Amended 02/01/2006][Amended 01/20/16][Amended 09/17/2025]~~

~~A. SPECIAL PROVISIONS~~

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

~~B. PERFORMANCE STANDARDS~~

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

~~**1.** The purpose and intent of this Zoning Ordinance shall be upheld.~~
~~**2.** There shall be compliance with all State and local codes and ordinances.~~
~~**3.** There shall be no approval of any proposed development, which exceeds the net residential density (see Section VI for definition) allowable in the Residential District in which it is located.~~
~~**4.** Separation between principal buildings located on the same lot shall be a minimum of 30 feet. This minimum separation requirement may be reduced by the Planning Board, but lesser separation must be in accordance with the provisions of MUBEC governing Construction Types and Fire Resistance Rated Construction. Any separation of less than 30 feet between buildings needs to be accompanied by a note on the approved plan indicating the need for building construction and materials in accordance with the Fire Resistance Rating Requirements of MUBEC cited above. [Amended 09/17/2025]~~
~~**5.** Each building shall be an element of an overall plan for site development.~~
~~**6.** Where possible, buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, natural drainage areas, neighborhood greens and common open space.~~
~~**7.** Where possible, buildings, streets, sidewalks, parking areas and landscaping shall be designed in a cohesive, integrated fashion. Building placement and orientation to streets, parking, sidewalks and common areas should be designed to establish inviting public spaces exhibiting human elements and scale, while building orientation to natural features should furnish and buffer private spaces for individual dwelling units or groups of dwelling units.~~
~~**8.** Development proposals shall include a landscape program to illustrate the proposed aesthetic treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.~~
~~**9.** All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and be designed as not to be unsightly or hazardous to the public.~~
~~**10.** Residual open space accumulated by modifying space and bulk requirements within the~~

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

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

~~**a.** Shall not be used for future building lots,~~

~~**b.** A part or all of the common open space may, at the Municipality's option, be accepted in dedication by the Municipality and operated as a Municipal Recreational facility.~~

~~**c.** If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.~~

~~**d.** Covenants for mandatory membership in the association setting forth the owner's rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.~~

~~**e.** This neighborhood association shall have the responsibility of maintaining the common open space(s) and operation and maintenance of local neighborhood recreational facilities , lawn, and landscaped areas within such open space(s).~~

~~**f.** The Association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.~~

~~**g.** The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternately, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.~~

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

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

~~C. CORNER CLEARANCES~~

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

SECTION IX. PERFORMANCE STANDARDS.

[Amended 05/05/2010; 01/02/16; 10/04/17;05/06/2020; 05/20/2020; 07/20/2022; 10/05/2022; 05/03/2022; 05/17/2023; 07/19/2023;10/18/2023; 09/04/2024; 11/20/2024; 01/08/2025; 03/19/2025; 08/20/2025; 11/05/2025]

A. GENERAL

1. Industrial waste waters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with commonly accepted municipal sewage operations, and subject to the approval of the Scarborough Sanitary District.

2. Such wastes may require pretreatment at the industrial site in order to render them amenable to municipal treatment processes.

3. Pretreatment includes, but is not limited to screening, grinding, sedimentation, ph adjustment, surface skimming, chemical oxidation and reduction and dilution.

4. The disposal of industrial waste waters by means other than the municipal sewerage system must comply with the laws of the State of Maine and the Town concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system. Representatives of the Town and for the Maine Department of Environmental Protection may enter into premises for the purpose of gauging, sampling and testing any waste water streams which may enter into water courses.

5. Dust, dirt and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and shall in no manner be destructive, unhealthful, hazardous, nor shall visibility be impaired by the emission of a haze which unduly impedes vision within apparent opaqueness equivalent to No. 1 of the Ringlemann Chart as measured at any boundary line, using the procedures of the American Society of Testing Materials. Representatives of the Town and for the Maine Department of Environmental Protection may enter onto premises for the purpose of testing any and all sources of potential air pollution.

6. The limitations of paragraph 5, shall not apply to emission resulting from soot, blowing on any heat-transfer operation regardless of fuel source provided such emissions do not exceed an aggregate duration of more than one hour in any 24 hour period. Any industry emitting toxic or odoriferous substances must submit detailed plans to minimize such emissions to the ~~Building Inspector~~ Code Enforcement Officer before a permit is granted. Limitations of toxicity and odors of these substances shall be as set forth by the State of Maine.

7. All air pollution control shall comply with minimum State requirements and detailed plans submitted to the ~~Building Inspector~~ Code Enforcement Officer for approval, before a permit is granted.

8. Noise: Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. Noise may be equal but not exceed, curing any consecutive 8-hour period, an average of 75 decibels at 600 cps measured at any boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 100 decibels at 600 cps when measured at the source.

9. Upset conditions, breakdowns, or scheduled maintenance of any water and air pollution control equipment shall not be deemed to be in violation of established limits as specified above. Such person responsible for such emissions will with all practical speed, initiate and complete appropriate reasonable action to correct the conditions causing such emissions to exceed said limits. The Town may take said appropriate and reasonable actions and assess the cost to the violator or owner.

10. No permit shall be issued in an industrial district for any use which may be offensive because of noise or vibration, odors or fumes, smoke or dirt, or because of fire or explosion or any other hazard or nuisance.

11. In case of doubt, the ~~Building Inspector~~ Code Enforcement Officer may employ such independent, recognized consultant necessary, at the expense of the applicant, to assure compliance with performance standards and all other requirements of this Ordinance related to the public health, safety and welfare and the abatement of nuisances.

12. Swimming pools shall be accessory buildings. Swimming pools of more than 100 sq. ft. of surface area, except above ground pools, shall be enclosed by a fence of at least 4 ft. in height, equipped with self-locking doors of such structure as to exclude children. Above ground pools of more than 100 sq. ft. surface area shall be enclosed by sides, barriers or a fence, any of which singly or in combination must be at least 4 ft. in height and shall be equipped with either (a) self-locking platform doors of such structure as to exclude children or (b) portable ladders which shall be removed when pool is not in use.

13. Tenting Camping Seasonal:

1. During the period beginning on April 1 and ending on December 1 of each year, tenting and camping in camping trailers or otherwise shall be allowed within such district or districts as the Town Zoning Ordinances allow.

2. During the period beginning on April 1 and ending on December 1 of each year, seasonal retail stores for selling food including candy and dairy products and variety merchandise shall be allowed within such district or districts.

3. Such district or districts shall be subject to the following restrictions:

a. No person may establish, own or operate a seasonal campground without a permit issued annually by the ~~Building Inspector~~ Code Enforcement Officer for which the applicant shall pay a license fee per camp site located in or planned to be located in such seasonal campground. Such fees shall be as specified in the Municipal Schedule of License, Permit and Application Fees established by order of the Town Council. A schedule of such fees shall be filed with the Town Clerk and may be changed from time to time. Such permit shall only be issued if the campground if found to conform to the requirements of this ordinance and all other pertinent municipal ordinances, state statutes, and rules and regulations of state departments having jurisdiction. [09/06/95]

b. Fires to be permitted only in specifically designated places and only under conditions and at times approved by the Fire Chief.

c. Service facilities which meet the following specifications be provided and continuously maintained in condition and in good operating order at all times when seasonal campground is open for business.

i. A continuous, adequate, safe and potable supply of water.

ii. Toilet facilities shall meet all requirements of the State Plumbing Code, and shall be specifically approved by the municipal health officer.

iii. The storage, collection and disposal of refuse shall not create health hazards, rodent harborage, insect breeding area, accident hazards of air pollution.

d. No sign shall exceed 50 square feet in area. Signs shall deal only with goods or services provided in the premises. The source of light of an illuminated sign must be shielded or concealed.

14. Parking & Storage. Parking or storage for more than one commercial motor vehicle is specifically prohibited as an accessory use in the R-2, R-3, R-4, and R-4A Districts except as accessory to a farm, truck garden or nursery. Parking or storage of more than two commercial motor vehicles is specifically prohibited as an accessory use in the RF District except as accessory to a farm, truck garden or nursery. Commercial vehicles shall not be parked or stored with engines, motors, or accessory motors in operation for an excessive period of time. [Amended 12/86][05/03/2023]

In any commercial district, the outdoor parking or storage of more than four commercial vehicles or fleet of vehicles in service for a permitted use must be approved by the Planning Board and shall be in an area to the rear or side of the building that is not easily seen from any street, or must incorporate appropriate screening so that vehicles are not easily seen from the street. The Planning Board may place a limit on the number of vehicles permitted to be parked or stored on a commercial property. Any parking spaces used for more than four fleet vehicles shall be in addition to the required parking pursuant to Section XI. [adopted 05/03/2023]

In any industrial district, the outdoor parking or storage of commercial vehicles is permitted in an approved parking space. [adopted 05/03/2023]

15. Number will be for further use. [Amended 05/20/2020]

16. Boat Storage. No vessel exceeding twenty-four (24) feet in length shall be stored or parked on any residential property unless the vessel is stored or parked so as not to violate the minimum front, rear and side yards for structures.

17. Timber Harvesting. On any lot where timber harvesting occurs, a minimum 50-foot wide buffer area shall be maintained between the property line and the harvesting activity. Slash shall be disposed of in such manner that it lies on the ground and no part thereof extends more than four feet above the ground.

18. Recycling Facilities.[03/06/96]

a. No Recycling Facility, as defined in Section VI of this Ordinance, shall be operated until a site plan is approved by the Scarborough Planning Board under the Scarborough Site Plan Review Ordinance. [03/06/96]

b. Any Recycling Facility which collects, stores or processes any material outdoors must comply with the same standards for screening as apply to automobile graveyards and junkyards under subchapter I of chapter 183 of Title 30-A of the Maine Revised Statutes. [03/06/96]

c. Any Recycling Facility which collects, stores or processes any material outdoors must receive an annual license from the Scarborough Town Council, which shall apply the same standards and procedures as apply to automobile graveyards and junkyards under subchapter I of chapter 183 of Title 30-A of the Maine Revised Statutes. [03/06/96]

d. All Recycling Facilities shall be subject to at least an annual inspection conducted by the Code Enforcement Officer and such other municipal officials as the Code Enforcement Officer may

designate for the purpose of determining compliance with all applicable Town ordinances and with all conditions of site plan approval. [03/06/96]

B. PERFORMANCE STANDARDS--IN-HOME OFFICES (2/01/95)

In any district, the Code Enforcement Officer may issue a permit for the operation of an in-home office by one or more residents of a dwelling unit as an accessory use to the dwelling unit. An in-home office shall not be considered a home occupation requiring a special exception permit if the following conditions are met:

a. customers or clients do not come to the dwelling to receive goods or services;

b. communication with customers, clients and business associates is principally by mail, electronic mail, telephone or other telecommunication device, and deliveries or pick-ups by truck, if any, occur at an average frequency not substantially greater than the ordinary frequency of delivery truck traffic at a single family residence.

c. there are no signs or any other exterior indications of the in-home office activity;

d. the activities conducted within the in-home office are limited to processes, such as data processing, word processing, desktop publishing and electronic research, which do not create noise, pollution or nuisance conditions detectable outside the dwelling;

e. the in-home office does not employ any persons who are not residents of the dwelling unit; and

f. there are no signs (other than a name on a mail box which complies with U.S. Postal Service regulations), exterior exhibits, exterior exhibits, exterior storage of materials or any other exterior indications of the in-home office.

The permit for an in-home office shall set forth the foregoing conditions and shall not be valid until the applicant agrees, by signing the permit, to operate the in-home office in compliance with those conditions. The permit shall list the names of the persons who will operate the in-home office and shall remain valid only so long as one or more of those listed persons continues to reside in the dwelling unit.

C. PERFORMANCE STANDARDS -- ~~BOARDING CARE FACILITIES FOR THE ELDERLY~~ RESIDENTIAL CARE FACILITY AND ASSISTED LIVING FACILITIES

The following standards shall apply to all Boarding Care Facilities for the Elderly.

1~~. The minimum lot size shall be 5 acres.~~

~~**2.** The maximum density of residents' rooms shall be 14 rooms per acre and the total number of beds shall not exceed 1.3 times the number of residents' rooms.~~

~~**3.** No cooking facilities shall be permitted in any residents' rooms.~~

~~**4.** Occupancy of the residents' rooms shall be limited to persons over the age of 62 or households with at least one resident over the age of 62.~~

1.~~5.~~ Notwithstanding Section IX (A)(15)(a) of this ordinance, buildings in which residents' rooms are located may be up to three (3) stories in height, provided they do not exceed thirty-five (35) feet in height.

2.~~6.~~ The facility must be served by both public water and public sewer.

3.~~7.~~ For facilities located in residential districts, the minimum front yard shall be 75 feet and the minimum side and rear yards shall be 50 feet. For facilities located in business districts, the minimum yard standards in the space and bulk regulations of that district shall apply. [Amended 06/20/12]

D. ACCESSORY OUTSIDE DISPLAYS. [04/94][06/03/98]

In any district a retail sales or service business, which operates principally within a building, may display merchandise or render services (other than dispensing of motor fuels) outside the building, provided such display or service is incidental and secondary to the business conducted within the building. No merchandise displayed under this subsection may be located in any required yard or buffer area, in any parking space required to meet the minimum standards of Section XI of this Ordinance or in any location which would interfere with (1) safe movement of pedestrians into and out of the building, (2) safe movement of pedestrians between parking areas and the building or (3) safe flow of traffic on the site. No such Accessory Outside Display shall be located on any property, which has received site plan approval from the Scarborough Planning Board under the Scarborough Site Plan Review Ordinance after April 6, 1994 except in areas designated for outside display on the site plan.

E. ACCESSORY OUTSIDE VENDING MACHINES. [04/94][06/03/98][09/05/12]

In the B-1, B-2, B-3, TVC, TVC-2, TVC-3, TVC-4 BO-R, I-O and Industrial Districts, and on the premises of a non-conforming use in any other district if such use is allowed in the B-1, B-2, B-3, TVC, TVC-2, TVC-3, TVC-4, BO-R, I-O or Industrial Districts, vending machines may be located outdoors, provided they are incidental and secondary to the principal use of the premises. No vending machines allowed under this subsection may be located in any required yard or buffer area, in any parking space, loading berth or loading bay required to meet the minimum standards of Section XI of this Ordinance or in any location which would interfere with (1) safe movement of pedestrians into and out of the building(s) on the premises, (2) safe movement of pedestrians between parking areas and the building(s) or (3) safe flow of traffic on the site. No such accessory outside vending machines shall be located on nay property which has received site plan approval from the Scarborough Planning Board under the Scarborough Site Plan Review Ordinance after April 6, 1994 except in locations designated for outside vending areas on the site plan. As used in this subsection (E), the term "vending machines" includes self-service mechanical dispensers such as soft drink machines, candy machines, cigarette machines and news racks and free-standing containers or racks from which customers pick up merchandise to be purchased inside the building, but excludes motor fuel pumps.

F. PERFORMANCE STANDARDS--TRANSMISSION TOWERS AND TELECOMMUNICATION FACILITIES [Added 5/17/95]

The purpose of these standards are to allow for the appropriate siting of transmission towers and telecommunications facilities for wireless transmission and reception for the use and benefit of the general public, while minimizing adverse visual effects of transmission towers and telecommunication facilities through careful design, siting, and vegetative screening; avoiding potential damage to adjacent

properties from tower failure and falling ice through proper engineering; and promoting cooperation of service providers and the collocation of antennas. All new transmission towers and telecommunications facilities, or the increase in height of an existing transmission tower, as applicable, shall conform to the following standards and be reviewed and permitted under the Site Plan Review Ordinance by the Planning Board or as a Special Exception by the Board of Appeals, unless the changes to a tower comply with subsection 2(k). below.

1. Priority of Locations.

Applicants shall use the following procedure when proposing the siting and installation of any transmission tower or telecommunications facility. The siting of transmission towers, wireless transmission or reception antennas, and wireless telecommunications facilities must be located according to the priorities below: (a) new wireless transmission or reception antennas on existing transmission towers; (b) new transmission towers in the Industrial (I) and Light Industrial (LI) Districts; (c) new telecommunication facilities mounted on, or within, buildings and structures in the districts where they are permitted or special exception uses; and (d) new transmission tower in the Transmission Tower Overlay District (TTOD). The application shall demonstrate that a location of higher priority cannot reasonably fulfill the applicant's requirements for coverage improvements in the intended geographic area.

a. Existing Transmission Towers – When available, new wireless transmission or reception antennas shall be installed on existing transmission towers, provided that such installation will comply with the performance standards of this subsection.

b. New Transmission Towers within the I or LI Districts – New transmission towers are permitted in the I and LI Districts, but the Planning Board may not approve an application for a new transmission tower in the I or LI Districts unless the Board first finds that the applicant has submitted substantial evidence and justification and has demonstrated that a location of higher priority under subsection 1(a) above cannot reasonably accommodate the applicant's proposed facility.

c. New Telecommunication Facilities – New telecommunication facilities are permitted, but the Planning Board may not approve an application for a new telecommunications facility unless the Board first finds that the applicant has submitted substantial evidence and justification and has demonstrated that a location of higher priority under subsection 1(a-b) above cannot reasonably accommodate the applicant's proposed facility. The application and design of a new telecommunication facility shall comply with the performance standards of this subsection.

d. New Transmission Towers within the Transmission Tower Overlay District -New transmission towers are permitted in the TTOD, but the Planning Board may not approve an application for a new transmission tower within the TTOD unless the Board first finds that the applicant has submitted substantial evidence and justification and has demonstrated that a location of higher priority under subsection 1(a-c) above cannot reasonably accommodate the applicant's proposed facility.

As stated above, an applicant must submit substantial evidence and justification to demonstrate that a location of higher priority cannot reasonably accommodate the applicant's proposed

facility. Justification may include evidence that: existing towers are not of sufficient height to meet the applicants engineering requirements; existing towers do not have sufficient strength, capacity or expansion capabilities for additional antennas as determined by a Maine P.E.; a facility in a different location would not be suitable to adequately serve the intended geographic area necessary to meet the applicants requirements; a new transmission tower would cause electromagnetic interference with antennas on existing towers or structures in proximity to a proper location in the I or LI District; no buildings or structures were identified that could accommodate or would be suitable for installing a telecommunications facility, or where the owner of the building or structure rejected the installation of such a facility; and/or other reasons that a new transmission tower or telecommunications facility cannot meet the applicant's engineering requirements for the geographic area. This evidence shall be submitted to the Planning Board for review as part of any application for a new installation.

2. Standards for Transmission Towers.
In addition to the priority of location requirements in Section IX(F)(1) above, transmission towers must comply with the following performance standards:

a. Height.
(i) Within the Transmission Tower Overlay District the standard height limit for a new transmission tower shall be 130 feet as measured from the base of the tower to the highest point of the tower, including any attached receiving or transmitting antennas and devices. The Planning Board may allow the standard height limit to be exceeded by up to an additional 20 feet, to a maximum of 150 feet, if the increase in height enables the collocation of additional antennas that otherwise could not be accommodated on the tower and results in no material increase in the visual impacts of the tower as determined by the Planning Board. The Planning Board may also require the height of a tower be reduced down by as much as 20 feet, to a maximum of 110 feet if the Board finds through review that reducing the tower height most effectively screen and mitigate the visual impacts of the tower from surrounding properties, abutters, roadways and public spaces. When considering a reduction in the maximum tower height, the Planning Board shall ensure that such a reduction still accommodates the colocation requirements of subsection g.

(ii) Within the Industrial and Light Industrial Districts the height limit for a new transmission tower or the expansion of an existing transmission tower shall be 200 feet as measured from the base of the tower to the highest point of the tower, including any attached receiving or transmitting antennas and devices. The Planning Board may require the height of a tower be reduced down by as much as 20 feet, to a maximum of 180 feet if the Board finds through review that reducing the tower height would materially reduce the visual impacts of the tower from surrounding properties, abutters, roadways and public spaces, including to avoid the need for FAA lighting.

b. Minimum Lot Size and Setbacks.
(i). Within the I and LI Districts there is no minimum lot size for transmission towers, but the standard setback from the base of the tower to all property lines shall be a distance equivalent to 100% of the total tower height, including any attached transmitting or receiving antennas and devices. Accessory structures shall meet the minimum setbacks for the zoning district. The Planning Board may decrease the standard 100% setback if the applicant secures an easement(s) from the abutting property(s) that allows for a lesser

setback. The easement shall allow the tower to be located closer to the property line than the 100% requirement above. An easement from an abutting property shall not however enable a tower to be sited closer to the abutting property line than the minimum front, side and rear yard setback requirements of the zoning district and the combined distance of the easement from the property boundary and the setback must be equivalent to 100% of the tower height.

(ii) Within the Transmission Tower Overlay District, the minimum lot size for a new transmission tower shall be twenty-five (25) acres. The standard setback from the base of the tower to all property lines shall be a distance equivalent to 150% of the total tower height, including any attached transmitting or receiving antennas and devices. Accessory structures shall meet the minimum setbacks for the zoning district. The Planning Board shall have the discretion to either increase the standard setback up to 300% or decrease the standard setback down to 100% of the total tower height if it finds through review that siting the tower in a different location will better screen and buffer the tower from view of the surrounding properties, abutters, roadways and public spaces. The Planning Board may also decrease the standard 150% setback if the applicant secures a restrictive easement(s) from the abutting property(s) that allows for a lesser setback. The restrictive easement shall prohibit dwellings within the easement area so as to allow the tower to be located closer to the property line than the 150% requirement above. A restrictive easement from an abutting property shall not however enable a tower to be sited closer to the abutting property line than the minimum front, side and rear yard setback requirements of the zoning district, but the combined distance of the restrictive easement from the property boundary and the lot setback must be equivalent to 150% of the tower height.

After a transmission tower is approved and installed, the Planning Board may allow a reduction in the minimum lot size from 25 acres to a minimum of 5 acres and a setback distance equivalent to 150% of the total tower height including any attached transmitting or receiving antennas and devices. This lot size reduction is allowed only through Planning Board review to enable additional uses and/or subdivision of the parcel. The allowed reduction in original lot size shall not however reduce or lessen the buffering requirements under subsection (c) below and shall not increase the visual impact of the tower on surrounding properties, roadways and/or public spaces.

c. Buffering.

(i) Within the I and LI Districts, transmission towers shall be surrounded by a buffer of dense tree growth and vegetation that screens the facility and minimizes the visual impact from all directions. If the majority of the site is heavily vegetated with mature tree growth and effectively screens the facility, the Planning Board may require the existing vegetation to be preserved, and supplemented with new plantings where necessary, except for the minimum amount of clearing necessary to install the facility and provide access and utilities. If the site is already developed for a commercial or industrial use, the Planning Board shall have the authority to allow a reduced buffer based on site conditions and the current use of the property so long as the visual impacts of the tower are minimized to the extent practical.

(ii) Within the Transmission Tower Overlay District, all transmission towers shall be surrounded by a buffer of dense tree growth and vegetation that screens the facility

and minimizes its visual impact from abutting properties, roadways and public spaces. If the majority of the site is heavily vegetated with mature tree growth and effectively screens the facility, the Planning Board may require the existing vegetation to be preserved, and supplemented with new plantings where necessary, except for the minimum amount of clearing necessary to install the facility and provide access and utilities. If heavy vegetation and mature tree growth are not present to effectively screen the facility on one or more property lines or from surrounding roadways or public spaces, the Planning Board shall have the authority to require the tower to be sited in an alternative location on the property that exhibits an adequate buffer or screening as provided for under subsection (b)(ii) above. The Planning Board shall have the authority to require the landscape buffer be protected by a landscape easement specifying that the trees within the buffer not be removed or topped, unless the trees are dead or dying. This landscape easement may include a distance equivalent to 150% of the total tower height, be within the carrier's lease, and/or apply to buffering and vegetation on other areas of the site that provide effective screening.

d. Visual Impact Analysis.

In order to review and assess the suitability of the proposed buffering of a tower (under subsection c.), the optimal tower setback from adjacent property lines (under subsection b), the proposed color, style and height of the tower (under subsections a. and e.), and the towers overall visual impacts and effects, the Planning Board may require photo simulations of the tower within the landscape from a variety of perspectives, including surrounding roadways, abutting properties, and public spaces. In addition, the Planning Board may also require other simulations of the tower height and location within the landscape using a balloon test or similar method typical in the industry. Using this visual impact analysis the Planning Board shall have the authority and discretion to mitigate and minimize the visual impact of a tower by: specifying the required tower setback and location as provided for under subsection b., requiring changes and/or enhancements to the buffering as provided for under subsection c.; and regulating the tower height and style as provided for under subsections a. and e.

e. Tower Style.

Tower types shall be limited to monopole-style towers painted in a sky tone above the top of surrounding trees and in an earth tone below tree-top level or stealth towers exhibiting concealed antennas or camouflaging treatment, such as mono-pine towers, as determined by the Planning Board.

f. Lighting.

Towers and attached antennas and devices shall not be artificially lighted, unless required by the FAA or other federal or state agency. If lighting is required, the Planning Board may review the available lighting alternatives and require the design that would cause the least impact to surrounding properties and views.

g. Colocation.

All new transmission towers shall be designed and constructed to accommodate the colocation of additional antennas, equipment and facilities on the tower and site. To meet this standard the applicant, owner and all other tower users shall allow other commercial wireless telecommunication service providers using functionally compatible technology to collocate; shall provide a mechanism for the construction and maintenance of

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collocated antennas and infrastructure; and shall provide for reasonable sharing of costs in accordance with industry standards. To ensure colocation and prevent the need for additional new towers within the same coverage area, the Planning Board may require an existing or new tower to be increased in height up to the maximum height allowed and/or make other accommodations in order to provide for colocation. When designing a tower and site for colocation the facility should be designed to accommodate the inclusion of at least three additional telecommunication service providers and shall have the structural integrity to accommodate these additional antennas and/or an expansion in height of the tower. The Planning Board may waive the requirement for colocation or the number of additional providers to be collocated, but only after the Planning Board reviews and determines with satisfactory evidence that technical constraints prohibit colocation.

h. Advertising.
No advertising or signage is permitted on transmission towers or any attached transmitting and receiving antennas or devices.

i. Coverage.
As part of any proposal the applicant shall submit a radio frequency coverage analysis showing existing or planned wireless facilities within 10 miles of the proposed location. Maps shall be supplied that indicate on street and in building coverage for both existing/planned sites and the proposed location. The coverage analysis for the proposed location must show all available optional antenna heights if it is a co-location or all possible antenna heights starting at a minimum of 90 feet if it is a new facility. The coverage analysis must use each current licensed frequency band by the applicant. An applicant shall demonstrate that there is inadequate coverage for the area covered by the application.

j. Structural Standards.
Transmission towers erected after May 17, 1995 shall meet all applicable requirements of federal and state regulations and shall be designed and installed in accordance with the standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna supporting Structures.

k. Existing Towers.
Transmission towers existing before May 17, 1995 which do not comply with these performance standards or with the use or dimensional requirements of the zoning district in which they are located may continue to be used subject to the provisions of Section III of this Ordinance. The addition, removal or relocation of transmitting or receiving devices on such towers does not constitute the expansion or enlargement of the nonconforming use and does not require review under the Scarborough Site Plan Review Ordinance, provided the total height of the transmission tower, including attached devices, is not increased.

l. Abandonment.
A transmission tower and associated facilities that is not operating for a continuous twelve month period shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to Code Enforcement that

the facility has not been abandoned. If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. The removal of the facility shall include removing the tower and associated facility and returning the site to its pre-construction condition including removing of roads and replanting vegetation.

If the facility is not removed within this period, the Town may remove the facility at the owner's expense. A copy of the relevant portions of a signed lease or other comparable signed legal instrument which requires the applicant to remove the tower and associated facilities and reclaim the site upon abandonment shall be submitted as part of the application. Further, a surety shall be provided to the Town to guarantee the removal of an abandoned tower, prior to the installation of the tower. The applicant must submit a sample form of surety along with its application to pay for the costs of removing the facility if it is abandoned. The surety must be obtained and delivered to the Planning Department after approval of the application by the Planning Board and prior to construction.

m. Shoreland Zoning.
Transmission towers shall not be allowed within any Shoreland Zoning District, including the Shoreland Overlay District and the Resource Protection District. Land within a Shoreland Zoning District however can be counted toward the minimum lot size and/or setback requirements provided the siting of the transmission tower is outside any Shoreland Zoning District.

n. Public Notification.
When an application for a modification to an existing transmission tower or for a new transmission tower is received and accepted by the ~~Town Planner,~~ Director of Planning and Codes, they~~the Planner~~ shall give a dated receipt to the applicant and shall notify by mail all property owners abutting the tower site or lot once the application has been scheduled for a Planning Board agenda.

3. Standards for Telecommunications Facilities.
In addition to the priority of location requirements in Section IX(F)(1) above, telecommunications facilities must comply with the following performance standards. Where allowed as a special exception use, the Board of Appeals may issue a special exception for the installation of a telecommunication facility only if the facility also meets the standards for special exceptions in Section IV(I)(4). Before making a decision on any telecommunication facility special exception application, the Board of Appeals shall refer the application to the Planning Board for an advisory opinion. The Planning Board shall consider the standards of this subsection and the standards for special exceptions in Section IV(I)(4) in formulating its recommendation.

a. Design. If a telecommunication facility is proposed to be mounted or attached to the exterior of a building or structure the facility shall be designed and located in a manner that is consistent and compatible with the architecture of that building or structure. If applicable, the addition of a facility to the exterior of a building shall also comply with the Design Standards for Scarborough's Commercial Districts, including the standards for rooflines and roof mounted equipment.

b. Utility poles and transmission lines.

For the purposes of these performance standards, telecommunication facilities shall be allowed to be attached or mounted on high voltage public utility transmission line poles and structures, subject to Board of Appeals and/or Planning Board review and approval, but shall not be permitted to be attached or mounted on distribution scale utility poles and structures.

c. Ground mounted equipment.
Ground mounted equipment associated with, and accessory to, the telecommunication facility may be allowed through Board review and approval provided the Board finds there is adequate screening of this equipment and that is compatible with the site.

d. Exemption.
Telecommunication facilities that are proposed to be fully enclosed within an existing building and will not alter the exterior dimensions of the building or the exterior appearance of the building to accommodate the facility, shall be exempt from special exception review by the Board of Appeals or site plan review by the Planning Board. These installations may be permitted through review and approval by the Code Enforcement Officer. Ground mounted equipment associated with, and accessory to, the telecommunication facility may be allowed by the Code Enforcement Officer provided there is adequate screening of this equipment and that is compatible with the site.

e. Public Notification.
When an application for a telecommunication facility is received and accepted by the ~~Town Planner~~Director of Planning and Codes or Code Enforcement Officer, the Planner/CEO shall give a dated receipt to the applicant and shall notify by mail all property owners abutting the tower site or lot once the application has been scheduled for a Planning Board or Board of Appeals agenda.

G. PERFORMANCE STANDARDS - ACCESSORY CONTAINERS [09/03/97][09/05/12]
Accessory storage containers may be utilized in the B-1, B-2, B-3, BO-R, RH, RH2, TVC, TVC-2, TVC-3, TVC-4, CPD, I-O and HP~~Z~~ Districts only, and only as allowed under this Section IX(G)

1. Temporary Use of Accessory Storage Container.
Accessory storage containers may be used on a temporary basis only after being approved by the Code Enforcement Officer, and subject to the following standards.

a. No more than one temporary container shall be located on a lot at any time.

b. The temporary container shall comply with all minimum yard size requirements of this ordinance.

c. The temporary container shall be placed behind the front line of the principal building on the lot, unless the Code Enforcement Officer determines that, due to the size and configuration of the lot and/or the locations of existing buildings or structures on the lot, such placement is not feasible.

d. The temporary container shall not displace any parking spaces utilized to meet the parking standards of Section XI of this ordinance, unless the applicant provides evidence of written permission to use substitute spaces on an adjacent lot or lots during the entire period of time the temporary container is in place.

e. The temporary container shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.

f. The temporary container shall be structurally sound. Its exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects, which could endanger health or safety.

g. The temporary use of accessory storage containers is limited to no more than 60 days per lot per calendar year.

h. At least five days in advance of the date when the temporary container is to be placed on the lot, the owner or occupant of the lot shall make application to the Code Enforcement Officer for a permit. The application shall be accompanied by the application fee specified in the Town of Scarborough Schedule of License, Permit and Application Fees established by order of the Town Council. The application shall also be accompanied by a refundable deposit in the amount of $125.00 which shall be forfeited to the Town if the temporary container remains on the lot longer than allowed by subsection (g) above. A separate permit is required each time a temporary container is placed on a lot and no more than two permits shall be issued per lot per calendar year.

2. Non-Temporary Use of Accessory Storage Containers.

Except when used on a temporary basis as provided in Section IX(G)(1) above, no accessory storage container shall be placed on any lot except in a location approved by the Scarborough Planning Board under the Town of Scarborough Site Plan Review Ordinance, and subject to the following standards:

a. No accessory storage container shall exceed 14 feet in height, 9 feet in width or 55 feet in length.

b. The total floor area of all accessory storage containers on a lot shall not exceed 495 square feet or 5 percent of the floor area of the principal building or buildings on the lot, whichever is greater.

c. Accessory storage containers shall comply with all minimum yard size requirements of this ordinance.

d. Accessory storage containers shall not displace any parking spaces utilized to meet the parking standards of Section XI of this ordinance.

e. Accessory storage containers shall not be placed in any location where they will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.

f. The exteriors of accessory storage containers shall contain no signs or advertising material visible from any public way or abutting property.

g. All accessory storage containers shall be screened by the use of fencing, walls, berms, plantings, natural vegetation or other buildings or structures on the lot so that the accessory storage containers are substantially hidden from abutting properties and any public way.

h. All accessory storage containers shall be structurally sound. Their exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects, which could endanger health or safety.

An accessory storage container which was located on a lot for a period of at least 60 consecutive days immediately prior to May 20, 1997 may continue to be used subject to the requirements of subparagraphs (c), (g) and (h) above, without Planning Board approval under this paragraph (2).

3. Decisions of the Code Enforcement Officer or Planning Board under this Section IX(G) are final and cannot be appealed to the Board of Appeals. No variances may be granted from the requirements of this Section IX(G).

4. This Section IX(G) does not apply to the Industrial District, where containers which otherwise are described by the definition of accessory storage container may be used as accessory structure to uses allowed in the Industrial District, subject to all applicable provisions of this ordinance.

H. PERFORMANCE STANDARDS - MINI-WAREHOUSE/STORAGE FACILITIES AND CLIMATE CONTORLLED/INTERNAL ACCESS STORAGE FACILITIES [12/03/97][10/04/17]

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. [Adopted 10/04/17]~~

3. Mini-Warehouse/Storage Facilities shall be located on lots of no less than one acre and no greater than five acres total lot area. [10/04/17]

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. [10/04/17]

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 any Storage Facility is located may contain one dwelling unit as an accessory structure and accessory use to the storage facility, provided the dwelling is occupied only by a resident facility manager or by on-duty employees of the facility. [10/04/17]

9. Notwithstanding anything to the contrary in this Ordinance, a 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. [10/04/17]

10. No storage unit in a Storage Facility may exceed five hundred square feet of floor area. [10/04/17]

11. The owner of the 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. [10/04/17]
12. The storage of hazardous, explosive or radioactive materials and of flammable liquid or gaseous materials is prohibited in a Storage Facility. The facility manager shall provide written notice of this prohibition to each customer at the time of rental of a unit. [10/04/17]
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 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. [10/04/17]
14. No outside storage of customers' goods or materials is allowed on the property of the 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. [10/04/17]
15. The use of a 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. [10/04/17]
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 through 16 above shall apply to any application for a 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][10/04/17]

I. PRIVATE WAY RESIDENTIAL DEVELOPMENT [11/01/06]

1. Purpose

The Town of Scarborough recognizes there is significant level of single family residential development that occurs that does not require development approval under the Town's Subdivision or Site Plan Review Ordinances. However, the development impacts in this type of development have many individual and incremental similarities with a traditional Town regulated residential subdivision or site

plan development; such as impacts on natural resources, infrastructure serviceability and maintenance responsibility, fire protection, and drainage and traffic impacts to abutters and Town infrastructure. Consequently, the Town sees a necessity to manage this type of development at a level consistent, and in an orderly manner, with the development issues commonly associated with a subdivision or site plan to meet the municipality's responsibility for the health, safety and welfare of the Public.

2. Applicability

This Section IX(I) shall apply to the creation of or development on any new single family residential lot that acquires the required street frontage on an existing or proposed private way, and that is not subject to the Town of Scarborough Subdivision Ordinance or Site Plan Review Ordinance. Only lots used for single family dwelling purposes may acquire required street frontage under this Section IX(I).

3. Definitions

As used in this Section IX(I), the following terms shall have the following meanings:

50-foot wide right of way: Includes an existing right of way originally laid out and described as a three rod road.

Existing: In actual existence on November 1, 2006.

New single family residential lot: A single family residential lot created pursuant to this Section IX(I) on or after November 1, 2006 that meets the bulk and space requirements for the district in which it is located and acquires the required street frontage from a proposed or existing private way. Also, an existing single family residential lot re-configured as a result of the location of a private way created under this Section IX(I) and that acquires its required frontage on a private way.

No-disturb buffer: An area within 25 feet, horizontal distance, of the upland edge of a wetland, as defined under Section VIIA(I), which is not otherwise regulated under the Town of Scarborough Shoreland Zoning Ordinance. Disturbance of the no-disturb buffer by clearing, mowing or construction of a structure is prohibited. The no-disturb buffer shall be delineated in compliance with Section IX(I)(9)(1) below.

Private way: A right of way for travel by motor vehicles which is not owned or maintained by the Town of Scarborough or any other public entity.

4. General Requirements

a. The right of way of a private way created after November 1, 2006 shall be a minimum 50 feet wide.

b. The building envelope on a lot which has its street frontage on a private way shall meet standard zoning building setbacks and a minimum of 15 feet setback from an identified and delineated no-disturb buffer in compliance with Section IX(I)(9). Nothing in this requirement supersedes applicable requirements under the Town of Scarborough Shoreland Zoning Ordinance.

c. On any private way created under this Section XI(I), the initial lot (first in time) to acquire the required street frontage on the private way is not required to utilize the private way for physical access to the lot, if another means of physical access is available. However, if and when an additional lot or lots subsequently acquire the required street frontage on the private way, then the initial lot must thereafter use the private way for physical access. Physical access for a second and subsequent lots to acquire the required street frontage on a private way shall be from the private way. However, this requirement shall not apply to an existing single-family lot with an existing single-family dwelling and driveway if such existing driveway provides access to a

public street and the creation of the private way will not result in any alteration to the intersection of that existing driveway with the public way.

d. No new lot created after November 1, 2006 shall meet its street frontage requirement on a private way providing street frontage for two or more lots unless the private way is improved with a road constructed in compliance with Section IX(I)(8) below, and, if an existing private way must also be utilized for access between such new lot and the nearest public way, then such existing private way must also comply with the infrastructure and construction standards of Section IX(I)(8).

e. New single family lots created under this Ordinance are subject to any traffic impact fee ordinances enacted prior to the approval of the proposed private way development. A re-configured existing lot with an existing single family home is exempted from any traffic impact fee under this ordinance.

f. After November 1, 2006, any private way approved under this Section IX(I) must connect either to a public way or to an existing private way having a minimum 50-foot wide right of way. If the road infrastructure in an existing accepted Town way is either not constructed or does not meet the standards of Section IX(I)(8), than the applicant shall construct or upgrade the existing road to the standards of Section IX(I)(8).

g. No more than a cumulative total of six (6) lots shall acquire the required street frontage on a private way built to the standards of Section IX(I)(8). The cumulative total shall include all proposed and existing lots on an existing private way created prior to, or after, November 1, 2006. When the total number of new and existing lots acquiring the required street frontage on a proposed and/or existing private way exceeds six (6), the road shall be designed and constructed to the standards of the Town of Scarborough Street Acceptance Ordinance.

h. The cumulative total length of a dead end private way shall not exceed 2000 feet. The cumulative total length of the private way shall include the length of an existing private way that provides access to the proposed private way development. The length shall be measured from the intersection of the private way road at the Town right of way along the centerline alignment of the private way to the end of the private way right of way. If the cumulative total length of a proposed and existing private way exceeds 2000 feet, a secondary intersection connection to an existing Town accepted way must be provided.

i. When this Section IX(I) requires construction of a road, no certificate of occupancy shall be issued for any lot which acquires its required street frontage on the private way until either the road improvements are completed and the required documentation in Section IX(I)8(c)2 is provided and accepted by the Town Engineer, or a performance guaranty in compliance with Section 9 Performance Guarantee of the Scarborough Subdivision Ordinance is provided and accepted by the Town Engineer for the value of the remaining road infrastructure improvements.

j. The Planning Department shall not approve a private way which would cause any lot or lots to become nonconforming with the dimensional requirements of this Ordinance. In the event an existing lot becomes a corner lot, as defined in this Ordinance, as a result of the creation of a private way, the buildings or structures on such lot shall be deemed to conform with the dimensional requirements of this Ordinance to the same extent as they conformed prior to the creation of the private way.

k. A private way which provides required street frontage for two or more lots shall provide emergency vehicular access and fire suppression water supply in compliance with Section IX(I)(10).

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5. Application Submission Requirements

The Planning Department shall review and act upon applications for the creation or use of a private way to provide street frontage for a lot or lots. The submission for a private way shall include the following:

a. Review Documents

1. A recording plat. A plan of land laying out the private way and lot[s]. See Section IX(I)6, Plat Requirements for plat detail requirements.

2. A design of the road infrastructure. The design shall include a plan and profile of the road, and layout of utilities to service the lot[s], such as drainage, power, telephone, etc. See Section IX(I)8, Road Infrastructure and Construction Standards for infrastructure design documentation requirements.

3. A draft of the Maintenance Declaration, if applicable. See Section IX(I)7, Maintenance Agreement for declaration requirements.

4. A cover letter describing where and what the project is and the name and address of the applicant.

b. Final Documentation

1. The applicant shall record the original recording plat plan in the Cumberland County Registry of Deeds ("CCRD") within 30 days of approval. If the plan is not recorded within the required time frame, the approval shall be void.

2. The applicant shall provide to the Planning Department one electronic file and four paper copies of the recorded plat with the planning department's signature and CCRD attested data, and a copy of the executed and recorded maintenance declaration with the CCRD recording data. [amended 05/06/2020]

3. In addition to other requirements under a building permit application, no building permit will be issued until the required plat and maintenance declaration documentation is submitted and accepted by the Town and recorded in the CCRD.

6. Plat Requirements

The plan shall be prepared by a Licensed Professional Land Surveyor in the State of Maine and meet the following requirements;

a. All points of the private way shall be permanently field marked by a Licensed Professional Land Surveyor in the State of Maine.

b. The plan shall be drawn on a paper plan sheet measuring 24" x 36" and shall be sealed and signed by the surveyor preparing the plan. [Amended 05/06/2020]

c. The plan shall be labeled "Plan of a Private Way-[STREET NAME]".

d. The plan and survey work shall meet accepted survey practice sufficiently to show and establish on the ground the precise location of the private way, easements with recipients noted, lots with building envelopes and all existing natural and manmade features, such as, but not limited to streams, drainage courses, wetlands and no disturb buffer, utility pole lines, structures, etc. If wetlands are identified the following note shall be placed on the plan: "The no disturb buffer shall remain in their natural vegetated condition. No alteration of these buffers shall occur except for the removal of dead or dying trees without

the prior approval of the Town Engineer and, if required, the State of Maine Department of Environmental Protection."

e. If the project requires fire tank protection infrastructure, the plan shall identify the easements to the Town of Scarborough.

f. The plan shall contain the following notes: "The Town of Scarborough shall not be responsible for maintenance, repair, plowing, street signage or other similar services or infrastructure for the private way shown on the plan. When the private way provides required street frontage for a cumulative total of more than six (6), the hammerhead shall comply with the requirements of the Scarborough Street Acceptance Ordinance."

g. The plan shall provide a signature block to be signed by the Town Engineer, ~~Town Planner or Assistant Town Planner~~ Director of Planning and Codes.

7. Maintenance Agreement

When a private way provides access for 2 or more new lots to be created after November 1, 2006, the owners of the lots to be served by the private way and the owners of any portion of the private way shall be jointly and severally liable to the Town of Scarborough to adequately maintain the private way.

The applicant shall submit a Maintenance Declaration shall specify the rights and responsibilities of the owners among themselves with respect to:

a. Responsibility for the road infrastructure construction, maintenance, repair, plowing, and street identification signage.

b. A detailed statement of how the ownership interests in the private way will be structured; i.e. whether ownership will be single or joint, whether lot owners will own the fee or have easements, etc.

c. A statement that in the event any of the lots shown are divided or in the event any remaining land of the declarant is subsequently divided into lots which are served by the private way, then such resulting lot or lots shall become subject to the Maintenance Declaration and to any modifications to the Maintenance Declaration advisable to adjust the duties and responsibilities equitably among the owners of the lots served by the private way

d. An acknowledgement by the declarant and other persons signing the Maintenance Declaration that the Town of Scarborough is not responsible for the construction, maintenance, repair or plowing of the private way infrastructure.

e. A statement that the duties and obligations imposed by the Maintenance Declaration run with the land and shall be transferred to donees, purchasers or other transferees of any portion of the real estate subject to the Maintenance declaration and that, upon such transfer, the Planning Department shall be notified in writing and provided with a copy of any changes or amendments to the Maintenance Declaration.

f. A requirement that the Maintenance Declaration be referenced in all deeds to any lots served by the private way.

g. If the private way subject to the Maintenance declaration is an extension of an existing private way which served lots created prior to November 1, 2006, a statement that the applicant for private way approval has contacted the owners of such lots, has offered them the opportunity to make their properties subject to the Maintenance Declaration and that they have either

accepted or declined that offer; and that the Declarant has submitted to the Planning Department a notarized affidavit confirming the Declarant's compliance with this paragraph.

h. An acknowledgement that all persons executing the Maintenance Declaration are aware that no lot served by the private way shall be sold and no building permit shall be issued for any lot served by the private way until the Maintenance Declaration is recorded in the Cumberland County Registry of Deeds.

i. The maintenance declaration shall clearly reference, as identified on the plan, the lots to be served by the declaration.

A sample Maintenance Declaration is attached to this Ordinance as Appendix D

8. Private Way Road Infrastructure Design and Construction Standards

The design of the road and utility infrastructure shall be reviewed and approved by the Town Engineer.

a. Road Design

1. The road horizontal and vertical alignment design criteria shall comply with the requirements of the Residential Access Street classification in the Street Acceptance Ordinance. The length shall be measured as shown on drawing number 2 in Appendix D.

a. A dead end private way shall provide a hammerhead end treatment. The hammerhead shall be shown on the plan to be recorded at the Cumberland County Registry of Deeds.

i. The hammerhead end treatment for a private way that provides required street frontage for a cumulative total of six (6) or fewer lots shall be configured to allow a fire truck to turn around in compliance

ii. with Section IX(I)10. The location of the hammerhead shall be located at or past the furthest driveway of the approved lots from the existing public road. The furthest driveway may be used for the short perpendicular leg of the hammerhead turn around. The required infrastructure for the short leg of the hammerhead outside of the right of way shall be contained within an easement of an approved dimension by the Town Engineer for emergency vehicle maneuvering.

iii. The hammerhead end treatment for a private way that provides required street frontage for a cumulative total of more than six (6) lots shall conform to the alignment and dimensional standards in the Street Acceptance Ordinance. The location of the hammerhead shall be located past the furthest driveway of the approved lots from the existing public road. Lot access shall not be allowed from the hammerhead. The hammerhead road infrastructure shall be contained within the road right of way in compliance with the Street Acceptance Ordinance.

2. The road typical section shall comply with drawing number 1 in Appendix D. The intersection of the private road at a Town Way shall be paved and comply with drawing number 4 in Appendix D.

3. All intersections of a private way, whether existing or proposed, with a Town or other private way shall comply with the Maine Department of Transportation standards for

intersection sight distance. The submitted analysis shall be prepared by a Professional Engineer, or Surveyor, licensed by the State of Maine, qualified for such analysis.

4. The location of a driveway for access to a lot may cross a no disturb buffer, but the amount of disturbance shall be kept to a minimum. However, a driveway located through a wetland may be subject to the State of Maine Natural Resource Protection Act and/or Army Corp of Engineers wetland filling requirements.

b. Utilities Location & Design

1. The location of utilities to service the lots shall comply with drawing number 3 in Appendix D. If power, telephone and cable TV service is overhead, the pole alignment shall maintain a minimum offset distance from the edge of travel lane to the face of the pole of 7 feet. The design of the utilities shall comply with the requirements of the utility companies providing service.

2. A stormwater management plan must be prepared identifying specifications of the stormwater management infrastructure. The plan shall be prepared by a Professional Engineer licensed by the State of Maine. The stormwater infrastructure shall be designed for a 25-year, 24-hour storm recurrence interval, and shall include green infrastructure and low impact practices.

3. The Town Engineer may require a street light at a proposed intersection with a Town Public Way when the private way provides required street frontage for a cumulative total of more than six (6) lots. When required by the Town Engineer, the street light fixture and configuration shall comply with the Town's street light policy. The cost of installation and maintenance shall be borne by the owners of the lots which acquire their required street frontage from the private way and identified in the maintenance declaration.

c. Construction Standards

1. All materials and construction of the road and drainage infrastructure shall comply with the requirements of the Street Acceptance Ordinance or specific utilities standards. An (E&S) erosion control management plan and narrative must be prepared, submitted and must comply with requirements set forth in Chapter 420 the Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance. The (E&S) plan shall describe a sequence of actions and timelines for the control, containment and disposal of disturbed soils by the use of appropriate erosion control (BMP's) best management practice during the construction period. Erosion control BMP's shall comply with the Maine Erosion & Sedimentation Control BMP Manual prepared by the Maine Department of Environmental Protection,

2. The construction of the road shall be inspected by a Professional Engineer licensed by the State of Maine. The engineer shall provide a signed written report to the Town Engineer that in his opinion the construction is in compliance with the Road Infrastructure Design and Construction standards and the fire department protection design standards. The report shall attach documentation supporting compliance with the Town's specifications such as granular material gradations, compaction test results, storm drain material specifications, etc.

d. Easements

1. Utility easements shall be provided consistent with the standards of the utility companies providing service. In addition, easements shall be provided for the road drainage infrastructure where it exceeds the private right of way and that will be maintained under the maintenance agreement for the private way. All easements must provide metes and bounds line data with type & recipient identified on the plan to be recorded. If any easements are to be granted to the Town of Scarborough, the applicant shall prepare and record easement deeds to the Town of Scarborough; the language of the easement deed shall be approved by the Town prior to recording. The Planning Department is hereby authorized to accept such easement deeds on behalf of the Town.

e. Private Way Road & Development Name

1. The road and development name of the private way shall comply with the Town of Scarborough Ordinance Chapter 309, "Street/Development Name & Number Ordinance" regulating street & development names and numbering system**.** The initial cost and maintenance replacement for installing the private street and stop sign shall be the responsibility of the applicant. The design and installation of the signage shall comply with the Public Works standards.

9. Natural Resource Mapping and Identification

1. The application for a private way shall include wetland delineation in conformance with the Army Corp of Engineers wetland classification standards and prepared by a qualified wetland specialist in such identification work. On each lot which acquires its frontage from the private way, the boundary line for the wetlands on the lot shall be delineated on the recording plat, and the boundaries of the no-disturb buffer, as defined in Section IX(I)(3), shall be marked on the lot by permanent markers located and set by a Professional Land Surveyor, licensed by the State of Maine. Permanent markers shall consist of 3'-0" x 3/8" diameter reinforcing bars installed with a 9"-12" projection above grade. The iron reinforcing bars shall be fitted with RED plastic caps inscribed with the words, "No Disturb Buffer". Markers shall be located at all angle points as well as equidistant points at a maximum spacing of 50ft. Additionally, a split rail fence, or some equivalent hard landscape feature, may be required by the Planning Department as part of the review of a building permit application by the Town of Scarborough Planning Department Staff. The building permit application shall include a detailed site specific development plan at a scale of 1inch=20ft, or a scale approved by the Town Engineer. The site plan shall include the property lines, proposed and existing easements, building envelop, existing and proposed tree clearing limits, location of the no disturb buffer and markers, the house and driveway, and sewer, water, electrical and telephone services, and any other site improvement.

10. Fire Protection Infrastructure Standards

1. Fire protection infrastructure standards shall be required when a road is required to be constructed by Section IX(I)4d and shall be in compliance with the following National Fire Protection standards.

a. Access

i. A private way shall provide a minimum unobstructed width of 20 feet with an unobstructed vertical clearance of 13 feet-6 inches.

ii. The road within the private way shall provide sufficient width for fire apparatus to execute a turning maneuver with a minimum 50 feet outside radius.

iii. Any dead-end private way greater than 150 feet in length shall provide a hammerhead turnaround.

iv. The road shall be able to support the imposed fire apparatus load of 70,000 lbs.

v. If fire protection infrastructure for the project requires underground fire tanks, a 30 ft by 50 ft easement to the Town shall be required.

b. Fire Suppression Water Supply

i. Fire hydrants shall be required in those areas of Scarborough that are served by either the Portland Water District or the Biddeford & Saco Water Company. Hydrants located within a private right of way shall be considered private hydrants and shall be the responsibility of the residents of the lots which acquire their required street frontage from the private way. Fire hydrant installations shall meet the following requirements.

a. The hydrant shall be installed approximately every 500 feet. The exact location shall be determined and approved by the Fire Department prior to installation.

b. Hydrants are to be installed in accordance with the National Water Works Association and the local water utility requirements. c. Hydrants shall be located 7-8 feet behind the face of curb, edge of pavement or edge of travel lane. This dimension shall be measured to the front cap on the main steamer port of the hydrant.

d. All hydrants shall be inspected and flow tested prior to approval by the Fire Department as ready for service.

e. A 5 feet wide level work area shall be provided around the hydrant.

ii. Underground storage tank systems are required in those areas of Scarborough that are not served by a public water supply. The underground fire storage tank system shall meet the following requirements.

a. Each system shall be installed approximately every 1200 to 1400 feet along the proposed road system. The exact location shall be determined and approved on site by the Fire Department prior to installation.

b. Each system installation shall provide a minimum capacity of 10,000 gallons and designed and installed in accordance with the Scarborough Fire Department Fire Suppression Underground Fire Storage Tank Requirements, which are available from the Fire Department.

c. Each system installation shall be inspected prior to approval by the Fire Department as ready for service.

iii. The installation of a residential sprinkler system may be considered by the Fire Department as an alternative to an installation of hydrants or underground storage tank systems. The approval, of the use and specific sprinkler system, shall be determined by the Fire Department on a case-by-case basis.

iv. Ownership of the fire suppression water supply shall depend on the required system. A hydrant system connected to a water utility shall be owned by the owners of the lots which acquire their required street frontage from the private way in compliance with the particular water utility standards. Maintenance of the hydrants shall be the responsibility of the lot owners and the details of the maintenance shall be made part of the maintenance declaration required in Section IX(I)7 Maintenance Agreement. An underground storage tank system shall be owned and maintained by the Fire Department once the system has been approved by the Fire Department as ready for service and the required underground storage tank system easement deed to the Town, has been accepted by the Town.

11. Fees

1. An application fee shall be paid at the time of submission to the Planning Department. The fee is listed in Chapter 311, Schedule of Fees, of the Town Ordinances. The applicant is responsible for the cost incurred by the Town for assistance provided to the Town for review of the application by consultants.

J. PERFORMANCE STANDARDS – ACCESSORY DWELLING UNITS [11/05/03][Amended 02/15/12][Amended 07/19/2023]

The following standards are intended to allow the addition and use of one accessory dwelling unit to a single family dwelling in a manner that will preserve the single family residential character of the property and neighborhood. The Code Enforcement Officer may issue a permit for the construction on an accessory dwelling unit only if the a~~A~~ccessory dwelling u~~U~~nit adheres to the following standards:

1. The owner(s) of the lot on which the principal structure is located must reside in the principal structure or the accessory dwelling unit, either of which residence may be seasonal. An accessory dwelling unit may be located on a lot which the owner occupies as a seasonal residence; however, neither the accessory dwelling unit nor the single-family dwelling shall be rented for less than 28 continuous days. For this purpose, "season" means any three consecutive months during a twelve (12) month period.

2. The number of occupants of the accessory dwelling unit is limited to two.

3. The living space of an accessory dwelling unit shall be a minimum of 190 square feet and not exceed the following percentage of living space of the single family dwelling to which the unit is accessory or the following maximum amounts, whichever are applicable:

If the living space of the single family dwelling is:	The living space of the accessory dwelling unit shall not exceed:
Under 2,000 sq. ft.	40% or 750 sq. ft., whichever is greater
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 750 sq. ft., whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft., whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

4. Accessory dwelling units are exempt from density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed.
5. Accessory dwelling units are exempt from rate of growth permit requirements.

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6. Only one accessory dwelling unit per principal structure shall be permitted on a lot.
7. An accessory dwelling unit may be constructed only: a) Within an existing dwelling unit on the lot; b) Attached to or sharing a wall with a single-family dwelling unit; or c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
8. Accessory dwelling units are permitted on nonconforming lots, but the structures in which they are located (attached or detached), shall meet the lot coverage requirements for the district in which they are located.
9. Any new structure constructed on the lot to be an accessory dwelling unit must meet the existing dimensional requirements as required by the municipality for an accessory structure.
10. Proper ingress and egress shall be provided to the accessory dwelling unit.
11. Attached and internal accessory dwelling units shall retain and respect the existing streetscape, character of the neighborhood, and preserve the single-family appearance, architectural style, and character of the original dwelling and property. Outside stairways (either open or closed) that service accessory units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building. Outside stairways serving upper stories shall not be located on the side of the building that faces the street, except in the case of a building on a corner lot that fronts two or more streets, a stairway may be allowed on one of the sides of the building that faces a street if no reasonable alternative exists.
12. All municipal and state buildings codes in effect at the time of application must be followed.
13. An applicant for a permit for an accessory dwelling unit may also apply to the Zoning Board of Appeals for a limited reduction of yard size under Section V.B.5 of this Ordinance where such reduction is reasonably necessary to allow construction of the accessory dwelling unit.
14. Should the owner(s) of the principal structure be found in non-compliance with the standards contained in this section, the non-compliance shall be considered a violation of this Ordinance, and the structure shall revert to a single family dwelling or the previous use.
15. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.
16. In order for an accessory dwelling unit to be located in a detached accessory structure, the following requirements must be met: [09/05/07]
    i. The detached accessory structure must be located no further than 100 feet from the nearest point of the principal structure;
    ii. The detached accessory structure must be designed and constructed in the style of a garage, barn, storage building, carriage house, accessory cottage, or similar structure customarily located on the same lot with a single-family residence.
17. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements apply.
18. The accessory dwelling unit and the principal structure must be serviced by common utility meters, unless the utility company providing the service refuses to do so. Should a utility company be unwilling to service the accessory unit with a common meter, the applicant must provide the Code Enforcement Officer with a letter signed by the utility company so stating, with specific reasons for the refusal.
19. In order for an accessory dwelling unit to be added to an unsewered lot, the lot must comply with the requirements of the state minimum lot size law, 12 M.R.S.A. §§ 4807 – 4807-G for multiple unit housing as well as all the provisions of the Maine State Plumbing Code and the

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Town of Scarborough Plumbing Ordinance. The applicant shall have the burden to establish the lot area, which burden may include a survey signed and sealed by a Professional Land Surveyor, at the discretion of the Code Enforcement Officer. The septic system on the property in question shall be functioning properly at the time of application for accessory unit approval.

20. The owner of an accessory dwelling unit must provide written verification that each unit of the accessory dwelling unit is connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:
    i. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
    ii. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with Subsurface Wastewater Disposal Rules.
    iii. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
    iv. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

K. PERFORMANCE STANDARDS – HOSPICE PROGRAM OR PROVIDER (Amended 08/17/05)

In the RF, RFM, R2, R3, R4, VR2, and VR4 zoning districts, the Board of Appeals may issue a special exception for the establishment of a hospice facility. In addition to meeting the standards for special exceptions in Section IV(I)4, the following standards shall also apply to any hospice facility.

1. The minimum lot area shall be four times the required minimum lot area for the zoning district in which it is proposed, except in the Rural Residence and Farming District in which the required minimum lot area shall be 5 acres.
2. Notwithstanding Section IX(A)(15)(a) of this Ordinance, buildings containing hospice facilities may be up to three (3) stories in height, provided it does not exceed thirty-five (35) feet in height.
3. The facility must be served by both public water and public sewer, excepting hospice facilities located in the RF zoning district.
4. The facility shall conform to the minimum yard requirements for the zoning district in which it is located, but greater setbacks and buffering, and lesser building coverage and total impervious coverage limitations, may be required by the Zoning Board of Appeals to meet the standards for special exceptions.

L. PERFORMANCE STANDARDS – ADDICTION TREATMENT FACILITY (Amended 11/16/05)

The following standards shall apply to all Addiction Treatment Facilities:

1. No addiction treatment facility shall be located where the patient entrance to the treatment facility would be closer than 1,500 feet, measured in a straight line without regard to intervening

structures, objects or municipal boundaries, to the nearest point on the boundary of any property which is located in a residential zone.

2. No addiction treatment facility shall be located where the patient entrance to the treatment facility would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest boundary of any property which is occupied by a residence, school, playground, park, day care center or nursery school, or is owned by the Town of Scarborough~~A~~

M. PERFORMANCE STANDARDS – HIGH TECHNOLOGY FACILITIES [adopted 04/16/08][Amended 07/18/12; 03/19/25]

All high technology research facilities, light assembly, and light manufacturing uses permitted in the B2, B3, BOR, RH, RH2, CPD, LI, I and HP districts may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and if the Planning Board finds that the proposed use, with any reasonable conditions the Planning Board deems necessary, will conform to the following standards and requirements:

1. The use will not create any unhealthy or offensive smoke, dust, odor, or airborne discharge;
2. The use will not create any offensive noise or vibration to abutting landowners;
3. The use will not involve the handling, storage, or disposal of hazardous waste material in a manner that will threaten public health;
4. The use will not include any outdoor storage of equipment or material;
5. The use will not create unsafe traffic conditions or excessive traffic that would either adversely affect neighborhood character or unduly burden the ability of the Town to maintain the existing roads;
6. The design and external appearance of any proposed building and site improvements will constitute an attractive and compatible addition to its neighborhood and be consistent the Design Standards for Scarborough's Commercial Districts;
7. All activities associated with the use(s) shall take place entirely within its principal structure(s)

M.1. PERFORMANCE STANDARDS – RESEARCH, DEVELOPMENT, AND LIGHT INDUSTRIAL USES [Adopted 06/20/12]

For any research, development, and light industrial use that requires review under the Site Plan Review Ordinance, in addition to compliance with the Site Plan Review Ordinance and all other requirements of this ordinance, the Planning Board shall find that the use will conform to the following performance standards:

1. The use will not create any unhealthy or offensive smoke, dust, odor, or airborne discharges;
2. The use will not create any offensive noise or vibration to abutting landowners;
3. The use will not involve the handling, storage, or disposal of hazardous waste material in a manner that will threaten the public health; and
4. The design and external appearance of the proposed buildings, structures, and site improvements will constitute an attractive and compatible addition to the neighborhood and be consistent with the Town's commercial design standards.

M.2. PERFORMANCE STANDARDS – FOOD PROCESSING FACILITIES IN THE HAIGIS PARKWAY DISTRICT [Adopted 07/15/15]

Food processing facilities permitted in the HP District may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and has found that the proposed use will conform to the following performance standards and locational requirements:

1. The food processing facility shall be located within two thousand two hundred fifty (2250) feet of the point of intersection of the centerlines of Scottow Hill Road and the Haigis Parkway;

2. The food processing facility shall be sited in a location, and designed in a manner, that is compatible with surrounding uses. This may include the need for screening and buffering between the facility and adjacent uses and properties. The buffering and visual screen may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard;

3. The design and external appearance of the food processing facility and site improvements will constitute an attractive and compatible addition to the zoning district and be consistent with the Design Standards for Scarborough's Commercial Districts;

4. The facility will not create any unhealthy or offensive odor, emissions or other airborne discharges;

5. The facility will not include any outdoor storage of equipment, materials or processing byproduct or waste; and

6. The facility will not create any offensive noise or vibration to abutting landowners.

M.3. PERFORMANCE STANDARDS – SMALL BATCH PROCESSING FACILITIES [Adopted 10/07/15]

Small batch processing facilities may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the following performance standards and requirements:

1. Small batch processing facilities shall be limited to no greater than 5,000 square feet of floor area including any accessory uses, such as a retail area, a tap room, sampling area, storage or warehousing in all permitted districts, except in the CPD District small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing;

2. The design and external appearance of the small batch processing facility and site improvements will constitute an attractive and compatible addition to the neighborhood, shall be of a scale of, and compatible with, other non-residential uses allowed in the same zone, and will be consistent with the Design Standards for Scarborough's Commercial Districts;

3. The facility will not create any unhealthy or offensive odor, emissions, dust or other airborne discharges;

4. The facility will not include any outdoor storage of equipment, materials or processing byproduct or waste;

5. The facility will not create any offensive noise or vibration, heat or glare to abutting landowners; and

6. The facility will not create unsafe traffic conditions or a volume of truck traffic in excess of other non-residential uses allowed in the same zone that would either adversely affect neighborhood character or be incompatible with abutting properties or uses.

N. PERFORMANCE STANDARDS – SMALL WIND ENERGY SYSTEMS [Adopted 07/15/09]

Small wind energy systems (SWES) are considered accessory uses and structures in all districts except the Resource Protection District (as delineated in the Shoreland Zoning Ordinance for the Town of Scarborough). The Code Enforcement Officer may issue a building permit for the installation and operation of a SWES provided the following performance standards are met. A SWES which complies with the performance standards of this section is not subject to the space and bulk regulations of the zoning district in which it is located.

1. Space and Bulk –

a. Number of SWES – With the exception of SWES allowed per subsection N.(12) below, the number of SWES shall be limited as follows:

On lots less than one (1) acre in size a maximum of one (1) SWES is permitted per lot;

On lots one (1) acre to five (5) acres in size a maximum of two (2) SWES is permitted per lot;

On lots greater that five (5) acres is size, there is no maximum number of SWES per lot.

SWES, and the number of systems, shall be designed, sized and installed to generate energy only for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.

b. Height – The height of a SWES shall be limited to one hundred and seventy-five (175') feet. SWES height shall be measured from the average elevation of the finished grade at the base of the tower to highest point of the SWES.

c. Setbacks – The SWES shall be set back a minimum 75% of the system's height, as measured per subsection N.1.b. above, from all property lines or shall comply with the minimum front, side or rear yard setback requirements of the zoning district in which it is located whichever is greater. The Code Enforcement Officer may relax the 75% of the SWES height setback standard if the applicant secures a restrictive easement(s) from the abutting property(s) that allows for a lesser setback. The restrictive easement shall restrict the uses and structures within the easement area so as to allow the SWES to be located closer to the property line than the 75% requirement above. A restrictive easement from an abutting property shall not however enable a SWES to be sited closer to the abutting property line than the minimum front, side and rear yard setback requirements of the zoning district.

d. Town Exemption – A SWES located on property owned by the Town of Scarborough shall not be subject to the Space and Bulk Standards listed above, provided the purpose of the SWES is to reduce energy consumption and energy costs for public buildings and provided the plans for the SWES are approved by the Town Council after public notice, notice to abutters and public hearing

2. SWES Energy Generation – SWES shall be limited to a power generation capacity of 20 kilowatts in residential districts and 60 kilowatts in commercial and industrial districts.

3. Design and Aesthetics –

a. Tower – The new installation of a tower for a SWES designed to generate electricity shall be a monopole-style tower (freestanding or guyed wire). The new installation of a lattice tower shall be allowed for SWES designed to pump water. Electricity generating SWES affixed to lattice towers existing as of June 26, 2009, that otherwise comply with this subsection shall be permitted.

b. Color – SWES shall be a non-reflective, neutral color (light gray, white, brushed aluminum etc.)

c. Signage – SWES shall not display signage or other forms of advertising, except warning, direction and manufacturing labels, none of which shall exceed six (6) square feet in area.

d. Appendages – Appendages to a SWES tower may be permitted, but are limited to appendages that will not affect the normal operation, safety or stability of the SWES.

4. Safety –

a. Access – Any climbing apparatus on a SWES tower shall be a minimum of eight (8') feet from the ground.

b. Blade Clearance – The SWES's blades shall not rotate to within ten (10') feet of the ground at their lowest point.

5. Lighting - Exterior lighting on a SWES may be permitted but the lightings placement on the SWES shall comply with the maximum building height limit of the zoning district in which the SWES is sited, except for lighting that may be required by the Federal Aviation Administration.

6. Electrical Service - Electrical wiring and connections from the wind energy system to the building(s) they serve shall be underground, unless an applicant demonstrates to the Code Enforcement Office that the subsurface conditions of a particular site makes the installation of an underground electrical service impracticable.

7. Noise –

a. Over-Speed Control - The SWES shall be equipped with both a manual and automatic brake, governing, furling or feathering mechanism that controls and moderates the rotation of the system's blade and prevents over-speed. Conformance with this requirement shall be confirmed and documented by the wind energy system's manufacturer.

b. Db(A) Level – The SWES shall be designed and operated to not exceed 20 db(A) above the ambient noise level at the closest property line. After approval and installation of the SWES, the Code Enforcement Officer may require the applicant to perform sound measurements to determine conformance with this standards.

8. Foundation – The foundation design for a SWES shall comply with the SWES manufacturer's minimum standards regarding the specific wind energy system and the soils type at which the installation is proposed.

9. Submission Requirements For Permitting - A plot plan; specifications and an illustration of the SWES provided by the manufacturer; a detailed description of how the SWES, and the lot on which it is proposed, complies with the performance standards of this subsection N; structural drawings of the wind

tower, base and foundation prepared by the manufacturer or a professional engineer; and electrical and building permit applications shall be submitted prior to Code Enforcement review and approval.

10. Meteorological Tower – As defined in Section VI. Definitions of the Zoning Ordinance, meteorological towers are structures intended to collect date to determine the appropriate siting of a SWES. These towers are permitted as a temporary use to remain installed for a maximum of two (2) years. The Town encourages applicants interested in installing SWES to first collect the necessary data through the use of a meteorological tower or other appropriate device to help determine the appropriate location and height for a SWES as well as to ensure a SWES is a worthwhile investment on the subject property. Meteorological towers shall comply with the SWES performance standards of this subsection with the exception of subsection N.3.a Tower, subsection N.3..b. Color and subsection N.6. Electrical Service.

11. Removal Requirements –

- **a. Unsafe SWES –** A SWES that is found to be unsafe by Code Enforcement shall either be repaired to correct the safety issue or shall be removed by the property owner.
- **b. Abandonment –** A SWES that is not working or is not being used for a consecutive twelve (12) month period shall be removed by the property owner.

12. SWES within Common Open Space – To the extent permitted by applicable state and/or federal law, SWES may be allowed by the Planning Board within the common open space of a residential subdivision reviewed under Section VII. or Section VIIA. of the Zoning Ordinance, subject the following requirements:

- **a.** The open space shall be of sufficient size and dimensions to accommodate the SWES(s) and the 75% setback requirement of subsection.N.1.c. above, within the boundaries of the open space.
- **b.** The installation of a SWES, and necessary associated improvements, shall not impact wetlands or otherwise compromise the intent of a conservation subdivision to protect wetlands or other natural resources.
- **c.** The SWES shall comply with all the performance standards other than subsection N.1. Number of SWES, and shall require Planning Board approval of the location of the SWES within the subdivision prior to application to Code Enforcement. The number of SWES shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses with the subdivision as well as the site's ability to comply with subsection 12.a. and 12.b. a. above.

O. PERFORMANCE STANDARDS – SOLAR ENERGY SYSTEMS

Solar energy systems are considered accessory uses and structures in all residential, mixed use, commercial and industrial districts in the Town of Scarborough. The Code Enforcement Officer may issue a building permit for the installation of a solar energy system provided the following performance standards are met. Solar energy systems include photovoltaic, solar hot water, and solar space heating.

1. **Roof and Building Mounted Solar Energy Systems -**
   - **a.** Roof mounted solar energy systems shall conform to the maximum building height restrictions within the district in which it is located;
   - **b.** The solar energy systems shall be designed, sized and installed to only generate electricity, hot water, or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.

c. Electrical, plumbing and/or building permits from Code Enforcement shall be required.

2. Ground Mounted Solar Energy Systems (Solar Arrays) -

a. The maximum height of a ground mounted solar energy systems shall be a twenty (20) feet. The height of a ground mounted solar energy system shall be measured from the ground level at the base of the solar energy system to its highest point, including the system's pedestal. [amended 01-20-16]

b. Ground mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of the system, whichever is greater.

c. Electrical wiring and connections from the solar energy system to the building(s) they serve shall be underground.

d. The solar energy systems shall be designed, sized and installed to only generate electricity, hot water or heat for the building(s) located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the power grid.

e. Electrical, plumbing, and/or building permits from Code Enforcement shall be required.

3. Solar Energy Systems within Common Open Space – To the extent permitted by applicable state and/or federal laws, solar energy systems may be allowed by the Planning Board within the common open space of a residential subdivision subject to the following requirements: [adopted 01-20-16]

a. The solar energy systems within common open space shall comply with the performance standards 2.a., 2.c., and 2.e. of the subsection above.

b. If proposed within a conservation subdivision required under Section VII.A. of this Ordinance, the installation of solar energy systems, and any necessary associated improvements, shall avoid impacting wetlands within the subdivision open space areas.

c. The location and number of solar energy systems shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses within the subdivision as well as the site's ability to accommodate these systems without impacting the other purposes of the common open space.

O.1 PERFORMANCE STANDARDS – UTILITY-SCALE SOLAR ENERGY SYSTEMS [Adopted 10/21/2021][Amended 11/03/2021][Amended 10/05/2022]

The purpose of these standards is to allow for the appropriate siting of Utility-Scale Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in town. The intent is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety, and welfare of Scarborough Citizens.

All Utility-Scale Solar Energy Systems are considered principal uses and structures in the RF, RFM, I, LI. For purposes of this Ordinance. Utility-Scale Solar Energy Systems shall meet the following: (a) a commercial facility with primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or

chemical means; (b) is a system that is designed primarily to export energy to the electrical grid; and (c) produces not less than one megawatt and not more than five megawatts of electricity.

All Utility-Scale Solar Energy Systems may be undertaken only after the Planning Board has found that the proposed use will conform to the following performance standards requirements:

1. Dimensional Requirements:

a. Height - Utility-Scale Energy Systems shall conform to the building/structure height requirements of the zoning districts in which they are permitted, not to exceed 20 feet.

b. Setbacks - The minimum setback shall conform to the requirements of the zoning district or 50 feet from lot line, whichever is greater. Setbacks shall be measured from the edge of the perimeter fence enclosure to the property boundary.

i. For Utility-Scale Solar Energy Systems constructed on a property with a closed and capped landfill and which is subject to a MEDEP Solid Waste permit which would restrict the installation of a fence at least 50 feet from the property boundary, the setback shall be 65-feet from the property boundary and is to be measured from the edge of the solar array to the property boundary. The perimeter fence is still required and shall be erected between the property boundary as allowed per MEDEP Solid Waste permit. [adopted 11-03-2021]

Lot Size - The minimum lot size for a Utility-Solar Energy Systems shall be 25 acres.

2. Standards for Utility-Scale Solar Energy Systems:

a. Utility Connections - Utility connections from the solar photovoltaic installation shall be place underground, depending on appropriate soil conditions, shape and topography of the site, and any requirements of the utility provider.

b. Visual Impact - Visual impacts shall be minimized by preserving natural vegetation, screening abutting properties, and protecting scenic resources. Buffer requirements of Section VIII. of the Zoning Ordinance shall apply.

c. Natural Resources - Wetland, vernal pools, surface waters, and slopes greater than twenty percent (20%) shall be conserved. Whenever possible, the area surrounding the array shall be planted with native wildflower meadow seed mix to stabilize the soil, encourage infiltration of runoff and increase pollinator habitat. The Planning Board may allow limited crossings for driveways or utilities to provide access to an upland area that is otherwise deemed to meet all other standards for the development of a Utility-Scale Solar Energy System.

d. Land Clearing and Erosion Control – Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of Utility-Scale Solar Energy Systems. Adherence to the provisions of the Maine Department of Environmental Protection's Maine Erosion and Sediment Control Best Management Practices is mandatory. An erosion and sedimentation control plan and narrative is required, and must comply with requirements set forth in Chapter 420 Town of Scarborough Erosion and Sedimentation Control at Construction Sites Ordinance. Herbicide use is prohibited. No prime agricultural soil or significant volume of topsoil shall be removed from the site to install a Utility-Scale Solar Energy System or its accompanying infrastructure. Removal of mature trees is discouraged and the imposition of mitigation measures or restrictions on tree clearing shall be prescribed by the Planning Board in order to prevent habitat fragmentation of existing

forested landscapes and to protect hydrological regimes and other essential ecosystem functions. In the event that a site's vegetation is disturbed or must be removed to provide for solar access during the construction of the project, a revegetation plan is required and must be prepared by a qualified professional. The plan shall indicate the existing nature of the vegetation to be removed; describe revegetation activities and how they create beneficial habitat by using native vegetation in all disturbed areas of the site not used to achieve operational efficacy of the Utility-Scale Solar Energy System; and a maintenance plan. The Planning Board may approve an alternate revegetation plan that uses native vegetation but does not necessarily establish a beneficial habitat.

1. For projects removing one or move acres of continuous forested landscape the project shall be required to ensure the minimum setback area is vegetated at a density comparable to the pre-existing vegetated area that is to be removed, except for areas required for access crossing.

e. Operations & Maintenance Plan – As part of a Utility-Scale Solar Energy System site plan, the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

f. Enclosure – The Utility-Scale Solar Energy Systems shall be surrounded by a perimeter fence. Where applicable for screening from abutting properties in accordance with Section VIII of the Zoning Ordinance. The fence shall be constructed of high quality, long lasting materials incorporating an appropriate level of architectural design determine by the Planning Board. Where chain link fence is determined an appropriate use, the fence shall be either painted a dark color or coated with dark vinyl.

g. Signage – Signs on Utility-Scale Solar Energy Systems shall comply with all applicable standards in this zoning ordinance. All sites shall be required, at minimum, to identify the system owner and provide a 24-hour emergency contact phone number at the entrance of the site.

h. Emergency Services – The system owner of a Utility-Scale Solar Energy System shall provide a copy of the project summary, electrical schematic, and an emergency response plan. The system owner shall identify a responsible person for public inquiries throughout the life of the installation.

i. Installation Conditions – The system owner of a Utility-Scale Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to painting, structural repairs, and integrity of perimeter fencing. Site access shall be maintained to a level acceptable to the Fire Chief. The system owner shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.

j. Applicable Permitting – Prior to approval the Planning Board shall determine all applicable Federal and State permits have been received by the applicant. In addition, prior to the issuance of a building permit the applicant will need to provide an interconnection agreement from the energy provider.

3. Decommissioning and Removal of Utility-Scale Solar Energy Systems: [Amended 10/05/2022]

a. Removal – Any Utility-Scale Solar Energy System that has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The system owner shall physically remove the installation no more than twelve (12) months after the date of discontinued operations. The system owner shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

    1. Physical removal of all Utility-Scale Solar Energy Systems, structures, equipment, perimeter fencing, and transmission lines for the site.

    2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

    3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the system owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

        i. Projects removing one or more acres of continuous forested landscape, as noted in section 2.d.1 above, shall revegetate the same area where vegetation was removed and at a density comparable to the pre-existing vegetation. A revegetation plan shall be prepared by a qualified professional. The plan shall indicate the existing nature of the vegetation that was removed, describe revegetation activities, and include a maintenance plan. The revegetation plan shall be a component of the surety as required in section 3.c. below.

b. Abandonment.

    i. Absent written notice of a propose date of discontinued operations or written notice of extenuating circumstances, a Utility-Scale Solar Energy System shall be considered abandoned when it fails to generate electricity for a continuous twelve (12) month period. Determination of abandonment shall be made by the Code Enforcement Officer. The Code Enforcement Officer shall notify the system owner of an abandoned facility in writing and order the removal of the facility within one hundred and twenty (120) days of receipt of the written notice. The system owner shall have forty-five (45) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the system has not been abandoned. If the system owner fails to show that the system is inactive operation, the system owner shall have ninety (90) days to reactivate the system or commence removal of the facility in accordance with the requirement of this provision.

    ii. Failing to remove the system in accordance with the requirements of this Article is considered a violation of this Article. The Town retains the right to use any all legal or available means necessary to cause an abandoned, hazardous, or decommissioned Utility-Scale Solar Energy System to be removed.

c. Surety – If the facility is not removed within the designated period. The Town may remove the facility at the owner's expense. A copy of the relevant portions of a signed lease or other comparable signed legal instrument which requires the applicant to remove the Solar Energy System and associated facilities and reclaim the site upon abandonment or decommissioning shall be submitted as part of the application. Further, a surety shall be proved to the Town to guarantee the removal of an abandoned Solar Energy System, prior to the installation of the facility. The applicant must submit a sample form of surety with its application to pay for the

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costs of removing the facility if it is abandoned. The surety must be obtained and delivered to the Planning Department after approval of the application by the Planning Board and prior to construction.

4. Public Notification:

When an application is deemed to be complete, the Planning Department shall, at the applicant's expense, give written notification to all abutting property owners within five hundred (500) feet of the parcel on which the proposed development is located of the date, time, and place of the meeting at which the application will be considered. Notification shall be sent at least ten (10) days prior to the first meeting at which the complete application is to be reviewed. Failure of any property owner to receive the notification shall not necessitate another hearing or invalidate any action of the Board. For the purposes of this Section, the owners of the abutting properties shall be considered to be the parties listed by the tax assessor for the Town of Scarborough. The Planning Board shall provide an opportunity for public comment prior to actin on an application.

P. PERFORMANCE STANDARDS – ACCESSORY AGRICULTURAL ACTIVITIES [Adopted 05/05/2010][Amended 09/02/2020; 10/18/23]

Accessory Agricultural Activities must be carried out in conformance with the following performance standards:

1. Chickens may be kept on a lot in accordance with the following standards:

a. Up to five (5) chickens may be kept on a lot with a lot area of less than ten thousand (10,000) square feet.

b. Up to ten (10) chickens may be kept on a lot with a lot area of ten thousand (10,000) square feet or more but less than forty thousand (40,000) square feet.

c. Any number of chickens may be kept on a lot with a lot area of forty thousand (40,000) square feet or more.

d. All chickens must be female unless on lots in the RF with a lot area of at least eighty thousand (80,000) square feet. [Amended 09/02/2020]

e. On lots with a lot area of less than forty thousand (40,000) square feet, the chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure or a so called "chicken tractor".

f. The chickens must be confined within a henhouse during non-daylight hours.

g. The henhouse must be enclosed on all sides, have a roof and door, and the access doors must be able to be shut and locked. The henhouse must be constructed from substantial materials and be visually compatible with the property. The hen house must be setback from any property line at least fifteen feet or the minimum required setback for the district in which it is located, whichever is greater

h. The henhouse and enclosure must be maintained so that it is clean, dry, and odor free. All manure or other wastes must be stored in a fully enclosed structure or in airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material on the lot.

2. Small animals (such as sheep, goats, pot-belly pigs, or fowl that typically weigh not more than 100 pounds at maturity) other than domestic pets or chickens may be kept on a lot that has a lot area of at least 40,000 square feet.

3. Large animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity) may be kept on a lot that has a lot area of at least 80,000 square feet.

4. Any building or structure that is used to house animals other than domestic pets or chickens must meet the setback requirements for the zone in which it is located.

5. The sale of any type of seafood may only be permitted by those who meet all Federal, State and municipal requirements to do so.

6. Accessory agricultural activities that include any type of seafood are not subject to site plan review, but do require a permit from the Zoning Administrator to verify licensing requirements and safe storage practices are in place.

7. The sale of products produced on the property or seafood caught or harvested by the owner in excess of what is consumed by the occupants of the property is permitted. The sales must occur in a designated area not more than twenty (20) square feet in area and may include a display stand or table. The stand or table may only be in place during the season when products are being sold and must be removed during the "off-season".

Q. PERFORMANCE STANDARDS – COMMERCIAL AGRICULTURE AND COMMERCIAL ANIMAL HUSBANDRY INCLUDING PROCESSING [Adopted 05/05/2010]

Commercial Agriculture and Commercial Animal Husbandry must be carried out in conformance with the following performance standards:

1. A lot must have a lot area of at least one (1) acre to have any permanent agricultural buildings or structures.

2. Commercial Animal Husbandry is allowed only on lots with a lot area of two (2) acres or more.

3. Any building or structure that is used to house animals other than domestic pets and any facilities for the storage or handling of manure or materials that contain manure must conform to the setback requirements of the zone in which it is located. The facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's Manual of Best Management Practices for Maine Agriculture.

4. Facilities for the processing of agricultural products must be designed and primarily used to process products raised as part of the Commercial Agriculture and/or Commercial Animal Husbandry use but the processing of other agricultural products not raised as part of the Commercial Agriculture or Animal Husbandry use is allowed provided that the processing facilities are accessory and subordinate to the principal agricultural use of the property.

5. Processing facilities must be operated and maintained in accordance with the latest edition of the Maine Department of Agriculture's 01-001 Chapter 343 Rule, "Food Processing and Manufacturing" requirements.

R. PERFORMANCE STANDARDS – FARM STANDS [Adopted 05/05/2010] [Amended 10/18/23]

A Farm Stand must conform to the following performance standards:

1. A farm stand must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use.

2. A farm stand must be located on a parcel that is actively used for the Commercial Agriculture or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.

3. A farm stand may be a free-standing structure or outdoor location or may be part of another building or structure (for example, an area in a barn or house that is used for sales).

4. The total area devoted to retail sales is limited to four hundred (400) square feet. This includes the area of a free-standing building or structure, the area for outside display and/or sales, the outdoor area used for retail sales if there is no building or structure, and the area used for sales in another building.

5. The sale of products is limited to: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which the farm stand is associated, b) processed products that are made from products grown or raised by the agricultural use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the agricultural use), c) agriculture products including processed products that are not produced by the agricultural use with which the stand is associated, d) live or fresh fish, shellfish and lobsters, and e) handmade art and craft products.

6. The farm stand must be located on the parcel so that it meets side and rear setback requirements but a free-standing farm stand is not required to meet the front setback requirements.

7. The farm stand must be located so that it provides appropriate parking and access for customers. Customer vehicles must not be required to back out on to a public street.

8. The farm stand may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture or Commercial Animal Husbandry use.

9. A farm stand is not subject to site plan review but does require a permit from the Zoning Administrator.

S. PERFORMANCE STANDARDS – AGRICULTURAL PRODUCTS STORES [Adopted 05/05/2010] [Amended 10/18/2023]

An Agricultural Products Store must conform to the following performance standards:

1. An agricultural product store must be associated with and accessory to a Commercial Agriculture, Commercial Animal Husbandry, or Commercial Fishing and Harvesting use.

2. A store must be located on a parcel that is actively used for the Commercial Agriculture and/or Commercial Animal Husbandry use or in the case of Commercial Fishing and Harvesting, be the primary residence of the owner of the commercial operation.

3. The primary vehicle access to the store must be from a street/road that is classified by the Town as an arterial, collector, or minor collector.

4. An agricultural products store may be a free-standing building or may be part of another building or structure (for example, an area in a barn or house that is used for sales)

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5. A free-standing building used for retail sales or the area used for sales in another building is limited to one thousand (1,000) square feet of sales area. An additional outside area of not more than five hundred (500) square feet may be used for the display and/or sales of products. These limits shall not apply to greenhouses or areas for the growing and/or display of nursery stock or other plants for sale as part of the agricultural use.

6. The sale of products may include: a) those grown, raised, caught, harvested or produced by the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use with which it is associated, b) processed products that are made from products grown or raised by the use (for example, cheese or ice cream made from milk, yarn made from wool, processed foods such as apple butter or salsa made from items grown by the use, or baked goods made using items grown by the use), c) agriculture products including processed products that are not produced by the Commercial Agriculture or Commercial Animal Husbandry use with which the store is associated, and d) handmade art and craft products.

7. The building in which the store is located must meet the front, side, and rear setback requirements for the district in which it is located

8. The store must be located so that it provides appropriate parking and access for customers. Parking must be provided in accordance with the requirements of Section XI. for retail uses.

9. The store may be open for business only when it is selling products that are grown, raised, caught, harvested or produced as part of the Commercial Agriculture, Commercial Animal Husbandry or Commercial Fishing and Harvesting use.

10. The construction of a building or the conversion of an existing building for use as an agricultural products store is subject to minor site plan review.

T. PERFORMANCE STANDARDS – BED AND BREAKFASTS [Adopted 05/05/2010]

A Bed and Breakfast (B&B) must conform to the following performance standards:

1. A B&B that is located in a rural or residential zone must have its primary vehicle access from a street/road that is classified by the Town as an arterial, collector, or minor collector. This requirement does not apply to a B&B located in mixed-use or nonresidential zone.

2. The parking for a B&B that is located in a rural or residential zone may not be located in the required front yard.

3. A B&B that is located in a rural or residential zone shall maintain a residential character in the design of the building and site improvements including the location of parking.

4. If the lot on which the B&B is located abuts a lot that is in residential use, a vegetated buffer strip at least fifteen (15) feet in width shall be established and maintained between any parking or service areas and the property line. The buffer strip shall screen the parking and/or service areas from view from the abutting property.

5. The provision of food and beverage service is limited to the guests of the B&B during their stay.

6. The owner or manager of the B&B must reside in a dwelling unit within the B&B during times the B&B is open for business.

U. PERFORMANCE STANDARDS – COMMERCIAL OUTDOOR RECREATION [Adopted 05/05/2010]

A Commercial Outdoor Recreation use must conform to the following performance standards:

1. The primary recreational activity must occur in the outdoors.

2. Structural development must be limited to facilities and buildings that support the primary recreational activity and shall be the minimum necessary to accommodate the use. Buildings or structures may not be or house the primary recreational activity. Examples of allowed buildings and structures include maintenance and storage buildings, an office related to the use, rest rooms, an equipment rental building, a warming hut or club house, and facilities for the sale of refreshments to people using the facility.

3. All buildings, facilities and areas used for recreation activities must conform to the setbacks for the district in which it is located.

4. The use must provide adequate off-street parking that is appropriate for the anticipated use of the facility and that will prevent the parking of vehicles along public roads.

5. If the use will operate on a regular basis, an improved parking lot must be provided.

6. If the use will operate intermittently or will have increased use on an intermittent basis, parking for these times may be provided in unimproved or field type parking areas.

7. The recreational activity must not create any adverse impacts for abutting properties as a result of noise or odors.

V. PERFORMANCE STANDARDS – HOME OCCUPATIONS [Adopted 05/05/2010]

In those zoning districts where home occupation is allowed as a special exception, the Board of Appeals may issue special exception approval for the establishment of a home occupation. In addition to meeting the standards for special exceptions in Section IV.I.4 of this Ordinance, all home occupations must adhere to the following standards:

1. The occupation or profession shall be carried on wholly within the principal building or within a building accessory thereto.

2. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

3. No more than one person who is not a resident of the dwelling unit shall be employed in the home occupation.

4. Exterior signage shall be permitted in accordance with the home occupation sign provisions under Section XII. Sign Regulations subsection E.

5. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building (except as expressly permitted by the district regulations of this Ordinance). This prohibition shall not apply to the storage of lobster traps.

6. No nuisance shall be generated, including but not necessarily limited to offensive noise, vibration, smoke, dust, odors, heat or glare.

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7. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

8. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users or customers the home occupation may attract during peak operating hours.

9. The home occupation may utilize:

a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;

b. Unfinished attic and basement spaces; and

c. Space within an accessory building totaling not more than one thousand (1,000) square feet of floor area.

10. Home occupations may include retail sales subject to the following limitations:

a. The total area devoted to retail sales is limited to four hundred (400) square feet and must be fully enclosed within a building.

b. The sale of products is limited to: products and articles produced, assembled or processed on the premises; and seafood caught or harvested off the premises by persons who reside in the dwelling unit or by the one employee permitted under paragraph 3 above.

11. A fisherman, lobsterman or shellfish harvester need not obtain home occupation approval except to engage in retail sales allowed under paragraph 10.b above.

12. Motor vehicle repairs and motor vehicle towing businesses are not allowed as home occupations.

W. PERFORMANCE STANDARDS – SMALL-SCALE ENERGY FACILITIES [Adopted 06/20/12; Amended 05/17/2023]

All small-scale energy facilities shall comply with the following performance standards:

1. The energy facility shall be accessory to a permitted use in the district in which it is located or shall be part of a planned development approved by the Planning Board.
2. The facility shall be designed and used primarily to provide power to the principal use or building to which it is accessory or the planned development in which it is located. This requirement is not intended to prohibit the sale of surplus power to the electric grid. [Amended 05/17/2023]
3. The generator, fuel storage, and related equipment shall be located in a fully enclosed building except for self-contained equipment, and wind or solar related elements of the facility. [Amended 05/17/2023]
4. The facility, including all buildings and elements located outside of a building shall be sited and designed to be compatible with the principal building or the overall planned development and located to the side or rear of the primary structure. [Amended 05/17/2023]
5. They shall be screened from public and private ways, main entrances, public spaces, and abutting residential neighborhoods. [Adopted 05/17/2023]

6. If the facility relies on a fuel source that is delivered by truck, the volume of truck traffic shall be compatible with the principal use/building or the planned development. The use of trash or refuse derived fuel (RDF) as the primary fuel source shall not be allowed.
7. The facility shall conform to the Town's performance standards for noise and odor.

X. PERFORMANCE STANDARDS – GASOLINE FILLING STATIONS [Amended 06/20/12]

Gasoline filling stations, whether a principal or accessory use, shall comply with the following standards. These standards shall apply to all new gasoline filling stations and to existing gasoline filling stations which are expanded or enlarged by increasing the size of buildings or structures, by increasing the number of fuel pumps or by adding any of the activities or uses listed in subparagraph (f) below. New gasoline filling stations and gasoline filling stations which are expanded or enlarged by increasing the size of buildings or structures or by increasing the number of fuel pumps must also obtain site plan approval pursuant to the Scarborough Site Plan Review Ordinance.

1. A gasoline filling station shall be located on a lot of no less than 40,000 square feet or the minimum lot area required in the zoning district, whichever is greater. (09/19/01).

2. A gasoline filling station existing on October 5, 1992 which does not comply with the space and bulk regulations for the zoning district, does not comply with the requirements of subsection (a) above, or is not a permitted or planned development use within the zoning district shall be deemed a non-conforming use, which can be expanded or enlarged only in compliance with Section (III)(F) of this Ordinance. Otherwise, the lot on which a gasoline filling station is located and all buildings and structures used in connection with the gasoline filling station shall comply with all space and bulk regulations for the zoning district, and no variance shall be granted from any of them or from the requirements of subsection (a) above.

3. A gasoline filling station shall be served by public sewer and public water and shall provide public rest rooms, one for males and one for females, for use by customers.

4. There shall be at least one attendant on duty at all times when a gasoline filling station is open for business.

5. A gasoline filling station may include as accessory uses or may be operated as an accessory use to the following:

a. Retail sales. If a gasoline filling station is operated as an accessory use on a site containing a retail sales use or uses with a total retail floor area of greater than 30,000 square feet, the gasoline filling station shall be subject to the following additional conditions:

- No curb cuts or access points to streets shall be allowed beyond those needed to serve the retail sales use or uses on the site, as determined by the Planning Board;
- The gasoline filling station must be situated on the site in a well-landscaped location which minimizes its visibility from streets, as determined by the Planning Board.

As used in this Section, the term retail sales use includes businesses such as "wholesale clubs" which offer membership to the general public. (09/19/01)

b. Fully enclosed automobile repair and service facilities serving the general public.
c. Retail sale of propane gas, compressed natural gas or similar fuels.

d. Retail sales of automobile supplies and accessories for the convenience of travelers.
e. Hand washing of automobiles, or waxing, polishing, cleaning and detailing of automobiles in fully enclosed structures.
f. Restaurants.

6. A gasoline filling station may not include as an accessory use and may not be operated as an accessory use to the following:

a. Wholesale distribution, storage or sale of fuels.
b. Automobile sales.
c. Automobile painting or body shops.
d. Junkyards or salvaging operations.
e. Distribution or transportation facilities or trucking terminals.
f. Hotels or motels.
g. Truck stops dispensing motor fuel primarily to trucks and similar commercial vehicles and/or providing overnight accommodations or food service for truck crews.
h. Facilities for servicing, storing or repairing commercial or fleet vehicles and which do not provide retail services to the general public.
i. Self-service, automatic or semiautomatic car washes.
j. Towing and wrecker service.

If any of the above uses or activities listed in this subsection (f) is permitted in the zoning district, it may be located on the same property as a gasoline filling station, but such use or activity and the gasoline filling stations shall be considered a principal use and each shall comply separately with all applicable requirements of this zoning ordinance.

7. If a gasoline filling station is part of a planned development that includes other buildings and uses, the gasoline filling station shall be integrated into the overall planned development in terms of the site design, the vehicular access and traffic circulation, the building orientation(s), and the building architecture.

8. A gasoline filling station shall provide the number of off-street parking spaces required for retail sales and services based on the floor area of the filling station, as per Section XI of this Ordinance. In addition, any accessory use allowed per subsection (e.) shall also provide off-street parking in accordance with the standards for off-street parking under Section XI.

9. Except as allowed in accordance with section IX.D. Accessory Outdoor Displays, the placement, storage or display of any goods, wares or merchandise outside the enclosed portions of the buildings or structures is prohibited. This subsection shall not prevent the placement at the fuel pump islands or products, such as motor oil, automotive fluids and wiper blades, which are dispensed or installed while vehicles are standing at the fuel pumps. (11/04/92)

10. All gasoline filling stations developed after September 20, 2001 shall be designed and constructed in accordance with the "Design Standards for Scarborough's Commercial Districts" adopted by the Scarborough Planning Board. [09/19/01]

11. Fuel pump canopies installed after September 20, 2001 must have a pitched roof and must be consistent with the "Design Standards for Scarborough's Commercial Districts" adopted by the Scarborough Planning Board. [09/19/01]

12. All gasoline filling stations developed after September 20, 2001 shall maintain a green strip buffer at least 15 feet in depth along the entire front lot line, except for driveway entrances, and along the entire rear lot line. Where the rear lot line abuts a lot located wholly or partly within a residential zone, the depth of the green strip buffer shall be increased to 30 feet. [09/19/01]

13. All gasoline filling stations developed or expanded after September 20, 2001 shall incorporate a storm water management system designed to contain fuel or other automotive fluids on site in the event of a spill. Such system must be reviewed and approved by the Town Engineer. [09/19/01]

Y. MANUFACTURED HOUSING COMMUNITIES Adopted [07/20/2022]

(1) Each manufactured home shall face and abut on a driveway or clear unobstructed space that provides access to a public street or privately owned road within a Manufactured Housing Community.

(2) No manufactured home shall be permitted to be installed closer than 5 feet to the side lines which define the manufactured housing community lot, nor shall it be installed so that it is closer than 10 feet to any other manufactured home or to any building not on the same manufactured housing community lot.

(3) The minimum lot area for Manufactured Housing Community lots shall be at least 2,100 square feet.

(4) A Manufactured Housing Community must comply with the setback requirements that are applicable in the underlying zoning district.

(5) Any proposed expansion of a Manufactured Housing Community must obtain either a special exception permit in zoning districts where a Manufactured Housing Community is a special exception, or approval through a miscellaneous appeal in zoning districts that do not permit Manufactured Housing Community.

(6) A Manufactured Housing Community shall comply with the provisions of Chapter 1019.

Z. SINGLE FAMILY DWELLING UNITS

30-A MRSA §4364-A Permits up to four dwelling units per lot with the following stipulations.
[Adopted 07/19/2023]

	Dwelling Units Permitted	
Lot Status	Inside Growth Areas	Outside Growth Areas
Vacant	4 total dwelling units	2 total dwelling units
Contains one existing unit	2 additional units[1]	2 additional units[1]
Contains two or more existing units	No additional units	

[1] One additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

1. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B Accessory Dwelling Units, the lot is not eligible for any additional increases in density.

2. All space and bulk standards shall apply in accordance with the corresponding zoning designation of the lot.
3. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:
   a. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;
   b. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;
   c. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and
   d. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
4. A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, Chapter 3 and municipal shoreland zoning ordinances.
5. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land.
6. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

AA. CANNABIS CULTIVATION FACILITIES, CANNABIS MANUFACTURING FACILITIES, AND CANNABIS TESTING FACILITIES[Adopted 09/04/2024]

1. Licensing. Persons or entities wishing to establish a Cannabis Cultivation Facility, Cannabis Manufacturing Facility, or Cannabis Testing Facility within the Town of Scarborough shall first obtain a license from the Scarborough Town Council and shall be subject to the provisions of the Cannabis Establishments Licensing Ordinance and this Ordinance.
2. Residential Property Setbacks. Cannabis Cultivation Facilities may not be located on property within 1,000 feet of the property line of a lot on which a dwelling is located in a Residential Zoning District, measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the residential property line and the closed portion of the structure or building in which the Cannabis Cultivation Facility is located; or within 1,000 feet of the front door of an existing single-family home in existence

at the time of the adoption of this ordinance. A Cannabis Cultivation Facility licensed and operating prior to the adoption of this section that does not meet this performance standard may continue under the nonconformance provisions in Section III of this Ordinance.

BB. MOBILE FOOD VENDOR COURT. [Adopted 01/08/2025]

The establishment of a mobile food vendor court shall be through the site plan process. In addition, all mobile food vendors in the mobile food vendor court shall adhere to licensing requirements found in Chapter 1015.A Mobile Food Vendor License Ordinance.

The following standards shall apply to all mobile food vendor courts:

1. Minimum setbacks for the zoning district in which the mobile food vendor court is located shall apply to all mobile food vendor pad sites.
2. Each mobile food vendor located at a mobile food vendor court shall be located on a pad site that meets the standards in this ordinance.
3. Each mobile food vendor pad site shall be equipped with electrical connections.
4. Mobile food vendor pad sites shall be designed to maintain a five (5) foot clear space around each mobile food vendor.
5. Mobile food vendor pad sites shall be designed so that mobile food vendors shall be parked on asphalt, concrete or other approved surfaces. Appropriate spill control and counter-measures plan with sufficient materials to address typical shall be provided for every pad site.
6. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set-up within any ADA accessible parking space.
7. Mobile food vendor pad sites shall be designed so that no mobile food vendor is set up within any designated sight triangle/vehicle clear-zone or within twenty (20) feet of fire lanes, fire hydrants or fire connections.
8. Mobile food vendor pad sites shall be designed so that no mobile food vendor is located in the public right-of-way, impedes traffic, interferes with the general ingress and egress to and from any property, public or otherwise, or presents an unsafe condition for patrons, pedestrians, or other vehicles.
9. Mobile food vendor courts shall provide temporary or permanent public restroom facilities.

CC. LANDSCAPE CONTRACTOR RUNNING HILL - GORHAM ROAD MIXED USE DISTRICT [Adopted 08/20/2025]

1. The number of motor vehicles and trailers for equipment and supplies operated in connection with the landscape contractor business or parked on-site must be approved by the Planning Board to avoid an adverse impact on abutting uses.
2. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
3. Sale of plant materials, garden supplies, or equipment is prohibited.
4. The Planning Board may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.
5. No open storage of materials shall be permitted.
6. All burning of landscape related materials shall be prohibited.

DD. PERFORMANCE STANDARDS – LANDSCAPE CONTRACTOR LIGHT INDUSTRIAL DISTRICT [Adopted 11/05/2025]

1. The number of motor vehicles and trailers for equipment and supplies operated in connection with the landscape contractor business or parked on-site must be approved by the Planning Board to avoid an adverse impact on abutting uses.
2. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
3. Sale of plant materials, garden supplies, or equipment is prohibited.
4. The Planning Board may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.
5. No open storage of materials shall be permitted.
6. All burning of landscape related materials shall be prohibited.

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EE. PERFORMANCE STANDARDS CHILD AND ADULT ~~DAY~~ CARE FACILITIES [Amended 06/01/94] [moved from Section IV Administration]

a. Family ~~Day Care Homes~~Child Care Provider, ~~Group Day Care Homes~~Small Child Care Facility, ~~Day~~ Child Care Center ~~Facilities~~, and Nursery Schools shall comply with the following conditions:

~~i. Shall provide outdoor play or recreation areas as required by state regulations, which shall be in rear and side yards only;~~A child care facility or a family child care provider may operate without an outdoor recreational space as long as an outside public recreational space as long as an outside public recreational space is available within a reasonable distance from the facility or provider.

ii. All provided outdoor play or recreation areas shall be in rear and side yards and fenced; if a facility is approved during the winter, fencing shall be installed as soon as weather permits.

iii. Unless authorized by variance under Section V.B.3, such facilities may be located only on lots which comply fully with the minimum lot area and minimum street frontage requirements of this Ordinance, or as follows:

1. On a nonconforming lot of record in the RFM or RF Districts, the minimum lot area required for a ~~Group Day Care Home~~Small Child Care Facility is 60,000 square feet and the minimum lot area for a Family ~~Day Care Home~~Child Care Provider is 40,000 square feet.
2. On a nonconforming lot of record in the R-2 District, the minimum lot area required for a Family ~~Day Care Home~~Child Care Provider is 15,000 square feet, provided the lot is sewered.
3. On a nonconforming lot of record in the R-3 District, the minimum lot area required for a Family ~~Day Care Home~~Child Care Provider ~~-~~is 10,000 square feet, provided the lot is sewered.
4. On a nonconforming lot of record in the R-4 District or the R-4A District, the minimum lot area required for a Family ~~Day Care Home~~Child Care Provider is 7,500 square feet, provided the lot is sewered.

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5. On a nonconforming lot of record in any district, the minimum street frontage required for a Family ~~Day Care Home~~Child Care Provider is seventy-five percent of the minimum otherwise required in the district.

iv. No such facility shall be situated in any location where the distance between the facility's driveway entrance and the driveway entrance of another child or adult ~~day~~ care facility or a home occupation is less than five times the minimum street frontage requirement for the zoning district, measured along the sidelines of streets. Where the facilities subject to this restriction are in different zoning districts with different street frontage requirements, the larger requirement shall apply.

v. The owner shall show that the sewage disposal system fully conforms to the requirements of the Maine State Plumbing Code or the requirements of the Scarborough Sanitary District.

~~vi. Prohibited in multiplex housing units.~~

b. ~~Group Day Care Homes~~Small Child Care Facility, ~~Day~~ Child Care Center ~~Facilities~~ and Nursery Schools shall comply with the following additional conditions:

i. Access shall be permitted only from streets of higher classification than a local residential street (as defined in the Street Acceptance Ordinance of the Town of Scarborough);

ii. Off street parking shall be provided for all non-resident employees.

iii. Driveways of child care facilities must be configured so that vehicles dropping off and picking up children are not required to back up into the driveway or into the street in order to exit the facility. (2/15/95)

c. In the RFM, RF, and R-2 districts, Nursery Schools and Child ~~Day~~ Care Centers ~~Facilities~~ must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 800 square feet for each additional child, based on maximum licensed capacity. In all other districts, Nursery Schools must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 75 square feet for each additional child, based on maximum licensed capacity. (12/21/94)

d. A Nursery School or ~~Day~~ Child Care Center ~~Facility~~ in the Industrial District cannot be located on a lot~~,~~ which does not have at least one hundred feet of street frontage notwithstanding the space and bulk regulations for that district.

FF. PERFORMANCE STANDARDS – SHORT TERM RENTAL OWNER OCCUPIED AND NON-OWNER OCCUPIED

Registration. Persons or entities wishing to establish a short-term rental within the Town of Scarborough shall first register through the Town Clerks Office and shall adhere to registration requirements found in Chapter 1020 Short Term Rental Registration and this Ordinance.

1. No more than one short term rental shall be permitted per single family residential lot excluding short term rentals in the Coastal Beach Zone.
2. There shall be no exterior signage or any other exterior indications of the short-term rental activity excluding short term rentals in the Coastal Beach Zone.
3. The traffic generated by a short-term rental shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

SECTION XIII.A ZONING DISTRICT USE TABLES

The following use tables and conditions shall apply to all included zoning districts. Permitted use table abbreviations are as follows:

P – Permitted by Right
PD – Permitted by Right, Planned Development Process Required
SE – Special Exception Required
C# – Condition Applies
CZ – Contract Zone Required
Blank – Not a Permitted Use
Multiple Symbols - All shall apply

In all instances where mixed use is permitted, if any use requires special exception, special exception approval by the Zoning Board of Appeals under Section IV is required.

Performance Standards, when noted, shall apply to all districts.

A. USE TABLES

SEE ATTACHMENT 5A

B. CONDITIONS
SEE ATTACHMENT 5B

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Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Village Residential 2 (VR-2)	Village Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
FORESTRY, CONSERVATION AND AGRICULTURAL USES																								
Commercial Agriculture	Section IX.Q.	P	CZ	SE	SE	SE	SE	SE								C26	C26							
Commercial Animal Husbandry	Section IX.Q.	P	CZ	SE	SE	SE	SE									C26	C26							
Agricultural Processing Facility in Conjunction with Commercial Agriculture and/or Animal Husbandry (less than 2,000 square feet of gross floor area)	Section IX.Q.	P	CZ	SE; C6				SE; C6																
Agricultural Processing Facility in Conjunction with Commercial Agriculture and/or Animal Husbandry (more than 2,000 square feet of gross floor area)	Section IX.Q.	SE	SE																					
Agricultural Employee Housing ~~in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry~~		SE	SE																					
Farm Stand	Section IX.R	P	CZ	SE				SE																
Agricultural Products Store	Section IX.S	P	CZ	SE																				
RESIDENTIAL HOUSING USES																								
Single Family Dwelling Units ~~(exclusive of individual mobile homes) Up to 2 Dwelling Units per Lot~~	Section IX (Z)	P	P	P	P	P	P	P	P	P		C45	C45	C48	P	P	C27	PD; C42						
~~Single Family Dwelling Units (exclusive of individual mobile homes) Up to 4 Dwelling Units per Lot~~	~~Section IX (Z)~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~C45~~	~~C45~~	~~C48~~	~~P~~	~~P~~		~~PD; C42~~						
Two-family Dwelling Units	Section IX (Z)	P	P	P	P	P	P	P	P	P		C45	C45	C48	P	P		PD; C42						
Manufactured Housing Unit		C5	~~CZ,~~ C5	C5	C5	C5	C5	C5	C5	C5		C5; C45	C5; C45	C5; C48	C5	C5	C5; C27	PD; C5; C42						
Manufactured Housing Community	Section IX (Y)	SE	SE																					
Townhouse					C1; C3	C1; C3	C1; C3	C3	C3	C44	P	C1	C1	P		P	P	PD						
Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot	Section VIIA. Conservation Design	P	CZ																					
~~Multiplex~~	~~Section VII~~				~~C1; C3~~	~~C1; C3~~	~~C1; C3~~	~~C3~~	~~C3~~	~~C44~~	~~P~~	~~C1~~	~~C1~~			~~P~~	~~P~~	~~PD~~						

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Village Residential 2 (VR-2)	Village Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
Multi-Family Dwelling (no more than 8 dwelling units per building)					C1; C3	C1; C3	C1; C3																	
Multi-Family Dwelling (no more than 12 dwelling units per building)												C1	C1			P								
Multi-Family Dwelling (no limit per building)								C3; C17	C3; C17	C44	P						P	PD	PD; C19					
Accessory Dwelling Unit	Section IX.J	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	~~PD~~ P						
Senior Housing											P	C1	C1			P	P	PD						
Residential Accessory Use		P	CZ	P	P	P	P	P	P	P	C22	P	P	C21	P	P	P	P	P					
RESIDENTIAL HOUSING AND COMMERCIAL COMBINED USES																								
Dwelling Units in a Mixed Use Building										C37	P	C37	C37	PD; C49	C36	C38	P	PD	PD; C19			PD		
Live Work Unit										P	P	P	P	PD; C49	P	P	P	PD	PD; C41			PD		
Home Occupation	Section IX (V)	SE	SE	SE	SE	SE	SE	SE	SE	P	P/SE	P/SE	P/SE	P/SE	P	P/SE		PD						
RESIDENTIAL CARE USES																								
~~Family Day Care Home (3-6 children or adults)~~	~~Section IV(I)(6), except that Board Appeals review is not required.~~	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~C22~~	~~C14~~	~~C14~~			~~C14~~	~~P~~	~~PD~~			~~P~~			~~SE~~
Family Child Care Provider	Section IX. EE	P	~~CZ~~ P	P	P	P	P	P	P	P	C22	C14	C14	P	P	C14	P	PD			P			SE
Adult Day Care Program	Section IX. EE	P	CZ	P	P	P	P	P	P	P	C22	C14	C14			C14	P	PD			P			SE
~~Group Day Care Home (7-12 children) and Nursery School~~		~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~C22~~	~~C14~~	~~C14~~	~~C21~~		~~C14~~	~~P~~	~~PD~~	~~P~~	~~SE~~	~~P~~	~~CZ~~		~~SE~~
Small Child Care Facility	Section IX. EE	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	C22	C14	C14	C21	P	C14	P	PD	P	SE	P	CZ		SE
Nursery School	Section IX. EE	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	~~SE~~ P	C22	C14	C14	C21	P	C14	P	PD	P	SE	P	CZ		SE
~~Day Care Center Facility (13 + children)~~		~~SE~~	~~SE~~	~~SE~~					~~SE~~		~~C22~~	~~C14~~	~~C14~~	~~C21~~		~~C14~~	~~P~~	~~PD~~	~~P~~	~~SE~~	~~P~~	~~CZ~~		~~SE~~
Child Care Center	Section IX. EE	~~SE~~ P	~~SE~~ P	~~SE~~ P	P	P	P	P	~~SE~~ P	P	C22	C14	C14	C21	P	C14	P	PD	P	SE	P	CZ		SE
Day Camp		C4	CZ, C4																					
Orphanage					SE	SE		SE	SE															
~~Boarding Care Facility~~		~~C3~~	~~CZ, C3~~			~~SE~~																		
~~Boarding Care facility for the elderly~~	~~Section IX (C)~~											~~SE~~	~~SE~~			~~SE~~	~~P~~		~~PD~~			~~PD~~		

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Vilage Residential 2 (VR-2)	Vilage Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
~~Residential and Long Term Care for the Ill, Aged or Disabled~~											~~SE~~						~~SE; C20; C43~~	~~PD; C43~~		~~SE~~				
Residential Care Facility	Section IX (C)	C1	CZ, C1			SE					SE	SE	SE			SE	SE; C20; C43	PD; C43	PD	SE		PD		
Assisted Living Facility	Section IX (C)										SE	SE	SE			SE	SE; C20; C43	PD; C43	PD	SE		PD		
Nursing Home, Licensed		C3	CZ, C3		SE	SE		SE	SE			SE	SE			SE	P		PD			PD		
Hospice ~~Facility~~ Program or Provider	Section IX (K)	SE	SE	SE	SE	SE		SE	SE															
LODGING USES																								
Bed and Breakfast	Section IX (T)	P	CZ									C14	C24		P									
Short-Term Rental (owner occupied)	Section IX (FF)	C60 or SE	C60 or SE	C60 or SE	C60 or SE	C60 or SE	C60 or SE	P	P	P	P	P	P	P	P	P	P	P	P		P	P		
Short-Term Rental (non-owner occupied)	Section IX (FF)	C60	C60	C60	C60	C60	C60	SE	SE	SE	P	P	P	P	C60	SE	SE	P	P		P	P		
Lodging House																					P	C23		
Camping and Tenting (five acres or more)	Section IX (A.13)	SE	SE																					
Campgrounds	Section IX (A.13)																		P					
Hotels and Motels											C22	C1; C14	C46; C24					PD	C56	C25	P	C23		
SHOP, SERVICE AND MEDICAL USES																								
~~Retail Business and Service Establishment~~																		~~PD~~			~~P~~			
Retail Sales and Service											C22	C14	C6	C21	C12	C7;C11	C15	PD	C20	C14	P	C23	C47; C58	C58
Outdoor Sales and Services																					SE; C57			
Personal Service											C22	C14	C14	C21	C12	C40	C40	PD	P	P	P	C23	P	P
Health Club											C22	C14	C14; C46	C21	C12	C14	P	PD	P	P	P	C23	P	P
Business Services and Business Office										C12	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	P

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Vilage Residential 2 (VR-2)	Vilage Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
~~Medical or~~ Professional Office							C12			C12; C13	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	C9
Medical and Diagnostic Facility																		PD	P					
Addiction Treatment Facility	Section IX (L)																							C9
Financial, Insurance and Real Estate Office										C12	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23		
Veterinary Clinic		SE	SE							C12; C13	C22	C14	C14	C21	C12	C14	P	PD	P	P	P	C23	P	C9
Pet Care Facility (Indoor)		SE	SE															PD						P
Kennel (Indoor and/or Outdoor)		SE	SE																					
Non-Residential Accessory Use (excludes outdoor storage)		P	CZ	P	P	P	P	P	P	P	C22	P	P	P	P	P	P	P	P	P	P	C23	P	P
Non-Residential Accessory Use (includes outdoor storage)																							P	P
FOOD AND BEVERAGE USES																								
Mobile Food Vendor Court (drive through or drive in service is prohibited)	Section IX.BB										C22	C14	C14	C21				PD	P	P	P	C23		P
Restaurant (no drive-through service)											C22	C14	C14	C21	C12	C40 or C34	C40	PD	P	P	P	C23		C8
Drinking Establishment																	C40	PD	P	P	P	C23		
Restaurant (drive-through service permitted)											PD	PD; C14		PD					PD; C39		P	C23		
Coffee House; (drive-through service permitted)											PD	PD; C14		PD				PD	PD; C39		P	C23		
RECREATIONAL USES																								
Park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Trail		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Grounds for Games and Sports (non-profit)							P																	
Golf Course		P	CZ	P	P	P	P		P	P							P	PD	P		P			
Commercial Outdoor Recreation	Section IX.U	SE	SE															P	P					

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Village Residential 2 (VR-2)	Village Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
Water Dependent Sports Practice Facility																								P
Residential Recreation Facility		P	CZ	P	P	P	P	P	P	P														
Community Building (non-profit)					P	P	P	P	P															
Non-commercial Model Aviation Flying Field Located West of the Maine Turnpike	Section IV(I)(8)	SE	SE																					
~~**Fully enclosed places of assembly, amusement, culture, and government,** exclusive of video gambling, casino gambling and slot machine facilities~~																		~~P~~						
~~**Fully enclosed places of assembly, amusement, culture and government**~~																							~~C31; C47~~	
~~**Fully enclosed places of assembly, amusement, culture, and government,** exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting~~														~~C21~~							~~P~~	~~CZ~~		
~~**Places of assembly, amusement, recreation, culture or government,** exclusive of arcades, video arcades, amusement parlors, video gambling, casino gambling and off-track betting, fully enclosed within a building or buildings~~																			~~P~~					
Fully Enclosed Places of Assembly, Amusement and Culture														C21				P	P		P	CZ	C31; C47	
Video Arcade, Amusement Parlor, and/ or Video Gambling																								
Casino Gambling, Off Track Betting and /or Slot Machine Facility																		PD; C53						
Harness Racing Facility																		P						
CIVIC, EDUCATIONAL AND LEARNING USES																								
Library				P	P	P		P	P		P	P	P			SE	P	PD			P	P		

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Vilage Residential 2 (VR-2)	Vilage Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
Museum				P	P	P		P	P		P	P	P			SE	P	PD			P	P		
~~Instructional and educational service, including but not limited to, schools of music, dance, art, driver education and vocational training, not otherwise allowed as permitted uses under subsection (B), with less than 10,000 square feet of floor area, total per lot~~										~~SE; C18~~														
Instructional and Educational Services and Institutions, including but not limited to, schools of music, dance, art, driver education and vocational training										SE; C18								PD	P	P			P	P
~~Educational Institutions~~																			~~P~~					
~~Elementary and Secondary Schools~~										~~P~~	~~P~~	~~P~~	~~P~~			~~SE~~	~~P~~	~~PD~~			~~P~~	~~P~~		
School - Public and Private Education Facility (all grades)				P	P	P	P	P	P	P	P	P	P			SE	P	PD	P		P	P		
Funeral Home											C22	C14	C14			SE	P	PD		P	P	CZ		
Place of Worship		P	~~CZ~~ P	P	P	P	P	P	P	SE	C22	P	P	C21	P	P	P	PD	P	P	P	CZ		
Adjunct Use, Place of Worship		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	PD	P	SE	SE	SE; CZ		
Cemetary		SE	SE	SE																				
Municipal Buildings and Uses		P	~~CZ~~ P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C47	P
Post Office Facilities								P																
Non-Municipal Government Offices										C12; C13	C22	C14	C14	C21		SE	P		P		P	CZ		
Non-Municipal Government Buildings and Uses																		PD		P			P	P
~~Clubs and Lodging Houses~~																					~~P~~	~~CZ~~		
~~Charitable Institutions~~					~~SE~~	~~SE~~		~~SE~~	~~SE~~															
~~Non-residential institutional uses~~																				~~P~~				
~~Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions, which are not otherwise allowed as permitted uses under subsection (B), with less than 5,000 square feet of floor area, total per lot.~~										~~SE; C16~~														

Land Use (See Section VI for Definitions)	Additional Standards Performance Standards Apply to All Districts	Rural Farming (RF)	Rural, Farming and Manufactured Housing (RFM)	Residential 2 (R2)	Residential 3 (R3)	Residential 4 (R4)	Residential 4A (R4A)	Vilage Residential 2 (VR-2)	Vilage Residential 4 (VR-4)	Residence and Professional Office (RPO)	Town and Village Centers (TVC)	Town and Village Centers Transition (TVC-2)	Town and Village Centers Fringe (TVC-3)	Town and Village Centers 4 (TVC-4)	Beach Mixed Use (B-1)	Running Hill Transition (RH-2)	Running Hill Mixed Use (RH)	Crossroads Planned Development (CPD)	Haigis Parkway (HP)	Business office Research (BOR)	Regional Business (B-2)	General Business (B-3)	Light Industrial Overlay (LI)	Industrial (I)
Non-residential Institutional Uses, Including Educational, Religious, Philanthropic, Fraternal or Social Institutions (not otherwise permitted)					SE	SE		SE	SE	SE; C16	C22	C14	C14	C21		SE	P	PD		P	P	CZ		
UTILITY USES																								
Small Wind Energy System (accessory use)	Section IX (N)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy System (accessory use)	Section IX (O)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Small Scale Energy Facility (accessory use)	Section IX (W)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PD	P	P	P	P	C47	P
Utility Scale Solar Energy System	Section IX (O.1)	P	CZ																				C47	P
Public Utility Facility **(COMBINED SEVERAL VERSIONS)**		SE	SE	SE	SE	SE	SE	SE, C35	SE, C35	SE	SE	SE	SE	SE	SE	SE	SE	P	P	SE	SE	SE; C23	SE	SE
Telecommunication Facility	Section IX(F)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	PD	P	P	P	C23	C47	P
Transmission Tower~~s~~	Section IX(F)																						C47	P
AUTOMOTIVE AND EQUIPMENT USES																								
Gasoline Filling Stations	Section IX (X)										PD			C21; C29				PD; C52			PD; C50	PD; C51		
Car Wash																		PD			P	C23	C47; C58	C58
Automobile Repair and Tire Service (fully enclosed)																		PD		C13	P	C23	C47; C58	C58
Sales, services and storage of marine-related equipment and watercraft including outdoor sales, display and storage														C21										
Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars)																		PD; C54		C25			C47	P
Motor Vehicle Sales, Repair and Service Facility																				C25			C32	

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Motor Vehicle Repair and Service Facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.																		PD; C54					C47	P
Passenger Transportation Facility																		PD			P	CZ		
BUSINESS AND INDUSTRIAL USES																								
Mini-Warehouse/Storage Facility (external access)	Section IX (H)																	PD; C54		C25				P
Climate Controlled/Internal Access Storage Facility	Section IX (H)																		P					P
Small Batch Processing Facility	Section IX.(M.3)										C22			C21			P	PD	P	P	P	P		
Food Processing Facility	Section IX (M.2)													C21	C28 or SE; C10			PD; C54	P					P
Cannabis Cultivation Facility	Section IX (AA)																							C59
Cannabis Manufacturing Facility	Section IX (AA)																	PD; C54	P	P				P
Cannabis Testing Facility	Section IX (AA)																	PD; C54	P	P			C47	P
Landscape Contractor	Section IX (CC) Section IX (DD)																SE						P	P
Contractor's Office, Shop and Storage Yard																		PD; C54		C25			P	P
Outdoor Storage (exclusive of fuel stored in bulk)																					SE	SE; C23	SE	P
Extractive Industry Including Gravel Pit and Quarry		SE	SE																					
Research, Development and Light Industrial	Section IX (M.1)													C21				PD	C55				C47	P
High Technology Facility	Section IX (M)													C21			P	PD	P	P	P	C23	C47	P
Manufacturing and Assembly	Section IX (M)																	PD; C54					C47	P
Warehouse~~ing~~ Facility (exclusive of mini-warehouse)																					P		C47	P
~~Distribution, Wholesale Trade and Transportation, including Trucking Terminals~~	~~Section XX.IB (D.5)~~																						~~C47~~	
Distribution Facility	Section XX.IB (D.5)																				P		C47	P
Wholesale Trade and Transportation	Section XX.IB (D.5)																						C47	P
Truck~~ing~~ Terminal	Section XX.IB (D.5)																						C47	P

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Reycling Facility	Section IX (A.18)																						C47; C33	P
~~Fuel Distribution Facility~~														~~C30~~										
Lumber yards, fuel storage and distribution yards (excluding tank farms) and building material yards (building material yards may include storage of rock, sand and gravel provided no excavation occurs on site)														C30										P

Number	Condition
C1	Must be served by public sewer
C2	Must be on minimum 2-acre lot
C3	Must be on minimum 5-acre lot
C4	Must be on minimum 10-acre lot
C5	a. The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation. b. The foundation shall comply to the requirements of the Town's building code for residential structures. At a minimum, the foundation shall consist of a 4' frost wall completely surrounding and supporting the perimeter of the unit with a crawl space. c. The exterior plumbing shall comply with the Maine State Plumbing Code. d. The exterior electrical connections shall comply with the National Electrical Code. e. The acute angle between the front property line of the lot (or in the case of a curved front line, the chord connecting the points where the side lines intersect the front line) and a line parallel to the short axis of the manufactured housing unit is not less than 30 degrees. f. Fuel oil storage tanks shall be in the cellar, crawl space, or buried and conform to NFPA 31. On corner lots, said acute angle shall be no less than 30 degrees and no greater than 60 degrees. g. Above-ground propane tanks shall be permitted only at the rear of the structure. h. All disturbed portions of the site shall be loamed and seeded.
C6	Maximum 1,000 sq ft of floor area per unit of occupancy
C7	Less than 1,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
C8	Maximum 2,000 square feet of floor area per unit of occupancy
C9	Maximum 2,500 sq ft of floor area per unit of occupancy
C10	Less than 2,500 square feet of floor area, total per lot, only on lots that are located easterly of Avenue 5
C11	Less than 2,500 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services permitted in conventional developments on lots existing as of April 1, 2014, that have frontage on Gorham Road
C12	Maximum 2,500 sq ft of floor area per lot
C13	More than 2,499 sq ft and no more than 10,000 sq ft floor area per lot requires SE
C14	Maximum 5,000 sq ft of floor area per unit of occupancy
C15	Less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses
C16	Maximum 5,000 sq ft of floor area per lot
C17	Maximum 7,500 sq ft building footprint
C18	Maximum 10,000 sq ft of floor area per lot
C19	Limited to a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.
C20	Maximum 20,000 sq ft of floor area per unit of occupancy
C21	Permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy
C22	Permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy within the Oak Hill TVC District and 8,000 square feet of floor area per unit of occupancy within the Dunstan TVC District:
C23	Maximum 30,000 square feet floor area per unit of occupancy
C24	Maximum 36,000 square feet of floor area per unit of occupancy ~~establishment~~.
C25	Existing as of September 1, 2007
C26	Existing as of September 1, 2008 including retail sales of farm products located on the same premises and kennels, but exclusive of abattoirs and piggeries
C27	Existing as of September 1, 2008
C28	Existing as of September 1, 2011
C29	Existing as of July 1, 2012
C30	Existing as of September 1, 2012

Number	Condition
C31	Existing as of January 1, 2013
C32	Existing as of January 1, 2013 including auto body shops and facilities for the repair of recreational vehicles
C33	Including only junkyards, automobile graveyards or automobile recycling businesses that are existing as of January 1, 2013, and subject to annual licensing by the Scarborough Town Council under Section IX(A)(18).
C34	Permitted in conventional developments on lots existing as of April 1, 2014, that have frontage on Gorham Road
C35	Board of Appeals review is not required if the facility is proposed, reviewed and permitted by the Planning Board as part of an original residential development.
C36	Limited to no more than two (2) dwelling units per building
C37	Limited to no more than eight (8) dwelling units per building if served by public sewer and two (2) units per building if served by on-site sewage disposal.
C38	Limited to no more than eight (8) dwelling units per building
C39	Permitted only in a mixed use building as part of a planned development ~~as specified under subsection II.C.6~~
C40	Permitted only in a mixed use building that includes other non-residential uses and/or residential uses
C41	Permitted only as part of a mixed-use planned development ~~as specified under subsection II.C.4~~
C42	Permitted only as part of a planned development that includes a variety of housing types
C43	If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply
C44	Where an RPO zone abuts a residential zone, other types of dwellings are allowed, provided they are of the same type (as defined in Section V) as dwellings in the adjacent residential zone. If an RPO zone abuts more than one residential zone, the district regulations of the least restrictive residential zone abutting that particular RPO zone shall apply throughout that particular RPO zone.
C45	Not permitted on lots fronting Route 1
C46	Not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue
C47	Permitted only on lots that have vehicular access to the Holmes Road
C48	Must have primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets
C49	Planned Development required and allowed only on a lot having its primary frontage on East Grand Avenue, Pine Point Road, or Snow's Canning Road
C50	Lots abutting Payne Road between the South Portland line and Gorham Road (Route 114) whether a principal or accessory use, subject to the standards of subsection L. of this district and subject to the performance standards of Section IX.(X.) of this Ordinance
C51	Only permitted on a lot that abuts Route One, or located so that all fueling facilities and vehicle service or storage areas are located within one thousand two hundred fifty (1250) feet of the point of intersection of the centerlines of the Payne Road and Haigis Parkway
C52	Located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road.
C53	Defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and are licenses by the State of Maine in accordance with the requirements of Chapter 31 of Title 8 of the Maine Revised Statues, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.
C54	Subject to the additional development standards of subsection D, of the CPD district, including the standards on location and buffers under subsection D.14
C55	No outdoor storage
C56	All guest rooms must be accessed by interior corridors
C57	All merchandise displayed for sale is located at least 1,000 feet from any public way.
C58	Only as accessory use to principal permitted use
C59	Must be fully enclosed
C60	Only Permitted in Coastal Beach Zone

SECTION XIII. RESIDENTIAL ZONING DISTRICTS

RURAL FARMING DISTRICT RF
To conserve the integrity and natural qualities of rural open space for the betterment and future of the community and encourage the continuation of agriculture and related activities in these areas of the community. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

RURAL, FARMING AND MANUFACTURED HOUSING DISTRICT RFM
To conserve the integrity and natural qualities of rural open space for the betterment and future use of the community, to encourage the continuation of agriculture and related activities and to provide for areas within the community where manufactured housing units can be harmoniously situated on individual lots. To this end, residential development shall not be in excess of 1 dwelling unit per 2 residential acres.

RESIDENTIAL DISTRICT R2
To provide residential areas within the Town of Scarborough of low density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre.

RESIDENTIAL DISTRICT R3
To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 3 dwelling units per net residential acre in sewered areas.

RESIDENTIAL DISTRICT R4
To provide residential areas within the Town of Scarborough of higher density to a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre in unsewered areas or 4 dwelling units per net residential acre in sewered areas.

RESIDENTIAL DISTRICT R4A.
To provide residential areas within the Town of Scarborough of higher density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 4 dwelling units per net residential acre. All developments in R-4A districts shall be serviced by public sewer and public water supply.

A. PERMITTED USES ~~—~~RESIDENTIAL DISTRICTS: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

~~Permitted use table abbreviations are as follows:~~
~~P – Permitted by Right~~
~~SE – Special Exception Required~~
~~C# – Condition Applies~~
~~CZ – Contract Zone Required~~
~~Blank – Not a Permitted Use~~

~~AGRICULTURAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Accessory uses including accessory stables on lots of at least two acres~~	~~Section IX.P.~~	~~P~~	~~CZ~~	~~P~~	-	-	-
~~Accessory uses including accessory agricultural activities~~	~~Section IX.P.~~	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Commercial Agriculture~~	~~Section IX.Q.~~	~~P~~	~~CZ~~	~~SE~~	-	-	-
~~Commercial Animal Husbandry~~	~~Section IX.Q.~~	~~P~~	~~CZ~~	-	-	-	-
~~Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry~~	-	~~SE~~	~~SE~~	-	-	-	-
~~Commercial Stables~~	-	~~P~~	~~CZ~~	-	-	-	-
~~Farm stand~~	~~Section IX.R~~	~~P~~	~~CZ~~	~~SE~~	-	-	-
~~Agricultural Products Store~~	~~Section IX.S.~~	~~P~~	~~CZ~~	~~SE~~	-	-	-
~~Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture~~	~~Section IX.Q.~~	-	-	~~SE~~	-	-	-
~~Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry~~	~~Section IX.Q.~~	~~P~~	~~CZ~~	-	-	-	-
~~Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry~~	~~Section IX.Q.~~	~~SE~~	~~SE~~	-	-	-	-
~~Forestry~~		~~P~~	~~CZ~~				
~~Wetlands Creation on Previously Excavated Property~~		~~CZ~~	~~CZ~~				

~~RESIDENTIAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Single Family Dwelling Units (exclusive of individual mobile homes)~~ ~~Up to 2 Dwelling Units per Lot~~	~~Section IX.Z.~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~

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~~Single Family Dwelling Units (exclusive of individual mobile homes)~~ ~~Up to 4 Dwelling Units per Lot~~	~~Section IX.Z.~~			~~P~~	~~P~~	~~P~~	~~P~~
~~Two-family Dwelling Units~~		~~P~~	~~P~~		~~P~~	~~P~~	~~P~~
~~A Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot~~	~~Section VIIA. Conservation Design~~	~~P~~	~~CZ~~	-	-	-	-
~~Manufactured Housing Unit~~		-	~~CZ, C4~~	-	-	-	-
~~Manufactured Housing Community~~	-	~~SE~~	~~SE~~	-	-	-	-
~~Townhouse - No more than 8 units per building (Minimum 3 units)~~	-	-	-	-	~~C3~~	~~C3~~	~~C3~~
~~Multiplex~~	~~Section VII~~	-	-	-	~~C3~~	~~C3~~	~~C3~~
~~Nursing Home~~	-	~~C1~~	~~CZ, C1~~	-	~~SE~~	~~SE~~	-
~~Boarding Care~~	-	~~C1~~	~~CZ, C1~~	-	-	-	-
~~Orphanage~~	-	-	-	-	~~SE~~	~~SE~~	-
~~INSTITUTIONAL AND CIVIC USES~~	**~~PERFORMANCE STANDARDS APPLY~~**	**~~RF~~**	**~~RFM~~**	**~~R2~~**	**~~R3~~**	**~~R4~~**	**~~R4A~~**
~~Cemetery~~	-	~~SE~~	~~SE~~	~~SE~~	-	-	-
~~Library~~	-	-	-	~~P~~	~~P~~	~~P~~	-
~~Museum~~	-	-	-	~~P~~	~~P~~	~~P~~	-
~~School - Public and Private Educational Facility~~	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Municipal Building and Use~~	-	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Public Utility Facility, Including Substation, Pumping Station and Sewage Treatment Facility~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~
~~Hospice Facility~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	-
~~Place of Worship~~	-	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Adjunct Use, Place of Worship~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~
~~Charitable Institution~~	-	-	-	-	~~SE~~	~~SE~~	-
~~RECREATIONAL USES~~	**~~PERFORMANCE STANDARDS APPLY~~**	**~~RF~~**	**~~RFM~~**	**~~R2~~**	**~~R3~~**	**~~R4~~**	**~~R4A~~**
~~Residential Recreation Facility~~	-	~~P~~	~~CZ~~	~~P~~	-	~~P~~	-
~~Golf Course~~	-	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~

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~~Community Building (non-profit)~~	-	-	-	-	~~P~~	~~P~~	~~P~~
~~Grounds for Games and Sports (non-profit)~~	-	-	-	-	-	-	~~P~~
~~Commercial Outdoor Recreation~~	~~Section IX.U~~	~~SE~~	~~SE~~	-	-	-	-
~~Day Camp~~	-	~~C2~~	~~CZ, C2~~	-	-	-	-
~~Non-commercial Model Aviation Flying Field Located West of the Maine Turnpike~~	~~Section IV(I)(8)~~	~~SE~~	~~SE~~	-	-	-	-
~~COMMERCIAL AND RETAIL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Family Day Care Home (3-6 children or adults)~~	~~Section IV(I)(6), except that Board Appeals review is not required.~~	~~P~~	~~CZ~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Group Day Care Home (7-12 children) and Nursery School~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~
~~Day Care Center Facility (13 + children)~~	-	~~SE~~	~~SE~~	~~SE~~	-	-	-
~~Medical or Professional Office (less than 2,500 sq. ft floor area per lot)~~	-	-	-	-	-	-	~~P~~
~~Boarding Care Facility~~	-	-	-	-	-	~~SE~~	-
~~Kennel~~	-	~~SE~~	~~SE~~	-	-	-	-
~~Veterinary and Pet Care Facility~~	-	~~SE~~	~~SE~~	-	-	-	-
~~Utility Scale Solar Energy System~~	~~Section IX.(O.1.)~~	~~P~~	~~CZ~~				
~~LODGING USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Bed and Breakfast~~	~~Section IX.T.~~	~~P~~	~~CZ~~	-	-	-	-
~~Camping and Tenting (five acres or more)~~	-	~~SE~~	~~SE~~	-	-	-	-
~~INDUSTRIAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Extractive Industry Including Gravel Pit and Quarry~~		~~SE~~	~~SE~~				
~~ACCESSORY USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~RF~~	~~RFM~~	~~R2~~	~~R3~~	~~R4~~	~~R4A~~
~~Accessory Dwelling Unit~~	~~Section IX.J.~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Home Occupation~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~

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~~Telecommunication Facility~~	-	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~	~~SE~~

~~C1 - Must be on minimum 5-acre lot~~
~~C2 - Must be on minimum 10-acre lot~~
~~C3 - Must be served by public sewer; minimum 5 acres parcel~~
~~C4 - **a.** The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation.~~

~~**b.** The foundation shall comply to the requirements of the Town's building code for residential structures. At a minimum, the foundation shall consist of a 4' frost wall completely surrounding and supporting the perimeter of the unit with a crawl space.~~

~~**c.** The exterior plumbing shall comply with the Maine State Plumbing Code.~~

~~**d.** The exterior electrical connections shall comply with the National Electrical Code.~~

~~**e.** The acute angle between the front property line of the lot (or in the case of a curved front line, the chord connecting the points where the side lines intersect the front line) and a line parallel to the short axis of the manufactured housing unit is not less than 30 degrees. On corner lots, said acute angle shall be no less than 30 degrees and no greater than 60 degrees.~~

~~**f.** Fuel oil storage tanks shall be in the cellar, crawl space, or buried and conform to NFPA 31.~~

~~**g.** Above-ground propane tanks shall be permitted only at the rear of the structure.~~

~~**h.** All disturbed portions of the site shall be loamed and seeded.~~

B. SPACE AND BULK STANDARDS – RESIDENTIAL DISTRICTS

The following standards shall apply unless the use of Section VIIA, Conservation Subdivision Design is required or selected.

DIMENSIONAL STANDARDS	RF	RFM	R2	R3		R4		R4A
	ALL	ALL	ALL	Sewer	No Sewer	Sewer	No Sewer	Sewer Only
Minimum Lot Area per Dwelling Unit (refer to Section VI - Definitions, Lot Area for calculation)	80,000 sq ft	80,000 sq ft	20,000 sq ft	15,000 sq ft	20,000 sq ft	10,000 sq ft	20,000 sq ft	10,000 sq ft
Minimum Street Frontage	200'	200'	100'	100'		75'	100'	80'
Conservation Subdivision Design Dimensional Standards	See Section VIIA			NA				
SETBACKS	**RF**	**RFM**	**R2**	**R3**		**R4**		**R4A**
	ALL	**ALL**	**ALL**	**Sewer**	**No Sewer**	**Sewer**	**No Sewer**	**Sewer Only**
Minimum Front Yard (All Structures)	50'	50'	40'	40'		30'	40'	30'
Minimum Side Yard*	15'	15'	15'	15'		15'		15'

Minimum Rear Yard*	15'	15'	15'	15'		15'		15'
Conservation Subdivision Design Setbacks	See Section VIIA			NA				
DENSITY	**RF**	**RFM**	**R2**	**R3**		**R4**		**R4A**
	ALL	**ALL**	**ALL**	**Sewer**	**No Sewer**	**Sewer**	**No Sewer**	**Sewer Only**
Maximum Net Residential Density per Acre	0.5	0.5	2	3	2	4	2	4
Residential Density Factors Section VIIC (a) Apply	NA							
Conservation Subdivision Design Density	See Section VIIA			NA				

*Buildings taller than 30' shall have side and rear yards not less than 50% of building height.

C. ADDITIONAL STANDARDS – RESIDENTIAL DISTRICTS

The following standards shall apply unless the use of Section VIIA, Conservation Subdivision Design is required or elected.

ADDITIONAL STANDARDS	**RF**	**RFM**	**R2**	**R3**		**R4**		**R4A**
	ALL	**ALL**	**ALL**	**Sewer**	**No Sewer**	**Sewer**	**No Sewer**	**Sewer Only**
Maximum Building Height	35'	35'	35'	35'		35'		35'
Minimum distance between principal buildings on the same lot	Height Equivalent of Taller Building							
Maximum Building Coverage	25%	25%	20%	25%		25%	20%	25%
Conservation Subdivision Design Additional Standards	See Section VIIA			NA				
Off-Street Parking	See Section XI							

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SECTION XIV. VILLAGE RESIDENTIAL DISTRICTS

VILLAGE RESIDENTIAL 2 DISTRICT - VR2

To provide residential neighborhoods of a moderate density to a manner which will promote a wholesome living environment and accept a significant share of the Town's residential growth. To this end, residential development shall not exceed 2 dwelling units per net residential acre if served by public sewer and 1 dwelling unit per 2 acres if served by on-site sewage disposal. T. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of household types, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All new subdivisions in the VR2 District shall be serviced by public sewer and public water supply.

VILLAGE RESIDENTIAL 4 DISTRICT - VR4

To provide residential neighborhoods of a higher density to a manner which will promote a wholesome living environment and accept a significant share of the Town's residential growth. To this end, residential development shall not exceed 4 dwelling units per net residential acre, plus additional density through development transfer or affordable housing. The village residential development standards are intended to promote the establishment of neighborhoods with a mix of dwelling types accommodating a mix of households, age groups and income levels, incorporate communal recreation areas, greens, commons and open spaces, and create a village-style development pattern with an interconnected network of landscaped streets, blocks, and pedestrian ways in a manner that compliments adjacent residential neighborhoods and commercial districts to instill a mix of housing types and land uses in and around our town and village centers. All developments in the VR4 District shall be serviced by public sewer and public water supply.

A. PERMITTED USES – VILLAGE RESIDENTIAL DISTRICTS~~CITS~~: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

~~Permitted use table abbreviations are as follows:~~

- ~~P – Permitted by Right~~
- ~~SE – Special Exception Required~~
- ~~C# – Condition Applies~~
- ~~CZ – Contract Zone Required~~
- ~~Blank – Not a Permitted Use~~

~~AGRICULTURAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Accessory uses including accessory stables on lots of at least two acres~~	~~Section IX.P.~~		
~~Accessory uses including accessory agricultural activities~~	~~Section IX.P.~~	~~P~~	~~P~~
~~Commercial Agriculture~~	~~Section IX.Q.~~	~~SE~~	
~~Commercial Animal Husbandry~~	~~Section IX.Q.~~		
~~Agricultural Employee Housing in Conjunction with Commercial Agriculture and/or Commercial Animal Husbandry~~	-		
~~Commercial Stables~~	-		
~~Farm stand~~	~~Section IX.R~~	~~SE~~	
~~Agricultural Products Store~~	~~Section IX.S.~~		
~~Agricultural processing facility with a total of not more than one thousand (1,000) square feet of gross floor area in conjunction with commercial agriculture~~	~~Section IX.Q.~~	~~SE~~	
~~Agricultural processing facility with a total of not more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry~~	~~Section IX.Q.~~		
~~Agricultural processing facility with a total of more than two thousand (2,000) square feet of gross floor area in conjunction with commercial agriculture and/or animal husbandry~~	~~Section IX.Q.~~		
~~Forestry~~			
~~Wetlands Creation on Previously Excavated Property~~			

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~~RESIDENTIAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Single Family Dwelling Units (exclusive of individual mobile homes) Up to 2 Dwelling Units per Lot~~	~~Section IX.Z.~~	~~P~~	~~P~~
~~Single Family Dwelling Units (exclusive of individual mobile homes) Up to 4 Dwelling Units per Lot~~	~~Section IX.Z~~	~~P~~	~~P~~
~~Two-family Dwelling Units~~		~~P~~	~~P~~
~~A Single Multi-family Dwelling with Four or Fewer Dwelling Units on a Lot~~	~~Section VIIA. Conservation Design~~		
~~Manufactured Housing Unit~~			
~~Manufactured Housing Community~~	~~-~~		
~~Townhouse - No more than 8 units per building (minimum 3)~~	~~-~~	~~C1~~	~~C1~~
~~Multiplex~~		~~C1~~	~~C1~~
~~Multi-family Dwellings (maximum building footprint 7,500 sq ft)~~		~~C1~~	~~C1~~
~~Nursing Home~~	~~-~~	~~SE~~	~~SE~~
~~Boarding Care~~	~~-~~		
~~Orphanage~~	~~-~~	~~SE~~	~~SE~~
~~INSTITUTIONAL AND CIVIC USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Cemetery~~	~~-~~		
~~Library~~	~~-~~	~~P~~	~~P~~
~~Museum~~	~~-~~	~~P~~	~~P~~
~~School – Public and Private Educational Facility~~		~~P~~	~~P~~
~~Municipal Building and Use~~	~~-~~	~~P~~	~~P~~
~~Post Office Facilities~~		~~P~~	
~~Public Utility Facility, Including Substation, Pumping Station and Sewage Treatment Facility~~	~~-~~	~~SE C2~~	~~SE C2~~
~~Hospice Facility~~	~~-~~	~~SE~~	~~SE~~

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~~Place of Worship~~	~~-~~	~~P~~	~~P~~
~~Adjunct Use, Place of Worship~~	~~-~~	~~SE~~	~~SE~~
~~Charitable Institution~~	~~-~~	~~SE~~	~~SE~~
~~RECREATIONAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Residential Recreation Facility~~	~~-~~	~~P~~	~~P~~
~~Golf Course~~	~~-~~		~~P~~
~~Community Building (non-profit)~~	~~-~~	~~P~~	~~P~~
~~Grounds for Games and Sports (non-profit)~~	~~-~~		
~~Commercial Outdoor Recreation~~	~~Section IX.U~~		
~~Day Camp~~	~~-~~		
~~Non-commercial Model Aviation Flying Field Located West of the Maine Turnpike~~	~~Section IV(I)(8)~~		
~~COMMERCIAL AND RETAIL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Family Day Care Home (3-6 children or adults)~~	~~Section IV(I)(6), except that Board Appeals review is not required.~~	~~P~~	~~P~~
~~Group Day Care Home (7-12 children) and Nursery School~~	~~-~~	~~SE~~	~~SE~~
~~Day Care Center Facility (13 + children)~~	~~-~~		~~SE~~
~~Medical or Professional Office (less than 2,500 sq ft floor area per lot)~~	~~-~~		
~~Boarding Care Facility~~	~~-~~		
~~Kennel~~	~~-~~		
~~Veterinary and Pet Care Facility~~	~~-~~		
~~Utility Scale Solar Energy System~~	~~Section IX.(O.1.)~~		

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~~LODGING USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Bed and Breakfast~~	~~Section IX.T.~~		
~~Camping and Tenting (five acres or more)~~	~~-~~		
~~INDUSTRIAL USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Extractive Industry Including Gravel Pit and Quarry~~			
~~ACCESSORY USES~~	~~PERFORMANCE STANDARDS APPLY~~	~~VR2~~	~~VR4~~
~~Accessory Dwelling Unit~~	~~Section IX.J.~~	~~P~~	~~P~~
~~Home Occupation~~	~~-~~	~~SE~~	~~SE~~
~~Telecommunication Facility~~	~~-~~	~~SE~~	~~SE~~

~~C1 - Permitted with a minimum parcel size of five (5) acres.~~
~~C2 - Board of Appeals review is not required if the facility is proposed, reviewed and permitted by the Planning Board as part of an original residential development.~~

B. SPACE AND BULK STANDARDS

The following Space and Bulk Regulations are applicable to subdivisions reviewed by the Planning Board under the Scarborough Subdivision Ordinance.

DIMENSIONAL STANDARDS AND SETBACKS	VILLAGE RESIDENTIAL 2 – VR2					
	Single-family units	Two-family units	Multi-family	~~Multi-plex~~	Town-house	Non-residential[3]
Minimum Lot Area per dwelling unit	5,000 sq ft	NA	NA			
Minimum Lot Area per two dwelling nits	NA	7,500 sq ft	NA			
Minimum Lot Area	NA		15,000 sq ft			
Minimum Street Frontage	40’	50’	75’			
Minimum Lot Width	40’	50’	75’			
Minimum Front yard	5’					
Minimum Rear & Side Yard	15’[1]		15’[2]			15’

[1] May be reduced to 5 feet for single-family dwellings within the same residential development if the dwelling and the abutting dwellings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code.

[2] May be reduced to 10 feet for two-family dwellings if the structures meet the Fire Rating requirements as per the NFPA 101 Life Safety Code. The Planning Board may also allow lesser separation between two-family and multi-family dwellings than the setback requirements dictated above if these dwellings are located on the same lot and the structures meet the Fire Rating requirements for the lesser separation as per the NFPA 101 Life Safety Code.
[3] As used in this subsection E., the term "non-residential" does not include home occupations and other uses accessory to a residential use.

1. The lot area requirements above shall be considered minimums. The Planning Board may require additional lot areas in order to meet the Town Plumbing Ordinance & the Maine Subsurface Waste Water Disposal Rules depending on the density of housing and use types.

2. For a resident lot that does not require subdivision review and approval by the Planning Board or a lot in a subdivision that was approved prior to June 1, 2005, the Space and Bulk Regulations of the R2 District shall apply if the lot is served by the public sewer system. If the lot is served by an on-site subsurface sewage disposal system, the space and bulk regulations of the RF District shall apply.

DIMENSIONAL STANDARDS AND SETBACKS	VILLAGE RESIDENTIAL 4 – VR4					
	Single-family units	Two-family units	Multi-family	~~Multi-plex~~	Town-house	Non-residential[4]
Minimum Lot Area per Dwelling Unit	5,000 sq ft	NA	NA			
Minimum Lot Area per two dwelling units	NA	7,500sq ft	NA			
Minimum Lot Area	NA		15,000 sq ft			
Minimum Street Frontage	50'		75'			
Minimum Lot Width	50'		75'			
Minimum Front yard	5'					
Minimum Rear & Side Yard	15'[1]		15'[2, 3]			15'

[1] May be reduced to 5 feet for single-family dwellings within the same residential development if the dwelling and the abutting dwellings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code.
[2] May be reduced to 10 feet for multi-family ~~plex~~ and townhouse dwellings if the dwelling and the abutting dwelling meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.
[3] When the yard abuts a lot or parcel that is not part of the development the minimum yard shall be 25 feet and the buffering requirements of Section VIII of this Ordinance shall apply.
[4] As used in this subsection E., the term "non-residential" does not include home occupations and other uses accessory to a residential use.

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For development that does not require subdivision review and approval by the Planning Board the Space and Bulk Regulations of the R-4 District shall apply.

C. VILLAGE DEVELOPMENT STANDARDS

New Residential subdivisions in the VR2 and VR4 Districts shall conform to the following standards:

1. Residential subdivisions shall be designed in a pattern of substantially rectangular blocks forming a grid layout with interconnected streets and communal space as defined by buildings, landscaping and streetscapes, natural features, and pedestrian ways that establishes a traditional village design. In the VR4 District the Planning Board may waive the standard for a grid layout of interconnected streets if the Board finds that topographical, wetland or other natural constraints inhibit this design or if the scale of a particular residential development is not conducive to an interconnected street layout.

2. Residential developments shall include low-volume streets designed for lower vehicle speeds in order to increase pedestrian safety, discourage non-local through traffic and maintain a village character. In order to achieve these design standards, the Planning Board shall have the authority to reduce the pavement width of local residential streets to 20 feet. Streets approved by the Planning Board under this Section shall be deemed to comply with the Street Acceptance and Subdivision Ordinances.

3. The street network in a residential development, or a private access road or driveway located in the VR4 District, shall not provide or create vehicular access from Sawyer Road to serve non-residential development located outside of the VR4 District.

4. Sidewalks and shade trees shall be provided on both sides of the streets within a subdivision or development shall connect to the pedestrian amenities of abutting neighborhoods to the extent feasible. The Planning Board may allow alternative pedestrian amenities, such as a sidewalk on one side of a street, footpaths and trails, if the Board finds the above standard is not necessary due to special circumstances of a site or the nature or scale of a particular residential development.

4. The Planning Board may allow the establishment of "private alleyways" to provide access to parking facilities for various residential units. These alleyways may be 14 feet in pavement width with an additional 6 feet of non-paved drivable surface (totaling 20 ft.), in accordance with Scarborough Fire Department requirements. These alleyways shall be owned and maintained by a homeowners association and shall be subject to an easement allowing Town use and access. These alleyways shall not be considered streets under this Ordinance, the Street Acceptance Ordinance or the Scarborough Subdivision Ordinance.

5. In the VR2 District between 10 - 20% of the net residential area of a subdivision shall be allocated as designated open space accessible to all residential units. The open space shall consist of both village green space and surrounding open space for conservation. The village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The surrounding open space shall be connected and contiguous where feasible, and shall be restricted for conservation and recreation in perpetuity. This open

space may contain recreation areas, ball fields, recreation trails, and the like. It shall function as protection for natural resources, buffers to adjacent incompatible uses, forested, natural distinctions between this zoning district and adjacent less dense zoning districts, and linkages to neighboring green spaces or recreational amenities. In addition, this common green space or open space can be used for solar or wind energy systems as allowed for under Section IX. The final open space percentage within the 10 - 20% range shall be determined by the Planning Board.

6. In the VR4 District at least 10% of the net residential acreage of a development shall be allocated as village green space for active and passive recreation. This village green space may consist of neighborhood parks, community greens, commons, linear greenways, courtyards, landscaped boulevards and the like. The village green space shall be integral to the development and shall be sited in a central location available and desirable for use by the residents of the development. In addition, green space or common land can be used for solar or wind energy systems as allowed for under Section IX.

7. In the VR4 District development shall be clustered away from wetlands, watercourses and water bodies and impacts to these resources shall be avoided. Contiguous wetland areas of 15,000 square feet or greater shall be protected as common open space. These open space areas shall include a minimum wetland buffer of twenty-five (25) feet from the upland edge of a wetland to any building lot boundary. The open space lands may include a trail system for walking, hiking, biking or similar activities subject to Planning Board approval. Where no practical alternative exists, the Planning Board may allow the crossing of wetlands for roads, driveways or utilities to provide access to, or use of, an upland area within a development.

D. RESIDENTIAL DENSITY REGULATIONS – VR2

1. For a residential lot that is not subject to Planning Board review and approval or a lot in a subdivision that was approved prior to June 1, 2005, the residential density shall be governed by the R2 Space and Bulk Regulations if the lot is served by an on-site subsurface sewage disposal system, the space and bulk regulations of the RF District shall apply.

2. For a subdivision that is subject to Planning Board review and approval after June 1, 2005, the following residential density regulations shall apply:

a. Residential Density Factors – Within this zoning district the Residential Density Factors in Section VII.C.A. of the Zoning Ordinance shall apply to ~~multi~~-family ~~plex~~ and townhouse dwelling units.

b. Maximum Base Residential Density – The maximum base residential density shall be two (2) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

c. Additional Residential Density Thru Development Transfer – A subdivision may increase the number of dwelling units by up to ten percent (10%) of the total number

allowed under the maximum base residential density (subsection F.2.b.) by utilizing the development transfer provisions in accordance with Section VII.D. of this Ordinance.

d. **Additional Residential Density Thru Affordable Housing -** A subdivision may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density (subsection F.2.b.) provided at least forty percent (40%) of those additional units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

e. **Additional Residential Density Thru an Affordable Housing In-Lieu Fee –** In lieu of developing affordable housing to utilize additional residential density under subsection F.2.d., a development may increase the number of dwelling units by up to ten percent (10%) of the total number allowed under the maximum base residential density by utilizing the affordable housing in lieu fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

3. The Planning Board may allow a subdivision to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed twenty percent (20%) beyond the maximum base residential density allowed.

E. RESIDENTIAL DENSITY REGULATIONS – VR4

1. For development that is not subject to Planning Board review and approval the residential density shall be governed by the R-4 Space and Bulk Regulations.

2. For development that is subject to Planning Board review and approval the following residential density regulations shall apply:

a. Residential Density Factors - The Residential Density Factors in Section VII C. A. of the Zoning Ordinance shall apply to multi-family ~~plex~~ and townhouse dwelling units

b. Maximum Base Residential Density – The maximum base residential density shall be four (4) dwelling units per net residential acre. This is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

c. Additional Residential Density Thru Development Transfer – A development may incorporate up to three (3) additional dwelling units per net residential acre, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

d. Additional Residential Density Thru Affordable Housing – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

e. Additional Residential Density Thru an Affordable Housing In-Lieu Fee - In lieu of developing affordable housing to utilize additional residential density under subsection E~~F~~.2.d., a development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density by utilizing the affordable housing in-lieu fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

3. The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per net residential acre beyond the maximum base residential density.

F. ADDITIONAL STANDARDS – VILLAGE DISTRICTS

ADDITIONAL STANDARDS	VR2	VR4
Maximum Building Height	35' (3 stories)	35' (3 stories)
Maximum Building Coverage	60%	40%
Signs	Section XII Applies	

G. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except that the Planning Board shall have the authority to allow residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot be reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. This allowance shall not require approval by the Board of Appeals under Section XI(C) in this zoning district.

Given the village-style development pattern of the residential development, residential parking spaces in a new subdivision need not measure more than 9 feet by 18 feet and valid parking spaces shall include spaces located in private driveways leading into garages, notwithstanding the otherwise applicable provisions of Sections VI and XI of this Ordinance.

draft

SECTION XVII.A. RESIDENCE AND PROFESSIONAL OFFICE DISTRICT RPO.

[Amended 08/19/09] [Amended 05/20/2020; 07/19/2023]

A. PURPOSE

To provide a transitional or buffer area between residential areas and more intensive commercial districts. It is a district generally limited to small and moderate scale business and professional office uses located in buildings compatible with adjacent residential areas. Except under Section VII, the Residence and Professional Office District RPO shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES–: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

~~**1.** Dwellings. Single family dwellings, subject to the performance standards in Section IX.Z and two family dwellings are permitted in the district.~~ In addition to the uses permitted in Section XIII.A, ~~W~~where an RPO zone abuts a residential zone, other types of dwellings are allowed, provided they are of the same type (as defined in Section V) of~~as~~ dwellings in the adjacent residential zone.

If an RPO zone abuts more than one residential zone, the district regulations of the least restrictive residential zone abutting that particular RPO zone shall apply throughout that particular RPO zone. [Amended 08/19/09]

~~**2.** Dwelling units within a mixed use building limited to not more than eight (8) dwelling units per building if served by public sewer and two (2) units per building if served by on-site sewage disposal. [Adopted 08/19/09]~~

~~**3.** Live/Work units. [Adopted 08/19/09]~~

~~**4.** Non-Municipal government offices with less than 2,500 square feet of floor area, total per lot.~~

~~**5.** Municipal buildings and uses.~~

~~**6.** Elementary and secondary schools.~~

~~**7.** Professional offices with less than 2,500 square feet of floor area, total per lot.~~

~~**8.** Financial, insurance and real estate offices with less than 2,500 square feet of floor area, total per lot.~~

~~**9.** Personal service establishments with less than 2,500 square feet of service area, total per lot.~~

~~**10.** Business services and business offices with less than 2,500 square feet of floor area, total per lot.~~

~~**11.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~

~~**12.** Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [6/01/94]~~

~~**13.** Golf Course. [12/21/94]~~

~~**14.** Residential recreational facility. [Adopted 08/19/09]~~

~~**15.** Accessory dwelling units subject to the performance standards of Section IX.J. (02/15/12)~~

~~C. SPECIAL EXCEPTIONS~~

~~**1.** Place of Worship and Adjunct Uses, Place of Worship. [05/05/99]~~

~~**2.** Group day care homes and nursery schools. [6/01/94]~~

~~**3.** Public utility facilities. [5/17/95]~~

~~**4.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions, which are not otherwise allowed as permitted uses under subsection (B), with less than 5,000 square feet of floor area, total per lot. [Amended 08/19/09]~~

~~**5.** Professional offices with more than 2,499 but no more than 5,000 square feet of floor area, total per lot. [Amended 08/19/09]~~

~~**6.** Non-Municipal government offices with more than 2,499 but no more than 10,000 square feet of floor area, total per lot. [Amended 08/19/09]~~

~~**7.** Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B).~~

~~**8.** Instructional and educational services, including but not limited to, schools of music, dance, art, driver education and vocational training, not otherwise allowed as permitted uses under subsection (B), with less than 10,000 square feet of floor area, total per lot. [Amended 08/19/09]~~

C~~D~~. SPACE AND BULK REGULATIONS

1. Minimum Lot Area and Dimensions in areas served by public sewer [Adopted 08/19/09]

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings	10,000 per dwelling unit or the requirement of the adjacent residential zone, whichever is less	50	50
Two-family dwellings	10,000 per two dwelling units or the requirement of the adjacent residential zone, whichever is less	50	50
Multi-family dwellings and~~, multiplex,~~ townhouses (if permitted)	10,000 or the requirement of the adjacent residential zone, whichever is less	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50
Senior housing (if permitted)	80,000 or the requirement of the adjacent residential zone, whichever is less	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	100

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50

2. Minimum Lot Area and Dimensions in areas not served by public sewer[Adopted 08/19/09]

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings	40,000 per dwelling unit	100	50
Two-family dwellings	40,000 per two dwelling units	100	50
Non-Residential, Mixed-Use, and Live/Work Units	40,000	200 for lots abutting on Rte. 1; 100 for lots not abutting Rte. 1	50

3. Yard Standards - The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under subsection (E~~F~~) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building, or group of principal buildings, located closest to the abutting street(s). [Adopted 08/19/09]

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yards (ft.)
Route 1	35	90	15[1 & 2]
Route 114 & other major collector streets	25	60 (except that this maximum shall not apply to single-family and two-family dwellings)	15[1 & 2]
All other streets	10	25 (except that this maximum shall not apply to single-family and two-family dwellings)	15[1 & 2]

[1] When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yards.

[2] When the yard abuts a residential district the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

4. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height [Amended 05/20/2020]

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
5,000 sq. ft.	35%	75%	45 feet

The maximum individual building footprint shall not apply to municipal buildings and uses, elementary and secondary schools, libraries and museums, and senior housing buildings. [Adopted 08/19/09]

D~~E~~. RESIDENTIAL DENSITY REGULATIONS

Within this zoning district, the Residential Density Factors in Section VIIC(A) of the Zoning Ordinance shall apply to two-family, multi-family, ~~multiplex,~~ townhouse, live/work, senior housing, or dwelling units in a mixed-use building or on a mixed use lot. [Adopted 08/19/09]

1. Maximum Base Residential Density in areas served by public sewer – The maximum base residential density in an RPO District is the maximum residential density permitted in the residential zone abutting the RPO District without utilizing additional density through the development transfer or affordable housing provisions. If an RPO District abuts more than one residential zone, the residential density requirements of the least restrictive residential zone abutting the RPO District shall apply throughout that RPO District [Adopted 08/19/09]

2. Additional Residential Density Thru Development Transfer (not permitted in areas not served by public sewer) – A development may incorporate additional dwelling units beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance if such a bonus is provided for in the abutting residential district. [Adopted 08/19/09]

3. Additional Residential Density Thru Affordable Housing (not permitted in areas not served by public sewer) – A development may incorporate additional dwelling units beyond the maximum base residential density if such a bonus is provided for in the abutting residential district. [Adopted 08/19/09]

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions if such a bonus is provided for in the abutting residential district. [Adopted 08/19/09]

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection D~~E~~.3~~.~~, a development may incorporate additional dwelling units beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance if such a bonus is provided for in the abutting residential district. [Adopted 08/20/2014]

5. Maximum Residential Density in areas not served by public sewer –

Single-family and two-family dwellings on lots which contain only residential uses	1 dwelling unit per net residential acre

Live/work units and dwelling units located in a mixed use building or on a mixed use lot	1 dwelling unit per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

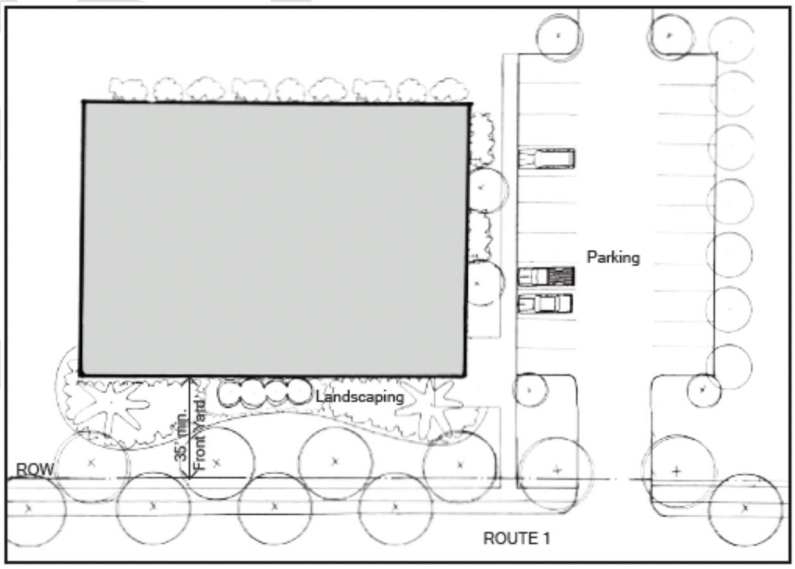
E~~F~~. SITE LAYOUT AND OFF-STREET PARKING STANDARDS

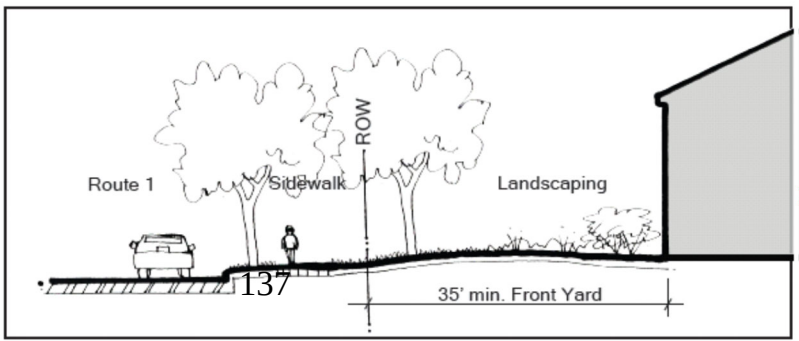
The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district, buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (C~~D~~)(3), Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and major collector streets including Route 114. [Adopted 08/19/09]

The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection (C~~D~~)(3) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building, or group of principal buildings, located closest to the abutting street(s). As stated under subsection C~~D~~.3. of this district, the maximum front yard requirement and the off-street parking location requirements shall not apply to single-family and two-family dwellings: [Adopted 08/19/09]

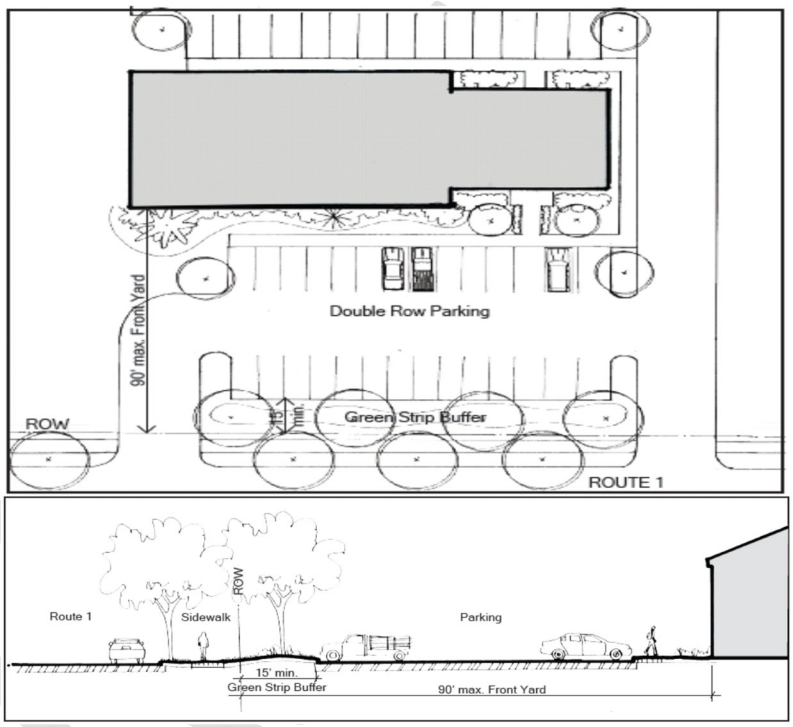
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



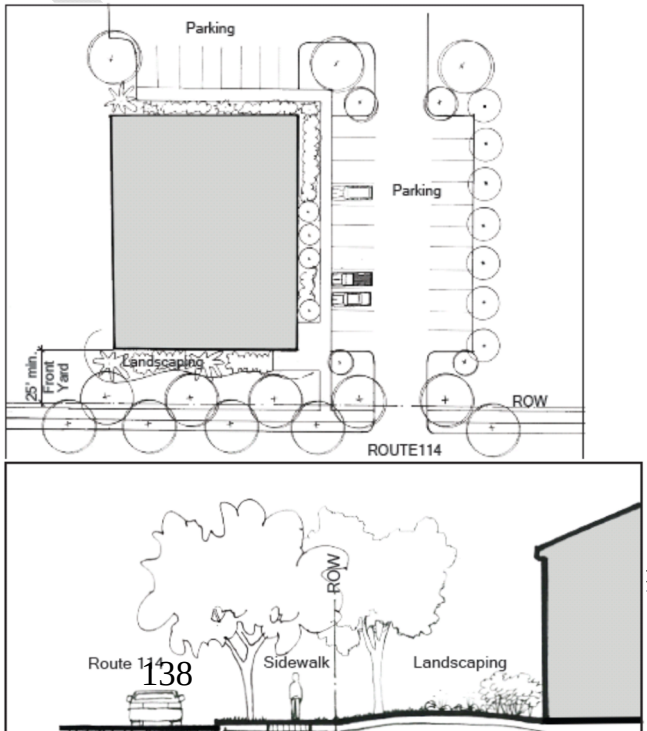


2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one double-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 15 feet.

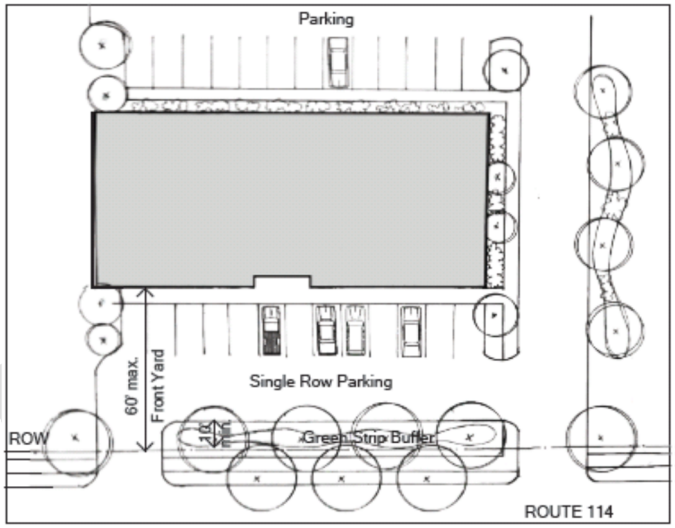


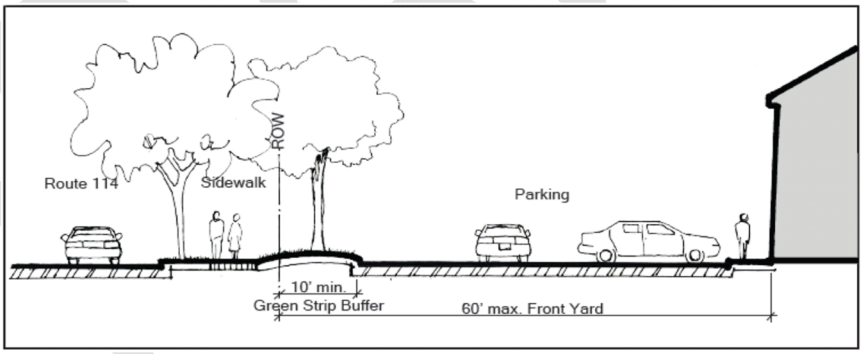
Standards for Front Yards and Off-Street Parking on Lots abutting Rte. 114 and other major collector streets:

3. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



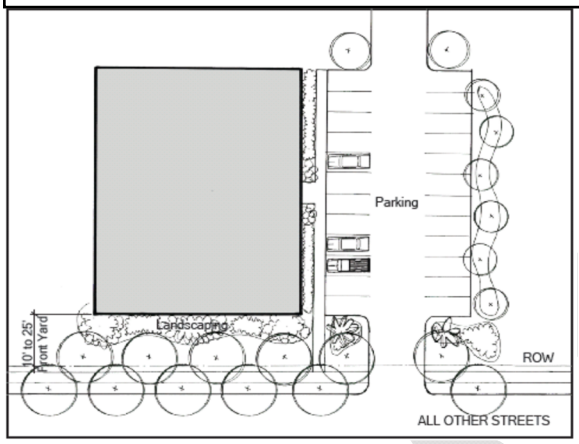
4. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer," from the front property line shall be at least 10 feet.

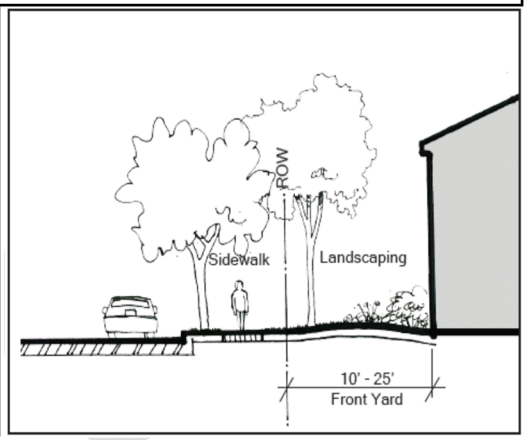




Standards for Front Yards and Off-Street Parking on Lots abutting all other streets:

5. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping features, street trees, sidewalks, and pedestrian amenities. An access drive(s) to the site may cross the front yard but may not be located in the area between the front of the building and the front property line.





General Off-Street Parking Standards:

1. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as those requirements are augmented or modified below.

2. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard setback as of (the effective date of the amendments) shall be relocated to comply with the requirements of this section in the event of any change to the site which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

3. In order to reduce the establishment of unnecessary parking spaces and impervious area, which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments. This allowance may also be exercised in developments that include a mix of residential and non-residential uses, such as second story dwelling units above non-residential uses or live-work units, subject to the same requirement that the parking facility will substantially meet the intent of the parking requirements. In the RPO District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

~~G. SIGNS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance. [as of 7/17/91]~~

SECTION XVIII. BEACH MIXED-USE DISTRICT B-1. [as of 3/31/74][09/05/12][Amended 07/19/2023]

SECTION XVIII. BEACH MIXED -USE DISTRICT B-1. [as of 3/31/74][09/05/12][Amended 07/19/2023]

A. PURPOSE

To provide areas for the location of small retail, restaurant, lodging and marine-related uses and residential uses within one or more of Scarborough's beach communities. These uses are intended to, and are likely to serve the daily needs of the residents of the immediate neighborhood as well as tourist and summer visitors. The Beach Mixed-Use District shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

1. ~~Single family dwellings exclusive of individual mobile homes. Subject to performance standards in Section IX.Z.~~

~~**2.** Two family dwellings.~~

~~**3.** Accessory dwelling units subject to the performance standards of Section IX.J.~~

~~**4.** Dwelling units within a mixed use building limited to no more than two (2) dwelling units per building. Permitted residential uses mixed with special exception uses requires special exception approval by the zoning Board of Appeals under Section IV(I).~~

~~**5**. Live/Work Units.~~

~~**6.** Retail sales and services with less than 2,500 square feet of floor area, total per lot, excluding car washes, gasoline filling stations and outdoor sales and services.~~

~~**7.** Personal services with less than 2,500 square feet of floor area, total per lot.~~

~~**8.** Municipal Buildings and Uses. [7/5/95]~~

~~**9.** Financial, insurance and real estate offices with less than 2,500 square feet of floor area, total per lot.~~

~~**10.** Accessory uses including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~

~~**11.** Restaurants with no drive-through service, with less than 2,500 square feet area, total per lot.~~

~~**12.** Business services and business offices with less than 2,500 square feet of floor area, total per lot.~~

~~**13.** Professional offices with less than 2,500 square feet of floor area, total per lot.~~

~~**14.** Bed and Breakfast (B&Bs) subject to the performance standards of Section IX.T.~~

~~**15.** Place of worship.~~

~~**16.** Food processing facility existing as of September 1, 2011.~~

~~C. SPECIAL EXCEPTIONS~~

~~**1.** Public utility building including substations, pumping stations and sewage treatment facilities.~~

~~**2.** Home occupation. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under Subsection (B).~~

~~**3.** Adjunct Uses, Place of Worship. [05/05/99]~~

~~**4.** Telecommunication Facility. [03/17/04]~~

~~**5**. Food processing facility with less than 2,500 square feet of floor area, total per lot, only on lots that are located easterly of Avenue 5.~~

C~~D~~. SPACE AND BULK REGULATIONS

Minimum lot area per single family dwelling unit	10,000 sq. ft.
Minimum lot area per two-family unit	10,000 sq. ft.
Minimum lot area all others (refer to page 41, Section VI – Definitions, *Lot Area* for calculation)	10,000 sq. ft.
Minimum street frontage	50 feet
Minimum front yards	A minimum of 10 feet is required for buildings or portions of buildings that are less than 20 feet in height; a minimum of 20 feet is required for buildings or portions of buildings that are 20 feet or greater in height.
Minimum side and rear yards	15 feet
Maximum building height	35 feet
Maximum building coverage	35%

D~~E~~. RESIDENTIAL DENSITY REGULATIONS

Within this zoning district, the Residential Density Factors in Section VIIC(a) of the Zoning Ordinance shall apply to live/work or dwelling units in a mixed-use building or on a mixed use lot.

Single-family and two-family dwellings on lots which contain only residential uses.	4 dwelling units per net residential acre
Live/work units and dwelling units located in a mix use building or on a mixed use lot.	4 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance.

E~~F~~. ADDITIONAL DEVELOPMENT STANDARDS

~~**1. Commercial Design Standards:** All commercial or mixed use development involving commercial uses within the B1 District must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

2. Pedestrian and Bicycle Facilities: All developments shall provide for pedestrian movement to and within the parcel in accordance with ~~Section IV(E) of~~ the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into

new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the location, type and/or scale of the project make these reasonable.

G. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

In addition, for new development requiring site plan review, the establishment of off-street parking should be located to the side or rear of the principle building on the site to the extent practical. The Planning Board shall use the Site Plan Review Ordinance ~~and the Commercial Design Standards~~ in determining the exact location and design of the off-street parking.

~~H. SIGNS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

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SECTION XVIII.A. TOWN AND VILLAGE CENTERS DISTRICT TVC [09/05/2007]
[Amended 01/20/16] [Amended 05/20/2020] [Amended 01/08/2025]

A. PURPOSE

The purpose of this district is to provide for and encourage the evolution and maintenance of village and town centers within Scarborough that exhibit village style development and offer a mix of retail, office, service, civic, and residential uses in an environment conducive to both pedestrians and motorists. The buildings, parking areas, sidewalks, landscaping and other infrastructure within this district are to be of a village scale and character. These town and village centers are intended to and are likely to serve as places for local shopping, business, dining, entertainment and civic activities primarily for residents of Scarborough and the immediate region. A diversity of residential uses are also intended to be integral elements of this district enabling walk-ability, convenience, and human activity and vibrancy. The Town and Village Centers District (TVC) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsections (D~~E~~) and (F~~G~~) or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection (H~~I~~).

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land shall be reviewed as Planned Developments in accordance with the standards of subsection (I). Qualitative Development Standards for Planned Development of this district and Section VII(E) Planned Development of this Ordinance.

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

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

~~**1.** Multifamily dwellings~~

~~**2.** Multiplex dwellings~~

~~**3.** Townhouses, limited to no more than eight (8) dwelling units per building~~

~~**4.** Senior housing~~

~~MIXED USES~~

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

~~**5.** Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I) of this Ordinance.~~

~~**6.** Live/Work Units~~

~~NON-RESIDENTIAL USES:~~
~~The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy within the Oak Hill TVC District and 8,000 square feet of floor area per unit of occupancy within the Dunstan TVC District:~~

~~**7.** Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services~~
~~**8.** Personal services~~
~~**9.** Restaurants with no drive-through service [Amended 11/07/07]~~
~~**10.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~**11.** Professional offices~~
~~**12.** Business services and business offices~~
~~**13.** Financial, insurance and real estate offices~~
~~**14.** Health clubs~~
~~**15.** Non-municipal government offices~~
~~**16.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions~~
~~**17.** Funeral homes~~
~~**18.** Place of worship~~
~~**19.** Group day care homes, day care facilities, and nursery schools~~
~~**20.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]~~
~~**21.** Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required~~
~~**22.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [adopted 10/07/15]~~
~~**23.** Hotels and Motels~~

~~**The following non-residential uses are permitted in both conventional and planned developments without regard to floor area per unit of occupancy.**~~

~~**24.** Municipal buildings and uses~~
~~**25.** Elementary and secondary schools~~
~~**26.** Libraries and museums~~

~~**The following non-residential uses are permitted only in planned developments.** [11/07/07]~~

~~**27.** Restaurants with drive-through service~~
~~**28.** Gasoline filling stations, whether a principal or accessory use, subject to the performance standards of Section IX. (X.) of this Ordinance.~~

~~D. SPECIAL EXCEPTIONS~~
~~**The following uses are allowed as special exceptions in both conventional and planned developments:**~~

~~**1.** Adjunct Uses, Place of Worship~~
~~**2.** Public utility facilities~~

~~3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply~~
~~4. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)~~
~~5. Telecommunication facility~~

D~~E~~. SPACE AND BULK REGULATIONS
The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Multi-family dwellings;~~ multiplex;~~ townhouses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50
Senior housing	80,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	100
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50

2. Yard Standards - The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under subsection (F~~G~~) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building located closest to the abutting street.
[Amended 05/20/2020]

Abutting Streets	**Minimum Front Yard (ft.)**	**Maximum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Route 1	35	90	15[1 & 2]
Route 114 & other major collector streets	25	60	15[4 & 5]
All other streets	10	25	15[4 & 5]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*
[2] *When a site abuts a residential district the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

3. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
20,000 sq. ft. for buildings containing non-residential[3] and mixed uses within the Oak Hill TVC District; 10,000 sq. ft. for buildings containing non-residential[3] and mixed uses within the Dunstan TVC District; 10,000 sq. ft. for buildings containing only residential uses	50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet [Amended 05/20/2020]

The following space and bulk regulations are applicable to Planned Developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Multi-family dwellings; ~~multiplex;~~ townhouses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50
Senior housing	80,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	100
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50

2. Yard Standards – Determined by the Planning Board under Section XVIIIA(H~~I~~)(2)(d), flexible yard standards.

[3] A maximum building footprint shall not apply to schools, municipal buildings, libraries and museums

3. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible maximum building footprint	Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible lot coverage	Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible lot coverage	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet [Amended 05/20/2020

E~~F~~. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to multi-family~~, multiplex~~, townhouse, live/work, senior housing or dwelling units in a mixed-use building or on a mixed use lot.

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

Multi-family~~, multiplex~~, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building or on a mixed use lot	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development may incorporate up to three (3) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection E~~F~~.3., a development may incorporate up to one (1) additional

dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this ordinance. [Adopted 08/20/2014]

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. [Amended 08/20/2014]

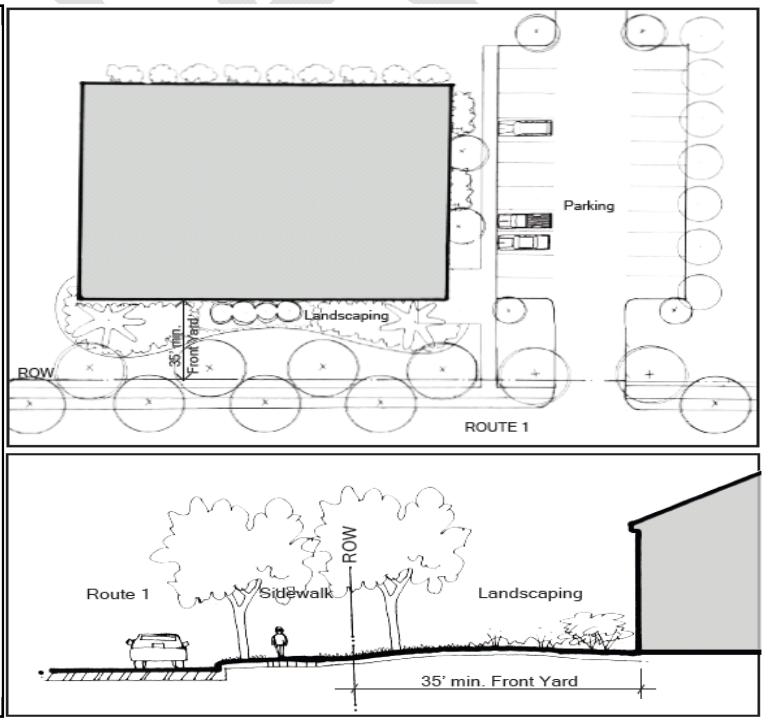
F~~G~~. SITE LAYOUT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (D~~E~~)(2) Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and major collector streets including Route 114.

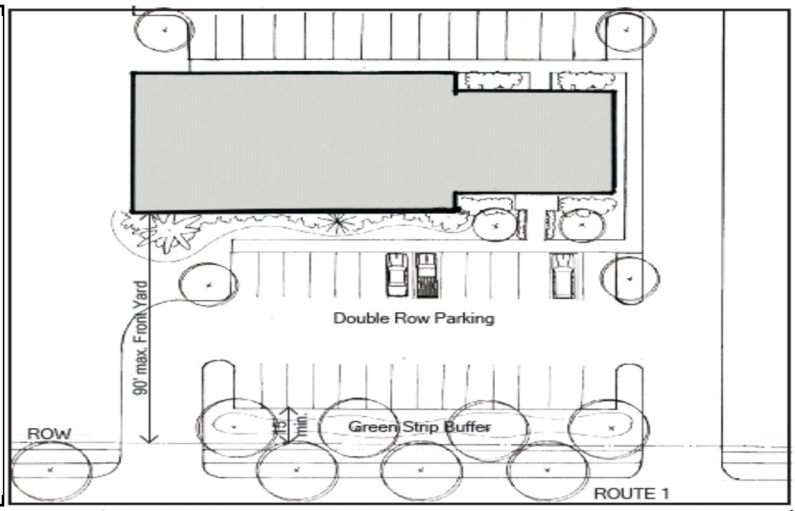
The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection D~~E~~(2) of this district:

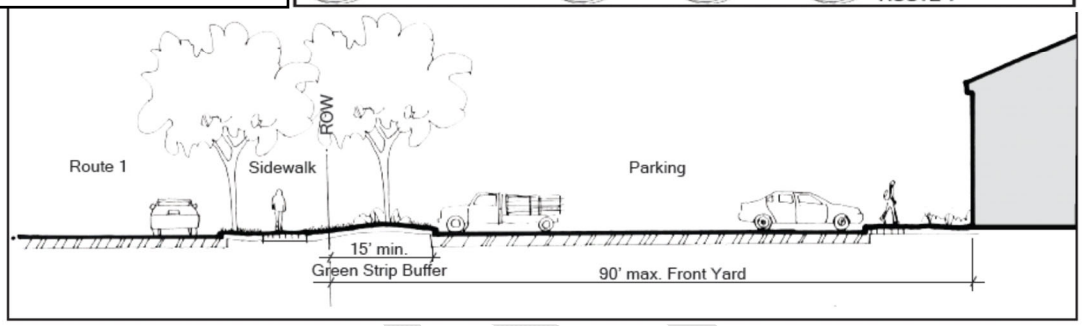
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



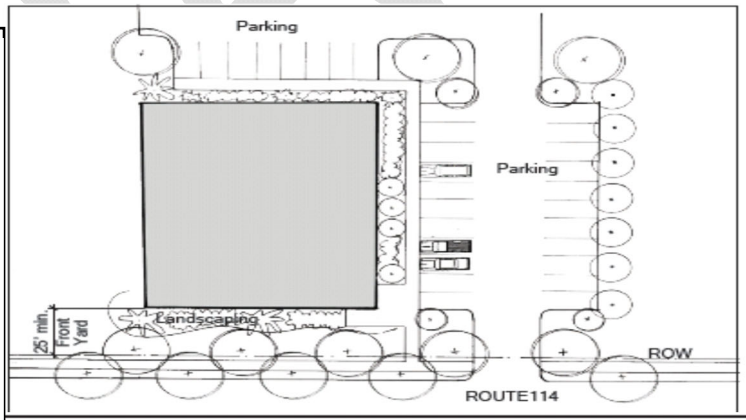
2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one double-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 15 feet.

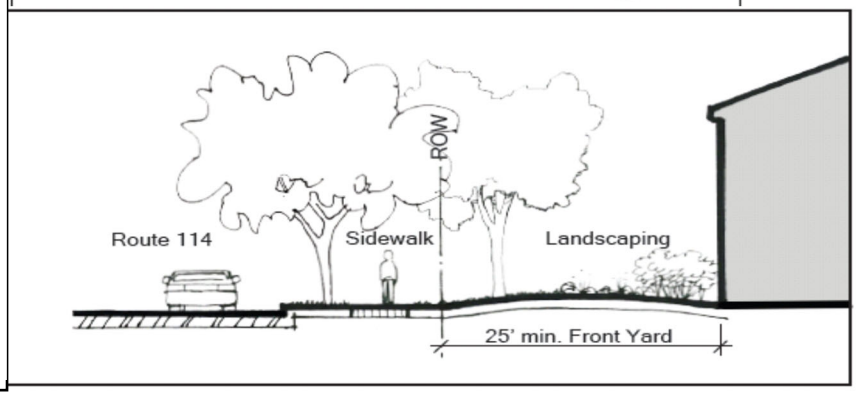




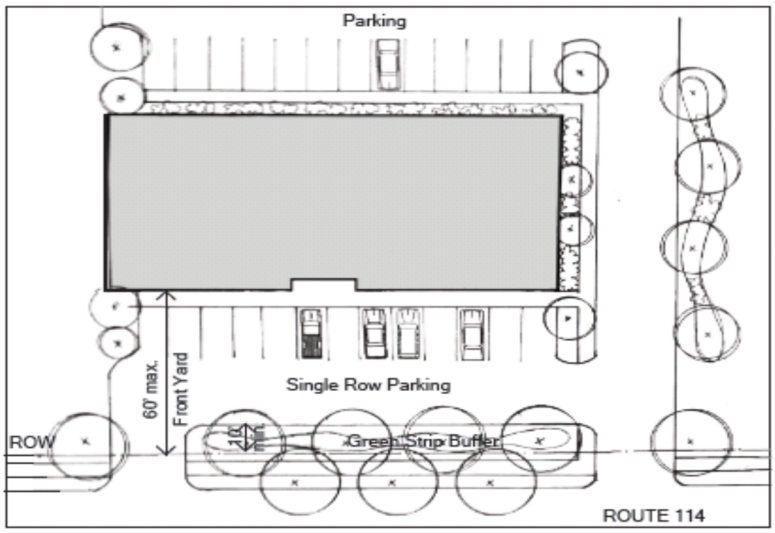
Standards for Front Yards and Off-Street Parking on Lots abutting Rte. 114 and other major collector streets:

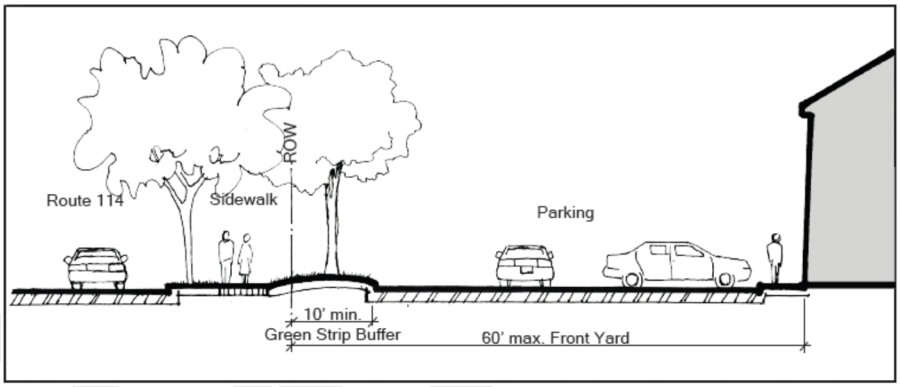
3. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.





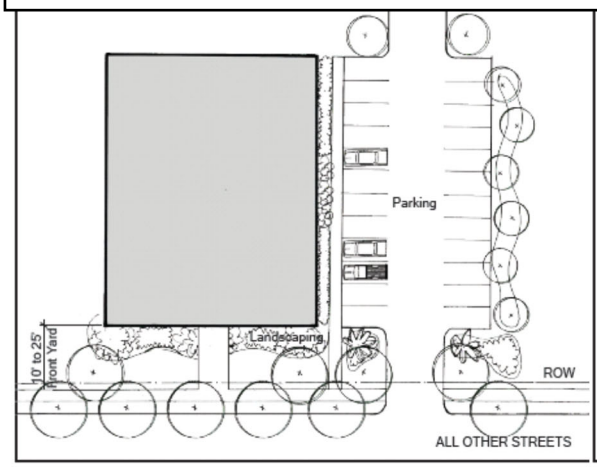
4. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 10 feet.

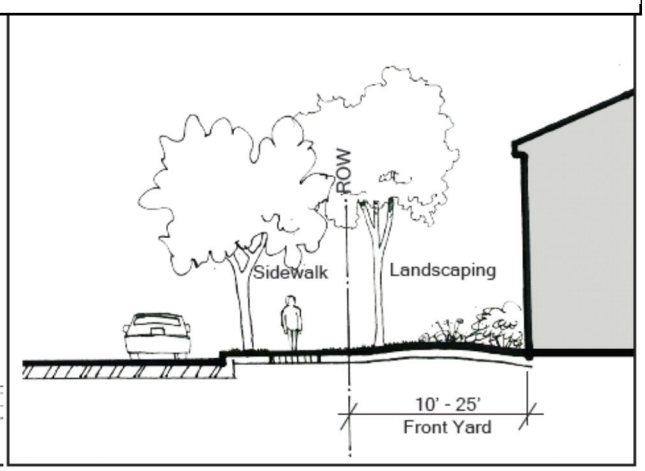




Standards for Front Yards and Off-Street Parking on Lots abutting all other streets:

5. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping features, street trees, sidewalks, and pedestrian amenities. An access drive(s) to the site may cross the front yard but may not be located in the area between the front of the building and the front property line.





General Off-Street Parking Standards:

1~~6~~. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as otherwise permitted in this subsection.

7. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard as of (the effective date of the amendments) shall be relocated to comply with the requirements of this section in the event of any change to the site layout which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

2~~8~~. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the TVC District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

~~H. SIGNS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

G~~I~~. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Town and Village Centers (TVC) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the TVC District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VII(E) Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the TVC District as a town or village center. Buildings, parking, pedestrian amenities, landscaping and streets shall be arranged in a village-style development pattern that exhibits a human scale and a mix of land uses.

a. Walkable, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the TVC District. Sidewalks shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses and the greater pedestrian network. Where pedestrian traffic and activity is likely to be intense, such as along storefronts or at a common area or gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

b. Streetscape – Streetscapes are critical to foster a village layout, form and scale, and offer an environment that comfortably accommodates both pedestrians and vehicles. The streetscape of roads and/or driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a village scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard G~~H~~(1)(a) above. A streetscape may include on-street parking on one or both sides of internal streets or driveways as per provision G~~H~~(2)(a) below.

c. Compact, human scale development – Building height, massing and facades as well as building orientation to streets, driveways and parking are critical to establishing a compact, village-style development pattern that exhibits a human scale. In general, building(s) shall be designed to front onto the street(s) that provides primary access to the building(s). In developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street at greater distances than would occur in a conventional development with parking between those buildings and the street provided: other buildings front on street(s) or driveways to maintain a village streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. Buildings, regardless of size and height, shall exhibit a village-style and a human scale. All buildings, including larger buildings containing one or multiple tenants, shall meet or exceed the Commercial Design Standards.

d. Mixed use development – A mix and diversity of uses are fundamental to fostering a center for community activity and vibrancy. Any non-residential use exceeding the limit on square feet of floor area per unit of occupancy for conventional development must be designed as component of a mixed use building containing multiple uses and/or tenants. Such a building(s) shall include mixed uses in a vertical configuration, a horizontal configuration or both. An example of a vertical mix of uses could be offices or residential units above retail uses, while a horizontal configuration could be office uses and retail uses separated by common walls within the same building.

e. Place-making – A planned development shall include at least one "place", and potentially a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a planned development in locations where people will naturally gather and cross paths. "Places" shall be located at the core of the pedestrian realm of a planned development; shall include facilities for residents and visitors; shall be an element of the development streetscape; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a "place" unless they are available for public use.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XVIIIA when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XVIIIA(G~~I~~)(1).

a. On-street parking – On-street parking is a primary characteristic of traditional town and village centers. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street

parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of Section XVIII(G~~I~~)(1), in particular subsection (G~~I~~)(1)(c) Compact, human scale development.

c. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building" technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection (D~~E~~)(3).

d. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of Section XVIII(G~~I~~)(1), in particular subsection (G~~I~~)(1)(c). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection (D~~E~~)(2) and the Site Layout and Off-Street Parking Regulations under subsection (F~~G~~) that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow some buildings to be setback from the street in a configuration different from a conventional development, with parking between those buildings and the street, provided the specific provisions under subsection (G~~I~~)(1)(c) are met, each of the other Planned Development Standards are met, and the planned development furthers the purposes of this district.

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SECTION XVIII.B. HAIGIS PARKWAY DISTRICT, HP [Amended 05/20/2020; 02/17/2021; 09/04/2024; 01/08/2025]

I. BASIC STANDARDS

A. PURPOSE

The land immediately surrounding the Haigis Parkway between Payne Road and Route One is unique in its topography, water features, visibility, accessibility and road frontage. Its proximity to Exit 42 makes it highly desirable as a regional center for employment, entertainment, and cultural activities. The Haigis Parkway District is intended to be one of the gateways into Scarborough, and anticipates high quality uses such as office parks, hotels, small scaled retail, convention centers, places of cultural and civic assembly, high technology and research, and multi-family housing as part of mixed-use development. The standards listed below are intended to encourage a high quality of campus-style landscape and architectural design, preservation of natural features, integration of pedestrian circulation, and interconnection of open spaces and resource protection areas. The Haigis Parkway District is a significant commercial and mixed-use growth area off of Exit 42 of the Maine Turnpike and a vital complement to the Oak Hill town center.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES [Adopted 02/17/2021]
Depending on the acreage, scale, uses, and design of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards and development standards for Conventional Developments set out in this section or may be reviewed as a Planned Development in accordance with the procedures set forth in Section VIIE. Additional Requirements for Planned Developments and applying the qualitative standards and design criteria for Planned Developments set out in this Section.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a Conventional Development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing any of the following are required to be reviewed as Planned Developments in accordance with Section VIIE. and conform to the applicable standards of this section for Planned Developments:

a. Develop or redevelop five (5) acres or more of land,
b. Exceed the space and bulk standards for conventional developments, or
c. Establish a use that is allowed only as part of a Planned Development.

C. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES~~, CONVENTIONAL AND PLANNED DEVELOPMENTS~~
~~NON-RESIDENTIAL USES [Amended 06/20/18; Amended 02/17/2021]~~

~~The following non-residential uses are permitted in both conventional and planned developments:~~
~~1. Professional offices~~
~~2. Financial, insurance, and real estate offices~~
~~3. Business services and business offices~~

~~4. High technology facilities, subject to the performance standards of Section IX(M) of this ordinance~~
~~5. Research, development and light industrial with no outdoor storage, subject to the performance standards of Section IX(M.1) of this ordinance~~
~~6. Hotels and motels, provided all guest rooms are accessed by interior corridors~~
~~7. Restaurants, with no drive-through service [Amended 02/17/2021]~~
~~8. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~9. Group day care homes, nursery schools and day care centers~~
~~10. Retail sales and services with less than 20,000 square feet of retail floor area per unit of occupancy, excluding car washes, automobile repair and service facilities, and outdoor sales and services~~
~~11. Municipal buildings and uses~~
~~12. Public utility facilities~~
~~13. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P.~~
~~14. Health clubs~~
~~15. Personal services~~
~~16. Non-municipal government offices~~
~~17. Medical/diagnostic facilities~~
~~18. Places of assembly, amusement, recreation, culture or government, exclusive of arcades, video arcades, amusement parlors, video gambling, casino gambling and off-track betting, fully enclosed within a building or buildings~~
~~19. Golf courses and campgrounds~~
~~20. Educational institutions~~
~~21. Places of worship and adjunct uses, places of worship~~
~~22. Small-scale energy facilities, subject to the performance standards of Section IX(W)~~
~~23. Commercial outdoor recreation, subject to the performance standards of Section IX(U)~~
~~24. Telecommunication Facilities~~
~~25. Food processing facilities, subject to the performance standards of Section IX.(M.2.)~~
~~26. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[adopted 10/07/15]~~
~~27. Climate Controlled/Internal Access Storage Facility, subject to Section IX(H) Performance Standards and only within an approved subdivision. [10/04/17]~~
~~28. Cannabis Manufacturing Facility. [Adopted 01/08/2020; Amended 09/04/2024]~~
~~29. Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]~~

~~**The following residential uses are permitted only in planned developments:**~~

~~30. Boarding care facilities for the elderly, subject to the performance standards of Section IX(C)~~
~~31. Nursing homes~~
~~32. Dwelling units in a mixed-use building, limited to a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.~~
~~33. Multi-family dwellings, limited to a maximum building footprint of 12,500 square feet and only as part of a mixed-use planned development as specified under subsection II.C.5.~~

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~~34. Live / work units and only as part of a mixed-use planned development as specified under subsection II.C.4.~~
~~35. Restaurant with drive-through service in a mixed use building only as part of a planned development as specified under subsection II.C.6 [Adopted 02/17/2021]~~

D~~C~~. SPACE AND BULK STANDARDS

The following space and bulk regulations are applicable to CONVENTIONAL DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential and Mixed-Uses	40,000	200 for lots abutting Haigis Parkway and Payne Rd; 50 for lots not abutting Haigis Parkway and Payne Rd	50

2. Minimum Yard Standards

Abutting Streets	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)
Payne Road and Haigis Parkway	25	15[1& 2]
All other streets	15	15[1 & 2]

[1]*When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*
[2] *When a site abuts a residential district the minimum yard shall be 50 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

3. Maximum Building Coverage, Lot Coverage, and Building Height.

Use Types	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height (ft.)
Non-Residential and Mixed Uses	50%	75%	75 feet [Amended 05/20/2020]
Residential Uses	50%	75%	45 feet [Amended 05/20/2020]

The following space and bulk regulations are applicable to PLANNED DEVELOPMENTS:

4. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential, Residential and Mixed-Uses	40,000	200 for lots abutting Haigis Parkway and Payne Rd; 50 for lots not abutting Haigis Parkway and Payne Rd	50

5. Minimum Yard Standards – Determined by the Planning Board under Section II.C.3, flexible yard standards, except that when a site abuts a residential district the minimum yard shall be 50 ft. and the buffering requirements of Section VIII of this Ordinance shall apply. [Amended 02/17/2021]

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height [Amended 02/17/2021]

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
Determined by the Planning Board under Section II.C.2 , flexible lot coverage	Determined by the Planning Board under Section II.C.2 , flexible lot coverage	75' [Amended 05/20/2020]

E. RESIDENTIAL DENSITY REGULATIONS
Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to live/work, dwelling units in a mixed-use building, and multi-family dwellings.

7. Maximum Residential Density –

Live/work units, dwelling units located in a mixed-use building, and multifamily dwelling units	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

II. ADDITIONAL DEVELOPMENT STANDARDS

A. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Amended 02/17/2021]
To ensure attractive, high-~~-~~quality development that is designed and developed in a manner that minimizes impacts on the community and adjacent properties, all uses are subject to following performance standards:

1. Off-Street Parking:

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In addition, the establishment of off-street parking shall be located to the side or rear of the principal building on the site to the extent practical. In a development with more than one principal building, the off-street parking shall be located to the side or rear of the principal building or group of principal buildings located closest to the abutting street(s) to the extent practical. If locating the parking to the side or rear of the principal building(s) is not practical due to the shape, size or topography of the lot or the building(s) design or orientation, any parking between the buildings and the abutting street(s) shall be screened by landscaping, preservation of existing vegetation and natural features, berms, hardscape, or a combination of these approaches. The Planning Board shall use the Site Plan Review Ordinance ~~and the Commercial Design Standards~~

in reviewing and approving the exact location and design of the off-street parking and its corresponding landscaping and screening.

c. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses.

~~**2.** Commercial Design Standards~~
~~All development in the HP District must be consistent with the Design Standards for Scarborough's Commercial Districts. [Adopted 02/17/2021]~~

~~**3.** Signs~~
~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance. [Amended 02/17/2021]~~

4. Vehicular Access

a. Vehicular access to and from Payne Road and Haigis Parkway shall be strictly controlled to limit the number of curbs cuts along these roadways, and in the case of the Haigis Parkway, to curb cuts that are approved by Maine DOT. In addition, provisions shall be made for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on all streets.

b. There shall be no vehicular access to adjacent residential districts, except for emergency vehicle access approved by the Fire Department and Planning Board.

5. Visual Impacts

Visual impact of structures as viewed from adjacent streets shall be taken into consideration during Site Plan Review. Any application for site plan review within the Haigis Parkway District shall be accompanied by graphic representations of how the development will look upon completion, utilizing artists' renderings, photo manipulation, computer generated imaging or similar techniques, unless the Planning Board determines that the location, scale or nature of the proposed development does not warrant such graphic representations in order for the Planning Board to evaluate the application. [11/06/02]

6. Landscape and Streetscape Buffer

Landscaping and streetscape buffer strips shall be used throughout the district to reinforce the parkway landscape, provide an attractive streetscape on any new streets, and provide buffering and screening between uses and development sites. To this end, a landscaped or naturally vegetated buffer strip shall be established and/or maintained along the property line(s) of a lot where it abuts a street. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it abuts Haigis Parkway and a minimum of fifteen (15) feet to all other streets, and shall be designed to separate the development from the street, enhance the visual environment, and help screen parking from view from the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural

resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In other areas, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance~~ and Design Standards for Scarborough's Commercial Districts~~. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

B. PLANNED DEVELOPMENT STANDARDS

The Haigis Parkway (HP) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the HP District. This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VII(E) Planned Development.

1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the HP District

Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the HP District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as existing or future connections to abutting uses and/or the pedestrian network along the adjacent roadways.

2. Unified and Coordinated Building Architecture, Signage, and Lighting

Development and redevelopment of larger parcels in the HP District requiring Planned Development Review shall exhibit a high level of architectural planning and design. Planned Developments with multiple buildings and/or building lots shall establish unified and coordinated architectural themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme and sense of place within the development.

3. Open Space and Natural Resource Conservation

Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

4. Required of Planned Developments Incorporating Live/Work Units, Residential Dwellings within a Mixed-Use Building and/or Multi-family Dwellings [amended 03/06/19]

Live/work units, residential dwellings within a mixed-use building and multifamily dwellings are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that are designed in a manner and sited in locations that are appropriate and

conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

a. Given the HP District, the maximum amount of residential use(s) shall not exceed 40% of the non-residential use(s) at full build-out. Determination of the full build out use ratio is calculated as described below:

   i. For planned development projects that consist of a single lot or building, the floor area of all residential uses shall be a maximum of 40% of the total non-residential use floor area at the time of approval.

   ii. For planned development projects that consist of multiple lots or buildings the maximum amount of residential use is based on the amount of total non-residential use floor area that can be accommodated on the lots and/or buildings, as determined by the applicant and approved by the Planning Board. In determining the total non-residential floor area the applicant shall complete a conceptual build-out analysis for each lot and/or building, including all typical and necessary supporting infrastructure associated with the assumed building size; including, but not limited to, parking fields, stormwater facilities, landscaping, etc. The Planning Board shall verify the applicant's analysis, and may require modifications, prior to approval.

b. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents.

c. Any other non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.

d. Residential uses are designed with outdoor amenities, open spaces or common spaces usable for the active or passive recreation. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each.

5. Required of Planned Developments Incorporating ~~Boarding~~ Residential Care Facilities, Assisted Living Facilities ~~for the Elderly~~ and/or Nursing Homes

Residential ~~Boarding~~ ~~c~~are facilities, assisted living facilities and ~~for the elderly and~~ nursing homes are allowed within this district as planned developments ~~provided~~provided, they meet the ~~requirements of this section the~~ following standards:

a. ~~Given the HP District is principally a business district, boarding care facilities for the elderly and nursing homes~~ These uses shall be adequately screened and buffered from adjacent properties and non-residential uses. This buffering shall provide a visual screen as well as minimize the impacts of noise or odors that may be generated by abutting uses. Buffering may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard.

b. The proposed facility shall be sufficiently setback and/or buffered from major roadways so as to ensure a safe, sanitary, and healthful environment for residents.

c. If other non-residential uses are proposed within the same planned development, the~~se~~ other uses must be compatible with ~~a~~ residential care ~~boarding care~~ facilities, assisted

living facilities and/or ~~y or~~ nursing homes with respect to noise, odors, intensity of use, health and safety, and aesthetics.

6. Required of Planned Developments Incorporating Restaurant with Drive-Through Service and/or Coffee House with Drive Through Service in a Mixed-Use Building [Adopted 02/17/2021]

Restaurants and coffee houses with drive-through service are allowed within this district as planned developments provided, they meet the requirements of this section the following standards:

a. Restaurant and/or coffee house with drive-through service use may not exceed 50% of the gross leasable area of the building.

b. Only one restaurant or coffee house with drive through service is permitted in a Planned Development.

c. The entire building must be located within one thousand and two hundred fifty (1,250) feet of the point of intersection of the centerlines of Payne Rd and Haigis Parkway.

d. The parcel on which the use is located shall be a minimum of one acre.

e. A minimum of 300 feet drive aisle must be maintained between the required stacking lane for the drive-up ordering station and the intersection with the public roadway.

C. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. On-street parking – On-street parking is a primary characteristic of compact and pedestrian friendly development. On-street parking can provide spaces directly in front of buildings that are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using a sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

2. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building" technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection I.C.3. of this district

3. Flexible yard standards - The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection II.B In reviewing a planned development, the Planning Board may use the Yard Standards under subsection I.D~~C~~.2. as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to

be sited closer to the street than conventional development to meet the standards of subsection II.D~~C~~. and further the purpose of this district.

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SECTION XVIII.C. TOWN AND VILLAGE CENTERS TRANSITION DISTRICT, TVC2 [09/05/2007][Amended 08/19/09; 05/20/2020; 07/19/2023; 01/08/2025]

A. PURPOSE

To provide areas for the location of small and moderate scale retail, business, service and community uses as well as a range of residential uses including multifamily dwellings, senior housing facilities and dwellings that are part of mixed use developments. These uses are intended to, and are likely to, serve primarily the local market and the convenience and needs of town residents. The goal of the district is to supplement the TVC District in encouraging the creation and persistence of Scarborough's town and village centers, with development at a scale and uses at an intensity, which are compatible with surrounding areas. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in our town and village centers as well as serve as a transition to surrounding residential areas. The Town and Village Centers Transition District shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES~~-~~: SEE SECTION XIII.A ZONING DISTRICT USE TABLES ~~[Amended 08/19/09; 07/19/2023]~~

~~RESIDENTIAL USES:~~

~~**1.** Single family dwellings, not permitted on lots fronting Route 1. Subject to the performance standards of Section IX.Z.~~

~~**2.** Two family dwellings, not permitted on lots fronting Route 1~~

~~**3.** Multifamily dwellings limited to no more than twelve (12) dwelling units per building (must be serve by public sewer) [Amended 08/19/09]~~

~~**4.** Multiplex dwellings (must be served by public sewer) [Amended 08/19/09]~~

~~**5.** Townhouses limited to no more than eight (8) dwelling units per building (must be served by public sewer) [Amended 08/19/09]~~

~~**6.** Senior housing (must be serve by public sewer) [Amended 08/19/09]~~

~~**7.** Accessory dwelling units subject to the performance standards of Section IX.J.~~

~~MIXED USES:~~

~~**7.** Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building if served by public sewer and two (2) units per building if served by on-site sewage disposal. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I) [Amended 08/19/09]~~

~~**8.** Live/Work Units~~

~~NON-RESIDENTIAL USES: [Amended 08/19/09]~~

~~**The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.**~~

~~**9.** Retail sales and services, excluding car washes, and outdoor sales and services~~

~~**10.** Business services and business offices~~

~~**11.** Professional offices~~

~~**12.** Financial, insurance and real estate offices~~

~~**13.** Personal services~~

~~**14**. Non-municipal government offices~~
~~**15.** Restaurants with no drive-through service [Amended 08/19/09]~~
~~**16**. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~**17.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section~~
~~**18.** Funeral homes~~
~~**19.** Group day care homes, Day care center facilities and Nursery schools~~
~~**20.** Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required~~
~~**21.** Health clubs~~
~~**22.** Hotels and motels (must be served by public sewer) [Amended 08/19/09]~~
~~**23.** Bed and breakfast establishments [Amended 08/19/09]~~

~~**The following non-residential uses are not limited in square footage of floor area per unit of occupancy.**~~

~~**24.** Municipal buildings and uses~~
~~**25.** Elementary and secondary schools~~
~~**26.** Place of worship~~
~~**27.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]~~
~~**28.** Libraries and museums~~

~~**The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy and are permitted only in planned developments.** [Adopted 08/19/09]~~

~~**29.** Restaurants with drive-through service~~

~~C. SPECIAL EXCEPTIONS~~
~~**1.** Nursing homes~~
~~**2.** Boarding care facility for the elderly~~
~~**3.** Public utility facilities~~
~~**4.** Telecommunication facility~~
~~**5.** Adjunct Uses, Place of Worship~~
~~**6.** Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)~~

C~~D~~. SPACE AND BULK REGULATIONS

1. Minimum Lot Area and Dimensions in areas served by public sewer [Amended 08/18/09]

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings	10,000 per dwelling unit	50	50

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Two-family dwellings	10,000 per two dwelling units	50	50
Multi-family dwellings, ~~multiplex,~~ townhouses	10,000	200 for lots abutting on Rte. 1 and Rte. 114;50 for lots not abutting Rte. 1 and Rte. 114	50
Senior housing	80,000	200 for lots abutting on Rte. 1 and Rte. 114; 50 for lots not abutting Rte. 1 and Rte. 114	100
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1 and Rte. 114; 50 for lots not abutting Rte. 1 and Rte. 114	50

2. Minimum Lot Area and Dimensions in areas not served by public sewer

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings	40,000 per dwelling unit	100	50
Two-family dwellings	40,000 per two dwelling units	100	50
Non-Residential, Mixed-use buildings, and Live/Work Units	40,000	200 for lots abutting on Rte. 1, Rte. 22 and Rte. 114; 100 for lots not abutting Rte. 1, Rte. 22 and Rte. 114	50

3. Yard Standards - The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under subsection (E~~F~~) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building located closest to the abutting street(s). [Amended 11/07/07][Amended 05/20/2020]

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Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yards (ft.)
Rte. 1	35	90	15[1 & 2]
Rte. 114, Rte. 207, and Rte. 22	25	60 (except that this maximum shall not apply to single-family and two-family dwellings)	15[1 & 2]
All other streets	10	25 (except that this maximum shall not apply to single-family and two-family dwellings)	15[1 & 2]

Municipal buildings and uses, ~~elementary and secondary~~ schools, ~~and~~ libraries and museums shall be exempt from the maximum front yard requirement above and the standards for front yards and off-street parking under subsection (E~~F~~)(1) thru (5) of this zoning district. Though exempt from this requirement, any front yard parking shall be substantially screened from abutting streets by street trees, landscaping and other buffering amenities and shall be designed to reinforce a village streetscape.

4. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
10,000 sq. ft.	35%	85%	45 feet [Amended 05/20/2020]

The maximum individual building footprint shall not apply to municipal buildings and uses, elementary and secondary schools, libraries and museums, and senior housing buildings.

D~~E~~. RESIDENTIAL DENSITY REGULATIONS

Within this zoning district, the Residential Density Factors in Section VIIC(A) of the Zoning Ordinance shall apply to multi-family, ~~multiplex,~~ townhouse, live/work, senior housing, or dwelling units in a mixed-use building or on a mixed use lot.

[1] When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yards.

[2] When the yard of a mixed use or non-residential use abuts a RF (Rural Residence and Farming) District the minimum yard shall be 50 ft. and the buffering requirement of Section VIII of this Ordinance shall apply. When the yard abuts all other ~~a~~ residential districts the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.

1. Maximum Base Residential Density in areas served by public sewer – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.[Amended 08/19/09]

Single-family and two-family dwellings on lots which contain only residential uses	5 dwelling units per net residential acre
Multi-family, ~~multiplex,~~ townhouse dwellings, live/work units and dwelling units located in a mix use building or on a mixed use lot	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
Senior housing	15 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer (not permitted in areas not served by public sewer) – A development may incorporate up to three (3) additional dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance. [Amended 08/18/09]

3. Additional Residential Density Thru Affordable Housing (not permitted in areas not served by public sewer) – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing. [Amended 08/18/09]

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to ~~utlize~~utilize additional residential density under subsection e.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in-lieu fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. [Amended 08/20/2014]

54. Maximum Residential Density in areas not served by public sewer – [Adopted 08/19/09]

Single-family and two-family dwellings on lots which contain only residential uses	1 dwelling unit per net residential acre

Live/work units and dwelling units located in a mixed use building or on a mixed use lot	1 dwelling unit per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

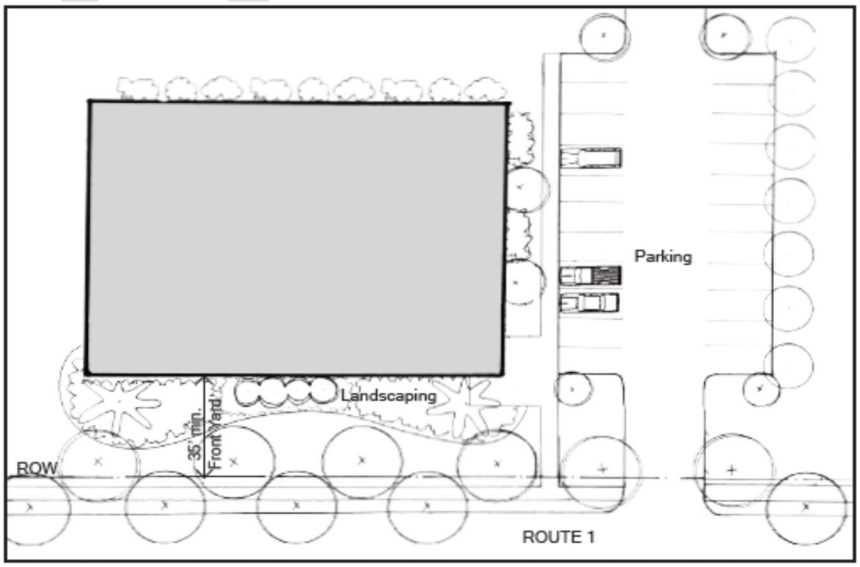
E~~F~~. SITE LAYOUT AND OFF-STREET PARKING STANDARDS

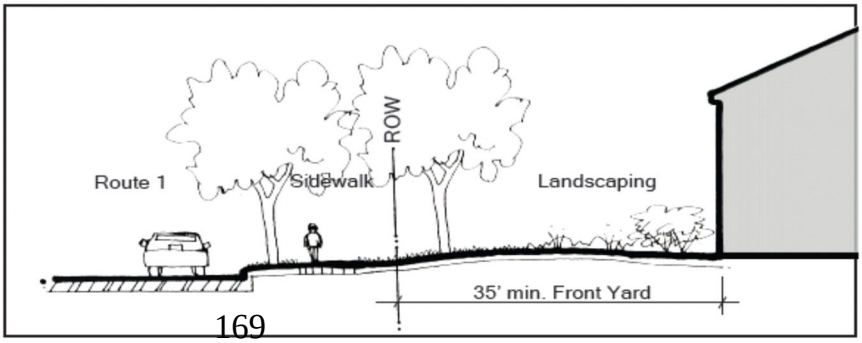
The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district, buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (C~~D~~)(2). Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and other major streets including Route 114, Route 22 and Route 207. [Amended 08/18/09]

The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection (C~~D~~)(2) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building, or group of principal buildings, located closest to the abutting street(s). As stated under subsection C~~D~~.3. of this district, the maximum front yard requirement and the off-street parking location requirements shall not apply to single-family and two-family dwellings: [Amended 11/07/07; 08/19/09]

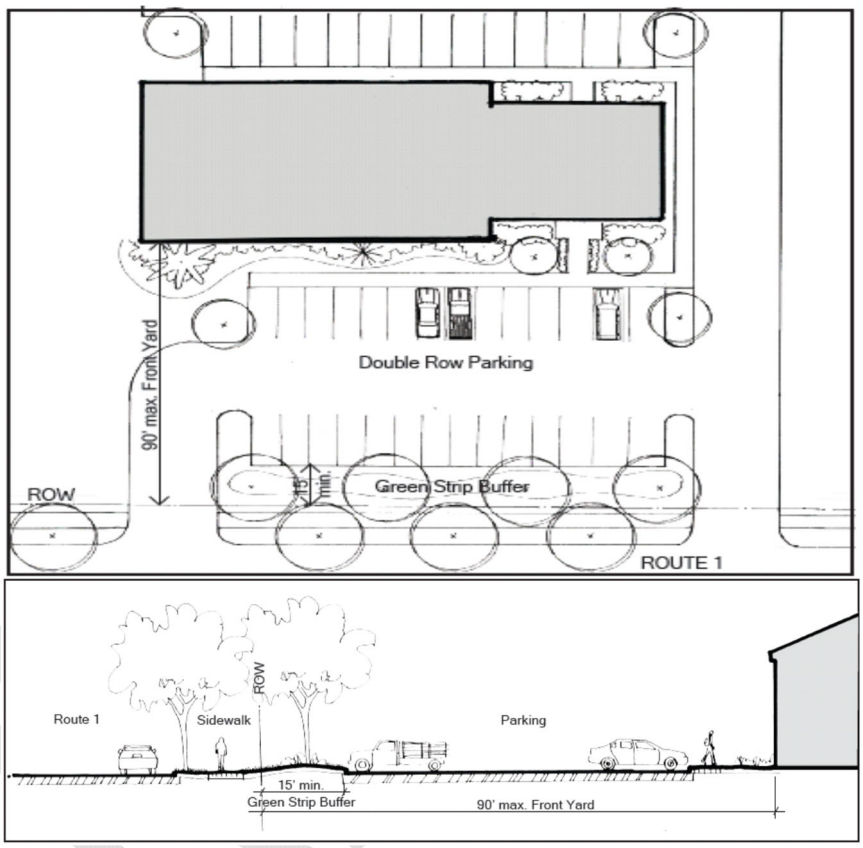
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



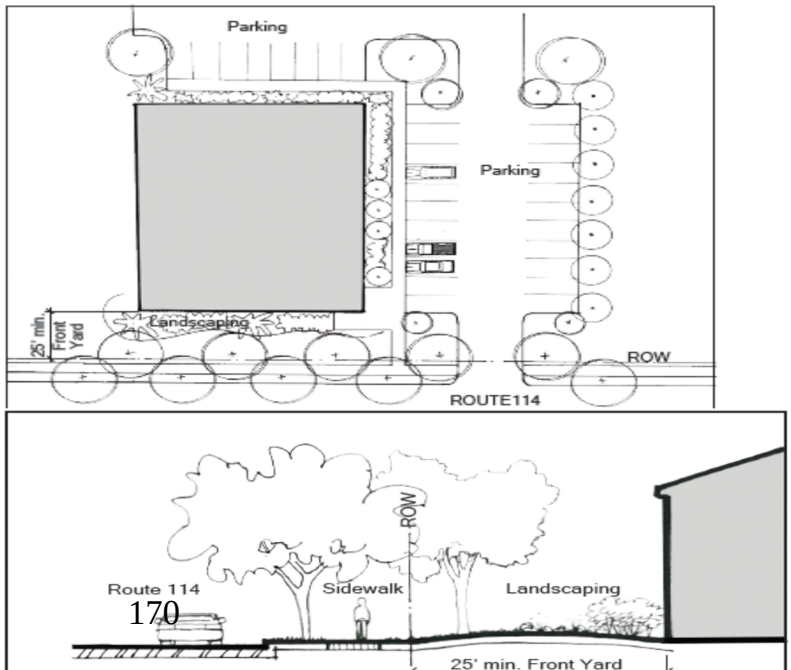


2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one double-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 15 feet.

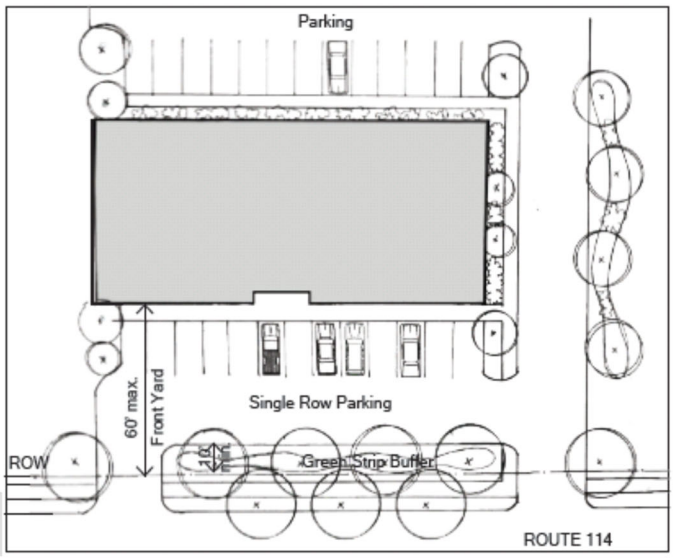


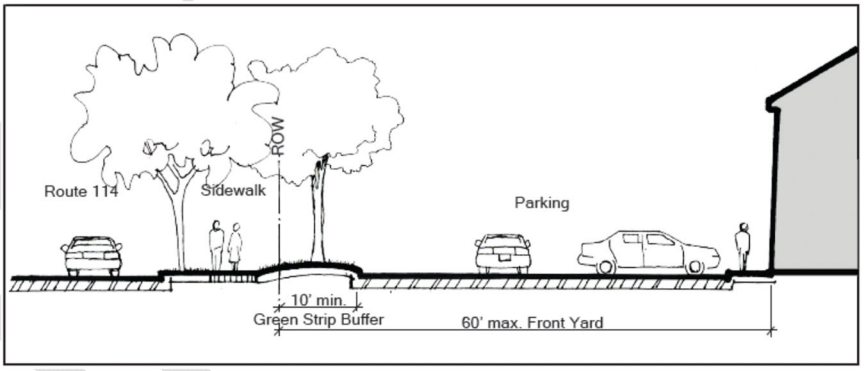
Standards for Front Yards and Off-Street Parking on Lots abutting Rte. 114, Rte. 22 and Rte. 207:[Amended 08/19/09]

3. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



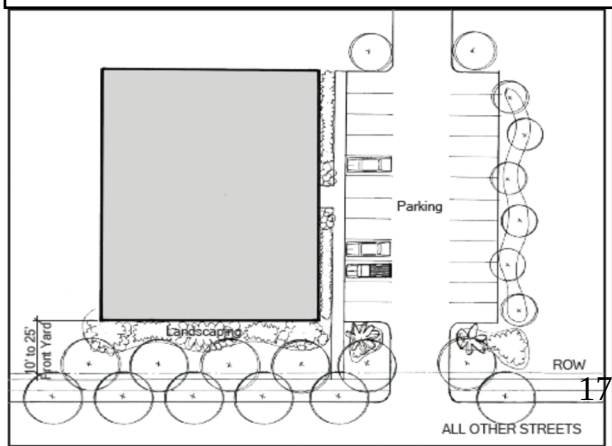
4. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer," from the front property line shall be at least 10 feet.

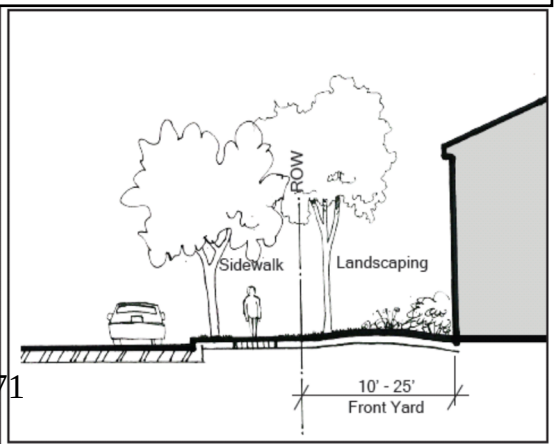




Standards for Front Yards and Off-Street Parking on Lots abutting all other streets:

5. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping features, street trees, sidewalks, and pedestrian amenities. An access drive(s) to the site may cross the front yard but may not be located in the area between the front of the building and the front property line.





General Off-Street Parking Standards:

6. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as those requirements are augmented or modified below.

7. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard setback as of (the effective date of the amendments) shall be relocated to comply with the requirements of this section in the event of any change to the site which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

8. In order to reduce the establishment of unnecessary parking spaces and impervious area, which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments. This allowance may also be exercised in developments that include a mix of residential and non-residential uses, such as second story dwelling units above non-residential uses or live-work units, subject to the same requirement that the parking facility will substantially meet the intent of the parking requirements. ~~In the TVC-2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.~~

~~G. SIGNS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

G~~H~~. PLANNED DEVELOPMENT [Adopted 08/19/09]

As per ~~subsection B. 28.~~Section XIII.A. Zoning District Use tables, restaurants with drive through service are required to be reviewed under this subsection and in accordance with Section VIIE. Planned Development within the TVC2 District. The planned development review process is required for restaurants with drive through service to ensure that the use is compatible with surrounding uses, that the site can provide for safe and convenient vehicular access from the abutting roadways, that the roadways have adequate capacity to accommodate the additional traffic generated by the use, and that the use is designed in a manner that reinforces the purpose of the TVC2 District.

SECTION XVIII.D. TOWN AND VILLAGE ; 07/19/2023 FRINGE DISTRICT, TVC3

[adopted 11/07/2007][Amended 03/04/09; 04/06/2011; 05/20/2020; 07/19/2023; 01/08/2025]

A. PURPOSE

To provide areas for the location of small and moderate scale business, service and community uses, a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments as well as small scale retail to enable existing retail uses to conform and modernize. These uses are intended to, and are likely to, serve primarily the local market and the convenience and needs of town residents. The goal of the district is to supplement the TVC District in encouraging the creation and persistence of Scarborough's town and village centers, with development at a scale and uses at an intensity which are compatible with surrounding areas. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in our town and village centers as well as serve as a transition between these centers and surroundings land uses. The Town and Village Centers Fringe District shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

~~**RESIDENTIAL USES:**~~

~~**1.** Single family dwellings, not permitted on lots fronting Route 1. Subject to performance standards in Section IX.Z.~~

~~**2.** Two family dwellings, not permitted on lots fronting Route 1~~

~~**3.** Multifamily dwellings limited to no more than twelve (12) dwelling units per building (must be serviced by public sewer)[amended 04/06/2011]~~

~~**4.** Multiplex dwellings (must be serviced by public sewer)[amended 04/06/2011]~~

~~**5.** Townhouses limited to no more than eight (8) dwelling units per building (must be serviced by public sewer)[amended 04/06/2011]~~

~~**6.** Senior housing (must be serviced by public sewer)[amended 04/06/2011]~~

~~**7.** Accessory dwelling units subject to the performance standards of Section IX.J. (02/15/12)~~

~~**MIXED USES:**~~

~~**7.** Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building if served by public sewer and two (2) units per building if served by on-site sewage disposal. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I). [amended 04/06/2011]~~

~~**8.** Live/Work Units~~

~~**NON-RESIDENTIAL USES:**~~

~~**The following non-residential uses are limited to 1,000 square feet of floor area per unit of occupancy.**~~

~~**9.** Retail sales and services, excluding car washes, and outdoor sales and services~~

~~**The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.**~~

~~**10.** Business services and business offices~~

~~**11.** Professional offices~~

~~**12.** Financial, insurance and real estate offices~~

~~**13.** Personal services~~
~~**14**. Non-municipal government offices~~
~~**15.** Restaurants with no drive-through service~~
~~**16.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~**17.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section~~
~~**18.** Funeral homes~~
~~**19.** Group day care homes, Day care center facilities and Nursery schools~~
~~**20.** Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required~~
~~**21.** Health clubs, except that health clubs are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]~~

~~**The following non-residential uses are limited to 36,000 square feet of floor area per establishment.**~~

~~**22.** Hotels, motels and bed and breakfast establishments except that hotels and motels are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]~~
~~**The following non-residential uses are not limited in square footage of floor area per unit of occupancy.**~~
~~**23.** Municipal buildings and uses~~
~~**24.** Elementary and secondary schools~~
~~**25.** Place of worship~~
~~**26.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]~~
~~**27.** Libraries and museums~~

~~C. SPECIAL EXCEPTIONS~~
~~**1.** Nursing homes.~~
~~**2.** Boarding care facility for the elderly.~~
~~**3.** Public utility facilities.~~
~~**4.** Telecommunication facility.~~
~~**5.** Adjunct Uses, Place of Worship.~~
~~**6.** Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)~~

C~~D~~. SPACE AND BULK REGULATIONS [Amended 03/04/09][Amended 04/06/2011]

1. Minimum Lot Area and Dimensions in areas service by public sewer

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings	10,000 per dwelling unit	50	50
Two-family dwellings	10,000 per two dwelling units	50	50

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings, ~~multiplex,~~ townhouses	10,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50
Senior housing	80,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	100
Non-Residential and Mixed Uses	10,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50

b. **Minimum Lot Area and Dimensions in areas not served by public sewer**

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings	40,000 per dwelling unit	100	50
Two-family Dwellings	40,000 per two dwelling units	100	50
Non-Residential, Mixed-use buildings, and Live/Work Units	40,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road or Spring Street; 100 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50

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2. Yard Standards - The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under subsection F. of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building located closest to the abutting street(s). [Amended 05/20/2020]

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yards (ft.)
Route 1, Route 114, or Mussey Road	25	70 (except that this maximum shall not apply to single-family and two-family dwellings.)	15 [1 & 2]
All other streets	10	25 (except that this maximum shall not apply to single-family and two-family dwellings.)	15 [1 & 2]

Municipal buildings and uses, elementary and secondary schools, and libraries and museums shall be exempt from the maximum front yard requirement above and the standards for front yards and off-street parking under subsection (E~~F~~)(1) thru (3) of this zoning district. Though exempt from this requirement, any front yard parking shall be substantially screened from abutting streets by street trees, landscaping and other buffering amenities and shall be designed to reinforce a village streetscape.

3. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
10,000 sq. ft.[3]	35%	85%	45 feet, except that in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue building height shall be limited to 35 feet. [Amended 05/20/2020]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yards.*

[2] *When the yard abuts a residential district the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

[3] The maximum individual building footprint for hotels, motels and bed and breakfast establishments shall be 12,000 sq. ft. The maximum individual building footprint shall not apply to municipal buildings and uses, elementary and secondary schools, and libraries and museums.

D~~E~~. RESIDENTIAL DENSITY REGULATIONS

Within this zoning district the Residential Density Factors in Section VII C. A. of the Zoning Ordinance shall apply to multi-family, ~~multiplex,~~ townhouse, live/work, senior housing or dwelling units in a mixed-use building or on a mixed use lot.

1. Maximum Base Residential Density in areas served by public sewer – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

Single-family and two-family dwellings on lots which contain only residential uses	5 dwelling units per net residential acre
Multi-family, ~~multiplex,~~ townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building or on a mixed use lot	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer (not permitted in areas not served by public sewer) – A development may incorporate up to three (3) additional dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

3. Additional Residential Density Thru Affordable Housing (not permitted in areas not served by public sewer) – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lie Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection D~~E~~.3., a development may incorporate up to one (1) additional dwell unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014)

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density. [Amended 08/20/2014]

5. Maximum Residential Density in areas not served by public sewer –

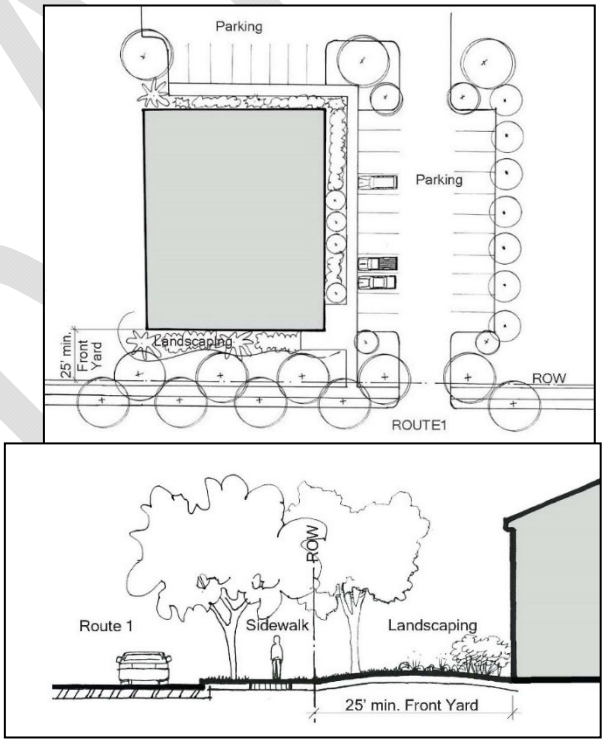
Single-family and two-family dwellings on lots which contain only residential uses.	1 dwelling unit per net residential acre.
Live/Work units and dwelling units located in a mixed use building or on a mixed use lot.	1 dwelling unit per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance.

E~~F~~. SITE LAYOUT AND OFF-STREET PARKING STANDARDS [amended 03-04-09]
The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (C~~D~~)(2) Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and other arterial and collector streets, including Route 114, Route 207 and Mussey Road.

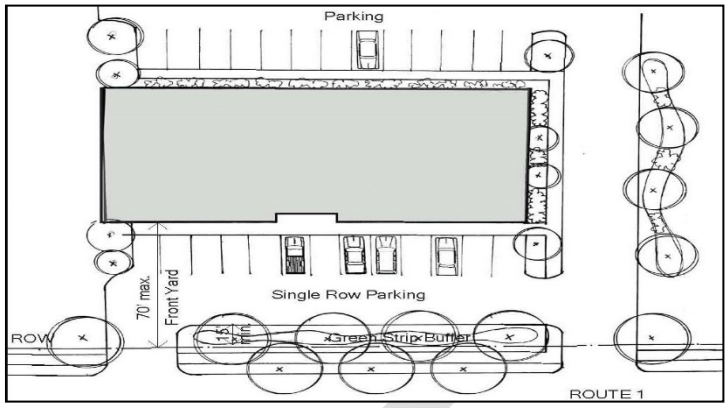
The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection (C~~D~~)(2) of this district. In developments with more than one principal building, the requirements for the location of the off street parking shall only apply to the principal building or group of principal buildings, located closest to the abutting street(s):

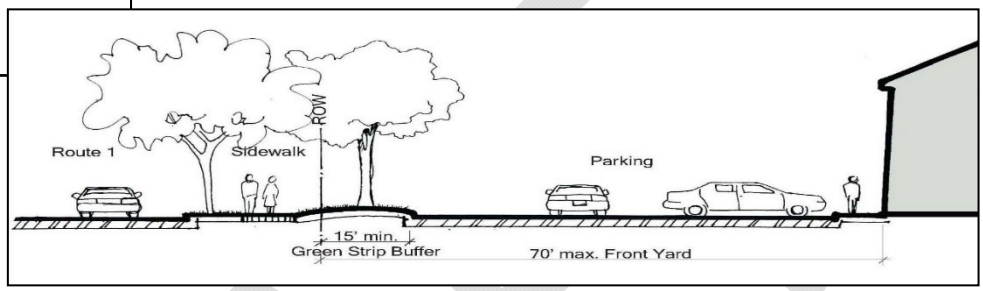
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1 and other arterial and collector streets, including Route 114, Route 207 and Mussey Road:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



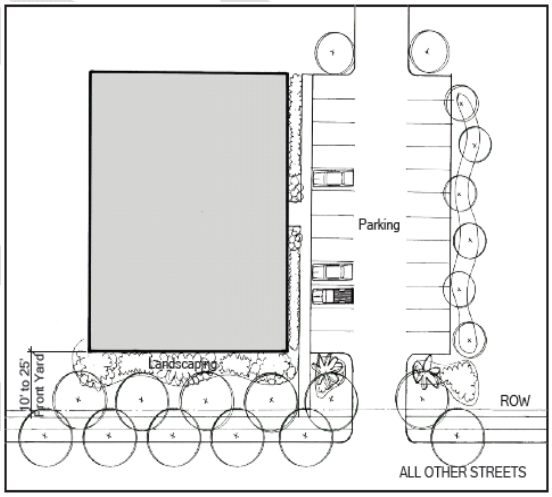
2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 15 feet.

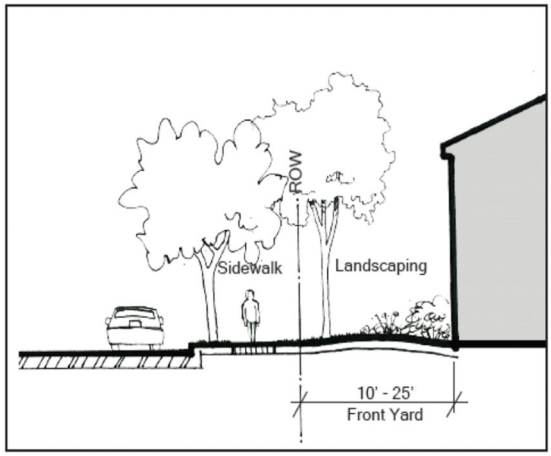




Lots abutting all other streets:

3. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping features, street trees, sidewalks, and pedestrian amenities. An access drive(s) to the site may cross the front yard but may not be located in the area between the front of the building and the front property line.





General Off-Street Parking Standards:

14. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as those requirements are augmented or modified below.

25. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard setback as of (the effective date of the amendments) shall be relocated to comply with the requirements of this section in the event of any change to the site which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

36. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments. This allowance may also be exercised in developments that include a mix of residential and non-residential uses, such as 2nd story dwelling units above non-residential uses or live-work units, subject to the same requirement that the parking facility will substantially meet the intent of the parking requirements. ~~In the TVC3 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.~~

~~G. SIGNS~~
~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

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SECTION XVIII.E. TOWN AND VILLAGE CENTERS 4 DISTRICT – TVC-4

[Amended 07/19/2023; 01/08/2025]

BASIC STANDARDS

A. PURPOSE

The purpose of this district is to provide for and encourage the evolution and maintenance of the Pine Point commercial area into a village center that exhibits village style development and offers a mix of retail, office, service, civic, marine, and residential uses in an environment conducive to both pedestrians and motorists. The buildings, parking areas, sidewalks, landscaping and other infrastructure within this district are to be a village scale and character. This village center area is intended to and will likely serve as a place for local shopping, business, dining, entertainment, and civic activities for residents of Scarborough and the immediate region as well as for visitors and tourists. Residential uses are also intended to be integral elements of this district enabling walkability, convenience, human activity, and vibrancy. The Town and Village Centers 4 District (TVC-4) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES~~, CONVENTIONAL AND PLANNED DEVELOPMENTS~~: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

~~**The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy:**~~

~~**1.** Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services except as otherwise provided.~~

~~**2.** Gasoline filling stations existing as of July 1, 2012.~~

~~**3.** Sales, services and storage of marine-related equipment and watercraft including outdoor sales, display and storage.~~

~~**4.** Food processing facilities.~~

~~**5.** Personal services.~~

~~**6.** Restaurants with no drive-through service.~~

~~**7.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~

~~**8.** Professional offices.~~

~~**9.** Business services and business offices.~~

~~**10.** Financial, insurance and real estate offices.~~

~~**11.** Health clubs.~~

~~**12.** Non-municipal government offices.~~

~~**13.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal or social institutions.~~

~~**14.** Place of worship.~~

~~**15.** Fully enclosed places of assembly, amusement, culture, and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.~~

~~**16.** High technology facilities.~~

~~**17.** Research, development and light industrial uses.~~

~~**18.** Group day care homes, day care facilities, and nursery schools.~~

~~**19.** Accessory uses (excluding outdoor storage) including accessory agricultural activities.~~

~~**20.** Fuel distribution facilities existing as of September 1, 2012.~~

~~**21.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[Adopted 10/07/15]~~

~~**The following non-residential uses are permitted in both conventional and planned developments without regard to floor area per unit of occupancy:**~~

~~**22.** Municipal buildings and uses~~

~~**The following non-residential uses are permitted only in planned developments:**~~

~~**23.** Restaurants with drive-through service~~

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

~~**24.** Single family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets. Subject to the performance standards in Section IX.Z.~~

~~**25.** Two family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets~~

~~**26.** Townhouses limited to not more than eight (8) units per building~~

~~**27.** Accessory dwelling units subject to the performance standard in Section IX.J~~

~~**The following residential uses are permitted only in planned developments:**~~

~~**28.** Dwelling units and/or live/work units in a mixed use building only on a lot having its primary frontage on East Grand Avenue, Pine Point Road, or Snow's Canning Road~~

~~C. SPECIAL EXCEPTIONS~~

~~**The following non-residential uses are permitted in both conventional and planned developments:**~~

~~**1.** Adjunct Uses, Place of Worship.~~

~~**2.** Public utility facilities.~~

~~**3.** Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B).~~

~~**4.** Telecommunication facility.~~

~~D.~~C. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to CONVENTIONAL DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential and Mixed Uses	10,000	200 for lots abutting Pine Point Road; 50 for lots not abutting Pine Point Road	50
Single family dwellings	10,000 per dwelling unit	100	100
Two family dwellings	10,000 per two dwelling units	100	100
All other Residential Uses	10,000	100	100

2. Standards – The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under Subsection (~~F~~G) of this District. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building, or group of principal buildings, located closest to the abutting street(s). The maximum front yard requirement shall not apply to single-family and two-family dwellings.

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yard (ft.)
Pine Point Road	35	90	15[1 & 2]
Snows Canning Road	25	60	15[1 & 2]
All other streets	10	30	15[1 & 2]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101Life Safety Code and the Scarborough Fire Department approves the reduced yard.*

[2] *When a site abuts a residential district the minimum yard shall be 25th and the buffering requirements of Section VIII of this Ordinance shall apply.*

3. Maximum Building Footprint, Building Coverage, and lot Coverage and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
20,000 sq. ft. for buildings containing non-residential and mixed uses otherwise none	50%	85%	40 feet

The following space and bulk regulations are applicable to PLANNED DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Housing & Use Type:	**Lot Area (square Ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Non-Residential and Mixed Uses	10,000	200 for lots abutting Pine Point Road; 50 for lots not abutting Pine Point Road	50
Single family dwellings	10,000 per dwelling unit	100	100
Two family dwellings	10,000 per two dwelling units	100	100
All other Residential Uses	10,000	100	100

2. Yard Standards – Determined by the Planning Board under Section I.C.2(d), flexible yard standards.

3. Maximum Building Footprint, Building Coverage and Lot Coverage, and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious services	Maximum building height
Determined by the Planning Board under Section I.C.2(b), flexible maximum building footprint	Determined by the Planning Board under Section I.C.2(b), flexible lot coverage	Determined by the Planning Board under Section I.C.2(b), flexible lot coverage	40 Feet

D. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

~~The following residential density regulations are applicable to CONVENTIONAL and PLANNED DEVELOPMENTS:~~

Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to live/work or dwelling units in a mixed-use building.~~:~~

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the transfer of development and/or affordable housing provisions.

Live/work units and dwelling units located in a mixed-use building	2 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance.
Single family, two family and townhouse dwellings	2 dwelling units per net residential acre

2. Additional Residential Density Thru Development Transfer – A development involving live/work units and/or dwelling units in a mixed-use building may incorporate up to six (6) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance. A development involving single family, two family and/or townhouse units may incorporate up to two (2) additional dwelling units per net residential acre beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

E. OFF-STREET PARKING STANDARDS APPLICABLE TO BOTH CONVENTIAL AND PLANNED DEVELOMENTS

1. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this Subsection.

2. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard as of (the effective date of the amendments) shall be relocated to comply with the requirements of this Section in the event of any change to the site layout which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

~~F. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT~~

~~I. ADDITIONAL DEVELOPMENT STANDARDS~~

~~A.1. DEVELOPMENT DESIGN AND REVIEW PROCEDURES~~
~~Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this District may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards~~

~~of Subsection I.D or may be reviewed as a Planned Development applying the qualitative standards and design criteria of Subsection I.C.~~

~~i. **Conventional Developments.** Projects that are proposing to develop or redevelop less than 5 acres of land may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.~~

~~ii.~~i. ~~**Planned Developments.** Projects that are proposing to develop or redevelop 5 acres or more of land shall be reviewed as Planned Developments in accordance with the standards of Subsection II.C. Development Standards for Planned Development of this District and Section VII(E) Planned Development of this Ordinance.~~

~~B.~~F. SITE LAYOUT AND OFF-STREET PARKING STANDARDS, APPLCABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this District. In this District buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. New off-street parking shall be located to the side or rear of the principal building to the extent feasible. In a development with more than one principal building, the parking shall be located to the side or rear of the principal building closest to the abutting street where practical. If locating the parking to the side and/or rear of the principal building is not practical due to the shape, size or topography of the lot, or the location of existing improvements on the lot, any parking that is located between the building and an abutting street(s) shall be screened by landscaping, the preservation of natural vegetation and features, berms, hardscaping, or a combination thereof. The Planning Board shall use the Site Plan Review Ordinance and the Commercial Design Standards in reviewing and approving the location of the building and parking and the design of the corresponding landscaping and screening.

G. ~~D~~DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this District may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of Subsection I.D or may be reviewed as a Planned Development applying the qualitative standards and design criteria of Subsection I.C.

1. **Conventional Developments.** Projects that are proposing to develop or redevelop less than 5 acres of land may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. **Planned Developments.** Projects that are proposing to develop or redevelop 5 acres or more of land shall be reviewed as Planned Developments in accordance with the standards of Subsection II.C. Development Standards for Planned Development of this District and Section VII(E) Planned Development of this Ordinance.

~~C.~~H. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT

The Town and Village Centers Pine Point (TVC-4) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions

that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the TVC-4 District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VII(E) Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the TVC-4 District as a village center. Buildings, parking, pedestrian amenities, landscaping and streets shall be arranged in a village-style development pattern that exhibits a human scale and a mix of land uses.

a. ~~W~~Walkable, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walkability, pedestrian activity, and a sense of place within the TVC-4 District. Sidewalks shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses and the greater pedestrian network. Where pedestrian traffic and activity is likely to be intense, such as along storefronts or at a common area or gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

b. Streetscape – Streetscapes are critical to foster a village layout, form and scale, and offer an environment that comfortably accommodates both pedestrians and vehicles. The streetscape of roads and/or driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a village scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard 1.a. above. A streetscape may include on-street parking on one or both sides of internal streets or driveways as per provisions 2.a. below.

c. Compact, human scale development – Building height, massing and facades as well as building orientation to streets, driveways and parking are critical to establishing a compact, village-style development pattern that exhibits a human scale. In general, building(s) shall be designed to front onto the street(s) that provides primary access to the building(s). In developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street at greater distances that would occur in a conventional development with parking between those buildings and the street provided: other buildings front on street(s) or driveways to maintain a village streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. Buildings, regardless of size and height, shall exhibit a village-style and a human scale. All buildings, including larger buildings containing one or multiple tenants, shall meet or exceed the Commercial Design Standards.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this section when the Board finds that application of such standards will achieve conformity with the Planned Development Standards.

a. On-street parking - On-street parking is a primary characteristic of traditional town and village centers. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffet between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on0street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint - The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of Section I.C.1., in particular subsection c. Compact, human scale development.

c. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building' technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection I.D.3.

d. Flexible yard standards – The Planning Board shall determine the yard requirements and site layout and off –street parking configuration for a planned development by applying the standards of Section I.C.1., in particular subsection c. In reviewing a planned development, the Planning Board may use the Yard Standards under subsection I.D.2 and the Site Layout and Off-Street Parking Regulations under subsection II.B. that correspond with the yard standards as guidelines, but is not required to apply them, This enable the Planning Board to allow some buildings to be setback from the street in a configuration different from a conventional development, with parking between those buildings and the street, provided the specific provisions, under subsection II.C.1.c. are met, each of the other Planned Development Standards are met, and the planned development furthers the purpose of this district.

e. Restaurants with drive through service – The planned development review process is required for restaurants with drive through service to ensure that the use is compatible with surrounding uses, that the site can provide for safe and convenient access from abutting roadways, that the roadways have an adequate capacity to accommodate the additional traffic generated by the use and that the use is designed in a manner that reinforces the purpose of the TVC-4 District.

f. Live/work units and residential dwellings in mixed-use buildings – Live/work units and residential dwellings within a mixed-use building are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential use that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

~~a.~~**i.** The proposed dwelling units are located, designed and buffered so as to ensure a safe, sanitary and healthful environment for the occupants of the units considering traffic on adjacent roadways, the other planned uses on the site and the location of non-residents parking and service areas.

~~b.~~**ii.** The non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety considerations and aesthetics.

iii. The residential uses are located and designed to provide outdoor amenities, open space, and/or common places usable for private and communal active and passive recreation by the occupants of the units. This requirement can be met through the provision of private facilities usable only by the occupants or by facilities that are available to the entire planned development or the public.

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2.

SECTION XIX. REGIONAL BUSINESS DISTRICT B-2. [04/16/08][Amended 08/19/09; 01/08/2025]

A. PURPOSE
To purpose of this district is to provide for general retail sales, services, lodging, restaurants, civic uses and general business space within the Town of Scarborough that serves both Town residents as well as the greater region. As development and/or redevelopment occur within the district, the visual environment is enhanced, traffic flow and safety are improved, and provisions for pedestrians are made. [Amended 08/19/09]

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES [Adopted 08/19/09]
Depending on the acreage of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection D~~F~~. or may be reviewed as a Planned Development applying the qualitative standards and flexible design allowable under subsections G~~J~~ and H~~K~~ of this district and Section VIIE of this Ordinance.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to:

a. Develop or redevelop five (5) acres or more of land, or
b. Establish a gasoline filling station

are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection G~~J~~ Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES
~~**1.** Retail business and service establishments including warehousing and wholesale distribution of products other than fuel stored in bulk, but exclusive of Mini-Warehouse/Storage Facilities junkyards, salvaging operations, outdoor sales and services, and gasoline stations. Personal services. [07/17/91] [08/17/94] [11/16/94] [12/03/97] [03/20/02][Amended 08/19/09]~~

~~**2.** Personal services [Amended 08/19/09]~~

~~**3.** Professional offices [Amended 08/19/09]~~

~~**4.** Financial insurance and real estate offices [Amended 08/19/09]~~

~~**5.** Business services and business offices [Amended 08/19/09]~~

~~**6.** Non-municipal government offices. [7/17/91] [Amended 08/19/09]~~

~~**7.** Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting. [4/03/02]~~

~~**8.** Clubs and lodging houses.~~

~~**9.** Passenger transportation facilities.~~

~~**10.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [7/17/91] [Amended 05/05/10]~~

~~**11.** Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required. [6/01/94]~~

~~**12.** High Technology Facilities, subject to the performance standards of Section IX(M) of this Ordinance. [08/17/94] [04/16/08]~~

~~**13.** Hotels and Motels. [11/02/94]~~

~~**14.** Restaurants. [11/16/94]~~

~~**15.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~

~~**16.** Golf Course. [12/21/94]~~

~~**17.** Municipal Buildings and Uses. [07/05/95]~~

~~**18.** Place of Worship. [05/05/99]~~

~~**19.** Funeral Homes. [02/21/07]~~

~~**20.** Health Clubs [Adopted 08/19/09]~~

~~**21.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions [Adopted 08/19/09]~~

~~**22.** Libraries and museums [Adopted 08/19/09]~~

~~**23.** Elementary and secondary schools [Adopted 08/19/09]~~

~~**24.** Group Day Care Homes, Day Care Center Facilities and Nursery Schools [Adopted 08/19/09]~~

~~**25.** Telecommunication Facilities [Effective 11/15/14]~~

~~**26.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]~~

~~D. SPECIAL EXCEPTIONS [Amended 08/19/09]~~
~~**1.** Public utility buildings including substations, pumping stations and sewage treatment facilities.~~

~~**2.** Outdoor storage, exclusive of fuel stored in bulk. [03/20/02]~~

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~~**3.** Outdoor sales provided that all merchandise displayed for sale is located at least 1,000 feet from any public way.~~

~~**4.** Adjunct Uses, Place of Worship. [05/05/99]~~

~~E. ADDITIONAL PERMITTED USES – PLANNED DEVELOPMENT [Adopted 08/19/09]~~

~~In addition to the permitted uses allowed in subsection C., the following uses are allowed only in planned developments:~~

~~**NON-RESIDENTIAL USES:**~~

~~**1.** Gasoline filing stations on lots abutting Payne Road between the South Portland line and Gorham Road (Route 114) whether a principal or accessory use, subject to the standards of subsection L. of this district and subject to the performance standards of Section IX.(X.) of this Ordinance.~~

D~~F~~. SPACE AND BULK REGULATIONS [Amended 08/19/09]

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard	50 feet, except: on local Commercial Streets, which provide access to properties in the B-2 Districts and do not serve through traffic, the front yard setback may be a minimum of 35 feet when the site plans are approved by the Planning Board pursuant to the Performance and Design Standards of the Scarborough Site Plan Review Ordinance
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 100 feet and the buffering requirements of this ordinance shall be met.
Maximum percent of lot coverage by buildings	50%
Maximum percent of lot coverage by buildings and other impervious surfaces	85%
Maximum Building Height	60 feet

2. The following space and bulk regulations are applicable to planned developments:

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet
Minimum front yard	Determined by the Planning Board under subsection H~~K~~. of this district

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Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 100 feet and the buffering requirements of this ordinance shall be met.
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection H~~K~~. of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection H~~K~~. of this district
Maximum Building Height	60 feet

E~~G~~. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Adopted 08/19/09]

1. Streetscape Buffer Strip: A landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street. The width of the buffer strip shall be a minimum of fifteen (15) feet when it is adjacent to Payne Road or Gorham Road (Route 114) and ten (10) feet when it is adjacent to any other public street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance~~ and Design Standards for Scarborough's Commercial Districts~~. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

~~**2. Buffering of Parking:** Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough's Commercial Districts.~~

~~**3. Commercial Design Standards:** All development in the B2 District must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

3~~4~~. Pedestrian, Bicycle and Mass Transit Facilities: All developments shall provide for pedestrian movement to and within the parcel in accordance with ~~Section IV.E. of~~ the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. ~~Provisions must be incorporated into new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the scale of the project makes these reasonable.~~ Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

F~~H~~. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS [Amended 08/19/09]

1. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

2. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. ~~In the B2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required. [Adopted 08/19/09]~~

~~I. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT [Amended 08/19/09]~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

G~~J~~. PLANNED DEVELOPMENT STANDARDS [Adopted 08/19/09]
The following development standards shall apply to all planned developments. In addition to these requirements, planned developments may incorporate the flexible design standards under subsection H~~K~~. of this district subject to Planning Board review and approval.

1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the B2 District
Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the B2 District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as connections to abutting uses and the pedestrian network along the adjacent roadways. Where pedestrian traffic and activity is likely to be intense, such as along storefronts, at the entrances to buildings, or at a common gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

2. Unified and Coordinated Building Architecture, Signage, and Lighting
Development and redevelopment of larger parcels in the B2 District requiring Planned Development Review shall exhibit a high level of architectural planning and design. Planned Developments with multiple buildings and/or building lots shall establish unified and coordinated architectural themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme and sense of place within the development.

3. Open Space and Natural Resource Conservation
Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre

in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

4. Access Management and Interconnections
Access to Planned Developments from Payne Road and Gorham Road (Route 114) shall be strictly controlled to limit the number of curbs cuts along these roadways. Planned Developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use of curb cuts and intersections and to reduce the overall number of curb cuts on Payne Road and Gorham Road.

5. Required of Planned Developments to Establish a Gasoline Filling Station
Gasoline filling stations are allowed only through the planned development review process. The planned development review process is required for gasoline filling stations to ensure that the use is compatible with surrounding uses and is designed in a manner that reinforces the purpose of the B2 district. In addition to planned development review, gasoline filling stations must comply with the performance standards of Section IX.(X.) of this Ordinance.

H~~K~~. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS [Adopted 08/19/09]

The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. On-street parking – On-street parking is a primary characteristic of compact and pedestrian friendly development. On-street parking can provide spaces directly in front of non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

2. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building" technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection F. of this district

d. Flexible yard standards - The Planning Board shall determine the yard requirements for a planned development by applying the standards of subsection H~~K~~. In reviewing a planned development, the Planning Board may use the Yard Standards under subsection D~~F.~~ as a guideline, but is not required to apply them. This enables the Planning Board to allow buildings to be sited

closer to the street than conventional development to meet the standards of subsection H~~K.~~ and further the purpose of this district.

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SECTION XIXA. GENERAL BUSINESS DISTRICT B3

SECTION XIXA. GENERAL BUSINESS DISTRICT B3 [04/16/2008][Amended 01/08/2025]

A. PURPOSE

The purpose of this district is to provide for and encourage general retail, office, service, lodging, and civic uses along portions of the Town's major roadways. This district is intended to accommodate a wide range of non-residential activities that primarily serve the residents of Scarborough and the immediate region. As development and/or redevelopment occur within the district, the visual environment is enhanced, traffic flow and safety are improved, and provisions for pedestrians are made. Master planning for larger parcels, uses, and buildings, as well as mixed-use developments enable flexibility, creativity, conservation and residential uses in this district fostering areas of increased activity, vibrancy and sustainability.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale, uses, and design of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection D~~F~~. or may be reviewed as a Planned Development applying the quantitative and qualitative standards and design criteria of subsections E~~G~~ and H~~L~~ of this district and Section VIIE of this Ordinance.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to:

a. Develop or redevelop five (5) acres or more of land,
b. Incorporate residential uses within the development,
c. Exceed the space and bulk requirements for conventional development,
d. Establish a gasoline filing station, or
e. Any combination of a, b, c., and d.

are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection H~~L~~. Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES ~~– CONVENTIONAL AND PLANNED DEVELOPMENT~~

~~**NON-RESIDENTIAL USES:**~~

~~The following non-residential uses are permitted in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:~~

~~**1.** Retail sales and services, excluding outdoor sales and services~~

~~**2.** Personal services~~

~~**3.** Restaurants~~

~~**4.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the~~

~~performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~**5.** Professional offices~~
~~**6.** Business services and business offices~~
~~**7.** Financial, insurance and real estate offices~~
~~**8.** Health clubs~~
~~**9.** Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting~~
~~**10.** High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance~~
~~**11.** Hotels and motels~~
~~**12.** Non-municipal government offices~~
~~**13.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions~~
~~**14.** Clubs and lodging houses~~
~~**15.** Passenger transportation facilities~~
~~**16.** Funeral homes~~
~~**17.** Places of worship~~
~~**18.** Group day care homes, day care facilities, and nursery schools, subject to the standards of Section IV(I)(6) of this Ordinance, but special exception approval by the Zoning Board of Appeals is not required~~
~~**19.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~
~~**20.** Telecommunication Facilities [effective 11/15/14]~~

~~**The following non-residential uses are permitted in both conventional and planned developments without regard to the limitation on floor area per unit of occupancy.**~~
~~**21.** Municipal buildings and uses~~
~~**22.** Elementary and secondary schools~~
~~**23.** Libraries and museums~~
~~**24.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]~~

~~D. SPECIAL EXCEPTIONS~~
~~The following uses are allowed as special exceptions in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:~~
~~**1.** Adjunct Uses, Place of Worship~~
~~**2.** Public utility facilities~~
~~**3.** Outdoor storage, exclusive of fuel stored in bulk~~
~~E. ADDITIONAL PERMITTED USES – PLANNED DEVELOPMENT~~

~~In addition to the permitted uses allowed in subsection C., the following uses are allowed only in planned developments:~~

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SECTION XIXA. GENERAL BUSINESS DISTRICT B3

~~**NON-RESIDENTIAL USES** [Amended 06/20/12]:~~

~~**1.** Gasoline filling stations whether as a principal or accessory use but only if they meet one of the following locational criteria and subject to the performance standards of Section IX.(X.) of this Ordinance:~~

~~a. Are located on a lot that abuts Route One, or~~

~~a. Are located so that all fueling facilities and vehicle service or storage areas are located within one thousand two hundred fifty (1250) feet of the point of intersection of the centerlines of the Payne Road and Haigis Parkway~~

~~**MIXED USES:**~~

~~**2.** Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I) of this Ordinance~~

~~**3.** Live/Work Units~~

~~**RESIDENTIAL USES** [Amended 06/20/12]:~~

~~**4.** Boarding care facility for the elderly, subject to the performance standards of Section IX(C)~~

~~**5.** Nursing homes~~

D~~F~~. SPACE AND BULK REGULATIONS – CONVENTIONAL DEVELOPMENT

The following space and bulk regulations are applicable to conventional developments:

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet on collector or arterial streets 100 feet on local streets
Minimum front yard	35 feet
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 50 feet and the buffering requirements of this ordinance shall be met.
Maximum building coverage	50%
~~Maximum floor area per unit of occupancy for uses permitted in subsections C. and D. that are subject to a size limit .~~	~~30,000 square feet~~
Maximum individual building footprint for uses permitted ~~in subsections C. and D. that are~~ subject to a floor area limit	30,000 square feet
Maximum building height	45 feet

E~~G~~. SPACE AND BULK REGULATIONS – PLANNED DEVELOPMENT
The following space and bulk regulations are applicable to Planned Developments:

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet on arterial or collector streets 100 feet on local streets
Minimum front yard	35 feet
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 50 feet and the buffering requirements of this ordinance shall be met
Maximum building coverage	Determined by the Planning Board under subsection H~~L~~.(2) flexible building coverage
Maximum floor area per unit of occupancy for uses permitted ~~in subsection C. and D. that are~~ subject to a size limit	80,000 square feet as determined by the Planning Board under subsection H~~L~~(2) flexible floor area per unit of occupancy, except that for a building located within one thousand five hundred (1,500) feet of the point of intersection of the centerlines of the Payne Rd and Haigis Parkway the maximum floor area per unit of occupancy shall be 150,000 square feet as determined by the Planning Board under subsection H~~L~~(2) flexible floor area per unit of occupancy (Amended 06/20/12)
Maximum individual building footprint for uses permitted ~~in subsection C. and D. that are~~ subject to a floor area limit	Determined by Planning Board under subsection H~~L~~(2) flexible maximum individual building footprint
Maximum building height	45 feet

F~~H~~. RESIDENTIAL DENSITY REGULATIONS FOR PLANNED DEVELOPMENTS
Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to dwelling units in a mixed-use building or live/work units that may be allowed in a planned development.

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

Dwelling units located in a mixed use building or live/work units	3 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development may incorporate up to three (3) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection F~~H~~.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. [Amended 08/20/2014]

G~~I~~. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Streetscape Buffer Strip: A landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street. The width of the buffer strip shall be a minimum of fifteen (15) feet when it is adjacent to Route One or Payne Road and ten (10) feet when it is adjacent to any other public street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance~~ and Design Standards for Scarborough's Commercial Districts~~. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

~~**2. Buffering of Parking:** Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough's Commercial Districts.~~

~~**3. Commercial Design Standards:** All development in the B3 District must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

2~~4~~. Pedestrian and Bicycle Facilities: All developments shall provide for pedestrian movement to and within the parcel in accordance with ~~Section IV.E. of~~ the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the scale of the project makes these reasonable

.

~~J. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS~~
~~Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.~~

~~K. SIGNS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS~~
~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

H~~L~~. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS
The General Business District (B3) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district by providing provisions for larger buildings and uses, opportunities for mixed use development, the establishment of gasoline filling stations, and master planning for large development sites.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE Additional Requirements for Planned Development.

PLANNED DEVELOPMENT STANDARDS

1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the B3 District

Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the B3 District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as connections to abutting uses and the pedestrian network along the adjacent roadways. Where pedestrian traffic and activity is likely to be intense, such as along storefronts, at the entrances to buildings, around residential dwellings, or at a common gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

2. Human Scale Design Required of all Planned Developments within the B3 District

Building height, massing and facades as well as building orientation to streets, driveways and parking areas are critical to establishing a human scale development. Within the B3 District, buildings should be designed to exhibit a strong relationship with the street(s) that they front. Parking should be dispersed on the site with no major expanse of parking between the building(s) and the street(s) or between individual buildings within the planned development. Coupled with this, planned developments incorporating multiple buildings shall be designed in a compact manner with buildings sited in close proximity to each other with pedestrian connections, design features and amenities that establish a pedestrian realm as required in subsection 1 above. This design may include human scale lighting, appropriately sized sidewalks, shade trees, benches and the like. Human scale design elements may also include a common, green space, court, plaza or

the like that is an integral part of the planned development and is located at or near the center of the planned development in a high activity location.

3. Required of Planned Developments Utilizing Green Building Design to Exceed Conventional Space and Bulk Regulations

The allowance to exceed the space and bulk requirements for conventional development through the use of green building techniques shall not take effect until the Town Council has enacted the development standards for green building design to be inserted in this subsection or to be added in new performance standard section of this Ordinance.

4. Required of Planned Developments Incorporating Residential Uses
Live/work units and residential dwellings within a mixed-use building are allowed as part of a planned development if the Planning Board determines they ~~provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential uses that~~ are designed in a manner and sited in locations that are appropriate and conducive to housing~~.~~ and ~~Accordingly, the Planning Board shall find that residential uses within a planned development~~ meet ~~each of~~ the following standards:

a. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents
b. The non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
c. Residential uses are designed with outdoor amenities, open spaces or common places usable for the active or passive recreation of residents. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each. The Planning Board may determine that these spaces be designed and available to only the residents in the project or available for non-residential and public use depending on the layout, design and nature of the planned development.

5. Required of Planned Developments Incorporating ~~Boarding~~ Residential Care Facilities, Assisted Living Facilities and/or ~~for the Elderly or~~ Nursing Homes [Amended 06/20/12]

Residential ~~Boarding~~ care facilities, assisted living facilities ~~for the elderly~~ and nursing homes are allowed in this d~~D~~istrict ~~provided they are reviewed through the~~as planned developments if the Planning Board determines they are designed in a manner and sited in locations that are appropriate and conducive to these types of facilities, ~~process and provided they~~and meet the ~~requirements of this section~~following standards:

~~a. . In reviewing such a planned development, the Planning Board shall only permit these uses if they are designed in a manner and sited in locations that are appropriate and conducive to these types of facilities. Accordingly, the Planning Board shall find that these uses, and their design and location, meet each of the following standards:~~

~~b.~~a. ~~Given the B3 District is principally a business district, boarding care facilities for the elderly and nursing homes~~The uses shall be adequately screened and buffered from adjacent properties and non-residential uses. This buffering shall provide a visual screen as well as minimize the impacts of noise or odors that may be generated by abutting uses.

Buffering may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard.

~~c.~~b. The proposed facility shall be sufficiently setback and/or buffered from major roadways so as to ensure a safe, sanitary, and healthful environment for residents.

~~d.~~c. If other non-residential uses are proposed within the same planned development, the~~se~~ other uses must be compatible with a ~~boarding~~ residential care facility, assisted living facility and/~~-~~or nursing homes with respect to noise, odors, intensity of use, health and safety, and aesthetics.

6. Required of Planned Developments to Establish a Gasoline Filling Station

Gasoline filling stations are allowed only through the planned development review process. The planned development review process is required for gasoline filling stations to ensure that the use is compatible with surrounding uses and is designed in a manner that reinforces the purpose of the B3 district. In addition to planned development review, gasoline filling stations must comply with the performance standards of Section IX.(X.) of this Ordinance. [Amended 06/20/12]

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SECTION XX. BUSINESS OFFICE-RESEARCH DISTRICT BOR. [Adopted 11/07/07] [Amended 12/01/10; 05/20/2020; 04/21/2021; 01/08/2025]

A. PURPOSE

To provide an area within the Town of Scarborough that allows for the growth and development of high quality office and research uses that result in the area becoming a major employment center. As development and/or redevelopment occurs within the district, the visual environment is enhanced, Route One is re-established as a "landscaped parkway", and the Nonesuch River and adjacent wetlands are buffered from the impacts of the development.

B. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

1. ~~Medical/diagnostic facilities~~

~~**2.** Places of worship~~

~~**3.** Municipal buildings and uses~~

~~**4.** Non-municipal government buildings and use~~

~~**5.** Instructional and educational services~~

~~**6.** Nonresidential institutional uses~~

~~**7.** Business and professional offices~~

~~**8.** Business services~~

~~**9.** Financial, insurance and real estate offices~~

~~**10.** Personal service establishments~~

~~**11.** Retail business and service establishments with less than 5,000 square feet of gross floor area, excluding car washes~~

~~**12.** Restaurants with no drive-through service~~

~~**13.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~

~~**14.** Funeral homes~~

~~**15.** Health clubs~~

~~**16.** Motor vehicle (automobile) sales, repair and service facilities existing as of September 1, 2007~~

~~**17.** High technology facilities, subject to the performance standards of Section IX(M) of this ordinance [04/16/08]~~

~~**18.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~

~~**19.** Hotels and motels existing as of September 1, 2007~~

~~**20.** Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars) existing as of September 1, 2007~~

~~**21.** Mini-Warehouse/Storage Facilities existing as of September 1, 2007~~

~~**22.** Contractor's offices, shops and storage yards existing as of September 1, 2007~~

~~**23.** Telecommunication Facilities~~

~~**24.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]~~

~~**25.** Marijuana Manufacturing Facility [Adopted 01/08/2020]~~

~~**26.** Marijuana Testing Facility. [Adopted 01/08/2020]~~

~~C. SPECIAL EXCEPTIONS [Amended 04/21/2021]~~

~~**1.** Group day care homes, day care center facilities, and nursery schools~~

~~**2.** Adjunct uses, place of worship~~

~~**3.** Public utility facilities~~

~~**4.** Residential and Long-Term Care Facilities for the Ill, Aged or Disabled.~~

C~~D~~. SPACE AND BULK REGULATIONS

Minimum lot area	10,000 sq. ft.
Minimum street frontage:	200 feet
Minimum front yard	35 feet
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 50 feet and the buffering requirements of this ordinance shall be met.
Maximum building coverage	50%
Maximum building height	75 feet, except that any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. [Amended 05/20/2020]

D~~E~~. ADDITIONAL DEVELOPMENT STANDARDS

1. Streetscape Buffer Strip: A landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it is adjacent to Route One and fifteen (15) feet when it is adjacent to any other public street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to waterbodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In other areas, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance~~ and Design Standards for Scarborough's Commercial Districts~~. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

~~**2. Buffering of Parking:** Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough's Commercial Districts.~~

~~**3. Commercial Design Standards:** All development in the BO-R District must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

4. Pedestrian and Bicycle Facilities: All developments shall provide for pedestrian movement to and within the parcel in accordance with Section IV(E) of the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the scale of the project makes these reasonable.

~~F. OFF-STREET PARKING~~

~~Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.~~

~~G. SIGNS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

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SECTION XXA. RUNNING HILL – GORHAM ROAD MIXED USE DISTRICT, RH
[Amended 07/16/14; 07/19/2023; 08/20/2025]

A. PURPOSE
To provide for and encourage the Running Hill Road and Gorham Road area west of the Maine Turnpike to develop as a high-quality, well-planned mixed use center. This district is intended to accommodate a mix of office, service, financial, research, small retail, recreational and residential uses in an environment conducive to both pedestrians and motorists. Development is intended to be compact and interconnected with common spaces, enabling walk-ability, human activity and vibrancy as well as convenient and orderly vehicular access and circulation. Master planning for larger parcels will enable flexibility, creativity, open spaces, and an overall character for the development. The Running Hill Road – Gorham Road Mixed Use District (RH) shall be considered a business district whenever this Ordinance distinguishes between types of districts.[Amended 07/16/14]

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES
Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection D~~E~~. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection H~~I~~. of this district.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option. [Amended 07/16/14]

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection H~~I~~. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New Lots. The division of a parcel that had five (5) acres or more of area as of July 16, 2008, into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection I. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance. [Amended 07/16/14]

C. PERMITTED USES: ~~, CONVENTIONAL AND PLANNED DEVELOPMENTS~~ SEE SECTION XIII.A ZONING DISTRICT USE TABLES

NOTE: The requirements of subsection G.4. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.
~~**RESIDENTIAL USES**~~

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

~~**1.** Multifamily dwellings~~
~~**2.** Multiplex dwellings~~
~~**3.** Townhouses~~
~~**4.** Senior housing~~
~~**5.** Single-family dwellings existing as of September 1, 2008, subject to the performance standards in Section IX.Z~~
~~**6.** Accessory dwelling units subject to the performance standards of Section IX.J.~~

~~**MIXED USES**~~

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

~~**7.** Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I) of this Ordinance~~
~~**8.** Live/Work Units~~
~~**9.** Retail sales and services establishments with less than 5,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses~~
~~**10.** Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses~~
~~**11.** Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses~~

~~**NON-RESIDENTIAL USES:**~~

~~**12.** Professional offices~~
~~**13.** Business services and business offices~~
~~**14.** Financial, insurance and real estate offices~~
~~**15.** High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance~~
~~**16.** Health clubs~~
~~**17.** Non-municipal government offices~~
~~**18.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions~~
~~**19.** Funeral homes~~
~~**20.** Place of worship~~
~~**21.** Group day care homes, day care facilities, and nursery schools~~
~~**22.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~
~~**23.** Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required~~
~~**24.** Municipal buildings and uses~~
~~**25.** Elementary and secondary schools~~
~~**26.** Libraries and museums~~
~~**27.** General purpose farming existing as of September 1, 2008 including the retail sales of farm produce located on the same premises and kennels, but exclusive of abattoirs and piggeries~~
~~**28.** Golf courses [Amended 07/16/14]~~
~~**29.** Nursing Homes [Amended 07/16/14]~~

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~~**30.** Boarding care facilities for the elderly [Amended 07/16/14]~~
~~**31.** Telecommunication Facilities~~
~~**32.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]~~

~~D. SPECIAL EXCEPTIONS~~

~~**The following uses are allowed as special exceptions in both conventional and planned developments:**~~

~~**1.** Adjunct Uses, Place of Worship~~
~~**2.** Public utility facilities~~
~~**3**. Landscape Contractor subject to the performance standards of Section IX.(CC) [Adopted 08/20/2025]~~
~~**4.** Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply~~

D~~E~~. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Minimum Lot Width (ft.)**
Multi-family dwellings; ~~multiplex;~~ townhouses; senior housing	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-sire sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of the RF District shall apply		

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	**Minimum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 [1 & 2]

All other streets	10	15 [1 & 2]
Single-family dwellings existing as of September 1, 2008	The space and bulk regulations of the RF District shall apply	

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*

[2] *When a site abuts a residential district the minimum yard for a use other than a single-family dwelling shall be 100ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet

For single-family dwellings existing as of September 1, 2008, the space and bulk regulations of Section XIV., the RF District shall apply.

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Multi-family dwellings; ~~multiplex;~~ townhouses; senior housing	10,000	200' for lots abutting Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall determine the lot frontage under subsection H~~I~~. of this district	50'
Non-Residential and Mixed Uses	10,000	200' for lots abutting on Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall	50'

		determine the lot frontage under subsection I. of this district	

5. Yard Standards and Building Distance Requirements – The following minimum front yard standards apply in conjunction with subsection H~~I~~. of this district.

Abutting Streets	**Minimum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Running Hill Road and Gorham Road – Buildings	30' or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15' [1 & 2]
All other streets	10'	15' [1 & 2]

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under subsection H~~I~~. of this district	85%	Determined by the Planning Board under subsection H~~I~~. of this district	60 feet if the building is approved by the Planning Board under subsection H~~I~~. of this district

E~~F~~. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, ~~multiplex,~~ townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Multi-family, ~~multiplex,~~ townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if serviced by on-site sewage disposal. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection E~~F~~.3., a development that is served by the public sewer system may incorporate up to ten (10) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed ten (10) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections ~~F~~E.2., E~~F~~.3., and/or E~~F~~.4. are used, the additional dwelling units permitted under E~~F~~.3. and/or E~~F~~.4. shall not also be subject to the development transfer provisions under E~~F~~.2.

F~~G~~. BUILDING ORIENTATION, STREETSCAPE, ACCESS MANAGEMENT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road and Gorham Road, the streetscape of Running Hill and Gorham Roads, access management as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. Where significant trees do not exist the buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road or Gorham Road corridor landscaping plan. In addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation – The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads in proportion to their height in

order to correspond with the landscaped buffer strip and not shadow or visually dominant the road corridors.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridor as well as to establish attractive gateways into the Town of Scarborough. Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location –No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection F~~G~~.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection F~~G~~.1. above.

O~~Therefore o~~n sites fronting Running Hill or Gorham Roads off-street parking shall be located to the side or rear of the building or may be incorporated into the building design as structured parking. Further, where parking lots and associated access drives are visible from these roads they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.

G~~H~~. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

~~**1. Signs** – Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

~~**2. Commercial Design Standards** – All development within the Running Hill – Gorham Road Mixed Use District must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with ~~Section IV.E. of~~ the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development or redevelopment within a planned development shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be service by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code, and;
b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and;

c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

5. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. ~~In the RH District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.~~

H~~I~~. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill – Gorham Road Mixed Use District (RH) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham Road Streetscapes – The streetscapes along Running Hill Road and Gorham Road are critical to establishing attractive gateways into Scarborough with shade trees and a generous landscaped buffer strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads but shall be setback from and separated from the street by this landscaped buffer. In addition to landscaping, sidewalks, pedestrian trails, freestanding signage and access drives are permitted within the buffer strip, but parking is not.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscape along Running Hill Road and shall exhibit

a more compact layout, form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a more compact, urban scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard H~~I~~(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill and Gorham Roads should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be closer to the roadway creating a more compact environment as per standard (H~~I~~)1.b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Building Orientation for Buildings 45 feet or less in Height –Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. For buildings 45 feet in height or less, off-street parking shall not be permitted between the front line of the building and the street that the building fronts. Off-street parking shall be located to the side or rear of the building(s) or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings on one lot, the Planning Board may allow some buildings to be setback from the street(s) or driveways with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a more compact, human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards.

e. Building Orientation and Visual Impact for Buildings Greater than 45 feet in Height – The Planned Development provisions enable the Planning Board to review and approve of buildings greater than forty-five (45) feet in height, up to a maximum of sixty (60) feet in height, if the Planning Board finds that the building meets all of the following standards:

1) The apparent height of the proposed building when viewed from the Running Hill Road or Gorham Road is no greater than the apparent height of a similar building with a height of forty-five (45) feet setback forty-five (45) feet from the road considering the topography of the site and the actual height of the proposed building;
2) The proposed building will not shadow or visually dominate the road corridor;
3) The proposed building will not significantly alter the appearance of the natural tree line of Running Hill when viewed from the surrounding area including from South Portland; and
4) Any portion of the building that is taller than forty-five (45) feet will be located at least five hundred (500) feet from an RF District or other residential zone unless the Planning Board determines that there is adequate visual buffering between the building and the RF District or other residential zone to assure that the proposed building does not have an adverse visual impact on properties in the RF District or other residential zones.

When determining the visual appropriateness of a building taller than forty-five (45) feet, the Planning Board may require graphic representations of how a building will look upon completion

when viewed from various perspectives along the road corridor, from an RF District or other residential zones within five hundred (500) feet, and from surrounding viewing points in Scarborough and South Portland from which the proposed building may be visible. When buildings are setback more than one hundred (100) feet from Running Hill or Gorham Roads, the Planning Board may permit off-street parking to be located between the building and the road provided it is screened in accordance with the streetscape requirements of subsection HI.1.a above.

f. Place-making – A planned development shall include at least one "place" and potentially a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. "Places" shall be located at the core of the pedestrian realm of a planned development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a "place" unless they are available for public use.

g. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads. Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, to share the use of curb cuts and intersections, and to reduce the overall number of curb cuts on these roads.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXA. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXA.(HI)(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection (HI)(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of subsection (HI)(1), in particular subsection HI.1.d. Compact design.

c. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections (HI) (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection DE.2. and the Site Layout and Off-Street Parking Regulations under subsection FG. that correspond with the yard standards as guidelines, but is not required to apply

them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill Road or internal streets to meet the standards of subsection (H~~I~~) and further the purpose of this district.

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SECTION XX.B. RUNNING HILL – GORHAM ROAD TRANSITION DISTRICT RH2

[Amended 07/16/2014][Amended 05/20/2020; 07/19/2023]

A. PURPOSE

To provide an area for the location of small retail, business, service and community uses as well as a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments. The goal of the district is to supplement the RH District in fostering a high-quality, mixed use center, with development at a scale and uses at an intensity which are compatible with the surrounding area. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in the RH District as well as serve as a transition to the surrounding rural residential areas. The Running Hill-Gorham Road Transition District shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection D~~E~~. or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsections D~~E~~. and H~~I~~.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land, except for newly created lots addressed in 3. New Lots, may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land, shall be reviewed as Planned Developments in accordance with the standards of subsection H~~I~~. Qualitative Development Standards for Planned Development of this district and Section VIIE. Planned Development of this Ordinance.

3. New Lots. The division of a parcel that had five (5) acres or more of area as of July 16, 2008, into two or more lots as well as the subsequent development of the new lots regardless of their size shall be reviewed as a Planned Development in accordance with the standards of subsection H~~I~~. Qualitative Development Standards for Planed Development of this district and Section VIIE. Planned Development of this Ordinance.

C. PERMITTED USES~~, CONVENTIONAL AND PLANNED DEVELOPMENTS~~: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

NOTE: The requirements of subsection G.4. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.

~~**RESIDENTIAL USES:**~~

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

~~**1.** Single family dwellings subject to the performance standards in Section IX.Z~~
~~**2.** Two family dwellings~~

~~**3.** Multifamily dwellings limited to no more than twelve (12) dwelling units per building~~
~~**4.** Multiplex dwellings~~
~~**5.** Townhouses limited to no more than eight (8) dwelling units per building~~
~~**6.** Senior housing~~
~~**7.** Accessory dwelling units subject to the performance standards of Section IX.~~
~~**MIXED USES:**~~

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

~~**8.** Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV.(I)~~
~~**9.** Live/Work Units~~
~~**10.** Retail sales and services establishments with less than 1,000 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services, if located in a mixed use building that includes other non-residential uses and/or residential uses~~
~~**11.** Restaurants with no drive-through service if located in a mixed use building that includes other non-residential uses and/or residential uses~~
~~**12.** Personal services if located in a mixed use building that includes other non-residential uses and/or residential uses~~

~~**NON-RESIDENTIAL USES:**~~

~~**The following mixed uses are permitted in both conventional and planned developments.**~~

~~**The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.**~~

~~**13.** Business services and business offices~~
~~**14.** Professional offices~~
~~**15.** Financial, insurance and real estate offices~~
~~**16.** Day care center facilities and Nursery schools~~
~~**17.** Group day care homes and Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required~~
~~**18.** Health clubs~~

~~**The following non-residential uses are not limited in square footage of floor area per unit of occupancy.**~~

~~**19.** Municipal buildings and uses~~
~~**20.** Place of worship~~
~~**21.** Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]~~
~~**22.** General purpose agriculture existing as of September 1, 2008 including retail sales of farm products located on the same premises and kennels, but exclusive of abattoirs and piggeries~~

~~**The following non-residential uses are permitted in conventional developments on lots existing as of April 1, 2014, that have frontage on Gorham Road:**~~

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~~**23.** Retail sales and services establishments with less than 2,500 square feet of retail floor area per unit of occupancy, excluding car washes, gasoline filling stations and outdoor sales and services~~
~~**24.** Restaurants with no drive-through services~~

~~D. SPECIAL EXCEPTIONS~~

~~**The following uses are allowed as special exceptions in both conventional and planned developments:**~~

~~**1.** Nursing homes.~~
~~**2.** Boarding care facility for the elderly.~~
~~**3.** Public utility facilities.~~
~~**4.** Telecommunication facility.~~
~~**5.** Adjunct Uses, Place of Worship.~~
~~**6.** Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)~~
~~**7.** Non-municipal government offices~~
~~**8.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section~~
~~**9.** Funeral homes~~
~~**10**. Elementary and secondary schools~~
~~**11.** Libraries and museums~~

D~~E~~. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings	10,000 per dwelling unit with public sewer 40,000 per dwelling unit with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Two family dwellings	10,000 per two dwelling units with public sewer 40,000 per two dwelling units with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50
Multi-family dwellings; ~~multiplex~~ townhouses; senior	10,000 with public sewer 40,000 with on-site	200 for lots abutting Running Hill Road or Gorham Road; 50 for	50

housing	disposal	lots abutting any other street	
Non-Residential and Mixed Uses	10,000 with public sewer 40,000 with on-site sewage disposal	200 for lots abutting Running Hill Road or Gorham Road; 50 for lots abutting any other street	50

2. Yard Standards - The following minimum front yard standards apply in conjunction with subsection G. of this district.

Abutting Streets	**Minimum Front Yard (ft.)**	**Side and Rear Yard (ft.)**
Running Hill Road and Gorham Road	30 or the height of the building fronting Running Hill Road or Gorham Road, whichever is greater	15 [1 & 2]
All other streets	10	15 [1 & 2]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*

[2] *When a site abuts a residential district the minimum yard for a use other than a single-family or two-family dwelling shall be determined bases on the use in the RH2 District in accordance with the following table. Where the buffer is required, it shall comply with the buffering requirements of Section VIII of this Ordinance.*

Use of the Site	***Minimum yard and buffer width***
Buildings and structures for all residential uses other than single– and two-family dwellings.	*50 Feet*
Buildings and structures for non-residential uses or mixed-uses with one story.	*50 feet*
Buildings and structures for non-residential uses or mixed-uses with more than one story.	*100 feet*

3. Maximum Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height

5,000 sq. ft.	35%	85%	None	45 feet [Amended 05/20/2020]

The following space and bulk regulations are applicable to Planned Developments:

4. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings; two-family dwellings; multi-family dwellings; ~~multiplex;~~ townhouses; senior housing	10,000	200 for lots abutting Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall determine the lot frontage under subsection H~~I~~. of this district	50
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Running Hill Road or Gorham Road; for lots abutting any other street the Planning Board shall determine the lot frontage under subsection H~~I~~. of this district	50

5. Yard Standards – Determined by the Planning Board under subsection I. of this district

6. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
5,000 sq. ft.	35%	85%	None	45 feet [Amended 05/20/2020]

E~~F~~. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to multi-family, ~~multiplex,~~ townhouse, live/work, senior housing or dwelling units in a mixed-use building

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions

Single-family, two-family, multi-family, ~~multiplex,~~ townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building	5 dwelling units per acre of net lot area if served by public sewer or 1 dwelling unit per acre if served by on-site sewage disposal. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development that is served by the public sewer system may incorporate up to five (5) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID. of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee – In lieu of developing affordable housing to utilize additional residential density under subsection E~~F~~.3., a development that is served by the public sewer system may incorporate up to five (5) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing in-lieu fee provisions in accordance with Section VII.C. of this Ordinance.

The Planning Board may allow a development that is served by the public sewer system to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed five (5) dwelling units per acre of net lot area beyond the maximum base residential density. If subsections E~~F~~.2., E~~F~~.3., and /or E~~F~~.4. are used, the additional dwelling units permitted under EF.3. and /or E~~F~~.4. shall not also be subject to the development transfer provisions under E~~F~~.2.

F~~–G~~. BUILDING ORIENTATION, STREETSCAPE AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of buildings to Running Hill Road and Gorham Road and internal streets, the streetscape of Running Hill Road and Gorham Road and internal streets, as well as the location, layout and form of site parking, are fundamental to realizing the purpose of this district.

1. Streetscape – A landscaped buffer strip shall be established along the front property line of a lot where it abuts Running Hill Road or Gorham Road. The width of the landscaped buffer strip shall be a minimum of thirty (30) feet. Where trees exist within the buffer strip the Planning Board may require these trees to be saved to preserve this corridor. The buffer strip shall be landscaped in accordance with the Site Plan Review Ordinance, the Design Standards for Scarborough's Commercial Districts and any subsequent Running Hill Road corridor landscaping plan. In

addition to landscaping, the buffer strip may contain sidewalks or pedestrian trails, freestanding signage, and an access drive to the site.

2. Building Orientation - The location of buildings and their orientation to Running Hill and Gorham Roads is critical to establishing attractive gateways into the Town of Scarborough. Buildings fronting Running Hill and Gorham Roads shall be located relatively close to the street to exhibit a strong relationship with the street and shall be designed in coordination with the required landscape buffer strip. The height of buildings shall be proportional to their distance (or setback) from the Running Hill or Gorham Road right-of-way. The front line of buildings two-stories or thirty (30) feet in height may be sited as close as thirty (30) feet from the right-of-way, while taller buildings are required to be setback from these roads in proportion to their height in order to correspond with the landscaped buffer strip and not shadow or visually dominant the road corridors.

3. Access Management and Interconnections – Access management is critical to preserving mobility in the Running Hill and Gorham Road corridors as well as to establish attractive gateways into the Town of Scarborough. Where feasible, adjacent sites shall be interconnected through the use of internal driveways or streets and shall establish one common curb cut onto the road in order to share an access point and reduce the number of curb cuts along the corridor. Site access shall also be designed in accordance with the Site Plan Review Ordinance.

4. Off-Street Parking Location – No off-street parking shall be located within the front yard of sites fronting Running Hill or Gorham Roads. The front yard shall be used to meet the streetscape requirements of subsection F~~G~~.1. above and may also include sidewalks, other pedestrian amenities, street lighting, site access drives, and additional landscaping or buffering that exceeds the minimum requirements of subsection F~~G~~.1. above.

This standard shall not apply to single-family and two-family dwellings that may utilize driveways for parking within the front yard.

~~Where parking lots and associated access drives are visible from adjacent public streets, they shall be buffered in accordance with the Design Standards for Scarborough's Commercial Districts.~~

G~~H~~. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

~~**1. Signs** – Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

~~**2. Commercial Design Standards** – All development within the Running Hill Road-Gorham Road Transition District, with the exception of single-family and two-family dwellings, must be consistent with the Design Standards for Scarborough's Commercial Districts.~~

3. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with ~~Section IV.E. of~~ the Site Plan Review Ordinance~~ and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

4. Public Sewer Service – All new development and redevelopment within a planned development shall be served by public sewer. All new, expanded, or redeveloped buildings that are part of a conventional development shall be served by the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than six hundred (600) gallons per day based on the Maine State Plumbing Code; and,
b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system; and,
c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended.

Existing single-family dwellings served by on-site wastewater systems shall not be subject to this requirement until the single-family dwelling is changed, converted or redeveloped to a new use.

5. General Off-Street Parking Standards -

a. Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance, except as otherwise permitted in this subsection.

b. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the RH2 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

~~H~~I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Running Hill Road-Gorham Road Transition District (RH2) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the RH2 District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VIIE. Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the RH2 District as a mixed use transition zone. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses.

a. Running Hill and Gorham Road Streetscapes – The streetscape along Running Hill Road and Gorham Road are critical to establishing attractive gateways and transition into the rural area of Scarborough. Running Hill and Gorham Roads shall be buffered with shade trees and a generous

landscaped strip along the road right-of-way. This landscape buffer shall meet or exceed the thirty (30') foot width required of conventional developments. The planned development process will be used to identify areas along these roads where existing trees and vegetation shall be preserved as well as areas in which new shade trees and landscaping shall be planted to enhance this corridor. Buildings may be visible from these roads but shall be setback and separated from the street by this landscaped buffer. Parking is not appropriate between Running Hill Road or Gorham Road and buildings within a planned development, but sidewalks, pedestrian trails, freestanding signs and access drives are.

b. Internal Street Streetscape - The streetscape along internal streets and driveways within a planned development shall differ from the streetscape along Running Hill Road and Gorham Road and shall exhibit a more compact form and scale. The streetscape along internal streets and driveways within a planned development shall be designed with shade trees on both sides; road widths that are more compact in scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard H~~I~~(1)c. below. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

c. Walk-able, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the RH2 District. Sidewalks or pedestrian trails shall be designed along both Running Hill and Gorham Roads and internal streets and shall be a primary component of each streetscape. Pedestrian amenities along Running Hill and Gorham Roads should generally be setback from the street leaving a larger landscaped buffer strip along the roadway. Sidewalks along internal streets and driveways should be close to the roadway creating a more compact environment as per standard H~~(I)~~(1).b. above. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses to establish a greater pedestrian network.

d. Compact building design – Planned developments with the RH2 District shall exhibit a compact development pattern. Buildings shall be designed to front onto the internal street or driveway that provides access to the building(s). Buildings shall be a key component of the streetscape and exhibit a strong relationship to the street and associated sidewalks and landscaping. The majority of off-street parking shall be located to the side or rear of buildings or as a component of the building in the case of structured or covered parking. In planned developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street or driveway with parking between those buildings and the street provided: other buildings front the street(s) or driveways and maintain a human scale streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. The Planning Board may determine that this standard need not apply to single-family and two-family dwellings that may seek to utilize driveways for parking within the front yard.

e. Access management and interconnections – Access to planned developments from Running Hill Road and/or Gorham Road shall be strictly controlled to limit the number of curb cuts on these roads. Planned developments shall also make provisions for street and driveway interconnections to abutting properties to enable cross connections, the share use of curb cuts and intersections and to reduce the overall number of curb cuts on these roads.

f. Place-making – A planned development shall include at least one "place" and potentially a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a planned development in locations where people will naturally gather, meet and cross paths. "Places" shall be located at the core of the pedestrian realm of a planned development; shall an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a "place" unless they are available for public use.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XXB. when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XXB.H~~(I)~~(1).

a. On-street Parking On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. As indicated in subsection H~~(I)~~(1) above, a planned development may include new internal streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of subsections H~~(I)~~ (1). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection D~~E~~.2. and the Site Layout and Off-Street Parking Regulations under subsection G. that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow buildings to be sited closer to internal streets than conventional development or require buildings to be set further back from Running Hill Road or internal streets to meet the standards of subsection H~~(I)~~ and further the purpose of this district.

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SECTION XX.C. CROSSROADS PLANNED DEVELOPMENT (CPD)

[Adopted 08/21/13; Amended 10/07/15; 05/16/18; 05/20/2020; 04/21/2021; 05/17/2023; 11/15/2023; 09/04/2024; 01/08/2025]

I. BASIC STANDARDS

A. PURPOSE (CPD)

The purpose of the Crossroads Planned Development District is to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This largely undeveloped area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost effective extension of needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths.

B. PERMITTED USES: -SEE SECTION XIII.A ZONING DISTRICT USE TABLES ~~(CPD)~~

~~i. The following uses are permitted in both conventional and planned developments:~~

~~**1.** Harness racing facilities.~~
~~**2.** Commercial outdoor recreation uses.~~
~~**3.** Fully enclosed places of assembly, amusement, culture and government, exclusive of video gambling, casino gambling and slot machine facilities.~~
~~**4.** Municipal buildings and uses.~~
~~**5.** Public utility facilities.~~
~~**6.** Accessory uses.~~

~~ii. The following uses are permitted only in planned developments:~~

~~**7.** Single-family dwellings but only as part of a planned development that includes a variety of housing types.~~
~~**8.** Two-family dwellings but only as part of a planned development that includes a variety of housing types.~~
~~**9.** Multifamily dwellings.~~
~~**10.** Multiplex dwellings.~~
~~**11.** Townhouses, limited to no more than eight (8) dwelling units per building.~~
~~**12.** Senior housing.~~
~~**13.** Residential and long-term care facilities for the ill, aged, or disabled. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply.~~
~~**14.** Dwelling units in a mixed use building.~~
~~**15.** Live/work units.~~
~~**16.** Accessory units.~~
~~**17.** Retail business and service establishments.~~
~~**18.** Personal service establishments.~~
~~**19.** Restaurants with no drive-through service, excluding coffee houses.~~

~~**20.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~
~~**21.** Coffee Houses, drive-through service permitted. Coffee houses with drive-through service must be compatible with the character of the specific district subject to Planning Board review.~~
~~**22.** Hotels and motels.~~
~~**23.** Business and professional offices.~~
~~**24.** Financial, insurance and real estate offices.~~
~~**25.** Business services.~~
~~**26.** Medical/diagnostic facilities.~~
~~**27.** Health clubs.~~
~~**28.** Non-municipal government buildings and uses.~~
~~**29.** Elementary and secondary schools.~~
~~**30.** Instructional and educational services.~~
~~**31.** Libraries.~~
~~**32.** Museums.~~
~~**33.** Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions.~~
~~**34.** Funeral homes.~~
~~**35.** Places of worship.~~
~~**36**. Adjunct uses, Place of worship.~~
~~**37.** Golf courses.~~
~~**38.** Casinos or slot machine facilities, as defined in Chapter 31 of Title 8 of the Maine Revised Statutes, that are located within the same planned development as a harness racing facility and are licenses by the State of Maine in accordance with the requirements of Chapter 31 of Title 8 of the Maine Revised Statues, including the requirements that the casino or slot machine facility must be approved by the voters of the Town in a municipal referendum and that the Town Council has entered into a revenue-sharing agreement with the owner and/or operator of the casino or slot machine facility.~~
~~**39.** Pet care facilities. [Adopted 05/16/18]~~

~~iii. The following uses are permitted only in planned developments and are subject to specific performance standards set forth in Section IX.~~
~~**40.** Home occupations.~~
~~**41.** High technology facilities.~~
~~**42.** Family day care homes.~~
~~**43.** Group day care homes and day care facilities.~~
~~**44.** Nursery schools.~~
~~**45.** Passenger transportation facilities.~~
~~**46.** Small-scale energy facilities.~~
~~**47.** Telecommunication facilities.~~
~~**48.** Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance with the exception of size limitation. Small batch processing facilities shall be limited to no more than 10,000 square feet of floor area included any accessory uses, such as retail area, a tap room, sampling area, storage or warehousing. [Adopted 10/07/15; amended 05/17/2023]~~
~~**49.** Research, development and light industrial. [Adopted 05/16/18]~~

~~**50.** Gasoline filling stations whether as a principal or accessory use and located so that all fueling facilities are located within one thousand (1,000) feet of the point of intersection of the centerlines of Payne Road and Holmes Road. Gasoline filling stations shall also be subject to the performance standards of Section IX.(X.) of this Ordinance. [Adopted 05/16/18]~~

~~iv. The following uses are permitted only in planned developments and are subject to the additional development standards of subsection D, of this district, including the standards on location and buffers under subsection D.14.: [Adopted 05/16/18]~~

~~**51.** Manufacturing and assembly.~~
~~**52.** Food processing facilities.~~
~~**53.** Mini-warehouse/storage facilities.~~
~~**54.** Contractors offices, shops and storage yards.~~
~~**55.** Motor vehicle repair and service facilities including auto body shops, facilities for the repair or recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.~~
~~**56.** Sale, rental and/or service f heavy equipment or specialized motor vehicles (other than passenger cars).~~
~~**57.** Cannabis Manufacturing Facility. [Adopted 01/08/2020 Amended 09/04/2024]~~
~~**58.** Cannabis Testing Facility. . [Adopted 01/08/2020 Amended 09/04/2024]~~

~~C. SPECIAL EXCEPTIONS (CPD)~~

~~There are no special exception uses in the Crossroads Planned Development District.~~

C~~D~~. SPACE AND BULK REGULATIONS (CPD)

1. Conventional Developments

The space and bulk regulations of the B2 Regional Business District are applicable to all conventional developments.

2. Planned Developments

The space and bulk standards applicable to planned developments and the individual lots and buildings within an approved planned development shall be the development standards set forth in the approved Master Plan for the planned development subject to the following limits:

Maximum Net Residential Density	The Residential Density Factors in Section VIIC. apply to all residential uses in this district. The maximum allowed residential density is 20 units per net residential acre.
Maximum Building Height	75 feet, except that any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. [Amended 05/20/2020]
Maximum Impervious Surface Ratio	75 percent

All buildings and related parking and access drives must be setback from the boundary of the CPD District in accordance with the following standards and the minimum required setback area shall treated as a buffer in accordance with Section VIII. if applicable. This

requirement shall not preclude the construction of streets or utilities that cross the buffer strip. (Amended 05/16/18)

Adjacent Zoning District	Minimum Setback
A "Residential District" or "Natural Resource District"	100 feet

DE. OFF-STREET PARKING (CPD)

Off-street parking shall be provided in accordance with the requirements of Section XI. In approving the development standards set forth in the Master Plan for a planned development including the Conceptual Development Master Plan for a Planned Mixed-Use Development, the Planning Board may allow the provision of fewer off-street parking spaces than is required by Section XI., including considerations for reduced or shared parking, if the Planning Board finds that less parking will adequately serve the development taking into account the provision of on-street or other public parking, provisions for long-term support of public transit to serve the development, provisions for pedestrian and bicycle movement within and to/from the development, and/or the type and mix of uses within the development and their demonstrated parking demand.

EF. SIGNS (CPD)

Signs in the CPD District shall be regulated in accordance with the requirements of Section VIIE.

II. ADDITIONAL DEVELOPMENT STANDARDS

A. DEVELOPMENT DESIGN AND REVIEW PROCEDURES (CPD)

Depending on the acreage, type of use, and design of a proposed project, a development/redevelopment project within this district may undergo: **1**) a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards and development standards for Conventional Developments set out in this section; or **2**) may be reviewed as a Planned Development in accordance with the procedures set forth in Section VIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section; or **3**) if the project involves a Planned Development involving a parcel with more than fifty (50) acres, may be reviewed as a Planned Development under a modified version of the procedures set forth in Section VIIE. Additional Requirements for Planned Developments applying the quantitative standards and development standards and design criteria for Planned Developments set out in this Section;

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a Conventional Development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with Section VIIE. and conform to the applicable standards of this section for Planned Developments unless the

parcel involved has more than fifty (50) acres and the owner/applicant choses to use the modified review
procedures in B.

3. Large-Scale Planned Developments. Projects that include a Planned Development on a parcel with more than fifty (50) acres may be reviewed and developed as a Planned Development in accordance with Section VIIE. as modified in B. Review Procedures for Large-Scale Planned Mixed-Use Developments and conform to the applicable standards of this section for Planned Developments.

B. REVIEW PROCEDURES FOR LARGE-SCALE PLANNED DEVELOPMENTS (CPD)

A Large-Scale Planned Development may be reviewed and approved in accordance with the following procedure which modifies the procedures for the review of a Planned Development set forth in Section VIIE. Additional Requirements for Planned Developments:

1. Two Step Process. Any development involving a Large-Scale Planned Development may be reviewed under a two-step process. The first step is the preparation, review, and approval of a Conceptual Infrastructure Plan. This plan must cover all land held in common ownership as of May 1, 2013. The second step is the preparation, review, and approval of a Site Inventory and Analysis and Master Plan for the development of the project. The Master Plan can cover the entire holding or a portion of the holding that includes at least fifty (50) acres. The applicant may choose to submit the Site Inventory and Analysis for review prior to the submission of the Master Plan.

2. Conceptual Infrastructure Plan. The purpose of the Conceptual Infrastructure Plan is to provide a preliminary assessment of the development suitability and potential of the entire holding based on available information and to provide a preliminary layout of the key infrastructure elements to serve the entire parcel. This Plan is intended to guide and coordinate the phased development of the project with the recognition that the Plan may be modified as detailed information and design is undertaken.

The Conceptual Infrastructure Plan shall include the following elements:

a. The Site Inventory and Analysis Phase of the Additional Requirements for Planned Developments set out in Section VIIE. This analysis may be based on information about the site and its natural resources that is available from publically available sources including state and federal databases and information available from the Town of Scarborough and local utilities. The expectation is that the Site Analysis Plan prepared as part of this effort will guide the overall utilization of the site and the conceptual planning of the various infrastructure components.

b. A Preliminary Infrastructure Plan as set out in subsection E. of Section VIIE. Additional Requirements for Planned Developments. In addition to the elements included in E. this Plan shall also:

1) Identify the planned primary pedestrian network within the development as well as connections to existing pedestrian facilities adjacent to the site,

2) Identify areas of the site that should be preserved as open space including provisions to create an interconnected network of green space within the development and that links to preserved or protected open space in the vicinity of the site.

The Conceptual Infrastructure Plan shall be reviewed in accordance with the procedures set out in Section VIIE. Additional Requirements for Planned Developments for the review of the Site Inventory and Analysis Phase.

3. Conceptual Master Plan. The Conceptual Master Plan for a Large-Scale Planned Development shall consist of an updated Site Inventory and Analysis based on appropriate field data with respect to the location and extent of natural resources and site features and a Master Plan for the development. These shall be prepared and reviewed in accordance with Section VIIE. Additional Requirements for Planned Developments.

C. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS (CPD)

1. ~~Commercial Design Standards –~~ All development within the District must be consistent with the Site Plan Review Ordinance. ~~Design Standards for Scarborough's Commercial Districts, with the exception of the uses allowed under subsection D.14.of this district. [amended 05/16/18]~~

2. Pedestrian, Bicycle and Mass Transit Facilities – All developments shall provide for pedestrian movement to and within the site in accordance with ~~Section IV.E. of the~~ the Site Plan Review Ordinance ~~and the Design Standards for Scarborough's Commercial Districts~~. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities, such as bike racks and bike lanes, if the scale of the project makes these reasonable. Provisions must also be incorporated into new developments for mass transit use, such as bus stops and bus stop shelters, if the scale of the project makes these reasonable.

3. Public Sewer Service – All new development or redevelopment within this district shall be served by public sewer.

D. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO PLANNED DEVELOPMENTS

1. Mix of Uses – The intention of the CPD District is that the district will develop with a mix of uses (i.e. retail, office, service, light manufacturing, mixed residential, etc.). The Conceptual Master Plan must address how the proposed development will contribute to this objective either individually or in conjunction with other Planned Developments in the district or development adjacent to the district. While the objective is to encourage Planned Developments that include a mix of uses, the Planning Board may approve a Conceptual Master Plan that does not meet this objective if the applicant demonstrates that the intention of the CDP District as a mixed-use development will be met or will be able to be met on a district-wide basis. After the approval of each Planned Development, the Planning Board will report to the Town Council on the mix of uses in the Planned Development as well as the overall District.

2. Overall Location and Pattern of Development – The overall location and pattern of development within the District must reflect the findings of the Site Analysis Map and Report prepared as part of the Conceptual Infrastructure Plan. Similarly, the overall location and pattern of development within an individual Planned Development must reflect the Site Analysis Map and Report prepared as part of the Conceptual Master Plan.

3. Street Network – The intention of the CPD District is that as development occurs, a coordinated, interconnected street system will be created. This street network must be designed to accomplish the following objectives:

a) At the overall district level, create a connection through the District from Route One to the Payne Road and to the Haigis Parkway. In addition consideration should be given to connecting the street network to the Gorham Road and Enterprise Drive if feasible. These two connections, if provided, should be designed to provide access to development within the district and should avoid creating direct travel routes that result in the establishment of a "short-cut" through the district.

b) At the Planned Development level, create an interconnected network of streets within the development that allows travel within the development without using collector roads. The network should utilize T- intersections where feasible and avoid the use of dead-end streets or cul-de-sacs.

4. Public Water System – The layout of the overall water distribution system must provide for an interconnected, looped network of mains that avoids dead-ends. This requirement must be met at both the district and Planned Development level unless the Fire Chief approves an alternative layout in conjunction with the Portland Water District.

5. Open Space Network – The intention of the CPD District is to preserve the significant natural resources that exist within the District and to develop an interconnected "green network" throughout the District that links the open spaces within the District and to preserved or protected land in the vicinity of the District. At least twenty (20) percent of the total land area within the District and at least ten (10) percent of the land area within an individual Planned Development shall be set aside and preserved as open space. This can include natural areas, parks or other improved green spaces that are open for use by residents/users of the development or the public, or improved recreational facilities with limited structural development (i.e. golf courses, playing fields, etc.). The land set aside as open space shall generally reflect the Site Analysis Map and Report. As part of the Master Plan for each Planned Development, the provisions for ownership and maintenance of the open space shall be established.

6. Relationship of Buildings to the Street – The intention of the CPD District is to encourage a variety of development patterns and forms with the overall objective of establishing a "village center-like" atmosphere within the District. As a general principle, buildings should be located close to streets with parking located to the side and/or rear of the buildings. A Planned Development shall be designed in a manner that reinforces the CPD District as a mixed use center. Buildings, parking, pedestrian amenities, landscaping, streets and common space shall be arranged in a compact, interconnected development pattern that exhibits a human scale and a mix of land uses. In reviewing and approving the Conceptual Master Plans for individual Planned Developments, the Planning Board must find that the proposed development standards will result in a development that has a "village character" rather than a "suburban commercial" character.

7. Access Management and Interconnections – The development standards for each Planned Development must address the issues of access management and interconnections. Direct vehicular access from individual building sites onto Route One, Payne Road, or new collector streets within the District must be restricted. Site access shall be designed in accordance with the Site Plan Review Ordinance.

8. Streetscape Treatment -- The streetscape along internal streets and driveways within a Planned Development shall exhibit a compact layout, form and scale. The streetscape shall be designed with shade trees on both sides; road widths that are of a compact, urban scale; human-scale street lighting; frequent intersections and crosswalks; and sidewalks. The streetscape of internal streets may also include on-street parking on one or both sides of the streets or driveways.

The streetscape along Haigis Parkway, Route One and Payne Road that border the district shall incorporate a landscaped or natural vegetated buffer strip. The width of the buffer strip shall be a minimum of twenty-five (25) feet when it abuts the Haigis Parkway and fifteen (15) feet when it abuts Route One and Payne Road.

9. Walkable, Pedestrian-Oriented Design – The objective of the CPD District is to create a walkable, pedestrian-oriented environment. This can be accomplished in a variety of ways. Appropriately designed and oriented sidewalks and other pedestrian amenities, are critical to promote walkability, pedestrian activity, and a sense of place within the District. In general, sidewalks or pedestrian trails shall be designed to provide linkages and continuity between each use within a Planned Development as well as connections to abutting uses to establish a greater pedestrian network.

10. Place making – A Planned Development must include a number of "places", depending on the size and scale of the development. A "place" shall be a common space(s) where people can gather, meet and cross paths. A "place" can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, "places" are required to be designed as an integral part of a Planned Development in locations where people will naturally gather, meet and cross paths. "Places" shall be located at the core of the pedestrian realm of a development; shall be an element of the development streetscape and overall development pattern; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but are not counted as a "place" unless they are available for public use.

11. On-street Parking – The use of on-street parking within a Planned Development is encouraged. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can act as a traffic calming measure. A Planned Development may include new internal streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the review process the on-street parking design shall require approval from all applicable Town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of subsection I.E.

12. Dimensional Standards – The minimum lot size, net residential density, building height, yard and setback, and other space and bulk requirements for individual lots and buildings that are part of a Planned Development shall be determined in the Conceptual Master Plan except as limited by the provisions of I.D.2. The development standards must provide for the setback from and buffering of residential uses and zones abutting the CPD District and for the buffering of residential uses that are part of the Planned Development from nonresidential uses within or adjacent to the District. In approving the Master Plan and the development standards, the Planning Board shall

assure that the proposed requirements will result in a development that reflects the Town's vision for the Crossroads as a village center for the Town of Scarborough.

13. Provision of Affordable Housing – A key objective of the Crossroads Planned Development District is the provision of a mix of uses and a mix of housing types. Therefore at least ten percent of the dwelling units in a planned development must qualify as affordable housing in accordance with the definition of affordable housing in this ordinance. This requirement can be met either through affordable housing developments or through providing for affordable units within market-rate housing developments. Since development within a planned development will likely occur incrementally, this requirement must be met cumulatively as development occurs. The initial residential development in a planned development must include affordable housing unless the project has fewer than ten dwelling units. If a housing development provides more than ten percent of its units as affordable or if more than ten percent of the cumulative dwelling units within a planned development are affordable, any balance may be carried forward and applied to future residential development. The Master Plan for the planned development shall address how this requirement will be met and set out any requirements that will be established for assuring the long-term affordability of these units.

14. The land use required to comply with these additional development standards are permitted as part of a planned development with specific standards and limitations on the location within the overall CPD District they are allowed and subject to the buffering requirements below. This inclusionary area within the District is located to the northeast of the Scarborough Downs entrance drive and extending southerly from the Payne Road intersection 1,450 feet and spanning from the Downs Road easterly to the limits of the CPD Zoning District boundary as depicted in the diagram below. The permitted uses specifically allowed within this area are subject to:

1) A 250-foot setback from the center line of Payne Road.
2) A 250-foot setback from the Downs Road, as depicted on the Approved Conceptual Infrastructure Plan.
3) A 100-foot setback and buffer to any adjacent residential district or natural resource district in accordance with subsection D.2. of this District.
4) The performance standards of Section IX9(A) of this ordinance.
5) The permitted uses specifically allowed within this area shall not be subject to the Design Standards for Scarborough's Commercial District.

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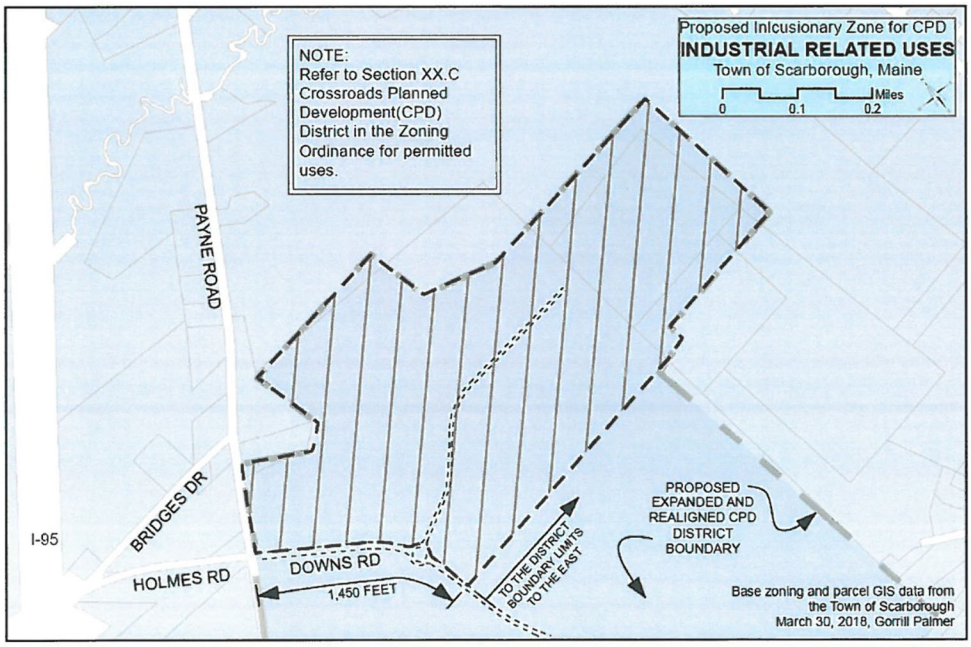

The diagram and description above establish the maximum area allowed for these non-residential uses, but does not bind or require this area to be exclusively developed with these specific uses. The planned development process shall be used to establish the design, buffering details, and extent of these non-residential uses within this inclusionary area and whether this area includes other uses and development allowed district wide.

15. Earthwork, Material Extraction and Construction Activities Incidental to Site Development – Activities that are typical of earthwork, material extraction and construction including, but not limited to the excavation of earthen material and aggregate, material processing, material stockpiling and storage, and similar activities are allowed in accordance with the following performance standards:

a. Material extraction and processing allowed for under this subsection shall be for the sole purpose of supporting development, site work and the installation of infrastructure located exclusively within the CPD District.

b. Notwithstanding contrary provisions in the Extractive Industry Ordinance, excavation may occur below the seasonal high-water table for the purpose of creating water features within the development project. Any excavation below 12 inches above the seasonal high-water table shall be in accordance with a plan approved by the Planning Board. This plan shall include the limits, design and final restoration of the excavation area and its functions and values.

c. The stockpiling and processing of aggregate and earthen materials shall comply with a site plan and operations plane to be reviewed and approved by the Planning Board. This operations plan still include: a description and location of the activity; its proximity to existing development within and outside the District; general hours of operation, methods

of operation and safeguards in place to mitigate dust, smoke and other environmental factors, and a restoration plan when applicable.

d. Any deviation and changes to the Operations Plan must be approved in advance by the Planning Director with consultation with other town staff and departments.

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SECTION XXI. INDUSTRIAL DISTRICT - I.

SECTION XXI. INDUSTRIAL DISTRICT - I. [Amended 01/08/2025; 08/20/2025]

A. PURPOSE
To provide districts within the Town of Scarborough for manufacturing, processing, treatment, research, warehousing, storage and distribution, and other compatible uses, where there is no unreasonable danger of explosion or other hazard to health or safety. [Amended 07/18/12]

B. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

C~~G~~. PERFORMANCES STANDARDS [05/01/96; 07/18/12]
All uses in the Industrial District are subject to the performance standards of Section IX(A) of this ordinance.

~~**1.** Manufacturing and assembly. [Amended 07/18/12]~~

~~**2.** Research, development and light industrial.~~

~~**3.** High technology facilities, subject to the performance standards of Section IX(M).~~

~~**4.** Food processing facilities.~~

~~**5.** Warehousing Facility. [Amended 06/20/18]~~

~~**6.** Distribution, wholesale trade and transportation, including trucking terminals. [3/19/75] [05/01/96]~~

~~**7.** Mini-Warehouse/Storage Facilities, subject to the performance standards of Section IX(H) of this Ordinance. [12/03/97]~~

~~**8.** Instructional and educational services.~~

~~**9.** Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities and vehicle sales accessory to these uses.~~

~~**10.** Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars). [05/01/96]~~

~~**11.** Restaurants, with less than 2,000 square feet of floor area and with no drive-up, drive-through or drive-in service. [05/06/98]~~

~~**12.** Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]~~

~~**13.** Lumber yards, fuel storage and distribution yards (excluding tank farms) and building material yards (building material yards may include storage of rock, sand and gravel provided no excavation occurs on site). [05/01/96][07/18/12]~~

~~**14.** Retail sales or services if such sales or services are accessory to principal permitted uses. [05/01/96]~~

~~**15.** Professional offices, including addiction treatment facilities subject to the Performance Standards of Section IX.L. with a maximum of 2,500 square feet of floor area per use. [11/16/2005][07/18/12]~~

~~**16.** Business services and business offices.~~

~~**17.** Contractor's offices, shops and storage yards. (05/01/96)~~

~~**18.** Landscape Contractor [08/20/25]~~

~~**19.** Municipal buildings and uses, not including places of assembly.~~

~~**20.** Non-municipal government buildings and uses.~~

~~**21.** Health Clubs. [05/04/02]~~

~~**22.** Personal Services. [05/20/98][07/18/12]~~

~~**23.** Pet Care Facility. [09/04/02]~~

~~**24.** Transmission towers subject to the performance standards of Section IX(F) of this Ordinance. [5/17/95][07/18/12]~~

~~**25.** Recycling Facility, exclusive of junkyards, automobile graveyards or automobile recycling businesses subject to annual licensing by the Scarborough Town Council under section IX(A)(18). Notwithstanding this provision, all municipal solid waste incinerator ash processing facilities and all municipal solid waste incinerator ash recycling facilities shall be sited only within the confines of a secure, lined landfill approved by the Maine Department of Environmental Protection.[03/06/96][07/18/12]~~

~~**26.** Water dependent sports practice facilities. [07/18/12]~~

~~**27.** Accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10; 07/18/12]~~

~~**28.** Telecommunication facilities. [05/01/96]~~

~~**29.** Cannabis Manufacturing Facility [Adopted 01/08/2020]~~

~~**30.** Cannabis Testing Facility. [Adopted 01/08/2020]~~

~~**31.** Cannabis Cultivation Facility conducted within a fully enclosed structure. [Adopted 01/08/2020; 09/04/2024]~~

~~**32.** Utility-Scale Solar Energy Systems, subject to the performance standards of Section IX.(O.1.) of this Ordinance. [Adopted 11/03/21]~~

~~C. SPECIAL EXCEPTIONS~~

~~**1.** Public utility facilities including substations, pumping stations and sewage treatment facilities.~~

~~**2.** Family Day Care Homes, Group Day Care Homes, Day Care Center Facilities and Nursery Schools. [6/01/94; 07/12/12]~~

D. SPACE AND BULK REGULATIONS [07/20/2011; 07/18/12]

Minimum area of lot	20,000 square feet
Maximum building coverage	50%
Minimum front yards	50 feet
Minimum side and rear yards	25 feet or 50% of building height whichever is greater except that all side and rear yards abutting residential districts shall be a minimum of 50 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	60 Feet The Planning Board may approve an increase in the building height as part of the site plan review to not more than 100 feet if the applicant demonstrates that the increased height is an operational necessity for the use and the visual impact of the increased height will be minimized through the building design or buffering,

~~E. OFF-STREET PARKING~~

~~Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.~~

~~F. SIGNS~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

~~G. PERFORMANCES STANDARDS [05/01/96; 07/18/12]~~

~~All uses in the Industrial District are subject to the performance standards of Section IX(A) of this ordinance.~~

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI).

A. PURPOSE

The purpose of this district is to provide an area for small, light industrial type of development while reestablishing the Holmes Road as an attractive gateway to the west side of town. New development together with redevelopment of existing uses should create an attractive business/industrial park environment with a roadside buffer along the Holmes Road. Residential properties along Two Rod Road and to the west of the district should be protected with a substantial buffer.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection F. or may be reviewed as a Planned Development applying the qualitative standards and flexible design allowable under subsections G~~J~~ and H~~K~~ of this district and Section VIIE of this Ordinance.

1. Conventional Developments. Projects that are proposing to develop or redevelop less than five (5) acres of land may be reviewed as a conventional development or as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop five (5) acres or more of land are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection G~~J~~ Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

C. PERMITTED USES: SEE SECTION XIII.A ZONING DISTRICT USE TABLES

NOTE: The requirements of subsection F~~G~~.1. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.

~~The following uses are permitted on any lot in the district subject to the requirements of Section G:~~

~~**1.** Personal service establishments.~~

~~**2.** Instructional and educational services.~~

~~**3.** Business and professional offices.~~

~~**4.** Business services.~~

~~**5.** Contractor's offices, shops and storage yards.~~

~~**6.** Landscape Contractor [Adopted 08/20/2025] subject to the performance standards of Section IX.(DD) [Adopted 11/05/2025]~~

~~**7.** Non-municipal government buildings and uses.~~

~~**8.** Motor vehicle repair and service facilities existing as of January 1, 2013 including auto body shops and facilities for the repair of recreational vehicles.~~

~~**9.** Accessory uses.~~

~~**10.** Accessory agricultural activities subject to the additional performance standards of Section IX.P. [Amended 03/19/2025]~~

~~The following uses are permitted only on lots that have vehicular access to the Holmes Road:~~

~~**11.** Manufacturing and assembly, subject to the additional performance standards of Section IX (M). [Amended 03/19/2025]~~

~~**12.** Research, development and light industrial, subject to the additional performance standards of Section IX (M.1). [Amended 03/19/2025]~~

~~**13.** High technology facilities, subject to the additional performance standards of Section IX (M). [Amended 03/19/2025]~~

~~**14.** Warehousing Facility, exclusive of mini-warehouse/storage facilities. [Amended 06/20/18]~~

~~**15.** Distribution, wholesale trade and transportation, including truck terminals.~~

~~**16.** Motor vehicle repair and service facilities including auto body shops, facilities for the repair of recreational vehicles, small engine repair facilities, and vehicle sales accessory to these uses.~~

~~**17.** Sale, rental and/or service of heavy equipment or specialized motor vehicles (other than passenger cars).~~

~~**18.** Retail sales or services if such sales or services are accessory to principal permitted uses.~~

~~**19.** Municipal buildings and uses.~~

~~**20.** Transmission towers subject to the additional performance standards of Section IX(F) of this Ordinance. [Amended 03/19/2025]~~

~~**21.** Recycling facilities, including only junkyards, automobile graveyards or automobile recycling businesses that are existing as of January 1, 2013, and subject to annual licensing by the Scarborough Town Council under Section IX(A)(18).~~

~~**22.** Fully enclosed places of assembly, amusement, culture and government existing as of January 1, 2013.~~

~~**23.** Telecommunication facilities.~~

~~**24.** Small-scale energy facilities, subject to the additional performance standards of Section IX(W). [Amended 03/19/2025]~~

~~**25**. Cannabis Testing Facility. [Adopted 01/08/2020; Amended 09/04/2024]~~

DRAFT

~~**26.** Utility-Scale Solar Energy Systems, subject to the performance standards of Section IX.(O.1.) of this Ordinance. [Adopted 11/03/21]~~

~~D. SPECIAL EXCEPTIONS~~

~~**1.** Public utility buildings including substations, pumping stations and sewage treatment facilities.~~

~~**2.** Outdoor storage, exclusive of fuel stored in bulk.~~

D~~E~~. PERFORMANCE STANDARDS. The following performance standards shall apply to all site plan applications after March 19, 2025.

All permitted uses in the Light Industrial district may be undertaken only after the Planning Board has reviewed and approved the use in accordance with the Site Plan Review Ordinance and if the Planning Board finds that the proposed use, with any reasonable conditions the Planning Board deems necessary, will conform to the following standards and requirements:

1. The use will not create any unhealthy or offensive smoke, dust, odor, or airborne discharges;
2. The use will not create any offensive noise or vibration to abutting landowners;
3. The use will not involve the handling, storage, or disposal of hazardous waste material in a manner that will threaten the public health; and
4. The design and external appearance of the proposed buildings, structures, and site improvements will constitute an attractive and compatible addition to the neighborhood and be consistent with the Town's Site Plan standards.
5. All warehousing facilities, distribution, wholesale trade and transportation, and truck terminal uses shall be limited to the operating hours between 5:00 am and 10:00 pm for each day of the week, unless otherwise approved by the Planning Board.

E~~F~~. SPACE AND BULK REGULATIONS

1. The following space and bulk regulations are applicable to conventional developments:

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; 100 feet for lots abutting all other streets
Maximum percent of lot coverage by buildings	50%
Maximum percent of lot coverage by buildings and other impervious surfaces	85%
Minimum front yards	50 feet
Minimum side and rear yards	25 feet except that all side and rear yards abutting residential districts shall be a minimum of 100 feet or the height equivalent of

	the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	45 feet

2. The following space and bulk regulations are applicable to planned developments:

Minimum area of lot	20,000 square feet
Minimum lot frontage	200 feet for lots abutting Holmes Rd and Two Rod Rd; For all other streets the lot frontage requirement shall be determined under subsection G~~J~~. of this district
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection G~~J~~. of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection G~~J~~. of this district
Minimum front yards	50 feet
Minimum side and rear yards	25 feet except that all side and rear yards abutting residential districts shall be a minimum of 100 feet or the height equivalent of the principal building or use, whichever is greater, and shall comply with the buffering requirements of this Ordinance.
Maximum building height	45 feet

F~~G~~. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

1. Sewage Disposal: All new, expanded, or redeveloped buildings in the district shall be connected to the public sewer system unless all of the following are met in which case sewage disposal may be provided by an on-site sewage disposal system meeting the requirements of the Maine State Plumbing Code and Chapter 404A the Town of Scarborough Plumbing Ordinance.

a. The design sewage flow of the use will be less than two thousand (2,000) gallons per day based on the Maine State Plumbing Code, and
b. Only domestic type sewage will flow to the on-site sewage disposal system. No process water shall go to the system, and
c. The project will be designed to be connected to a public sewer system in the adjacent street if such a sewer is ever extended, and
d. The owner or developer agrees to connect to the public sewer system within twenty-four (24) months of service being provided in the adjacent street and this requirement is made a condition of approval of any site plan approval for the project.

2. Streetscape Buffer Strip: For all new, expanded, or redeveloped buildings, a landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street or highway except for existing lots fronting on Two Rod Road which are subject to the requirements of F.4. The width of the buffer strip shall be a minimum of thirty (30) feet when it is adjacent to Holmes Road, one hundred (100) feet when it is adjacent to Two Rod Road, one hundred (100) feet when it is adjacent to the Maine Turnpike (I-95) and

associated Maine Turnpike on/off ramps, and ten (10) feet when it is adjacent to any other street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance. In the case of Holmes Road and other streets the buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip. In the case of Two Rod Road, access roads or driveways are not allowed through the street buffer strip except in accordance with standard F.3. below.

3. Vehicular Access Prohibited from Two Rod Road:

a. Vehicle access to and from the Two Rod Road to serve new, expanded, or redeveloped buildings in the district via any means including public streets, private ways, driveways, other private accessways, or combinations thereof shall not be permitted, except for emergency vehicle access approved by the Fire Department and Planning Board and as allowed for under 3.b.

b. Buildings existing as of January 1, 2013 on lots that have frontage on Two Rod Road and that have their exclusive vehicle access from Two Rod Road may continue to have one point of vehicle access onto Two Rod Road. If the gross floor area of all existing buildings on a lot is increased by more than twenty (20) percent, or if the building is removed or the property is redeveloped, vehicular access to the property must not be from Two Rod Road as per 3.a.

4. Lots Abutting Two Rod Road: A building existing as of January 1, 2013 that is on a lot that has frontage on Two Rod Road and that has its exclusive vehicle access from Two Rod Road that is converted from a residential use to a nonresidential use in whole or in part, must conform to the following additional requirements:

a. A twenty-five (25) foot wide vegetated or landscaped buffer strip shall be maintained along the front property line adjacent to Two Rod Road and shall be improved/maintained in accordance with the Site Plan Review Ordinance.

b. One driveway not more than sixteen (16) feet in width shall provide access to Two Rod Road.

c. Any parking for more than two vehicles or service areas shall be located to the side or rear of the existing building.

d. Any expansion of the buildings on the lot or the construction/placement of new accessory buildings on the lot shall be limited to a cumulative total of twenty percent of the gross floor area of all buildings existing as of January 1, 2013 and shall be compatible with and maintain the architectural character of the existing buildings.

e. Any material storage or outdoor service areas shall be located to the side or rear of the existing building and shall be located within a landscaped or fenced area to screen it from view from the street.

5. Residential Buffering: Where a lot in the LI District abuts a lot in residential use or a residential or rural zone, a vegetated buffer shall be established and maintained in accordance with subsection

E. The buffer shall soften the transition from the LI District to adjacent residential areas and shall buffer buildings, parking, and service areas. In the design of sites, components of the project that generate large amounts of traffic, activity, noise, or similar potential impacts should be located away from residential areas and/or designed to mitigate adverse impacts on adjacent residential areas. Exterior light must be designed to eliminate spillover to adjacent residential uses or a residential or rural zone as per the Site Plan Review Ordinance.

6. Buffering of Parking: Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Site Plan Review Ordinance.

~~H. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS~~

~~Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.~~

~~I. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT~~

~~Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.~~

G~~J~~. PLANNED DEVELOPMENT STANDARDS

The following development standards shall apply to all planned developments. In addition to these requirements, planned developments may incorporate the flexible design standards under subsection H~~K~~. of this district subject to Planning Board review and approval.

1. Unified and Coordinated Design, Signage, and Lighting
Development and redevelopment of larger parcels in the LI District requiring Planned Development Review shall exhibit a high level of site planning and design. Planned Developments with multiple buildings and/or building lots shall establish a unified and coordinated layout and themes that are exhibited throughout the development. Likewise, a coordinated signage and lighting plan shall be required of the Planned Development that establishes a theme within the development.

2. Open Space and Natural Resource Conservation
Planned Developments shall be designed with respect for the natural resources and topography of the site. Significant wetlands, vernal pools and critical wildlife habitat areas shall be avoided, buffered and conserved. These significant natural resource areas that are greater than one (1) acre in size shall be conserved as common open space, while smaller significant natural resource areas may be incorporated into individual building lots or development sites. Open space lands may include a trail system for walking, hiking, biking or similar activities if such a trail system can be accommodated without adverse impact to the natural resources.

3. Access Management and Interconnections
Access to Planned Developments from Holmes Road shall be strictly controlled to limit the number of curbs cuts along this roadway. Planned Developments shall make provisions for street and driveway interconnections to abutting properties to enable cross connections, the shared use

of curb cuts and intersections and to reduce the overall number of curb cuts on Holmes Road and to provide access to interior properties that do not have street frontage on Holmes Road.

H~~K~~. FLEXIBLE DESIGN STANDARDS FOR PLANNED DEVELOPMENTS
The following flexible design standards may be applied to a Planned Development project, subject to Planning Board review and approval.

1. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building" technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection E~~F~~. of this district.

DRAFT

Vote: 7 Yeas. Motion Carried.

Order No. 26-031. First reading and refer to the Planning Board, the proposed amendment to the Official Town of Scarborough Zoning Map. ***[Planning Director]*** Autumn Speer, Planning Director, gave an overview on this Order. The following individuals spoke on this Order:

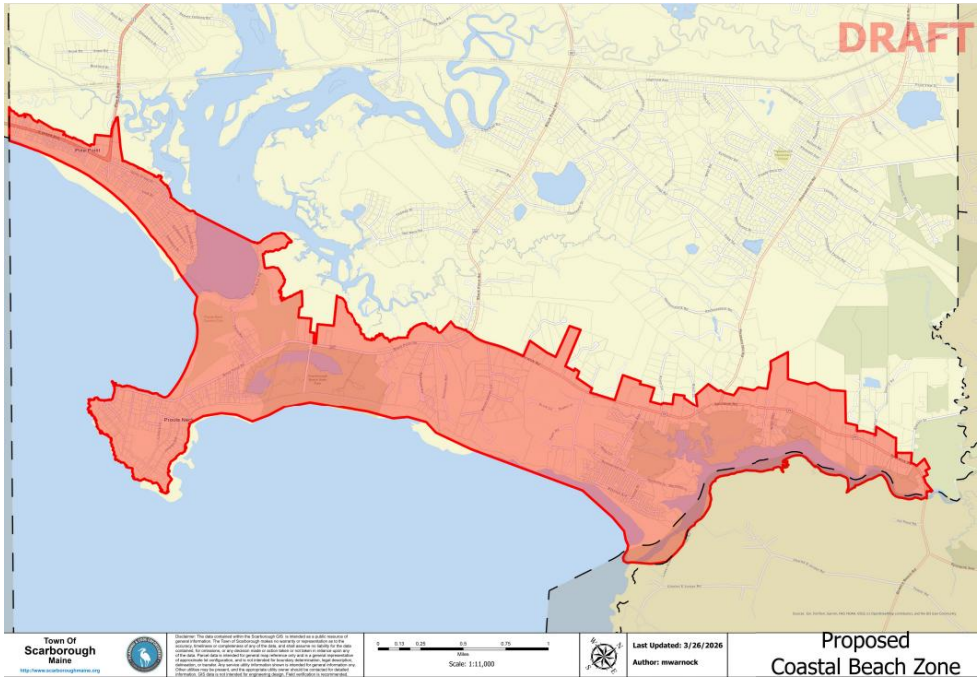
In the Room:

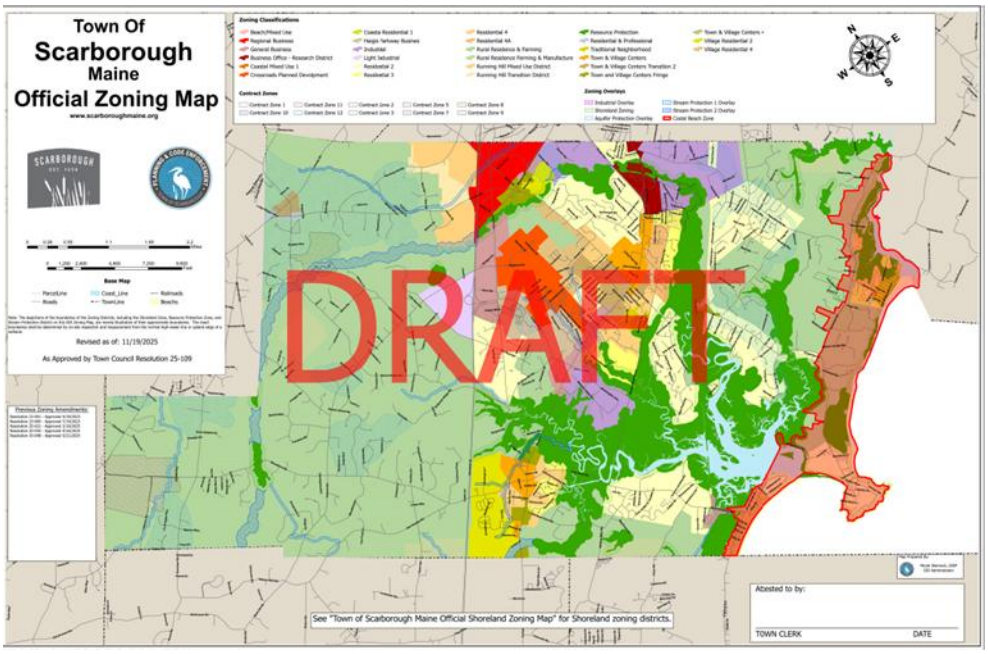
- Averill Hill of Maple Avenue commented on the historical presence and significance of short-term rentals at beaches in Scarborough, emphasizing their role in defining neighborhood character. She commented on the challenge posed by the increasing influx of short-term rentals, which threatens the availability of long-term housing. Citing recent analysis, the author notes that 9% of short-term rentals are located in Oak Hill and advocates for beach overlays to protect both the short-term rental market and long-term residency options.
- Suzanne Foley-Ferguson of Black Point Road raised concerns about short-term rental policies, criticizing the proposed low cap of 50 as insufficient. She warns that private equity could buy multiple properties and calls on Congress to take action. Foley uses a map to highlight arbitrary zoning decisions impacting her area, arguing that Black Point Road deserves the same consideration as nearby Pine Point. She underscores the mixed-use character of her community and the affordability struggles faced by residents, advocating for equitable zoning practices.

Via Zoom:

- Danielle Dellaquila of Fogg Road, expressed concern about local regulations favoring wealthy individuals living near the beach, arguing that they restrict working-class families from capitalizing on their properties. She voiced her frustration with current zoning laws, noting that she is already zoned for a business as a functional nutritionist operating from her home. She questioned how these existing zoning considerations interact with proposed regulations, seeking clarity on whether she needs to undergo further zoning processes.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval of the first reading and refer to the Planning Board, the proposed amendment to the Official Town of Scarborough Zoning Map, to come back to the Town Council for a public hearing upon review by the Planning Board:





Vote: 7 Yeas. Motion Carried.

Order No. 26-032. First reading and schedule a public hearing and second reading on the proposed amended Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2026 through November 15, 2026. ***[Planning Director]*** Autumn Speer, Planning Director, gave an overview on this Order.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval first reading on the proposed amended Chapter 421, the Town of Scarborough Authorization of Outdoor Services Ordinance, amending the applicable time period for May 1, 2026 through November 15, 2026 and schedule a public hearing and second reading for Wednesday, April 15, 2026, as follow:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, approves Chapter 421, the Temporary Authorization of Outdoor Services Ordinance of the Town of Scarborough, Maine, as follows:

Chapter 421 – Town of Scarborough

Temporary Seasonal Authorization of Outdoor Services Ordinance

Section 1. Purpose: To implement this ordinance to allow businesses who wish to expand their current services to include outdoor services for the summer season beginning May 1, 2026 through November 15, 2026.

Section 2. Provisions: Notwithstanding any Town ordinance provisions to the contrary, the outdoor activity, display, sale of merchandise, and sale, service and consumption of food or drinks, including alcoholic beverages for restaurant and retail sales and services (together referred to as "outdoor services") in certain temporary outdoor areas on private property is permitted subject to the following:

1) All properly licensed and/or permitted businesses at the time of enactment of this ordinance in the Town of Scarborough wishing to create or expand existing outdoor services shall first apply to the Town of Scarborough's Planning Department and receive correspondence of approval from the Town;

2) In addition to the creation or expansion of outdoor services areas, temporary awnings, tents or other temporary structures may be permitted to protect the outdoor service areas from the elements;

3) All applications for outdoor services shall be submitted by entities properly licensed and/or permitted by the appropriate state and local agencies to perform the sales and services;

Approval for outdoor services under this temporary ordinance shall be granted through the Planning Department in coordination with the Administrative Review Team described below. To receive approval for outdoor services businesses must demonstrate how they shall:

1) Refrain from creating or increasing noise, such as playing or allowing amplified music, in violation of Chapter 616, the Good Neighbor Ordinance.

2) Not encroach on public right-of-ways.

3) Not interfere with handicap parking spaces.

4) Maintain adequate parking for patrons (the expansion or creation of outdoor services associated with approved uses may not exceed the approved capacity of the business unless additional parking is available.

5) Maintain safe pedestrian and vehicular access.

6) Maintain all access required under the Americans with Disabilities Act.

7) Not impede fire and emergency access nor not block fire lanes.

8) Provide physical barriers between the outdoor services areas and the parking field.

9) Demonstrate that any temporary structure complies with the rules and policies of the Town.

10) Outdoor service areas can only be used between the hours of 9am and 9pm Sunday to Thursday and 9am to 10pm Friday and Saturday.

11) Shall be in compliance with the provisions of the Maine Alcoholic Beverages and Lottery Operations - Division of Liquor Licensing and Enforcement and other federal, state and local laws or regulations. Additionally, any business legally serving alcoholic beverages in the outdoor services area shall clearly delineate, by use of physical markers and barricade, areas where alcoholic beverages are to be served and consumed, and such consumption shall not take place outside of the marked areas. Signage reading, “No Alcohol Beyond This Point” shall be posted at all exit points and as necessary.

12) Each business seeking approval for outdoor services under this Ordinance shall apply to the Planning Department.

13) All applications shall be approved or denied by an Administrative Review Team consisting of the Director of Planning and Codes, or their designee, the Police Chief, or their designee, and the Fire Chief, or their designee. Approvals require unanimous decision of the administrative review team. Appeals of any denials may be made in accordance with the provisions of Chapter 405, section V.B.1.

The application shall include the following:

1) A narrative and plan describing the nature of the use, including responses or illustrations demonstrating how the proposal meets the requirements stated above.

2) A plan, survey, or aerial of the lot on which the proposed outdoor services will be located with clearly marked limits and capacity of the proposed outdoor services area.

3) Details of the proposed barriers used to delineate the outdoor service area.

4) Details of any temporary awning, tents or other temporary structures proposed (depending on size and materials additional permits may be required).

5) If parking capacity is to be met utilizing off-site parking spaces the application shall include the proposed location, capacity and rights of use of such off-site parking spaces.

6) Any additional materials as deemed necessary by the Administrative Review Team to ensure compliance with the standards.

If after the establishment of the outdoor services area the Administrative Review Team determines that the activity is proposing unforeseen hazards and concerns for public health, welfare, and safety the Town may suspend or revoke any permits under this order. Suspended or revoked activities may resubmit an application following the procedures above for review and reconsideration.

Approved outdoor service areas are valid and allowed until the expiration of this Ordinance or any extensions, modifications or replacements thereto, unless revoked by the Town.

Section 3. Sunset Clause. This ordinance shall expire on the 15th day of November, 2026.

Vote: 7 Yeas. Motion Carried.

Order No. 26-033. Act on the request to authorize the Town Manager to enter into an Inter-Governmental Agreement with METRO. ***[Town Manager]*** Thomas J. Hall, gave an overview on this Order. The following individuals spoke on this Order:

In the Room:

- Denise Hamilton of Two Rod Road supported public transportation but had concerns regarding the funding and prioritization of a proposed transit service, which was estimated to cost nearly $370,000 over three years. She felt the funding primarily burden taxpayers who may not use the service and advocated for user-based funding and urge prioritization of current infrastructure needs. The proposed service extends beyond the Route 1 corridor, suggesting that specific developments benefiting should help cover costs. She felt the Council consider the long-term financial impact and user-driven funding options before moving forward.
- Richard Hayes of Martin Avenue, spoke in strong opposition to the proposed budget increase for subsidizing bus service in town. He emphasizes his long-standing status as a taxpayer and disapproved of additional financial burdens on residents. He argued that the town had critical financial needs and suggested that the owners of the Downs should bear the costs of any bus service improvements rather than relying on taxpayer funding. He concluded by urging the Council to reject the proposal.

Motion by Councilor Anderson, seconded by Councilor Hayes, to move approval to authorize the Town Manager to enter into an Inter-Governmental Agreement with METRO.

Councilor Anderson called a Point of Order, noting that the Council would need to suspend the rules and vote to go past 10:00 p.m.

Motion by Councilor Anderson, seconded by Chairman Fellows, to move approval to suspend the rules to go past 10:00 p.m.

Vote to suspend the rules to go past 10:00 p.m.: 6 Yeas. 1 Nay [Councilor Doherty] Motion Carried.

After a brief discussion relating to delaying this matter for further review and after hearing from Glenn Fenton, of METRO, the Council made the following motion to table this Order.

Motion by Councilor Anderson, seconded by Councilor Hayes, to table Order No. 26-033, to the May 6, 2026 Town Council meeting, which gives the Finance Committee the opportunity to do some work, look at the budget and come back confidently with a recommendation that this is totally within the realm of the budget.

Vote: 4 Yeas. 3 Nays [Councilors Cain, Doherty and Donovan]. Motion Carried.

Item 10. Non-Action Item. None at this time.

Item 11. Council Member Comments. None at this time

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

Vote: 7 Yeas. Motion Carried.

Meeting adjourned at 10:25 p.m.

Respectfully submitted,

Yolande P. Justice
Clerk to the Council