

Town of Scarborough Sustainability Committee

June 24, 2026 | 8:00 – 9:30 a.m. | Hybrid Meeting – Town Manager’s Conference Room and Zoom

To participate in the Sustainability Committee’s meeting, please use the following link:
https://scarboroughmaine.zoom.us/webinar/register/WN_hSMimPLDQLi5RpBZcbrBcw

To view in the Sustainability Committee’s meeting, please use the following link:
<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

Agenda

- 8:00 am** **Call to order and attendance**
- (1) Welcome and introductions
 - (2) Vote on minutes from 5/27/26
 - (3) Review 6/24/26 meeting agenda
 - (4) Public Comment
- 8:10 am** **Old Business**
- (1) Data Centers - Discussion with Sarah Woodbury, Legislative Director, and Maggie Sommers, Outreach Director, Maine Conservation Voters
- 9:15 am** **Updates**
- (1) Town Council
 - (2) Planning Board
 - (3) Sustainable Scarborough Day
 - (4) Transportation Committee
 - (5) Conservation Commission
 - (6) Scarborough Public Library
- 9:25 am** **Next meeting**
July 22, 2026
- 9:30 am** **Adjourn**

Engineering & Technical Services

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Town of Scarborough Sustainability Committee

May 27, 2026 | 8:00 – 9:30 a.m. | Scarborough Town Hall and via Zoom

Meeting Minutes - DRAFT

Attendance

Committee (in person): Anton Bodor, Geoff Gezik, Lydia Jopp, Patrice Kastenholz, Deb McDonough, Dan Shapiro

Town Council: Bill Donovan

Staff: Jami Fitch, Helen Harman, Erin Moriarty

[Meeting recording](#)

Call to Order

1. The meeting is called to order at 8:05 am.
2. Lydia motions to approve the minutes, Patrice seconds. Vote was unanimous. Motion passes.

Public Comment

1. None.

Old Business

1. Metro Transit Pilot
 - The Town Council voted to approve Metro's expansion in Scarborough. Service will begin late summer/early fall.
 - Metro will implement a communications plan to promote the new service.
 - The Town Council was challenged to use the transit service. The Committee will consider arriving at a future meeting via transit.
2. Climate Action Plan
 - The third advisory group meeting is scheduled in June. The meeting will focus on developing blueprints for five priority actions:
 - Launch an energy coach program to train volunteers to help residents understand energy performance and available reduction opportunities.
 - Incorporate lifecycle costs into decision making for energy-related projects at municipal facilities.
 - Adopt a zero emissions policy to guide the transition of the municipal fleet and equipment.
 - Launch a public education campaign to increase the number of residents who compost.
 - Develop a climate vulnerability response framework to guide decision making on how best to protect municipal assets.
 - Many public engagement events are planned for the summer:

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- Partnering with Scarborough Public Library on Junk in the Trunk (6/27 & 7/18); Repair café (8/18, 9/26); kids clothing swap (8/26); teen/adult clothing swap (10/17)
- Concerts in the Park (6/25, 7/9, 7/16, 7/23, 7/30)

New Business

1. Data Centers

- A Planning Board application was submitted in April to develop a data center off Holmes Road. The application was found to be incomplete and was not accepted.
- The Town Council passed the first reading of a moratorium on data center development in Scarborough. There is a public hearing, second reading, and vote scheduled on 6/3. The moratorium will be retroactive to 4/1/26 and will last 6 months and could be extended for another 6 months.
- Data centers are a new use in Scarborough, so the moratorium is intended to give the Town time to understand the use, review zoning and performance standards, and determine if ordinance updates are needed or if this use should be allowed.
- The State has established a taskforce to study data centers. Scarborough's process will likely move faster than the State's taskforce effort.
- The Committee discusses the need to review Scarborough's overall zoning. Helen notes that the Long Range Planning Committee is working through this process.
- Bill notes that the Council is largely in favor of a moratorium, but they need additional education and resources to fully understand the issue and risks.
- The Committee would like to invite an outside expert to the June meeting to provide information on data centers.
- Deb requests information on the Town's industrial and light industrial zones.
- The Sustainability Committee would like to send a memo to the Town Council in support of the moratorium and offer the Committee's services to provide recommendations related to data centers.
- **ACTIONS:**
 - **JAMI will draft a memo for review by Deb and Lydia. Once finalized, DEB will send it to the Town Council.**
 - **JAMI will reach out to Maine Conservation Voters to ask about available resources and experts who may be able to attend the June meeting.**

Updates

1. Town Council

- The municipal budget was approved at the Council's 5/20 meeting.

2. Route 1 lane closure pilot

- The Town Council decided not to support the proposed lane closure pilot on Rt. 1.
- The Committee expresses frustration with the process. The Council made the decision before taking any public comment.
- Deb shares that she and the chair of the Transportation Committee hope to meet soon to coordinate response to the Town Council's process and to discuss future opportunities to collaborate.
- Deb asks if a lane could be closed in the future to accommodate bike/ped facilities, if the Community supports it. The Town would need to ask DOT if future lane conversion is possible.

3. Planning Board

- Planning Board reviewed submittals related to The Downs' Town Center and Town Center Residential areas.

- Walmart is modifying their parking lot layout.
 - New pickle ball courts will replace the skate park. A new skate park will be constructed near the High School and Wentworth School.
4. Transportation Committee
- The Committee recently discussed bike and ped opportunities in Pine Point.
5. Conservation Commission
- Conservation Commission continues to support the development of a Low Impact Development ordinance. They will also review a draft tree clearing and site disturbance ordinance at their next meeting.

Meeting adjourned at 9:32 am.

Next Meeting: June 24, 2026 at 8:00 am.

Future Projects List:

- School Building Process
- Communications, outreach, and engagement
- Community solar / municipal solar array
- Recycling information for homeowners when houses change hands
- Composting/food waste
- Residential energy efficiency grants
- Coordination with Scarborough Public Schools
- Municipal building energy audits
- Electric school buses
- Tree preservation ordinance
- Swap shop
- Energy stretch code
- Incremental fees for trash bins
- 10-year cost-benefit analysis for building systems
- Storm drain stenciling

TOWN OF SCARBOROUGH ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTERS

Enacted on June 3, 2026 by the Scarborough Town Council

WHEREAS, the Town has experienced increasing interest in the siting and development of data centers, which are large-scale facilities used for the processing, storage, and transmission of digital information; and,

WHEREAS, data centers are intensive uses requiring substantial and continuous electrical power, raising concerns regarding impacts on local grid capacity and infrastructure reliability; and,

WHEREAS, such facilities rely on extensive machinery and systems that may generate noise, heat, and emissions affecting surrounding properties and natural resources; and,

WHEREAS, data centers may require significant water usage and place demands on local water supplies and municipal systems; and,

WHEREAS, the construction and operation of data centers may increase traffic, road wear, and strain on public infrastructure; and,

WHEREAS, data centers often occupy large areas, raising concerns regarding efficient land use and consistency with the Town's planning goals; and,

WHEREAS, there is a strong likelihood of continued development pressure for data centers due to regional and national demand; and,

WHEREAS, the Town of Scarborough's Zoning Ordinance is "designed to encourage the most appropriate use of land throughout the municipality" and otherwise to promote public health, safety, and welfare; and,

WHEREAS, pursuant to 30-A M.R.S § 4356(1), the Town's existing Zoning Ordinance does not provide an adequate mechanism to address the concerns related to the construction and operation of data centers and to prevent public harm from an overburdening of public facilities and potential adverse effects on neighborhoods due to environmental concerns and traffic that may create a public nuisance or hazard; and,

WHEREAS, the Town will need at least 180 days to study the impact of the construction and operation of data centers, develop and implement amendments to the Zoning Ordinance which appropriately and adequately regulate the construction and operation of data centers to minimize or eliminate the public health, safety, and welfare risks posed by the aforementioned development pressures; and,

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

1. DEFINITIONS:

As used in this Ordinance, the following term has the following meaning:

"Data center" shall mean any facility, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process,

store, and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

2. APPLICABILITY AND PURPOSE.

This Ordinance shall apply to any proposal to develop, establish, operate, or expand data centers on or after April 1, 2026. Notwithstanding anything to the contrary in 1 M.R.S. §302 or any other law, this Ordinance applies retroactively to any application submitted on or after April 1, 2026, relating to the development, establishment, operation, or expansion of data centers in the Town of Scarborough, whether or not such application had become a “pending proceeding” as defined in 1 M.R.S. § 302.

3. PROHIBITION.

During the time this Ordinance is in effect, no official, officer, board, body, agency, agent or employee of the Town of Scarborough shall accept, process or act upon any application for any approval, including but not limited to a building permit, certificate of occupancy, site plan review, conditional use, license, or any other approval, relating to the establishment, operation, or expansion of data centers. No person shall develop, establish, operate, or expand the use of property for a data center in the Town of Scarborough based on any application for any approval submitted after April 1, 2026.

4. ENFORCEMENT, VIOLATION AND PENALTIES.

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

5. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

6. SEVERABILITY.

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

SECTION XXI. INDUSTRIAL DISTRICT - I.

SECTION XXI. INDUSTRIAL DISTRICT - I. [Amended 01/08/2025; 08/20/2025; 05/20/2026]

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 [Amended 05/20/2026]

C. 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.

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,

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI). [Amended 03/19/2025; 08/20/2025; 11/05/2025; 05/20/2026]

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 and H 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 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 [Amended 05/20/2026]

NOTE: The requirements of subsection F.1. of this district relating to sewage disposal may limit the type or scale of the uses that can occur in this district.

D. 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

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

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. 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. of this district
Maximum percent of lot coverage by buildings	Determined by the Planning Board under subsection G. of this district
Maximum percent of lot coverage by buildings and other impervious surfaces	Determined by the Planning Board under subsection G. 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

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

F. 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.

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

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.

G. 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. 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

SECTION XXI.B. LIGHT INDUSTRIAL DISTRICT (LI)

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. 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. of this district.

SECTION VI. DEFINITIONS

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 singlefamily 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]

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. [Amended 05/20/2026]

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

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; 05/20/2026]

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 BOARDING CARE FACILITY FOR THE ELDERLY)

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. [Amended 05/20/2026]

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]

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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) [Deleted 05/20/2026]

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: (See Code Enforcement Officer) [Deleted 05/20/2026]

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:

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. [Amended 05/20/2026]

Climate Controlled/Internal Access Storage Facility:

A storage facility built to a standard compatible with office and/or mixed-use developments and which provides consumers and businesses with climate and humidity controlled individually accessed storage units. Access to the individual units should be internal. Access to the exterior is limited to a few key access points. Hours of operation are limited and must be staffed by on-site management. [Adopted 10/04/17] [Amended 05/20/2026]

Code Enforcement Officer:

Shall mean the Code Enforcement Officer for the Town of Scarborough. [Adopted 05/20/2026]

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. [Amended 05/20/2026]

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 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

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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]

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. [Adopted 05/20/2026]

Concept Plan: [Deleted 05/20/2026]

Contractor's Office Shop and Storage Yard:

Facility for construction professionals to perform shop or assembly work, store materials, equipment and vehicles. [Adopted 05/20/2026]

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. [Adopted 05/20/2026]

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;

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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 [Deleted 05/20/2026]

Designated Growth Area:

An area 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) years is directed. [Amended 05/20/2026]

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]

Dwelling, semi-detached: [Deleted 05/20/2026]

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: [Deleted 05/20/2026]

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.

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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** [Deleted 05/20/2026]

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. [Adopted 05/20/2026]

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.

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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]

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 [Deleted 05/20/2026]

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]

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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]

Hospice Program or Hospice Provider:

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. [Amended 05/20/2026]

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. [Adopted 05/20/2026]

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,

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.

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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]

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: [Adopted 05/20/2026]

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.

Live/Work Unit: [Amended 05/20/2026]

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 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]

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: [Deleted 05/20/2026]

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.
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]

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 any appurtenant structures or additions, is situated within a manufactured housing community and which is reserved for use by the occupants of that home. Such lot 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]

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 adopted pursuant to Title 10 section 9042 are allowed in all zones where other single-family homes are allowed. [Amended 05/20/2026]

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. [Adopted 05/20/2026]

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 data 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

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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] [Amended 05/20/2026]

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 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: [Deleted 05/20/2026]

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. [Adopted 05/20/2026]

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 Code Enforcement Officer subject to review by the Planning Board in the event of a dispute. [Amended 05/20/2026]

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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 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 than 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

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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]

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 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. [Amended 05/20/2026]

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 infirmity and which provides a community service.

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]

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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. [Adopted 05/20/2026]

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, photographic studios, beauty shops, barber shops, shoe repair, clothing rental, and instruction in music, language or the arts. [7/17/91][Amended 11/01/17] [Amended 05/20/2026]

Pet Care Facility Indoor:

An establishment that provides fully enclosed facilities for the training, kenneling and grooming of pets. [09/04/02] [Amended 05/20/2026]

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

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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 Director of Planning and Codes. [11/05/03] [Amended 05/20/20/26]

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. [Adopted 05/20/2026]

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. [7/17/91] [11/16/05][Amended 05/20/2026]

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 “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: (FORMERLY BOARDING CARE)

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. [Amended 05/20/2026]

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:

The sale of goods, merchandise or services to the general public for personal or household consumption. Retail sales and services excludes fully enclosed automobile repair and service facilities, car washes, and gasoline filling stations, automobile sales, automobile painting and body shops, junkyards and salvaging operations and restaurants. [7/17/91] [11/16/94][Amended 05/20/2026]

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. [Adopted 05/20/2026]

School:

An institution for the teaching of children. [Adopted 05/20/2026]

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]

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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. A short-term rental does not include legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year. [Adopted 05/20/2026]

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. [Adopted 05/20/2026]

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. [Adopted 05/20/2026]

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]

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. [Adopted 05/20/2026]

Small-Scale Energy Facility:

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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 Waste:

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 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. [Adopted 05/20/20/26]

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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:

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]

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

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front and rear access to the outside. No more than 8 units per building. [November 3, 2004] [Amended 06/06/07; 05/20/2026]

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. [Adopted 05/20/20/26]

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]

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.

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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. [Adopted 05/20/2026]

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.
 - (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”).

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- (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 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.

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.

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; 05/20/2026]

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)

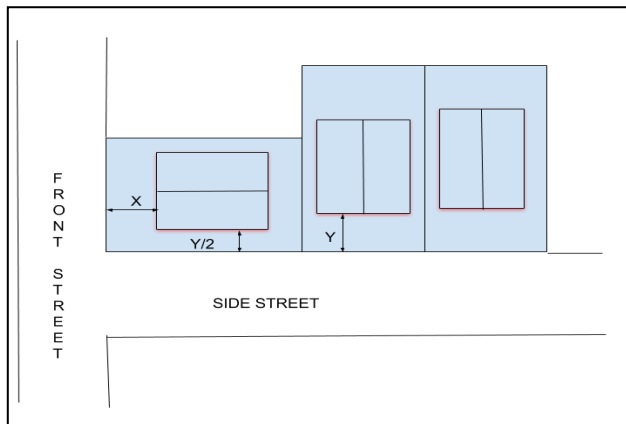


Figure 1: dimension “X” is the required front yard in a given district for the primary frontage. The “Y” dimension is the required front yard on the side street. The “Y/2” dimension is half the required front yard for the side street for the corner lot.

- 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)

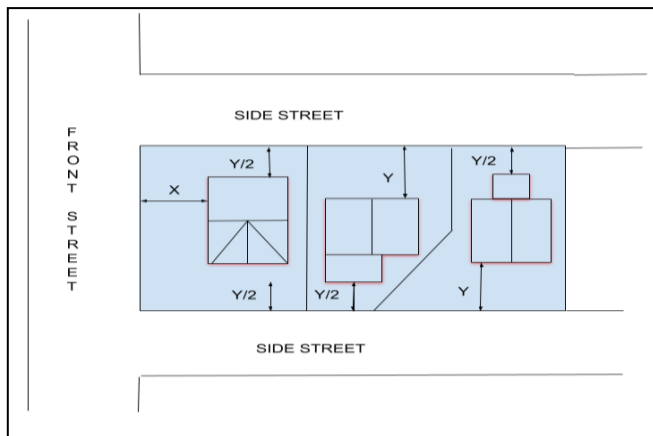


Figure 2: there are 3 lots with more than one street frontage. The required front yard on the primary street is designated as “X” for the lot with 3 front yards; “Y” is the required front yard on the side streets; and “Y/2” is half the required front yard for secondary street frontage.

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.

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; 05/20/2026]

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.