SECTION XVIII.A. TOWN AND VILLAGE CENTERS DISTRICT TVC [09/05/2007] [Amended 01/20/16] [Amended 05/20/2020] [Amended 01/08/2025]

A. PURPOSE

The purpose of this district is to provide for and encourage the evolution and maintenance of village and town centers within Scarborough that exhibit village style development and offer a mix of retail, office, service, civic, and residential uses in an environment conducive to both pedestrians and motorists. The buildings, parking areas, sidewalks, landscaping and other infrastructure within this district are to be of a village scale and character. These town and village centers are intended to and are likely to serve as places for local shopping, business, dining, entertainment and civic activities primarily for residents of Scarborough and the immediate region. A diversity of residential uses are also intended to be integral elements of this district enabling walk-ability, convenience, and human activity and vibrancy. The Town and Village Centers District (TVC) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsections (E) and (G) or may be reviewed as a Planned Development applying the qualitative standards and design criteria of subsection (I).

1. Conventional Developments. Projects that are proposing to develop or redevelop less than 5 acres of land may be reviewed as a conventional development or may be reviewed as a Planned Development, at the applicant's option.

2. Planned Developments. Projects that are proposing to develop or redevelop 5 acres or more of land shall be reviewed as Planned Developments in accordance with the standards of subsection (I). Qualitative Development Standards for Planned Development of this district and Section VII(E) Planned Development of this Ordinance.

C. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

RESIDENTIAL USES

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

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

MIXED USES

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

5. Dwelling units in a mixed use building. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I) of this Ordinance.

6. Live/Work Units

NON-RESIDENTIAL USES:
The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy within the Oak Hill TVC District and 8,000 square feet of floor area per unit of occupancy within the Dunstan TVC District:

7. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services
8. Personal services
9. Restaurants with no drive-through service [Amended 11/07/07]
10. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]
11. Professional offices
12. Business services and business offices
13. Financial, insurance and real estate offices
14. Health clubs
15. Non-municipal government offices
16. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
17. Funeral homes
18. Place of worship
19. Group day care homes, day care facilities, and nursery schools
20. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
21. Family day care homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
22. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [adopted 10/07/15]
23. Hotels and Motels

The following non-residential uses are permitted in both conventional and planned developments without regard to floor area per unit of occupancy.

24. Municipal buildings and uses
25. Elementary and secondary schools
26. Libraries and museums

The following non-residential uses are permitted only in planned developments. [11/07/07]

27. Restaurants with drive-through service
28. Gasoline filling stations, whether a principal or accessory use, subject to the performance standards of Section IX. (X.) of this Ordinance.

D. SPECIAL EXCEPTIONS
The following uses are allowed as special exceptions in both conventional and planned developments:

1. Adjunct Uses, Place of Worship
2. Public utility facilities

3. Residential and long-term care facilities for the ill, aged or disabled with no more than 20,000 square feet of floor area per unit of occupancy. If the facility includes dwelling units, then the regulations governing the particular type of dwelling shall apply
4. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)
5. Telecommunication facility

E. SPACE AND BULK REGULATIONS
The following space and bulk regulations are applicable to conventional developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings; multiplex; townhouses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50
Senior housing	80,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	100
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50

2. Yard Standards - The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under subsection (G) of this district. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building located closest to the abutting street.
[Amended 05/20/2020]

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yard (ft.)
Route 1	35	90	15[1 & 2]
Route 114 & other major collector streets	25	60	15[4 & 5]
All other streets	10	25	15[4 & 5]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser yard as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yard.*
[2] *When a site abuts a residential district the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

3. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
20,000 sq. ft. for buildings containing non-residential[3] and mixed uses within the Oak Hill TVC District; 10,000 sq. ft. for buildings containing non-residential[3] and mixed uses within the Dunstan TVC District; 10,000 sq. ft. for buildings containing only residential uses	50%	85%	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet [Amended 05/20/2020]

The following space and bulk regulations are applicable to Planned Developments:

1. Minimum Lot Area and Dimensions

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Multi-family dwellings; multiplex; townhouses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50
Senior housing	80,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	100
Non-Residential and Mixed Uses	10,000	200 for lots abutting on Rte. 1; 50 for lots not abutting Rte. 1	50

2. Yard Standards – Determined by the Planning Board under Section XVIIIA(I)(2)(d), flexible yard standards.

[3] A maximum building footprint shall not apply to schools, municipal buildings, libraries and museums

3. Maximum Building Footprint, Building Coverage, and Lot Coverage, and Minimum and Maximum Building Height

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Minimum building height	Maximum building height
Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible maximum building footprint	Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible lot coverage	Determined by the Planning Board under Section XVIIIA(I)(2)(b), flexible lot coverage	A building must be either a minimum of 2 stories or 20 feet in height over at least 50% of the building footprint	45 feet [Amended 05/20/2020

F. RESIDENTIAL DENSITY REGULATIONS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to multi-family, multiplex, townhouse, live/work, senior housing or dwelling units in a mixed-use building or on a mixed use lot.

1. Maximum Base Residential Density – The maximum base residential density is the maximum residential density permitted without utilizing additional density through the development transfer or affordable housing provisions.

Multi-family, multiplex, townhouse dwellings, live/work units, senior housing and dwelling units located in a mix use building or on a mixed use lot	5 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance

2. Additional Residential Density Thru Development Transfer – A development may incorporate up to three (3) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

3. Additional Residential Density Thru Affordable Housing – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection F.3., a development may incorporate up to one (1) additional

dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this ordinance. [Adopted 08/20/2014]

The Planning Board may allow a development to utilize additional residential density through both the affordable housing and development transfer provisions but the combined additional residential density shall not exceed three (3) dwelling units per acre of net lot area beyond the maximum base residential density. [Amended 08/20/2014]

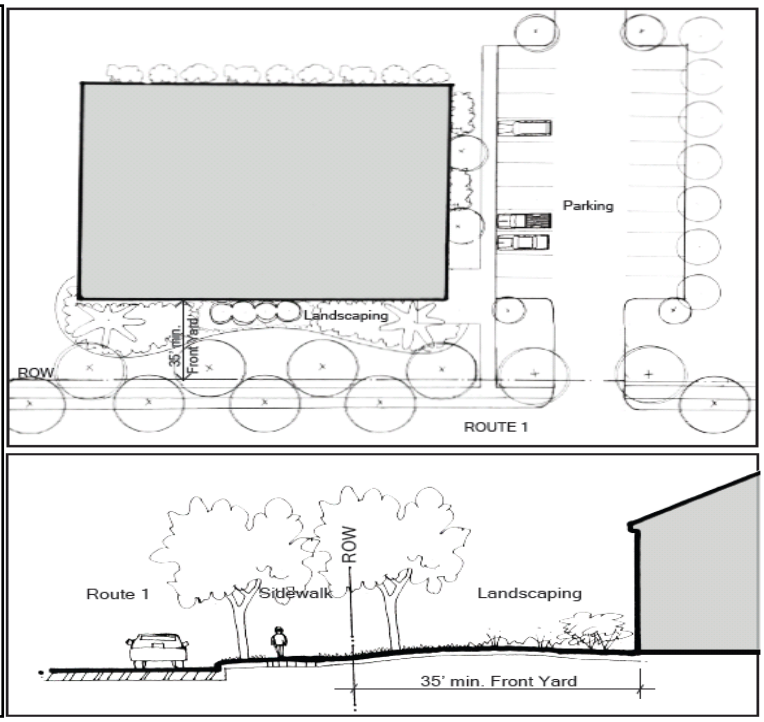
G. SITE LAYOUT AND OFF-STREET PARKING STANDARDS, APPLICABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (E)(2) Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and major collector streets including Route 114.

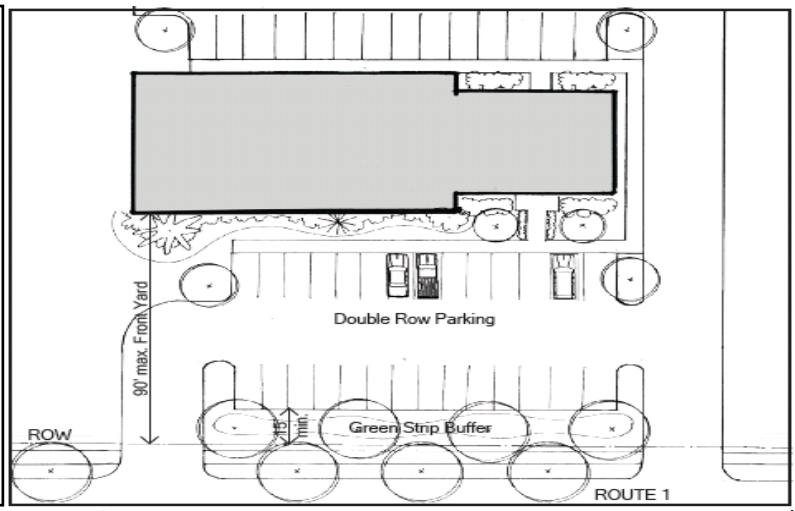
The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection E(2) of this district:

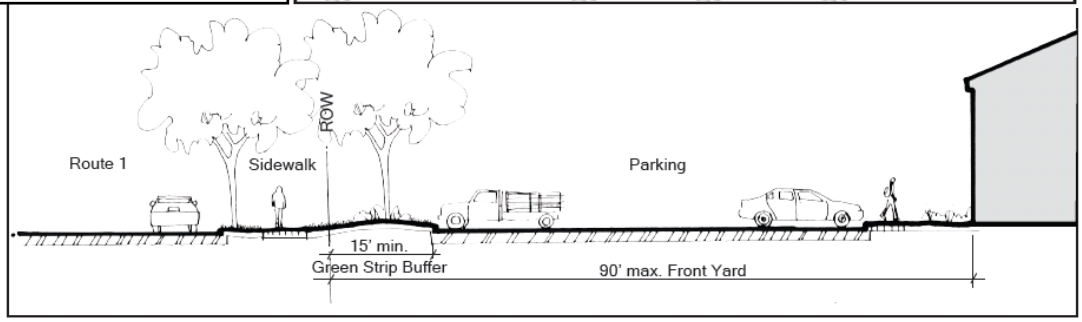
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.



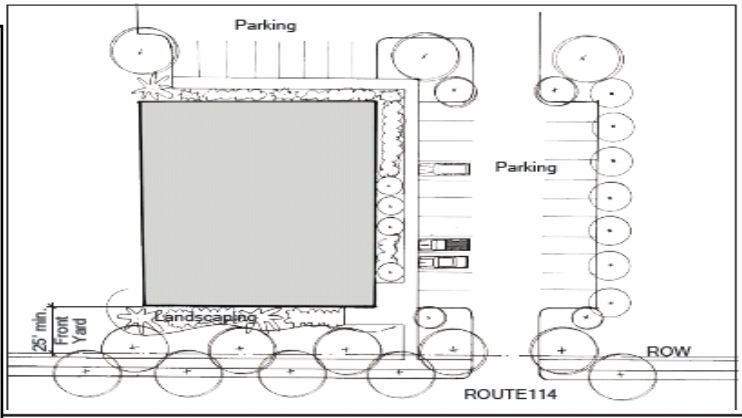
2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one double-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 15 feet.

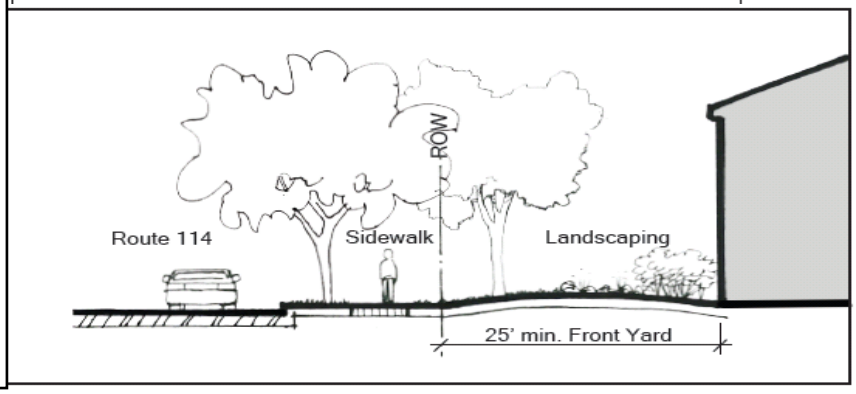




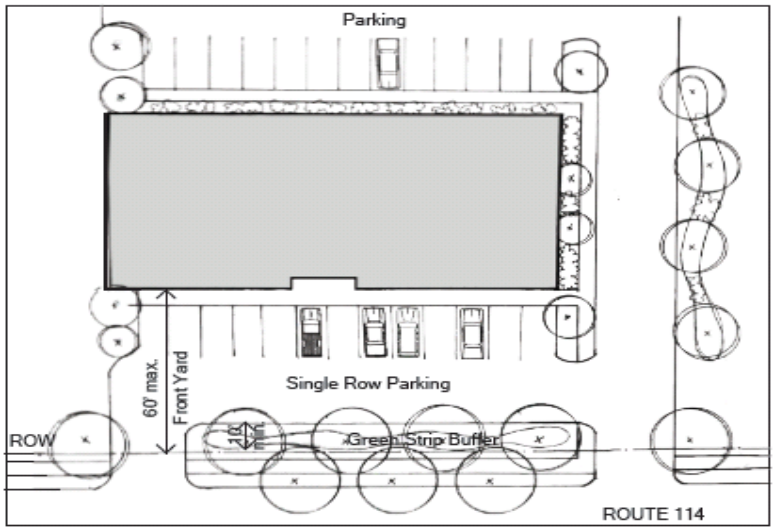
Standards for Front Yards and Off-Street Parking on Lots abutting Rte. 114 and other major collector streets:

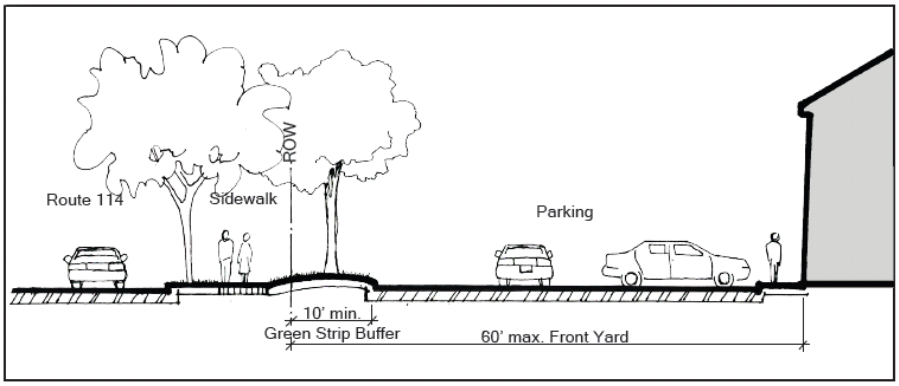
3. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front yard shall be used for landscaping features, street trees, sidewalks, pedestrian amenities, and access drive(s) to the site.





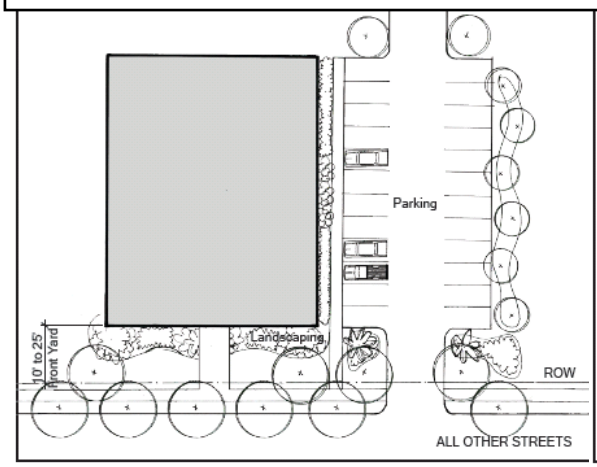
4. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be allowed within the front yard. The minimum parking setback, or "green strip buffer", from the front property line shall be at least 10 feet.

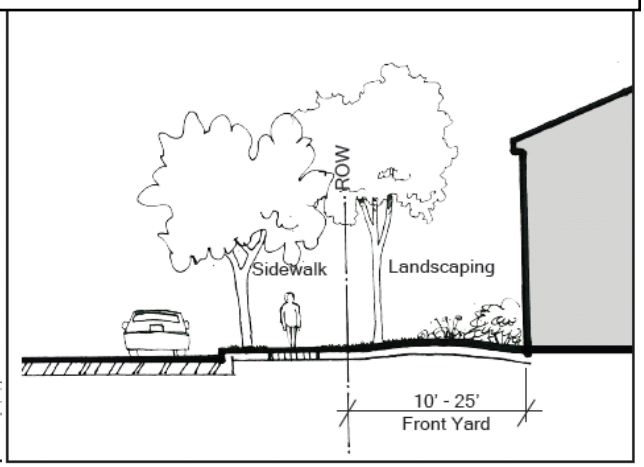




Standards for Front Yards and Off-Street Parking on Lots abutting all other streets:

5. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping features, street trees, sidewalks, and pedestrian amenities. An access drive(s) to the site may cross the front yard but may not be located in the area between the front of the building and the front property line.





General Off-Street Parking Standards:

6. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as otherwise permitted in this subsection.

7. Notwithstanding anything to the contrary in Section III or Section XI of this Ordinance, parking spaces existing in a front yard as of (the effective date of the amendments) shall be relocated to comply with the requirements of this section in the event of any change to the site layout which requires Planning Board approval under the Town of Scarborough Site Plan Review Ordinance. This requirement may be waived if the Planning Board determines that the relocation of some or all of the parking spaces is not feasible due to the shape, size or topography of the lot or the location of an existing principal building(s) on the lot.

8. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments or uses. In the TVC District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

H. SIGNS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

I. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS

The Town and Village Centers (TVC) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the TVC District.

This subsection includes specific standards that a planned development is required to meet and a range of design criteria to be applied by the Planning Board when a development is reviewed under this subsection and in accordance with Section VII(E) Planned Development.

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the TVC District as a town or village center. Buildings, parking, pedestrian amenities, landscaping and streets shall be arranged in a village-style development pattern that exhibits a human scale and a mix of land uses.

a. Walkable, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walk-ability, pedestrian activity, and a sense of place within the TVC District. Sidewalks shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses and the greater pedestrian network. Where pedestrian traffic and activity is likely to be intense, such as along storefronts or at a common area or gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

b. Streetscape – Streetscapes are critical to foster a village layout, form and scale, and offer an environment that comfortably accommodates both pedestrians and vehicles. The streetscape of roads and/or driveways within a planned development shall be designed with shade trees on both sides; road widths that are of a village scale; human scale street lighting; frequent intersections and crosswalks; and sidewalks as per standard H(1)(a) above. A streetscape may include on-street parking on one or both sides of internal streets or driveways as per provision H(2)(a) below.

c. Compact, human scale development – Building height, massing and facades as well as building orientation to streets, driveways and parking are critical to establishing a compact, village-style development pattern that exhibits a human scale. In general, building(s) shall be designed to front onto the street(s) that provides primary access to the building(s). In developments with multiple buildings, the Planning Board may allow some buildings to be setback from the street at greater distances than would occur in a conventional development with parking between those buildings and the street provided: other buildings front on street(s) or driveways to maintain a village streetscape; there is continuity between buildings with no major expanse of parking; and the development meets or exceeds each of the other planned development standards. Buildings, regardless of size and height, shall exhibit a village-style and a human scale. All buildings, including larger buildings containing one or multiple tenants, shall meet or exceed the Commercial Design Standards.

d. Mixed use development – A mix and diversity of uses are fundamental to fostering a center for community activity and vibrancy. Any non-residential use exceeding the limit on square feet of floor area per unit of occupancy for conventional development must be designed as component of a mixed use building containing multiple uses and/or tenants. Such a building(s) shall include mixed uses in a vertical configuration, a horizontal configuration or both. An example of a vertical mix of uses could be offices or residential units above retail uses, while a horizontal configuration could be office uses and retail uses separated by common walls within the same building.

e. Place-making – A planned development shall include at least one “place”, and potentially a number of “places”, depending on the size and scale of the development. A “place” shall be a common space(s) where people can gather, meet and cross paths. A “place” can be a community green or common; plaza; court; square or some variation of each. Regardless of the style or size, “places” are required to be designed as an integral part of a planned development in locations where people will naturally gather and cross paths. “Places” shall be located at the core of the pedestrian realm of a planned development; shall include facilities for residents and visitors; shall be an element of the development streetscape; and shall be available and desirable for public use. Areas for outdoor seating, court yards or green space associated with a particular use or establishment are desirable amenities, but should not be counted as a “place” unless they are available for public use.

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

The following design criteria shall apply to all planned developments. In addition, the Planning Board may require a planned development to be designed in conformance with any other standards of this Section XVIIIA when the Board finds that application of such standards will achieve conformity with the Planned Development Standards of section XVIIIA(I)(1).

a. On-street parking – On-street parking is a primary characteristic of traditional town and village centers. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street

parking; function as a buffer between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on-street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

b. Flexible maximum building footprint – The Planning Board shall determine the allowable building footprint for each building in a planned development by applying the standards of Section XVIII(I)(1), in particular subsection (I)(1)(c) Compact, human scale development.

c. Flexible lot coverage – The Planning Board shall determine the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces in a planned development if the planned development includes "green building" technology or approaches that compensate for the additional lot coverage proposed. Examples of "green building" approaches may include green roof systems, porous pavement, photovoltaic and other forms of distributed energy, and other techniques as reviewed and approved by the Planning Board. If the planned development does not include green building technology, then the maximum percent of lot coverage by buildings and maximum percent of lot coverage by buildings and other impervious surfaces shall be governed by subsection (E)(3).

d. Flexible yard standards - The Planning Board shall determine the yard requirements and site layout and off-street parking configuration for a planned development by applying the standards of Section XVIII(I)(1), in particular subsection (I)(1)(c). In reviewing a planned development, the Planning Board may use the Yard Standards under subsection (E)(2) and the Site Layout and Off-Street Parking Regulations under subsection (G) that correspond with the yard standards as guidelines, but is not required to apply them. This enables the Planning Board to allow some buildings to be setback from the street in a configuration different from a conventional development, with parking between those buildings and the street, provided the specific provisions under subsection (I)(1)(c) are met, each of the other Planned Development Standards are met, and the planned development furthers the purposes of this district.