SECTION XVIII.D. TOWN AND VILLAGE ; 07/19/2023 FRINGE DISTRICT, TVC3

[adopted 11/07/2007][Amended 03/04/09; 04/06/2011; 05/20/2020; 07/19/2023; 01/08/2025]

A. PURPOSE

To provide areas for the location of small and moderate scale business, service and community uses, a range of residential uses including multifamily dwellings and dwellings that are part of mixed use developments as well as small scale retail to enable existing retail uses to conform and modernize. These uses are intended to, and are likely to, serve primarily the local market and the convenience and needs of town residents. The goal of the district is to supplement the TVC District in encouraging the creation and persistence of Scarborough's town and village centers, with development at a scale and uses at an intensity which are compatible with surrounding areas. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in our town and village centers as well as serve as a transition between these centers and surroundings land uses. The Town and Village Centers Fringe District shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES

RESIDENTIAL USES:

1. Single family dwellings, not permitted on lots fronting Route 1. Subject to performance standards in Section IX.Z.
2. Two family dwellings, not permitted on lots fronting Route 1
3. Multifamily dwellings limited to no more than twelve (12) dwelling units per building (must be serviced by public sewer)[amended 04/06/2011]
4. Multiplex dwellings (must be serviced by public sewer)[amended 04/06/2011]
5. Townhouses limited to no more than eight (8) dwelling units per building (must be serviced by public sewer)[amended 04/06/2011]
6. Senior housing (must be serviced by public sewer)[amended 04/06/2011]
7. Accessory dwelling units subject to the performance standards of Section IX.J. (02/15/12)

MIXED USES:

7. Dwelling units within a mixed use building limited to no more than eight (8) dwelling units per building if served by public sewer and two (2) units per building if served by on-site sewage disposal. Permitted residential uses mixed with special exception uses requires special exception approval by the Zoning Board of Appeals under Section IV(I). [amended 04/06/2011]
8. Live/Work Units

NON-RESIDENTIAL USES:

The following non-residential uses are limited to 1,000 square feet of floor area per unit of occupancy.

9. Retail sales and services, excluding car washes, and outdoor sales and services

The following non-residential uses are limited to 5,000 square feet of floor area per unit of occupancy.

10. Business services and business offices
11. Professional offices
12. Financial, insurance and real estate offices

13. Personal services
14. Non-municipal government offices
15. Restaurants with no drive-through service
16. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]
17. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions, which are not otherwise permitted uses in this section
18. Funeral homes
19. Group day care homes, Day care center facilities and Nursery schools
20. Family Day Care Homes, subject to the standards and conditions of Section IV(I)(6), except that Board of Appeals review is not required
21. Health clubs, except that health clubs are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]

The following non-residential uses are limited to 36,000 square feet of floor area per establishment.

22. Hotels, motels and bed and breakfast establishments except that hotels and motels are not permitted in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue. [amended 04/06/2011]
The following non-residential uses are not limited in square footage of floor area per unit of occupancy.
23. Municipal buildings and uses
24. Elementary and secondary schools
25. Place of worship
26. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P [Amended 05/05/10]
27. Libraries and museums

C. SPECIAL EXCEPTIONS
1. Nursing homes.
2. Boarding care facility for the elderly.
3. Public utility facilities.
4. Telecommunication facility.
5. Adjunct Uses, Place of Worship.
6. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B)

D. SPACE AND BULK REGULATIONS [Amended 03/04/09][Amended 04/06/2011]

1. Minimum Lot Area and Dimensions in areas service by public sewer

Housing & Use Type	**Lot Area (square ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Single-family dwellings	10,000 per dwelling unit	50	50
Two-family dwellings	10,000 per two dwelling units	50	50

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Multi-family dwellings, multiplex, townhouses	10,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50
Senior housing	80,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	100
Non-Residential and Mixed Uses	10,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street; 50 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50

b. **Minimum Lot Area and Dimensions in areas not served by public sewer**

Housing & Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Single-family dwellings	40,000 per dwelling unit	100	50
Two-family Dwellings	40,000 per two dwelling units	100	50
Non-Residential, Mixed-use buildings, and Live/Work Units	40,000	200 feet for lots abutting on Rte. 1, Rte. 114, Rte.207, Mussey Road or Spring Street; 100 feet for lots not abutting Rte. 1, Rte. 114, Rte.207, Mussey Road, or Spring Street	50

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

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yards (ft.)
Route 1, Route 114, or Mussey Road	25	70 (except that this maximum shall not apply to single-family and two-family dwellings.)	15 [1 & 2]
All other streets	10	25 (except that this maximum shall not apply to single-family and two-family dwellings.)	15 [1 & 2]

Municipal buildings and uses, elementary and secondary schools, and libraries and museums shall be exempt from the maximum front yard requirement above and the standards for front yards and off-street parking under subsection (F)(1) thru (3) of this zoning district. Though exempt from this requirement, any front yard parking shall be substantially screened from abutting streets by street trees, landscaping and other buffering amenities and shall be designed to reinforce a village streetscape.

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

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
10,000 sq. ft.[3]	35%	85%	45 feet, except that in the Black Point Neighborhood Center TVC3 District located adjacent to Black Point Road and Highland Avenue building height shall be limited to 35 feet. [Amended 05/20/2020]

[1] *When multiple buildings and lots are within the same development the minimum side and rear yards may be reduced to 5 feet if the buildings meet the Fire Rating requirements for the lesser setback as per the NFPA 101 Life Safety Code and the Scarborough Fire Department approves the reduced yards.*

[2] *When the yard abuts a residential district the minimum yard shall be 25 ft. and the buffering requirements of Section VIII of this Ordinance shall apply.*

[3] The maximum individual building footprint for hotels, motels and bed and breakfast establishments shall be 12,000 sq. ft. The maximum individual building footprint shall not apply to municipal buildings and uses, elementary and secondary schools, and libraries and museums.

E. RESIDENTIAL DENSITY REGULATIONS

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

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

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

2. Additional Residential Density Thru Development Transfer (not permitted in areas not served by public sewer) – A development may incorporate up to three (3) additional dwelling units per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

3. Additional Residential Density Thru Affordable Housing (not permitted in areas not served by public sewer) – A development may incorporate up to one (1) additional dwelling unit per acre of net lot area, or net residential acre if applicable, beyond the maximum base residential density provided at least 40% of the additional dwelling units (with fractional numbers of units rounded up to the nearest whole number) are designated as affordable housing.

4. Additional Residential Density Thru an Affordable Housing In-Lie Fee (not permitted in areas not served by public sewer) – In lieu of developing affordable housing to utilize additional residential density under subsection E.3., a development may incorporate up to one (1) additional dwell unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014)

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

5. Maximum Residential Density in areas not served by public sewer –

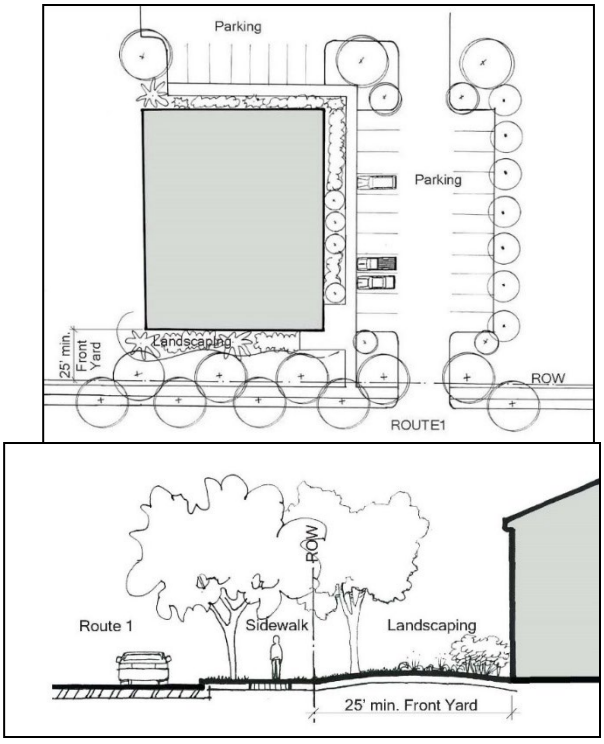
Single-family and two-family dwellings on lots which contain only residential uses.	1 dwelling unit per net residential acre.
Live/Work units and dwelling units located in a mixed use building or on a mixed use lot.	1 dwelling unit per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance.

F. SITE LAYOUT AND OFF-STREET PARKING STANDARDS [amended 03-04-09]
The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this district. In this district buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. As exhibited by the varying minimum and maximum front setback standards under subsection (D)(2) Yard Standards, the proximity of the front line of a building(s) shall depend on the street that the lot fronts. The front line of buildings are required to be closer to local streets than they are to Route 1 and other arterial and collector streets, including Route 114, Route 207 and Mussey Road.

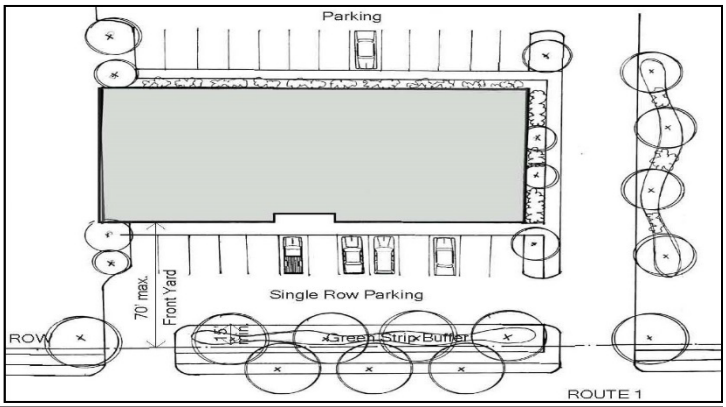
The following are specific standards for the orientation of the buildings to the street and the location and layout of site parking, which correspond with the minimum and maximum front yard standards under subsection (D)(2) of this district. In developments with more than one principal building, the requirements for the location of the off street parking shall only apply to the principal building or group of principal buildings, located closest to the abutting street(s):

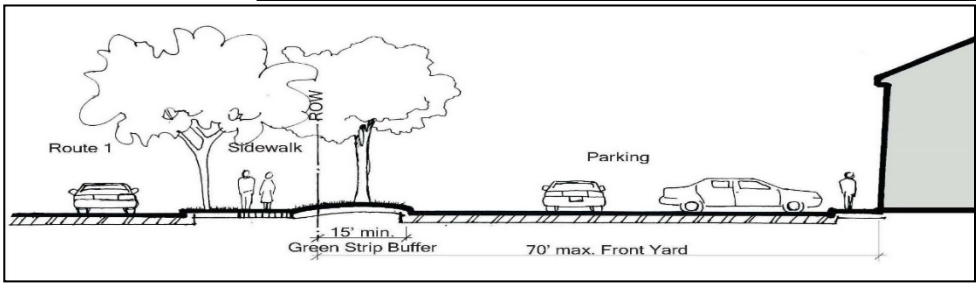
Standards for Front Yards and Off-Street Parking on Lots abutting Route 1 and other arterial and collector streets, including Route 114, Route 207 and Mussey Road:

1. When the front line of a building is sited at, or in close proximity to, the minimum front yard, no parking shall be allowed within the front yard. The front



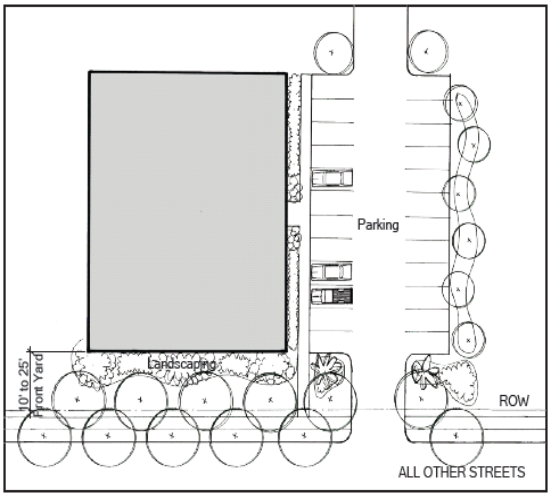
2. When the front line of a building is not sited at, or in close proximity to, the minimum front yard, no more than one single-row of parking and drive aisle may be

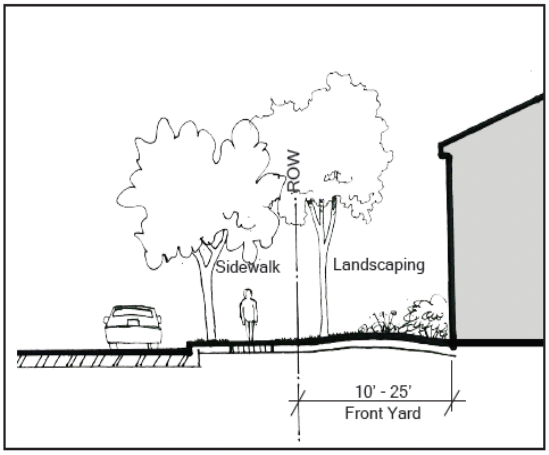




Lots abutting all other streets:

3. No parking shall be allowed in the front yard of lots abutting all other streets. All off-street parking shall be located in the side and rear yards behind the front line of the principle building(s). The front yard shall be used for landscaping





General Off-Street Parking Standards:

4. Off-street parking shall be provided in accordance with the requirements of Section XI if this Ordinance, except as those requirements are augmented or modified below.

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

6. In order to reduce the establishment of unnecessary parking spaces and impervious area which segregates structures, uses and pedestrian amenities, the Planning Board may approve the shared or joint use of parking facilities by two or more principal buildings or uses. This allowance shall be granted where it is clearly demonstrated that the said parking facility will substantially meet the intent of the parking requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments. This allowance may also be exercised in developments that include a mix of residential and non-residential uses, such as 2nd story dwelling units above non-residential uses or live-work units, subject to the same requirement that the parking facility will substantially meet the intent of the parking requirements. In the TVC3 District, approval of this allowance by the Board of Appeals under Section XI(I) shall not be required.

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