SECTION XVIII.E. TOWN AND VILLAGE CENTERS 4 DISTRICT – TVC-4

[Amended 07/19/2023; 01/08/2025]

BASIC STANDARDS

A. PURPOSE

The purpose of this district is to provide for and encourage the evolution and maintenance of the Pine Point commercial area into a village center that exhibits village style development and offers a mix of retail, office, service, civic, marine, and residential uses in an environment conducive to both pedestrians and motorists. The buildings, parking areas, sidewalks, landscaping and other infrastructure within this district are to be a village scale and character. This village center area is intended to and will likely serve as a place for local shopping, business, dining, entertainment, and civic activities for residents of Scarborough and the immediate region as well as for visitors and tourists. Residential uses are also intended to be integral elements of this district enabling walkability, convenience, human activity, and vibrancy. The Town and Village Centers 4 District (TVC-4) shall be considered a business district whenever this Ordinance distinguishes between types of districts.

B. PERMITTED USES, CONVENTIONAL AND PLANNED DEVELOPMENTS

The following non-residential uses are permitted in both conventional and planned developments, but in conventional developments are limited to 20,000 square feet of floor area per unit of occupancy:

1. Retail sales and services, excluding car washes, gasoline filling stations and outdoor sales and services except as otherwise provided.

2. Gasoline filling stations existing as of July 1, 2012.

3. Sales, services and storage of marine-related equipment and watercraft including outdoor sales, display and storage.

4. Food processing facilities.

5. Personal services.

6. Restaurants with no drive-through service.

7. Mobile Food Vendor Court (drive-through or drive-in service is prohibited), subject to the performance standards of Section IX.BB [Adopted 01/08/2025]

8. Professional offices.

9. Business services and business offices.

10. Financial, insurance and real estate offices.

11. Health clubs.

12. Non-municipal government offices.

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

14. Place of worship.

15. Fully enclosed places of assembly, amusement, culture, and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting.

16. High technology facilities.

17. Research, development and light industrial uses.

18. Group day care homes, day care facilities, and nursery schools.

19. Accessory uses (excluding outdoor storage) including accessory agricultural activities.

20. Fuel distribution facilities existing as of September 1, 2012.

21. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance.[Adopted 10/07/15]

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

22. Municipal buildings and uses

The following non-residential uses are permitted only in planned developments:

23. Restaurants with drive-through service

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

24. Single family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets. Subject to the performance standards in Section IX.Z.

25. Two family dwellings only on lots with their primary frontage on Holly Street, Bickford Street, or other streets that are accessed via Holly or Bickford Streets

26. Townhouses limited to not more than eight (8) units per building

27. Accessory dwelling units subject to the performance standard in Section IX.J

The following residential uses are permitted only in planned developments:

28. Dwelling units and/or live/work units in a mixed use building only on a lot having its primary frontage on East Grand Avenue, Pine Point Road, or Snow's Canning Road

C. SPECIAL EXCEPTIONS

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

1. Adjunct Uses, Place of Worship.

2. Public utility facilities.

3. Home occupations. Special exception approval is required only for those professions or occupations not otherwise allowed as permitted uses under subsection (B).

4. Telecommunication facility.

D. SPACE AND BULK REGULATIONS

The following space and bulk regulations are applicable to CONVENTIONAL DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Use Type	Lot Area (square ft.)	Lot Frontage (ft.)	Lot Width (ft.)
Non-Residential and Mixed Uses	10,000	200 for lots abutting Pine Point Road; 50 for lots not abutting Pine Point Road	50
Single family dwellings	10,000 per dwelling unit	100	100
Two family dwellings	10,000 per two dwelling units	100	100
All other Residential Uses	10,000	100	100

2. Standards – The following minimum and maximum front yard standards apply in conjunction with the Site Layout and Off-Street Parking Standards under Subsection (G) of this District. In a development with more than one principal building, the maximum front yard requirement shall only apply to the principal building, or group of principal buildings, located closest to the abutting street(s). The maximum front yard requirement shall not apply to single-family and two-family dwellings.

Abutting Streets	Minimum Front Yard (ft.)	Maximum Front Yard (ft.)	Side and Rear Yard (ft.)
Pine Point Road	35	90	15[1 & 2]
Snows Canning Road	25	60	15[1 & 2]
All other streets	10	30	15[1 & 2]

3. Maximum Building Footprint, Building Coverage, and lot Coverage and Maximum Building Height

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

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

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious surfaces	Maximum building height
20,000 sq. ft. for buildings containing non-residential and mixed uses otherwise none	50%	85%	40 feet

The following space and bulk regulations are applicable to PLANNED DEVELOPMENTS:

1. Minimum Lot Area and Dimensions

Housing & Use Type:	**Lot Area (square Ft.)**	**Lot Frontage (ft.)**	**Lot Width (ft.)**
Non-Residential and Mixed Uses	10,000	200 for lots abutting Pine Point Road; 50 for lots not abutting Pine Point Road	50
Single family dwellings	10,000 per dwelling unit	100	100
Two family dwellings	10,000 per two dwelling units	100	100
All other Residential Uses	10,000	100	100

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

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

Maximum individual building footprint	Maximum percent of lot coverage by buildings	Maximum percent of lot coverage by buildings and other impervious services	Maximum building height
Determined by the Planning Board under Section I.C.2(b), flexible maximum building footprint	Determined by the Planning Board under Section I.C.2(b), flexible lot coverage	Determined by the Planning Board under Section I.C.2(b), flexible lot coverage	40 Feet

The following residential density regulations are applicable to CONVENTIONAL and PLANNED DEVELOPMENTS:

Within this zoning district the Residential Density Factors in Section VIIC(A) of this Ordinance shall apply to live/work or dwelling units in a mixed-use building.

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

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

2. Additional Residential Density Thru Development Transfer – A development involving live/work units and/or dwelling units in a mixed-use building may incorporate up to six (6) additional dwelling units per acre of net lot area beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance. A development involving single family, two family and/or townhouse units may incorporate up to two (2) additional dwelling units per net residential acre beyond the maximum base residential density by utilizing the development transfer provisions in accordance with Section VIID of this Ordinance.

E. OFF-STREET PARKING STANDARDS APPLICABLE TO BOTH CONVENTIAL AND PLANNED DEVELOMENTS

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

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

F. SIGNS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENT

I. ADDITIONAL DEVELOPMENT STANDARDS

A. DEVELOPMENT DESIGN AND REVIEW PROCEDURES

Depending on the acreage, scale and site layout of a proposed project, a development/redevelopment project within this District may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of Subsection I.D or may be reviewed as a Planned Development applying the qualitative standards and design criteria of Subsection I.C.

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

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

B. SITE LAYOUT AND OFF-STREET PARKING STANDARDS, APPLCABLE TO CONVENTIONAL DEVELOPMENTS

The design of a development site, and more specifically the orientation of the buildings to the street and the location and layout of site parking, is fundamental to realizing the purpose of this District. In this District buildings shall be located relatively close to the street to provide human scale development, village character, and auto and pedestrian utility. New off-street parking shall be located to the side or rear of the principal building to the extent feasible. In a development with more than one principal building, the parking shall be located to the side or rear of the principal building closest to the abutting street where practical. If locating the parking to the side and/or rear of the principal building is not practical due to the shape, size or topography of the lot, or the location of existing improvements on the lot, any parking that is located between the building and an abutting street(s) shall be screened by landscaping, the preservation of natural vegetation and features, berms, hardscaping, or a combination thereof. The Planning Board shall use the Site Plan Review Ordinance and the Commercial Design Standards in reviewing and approving the location of the building and parking and the design of the corresponding landscaping and screening.

C. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT

The Town and Village Centers Pine Point (TVC-4) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district. These standards supplement the provisions of the Design Standards for Scarborough's Commercial Districts and provide more specific requirements for development in the TVC-4 District.

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

1. PLANNED DEVELOPMENT STANDARDS

A planned development shall be designed in a manner that reinforces the TVC-4 District as a village center. Buildings, parking, pedestrian amenities, landscaping and streets shall be arranged in a village-style development pattern that exhibits a human scale and a mix of land uses.

a. Walkable, pedestrian-oriented design – Appropriately designed and oriented sidewalks, and other pedestrian amenities, are critical to promote walkability, pedestrian activity, and a sense of place within the TVC-4 District. Sidewalks shall be designed to provide linkages and continuity between each use within a planned development as well as connections to abutting uses and the greater pedestrian network.

Where pedestrian traffic and activity is likely to be intense, such as along storefronts or at a common area or gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

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

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

2. DESIGN CRITERIA FOR PLANNED DEVELOPMENTS

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

a. On-street parking - On-street parking is a primary characteristic of traditional town and village centers. On-street parking can provide spaces directly in front of residential and non-residential uses when buildings are sited close to the street; provide parking that can supplement off-street parking; function as a buffet between pedestrians using the sidewalk and vehicular traffic; and can slow vehicular traffic in the street. A planned development may include new streets or driveways with parallel or angled on-street parking or "on-driveway" parking. As part of the planned development review process the on0street parking design shall require approval from all applicable town departments, including Public Works, the Fire Department and Public Safety. When approved according to this Section, on-street parking can be used to satisfy the requirements of Section XI of this Ordinance.

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

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

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

e. **Restaurants with drive through service –** The planned development review process is required for restaurants with drive through service to ensure that the use is compatible with surrounding uses, that the site can provide for safe and convenient access from abutting roadways, that the roadways have an adequate capacity to accommodate the additional traffic generated by the use and that the use is designed in a manner that reinforces the purpose of the TVC-4 District.

f. Live/work units and residential dwellings in mixed-use buildings – Live/work units and residential dwellings within a mixed-use building are allowed as part of a planned development provided they meet the requirements of this section. In reviewing a planned development with residential uses, the Planning Board shall only permit residential use that are designed in a manner and sited in locations that are appropriate and conducive to housing. Accordingly, the Planning Board shall find that residential uses within a planned development meet each of the following standards:

a. The proposed dwelling units are located, designed and buffered so as to ensure a safe, sanitary and healthful environment for the occupants of the units considering traffic on adjacent roadways, the other planned uses on the site and the location of non-residents parking and service areas.

b. The non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety considerations and aesthetics.

The residential uses are located and designed to provide outdoor amenities, open space, and/or common places usable for private and communal active and passive recreation by the occupants of the units. This requirement can be met through the provision of private facilities usable only by the occupants or by facilities that are available to the entire planned development or the public.