

## **SECTION XIXA. GENERAL BUSINESS DISTRICT B3 [04/16/2008]**

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#### **A. PURPOSE**

The purpose of this district is to provide for and encourage general retail, office, service, lodging, and civic uses along portions of the Town's major roadways. This district is intended to accommodate a wide range of non-residential activities that primarily serve the residents of Scarborough and the immediate region. As development and/or redevelopment occur within the district, the visual environment is enhanced, traffic flow and safety are improved, and provisions for pedestrians are made. Master planning for larger parcels, uses, and buildings, as well as mixed-use developments enable flexibility, creativity, conservation and residential uses in this district fostering areas of increased activity, vibrancy and sustainability.

#### **B. DEVELOPMENT DESIGN AND REVIEW PROCEDURES**

Depending on the acreage, scale, uses, and design of a proposed project, a development/redevelopment project within this district may undergo a conventional review process involving Site Plan Review and/or Subdivision Review applying the quantitative standards of subsection F. or may be reviewed as a Planned Development applying the quantitative and qualitative standards and design criteria of subsections G and L of this district and Section VIIE of this Ordinance.

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

**2. Planned Developments.** Projects that are proposing to:

- a. Develop or redevelop five (5) acres or more of land,
- b. Incorporate residential uses within the development,
- c. Exceed the space and bulk requirements for conventional development,
- d. Establish a gasoline filling station, or
- e. Any combination of a, b, c., and d.

are required to be reviewed as Planned Developments in accordance with the applicable standards of subsection L. Development Standards for Planned Developments of this district and Section VIIE Planned Development of this Ordinance.

#### **C. PERMITTED USES – CONVENTIONAL AND PLANNED DEVELOPMENT NON-RESIDENTIAL USES:**

The following non-residential uses are permitted in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:

- 1.** Retail sales and services, excluding outdoor sales and services
- 2.** Personal services
- 3.** Restaurants
- 4.** Professional offices

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5. Business services and business offices
6. Financial, insurance and real estate offices
7. Health clubs
8. Fully enclosed places of assembly, amusement, culture and government, exclusive of video arcades, amusement parlors, video gambling, casino gambling and off-track betting
9. High technology facilities, subject to the performance standards of Section IX(M) of this Ordinance
10. Hotels and motels
11. Non-municipal government offices
12. Non-residential institutional uses, including educational, religious, philanthropic, fraternal, or social institutions
13. Clubs and lodging houses
14. Passenger transportation facilities
15. Funeral homes
16. Places of worship
17. Group day care homes, day care facilities, and nursery schools, subject to the standards of Section IV(I)(6) of this Ordinance, but special exception approval by the Zoning Board of Appeals is not required
18. Accessory uses (excluding outdoor storage) including accessory agricultural activities subject to the performance standards of Section IX.P. [Amended 05/05/10]
19. Telecommunication Facilities [effective 11/15/14]

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

20. Municipal buildings and uses
21. Elementary and secondary schools
22. Libraries and museums
23. Small Batch Processing Facilities, subject to the performance standards of Section IX.(M.3.) of this Ordinance. [Adopted 10/07/15]

### **D. SPECIAL EXCEPTIONS**

The following uses are allowed as special exceptions in both conventional and planned developments, subject to the limitation on the maximum floor area per unit of occupancy set forth in Sections F and G:

1. Adjunct Uses, Place of Worship
2. Public utility facilities
3. Outdoor storage, exclusive of fuel stored in bulk

### **E. ADDITIONAL PERMITTED USES – PLANNED DEVELOPMENT**

In addition to the permitted uses allowed in subsection C., the following uses are allowed only in planned developments:

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**NON-RESIDENTIAL USES [Amended 06/20/12]:**

1. Gasoline filling stations whether as a principal or accessory use but only if they meet one of the following locational criteria and subject to the performance standards of Section IX.(X.) of this Ordinance:

- a. Are located on a lot that abuts Route One, or
- b. Are located so that all fueling facilities and vehicle service or storage areas are located within one thousand two hundred fifty (1250) feet of the point of intersection of the centerlines of the Payne Road and Haigis Parkway

**MIXED USES:**

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

3. Live/Work Units

**RESIDENTIAL USES [Amended 06/20/12]:**

- 4. Boarding care facility for the elderly, subject to the performance standards of Section IX(C)
- 5. Nursing homes

**F. SPACE AND BULK REGULATIONS – CONVENTIONAL DEVELOPMENT**

**The following space and bulk regulations are applicable to conventional developments:**

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet on collector or arterial streets 100 feet on local streets
Minimum front yard	35 feet
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 50 feet and the buffering requirements of this ordinance shall be met.
Maximum building coverage	50%
Maximum floor area per unit of occupancy for uses permitted in subsections C. and D. that are subject to a size limit .	30,000 square feet
Maximum individual building footprint for uses permitted in subsections C. and D. that are subject to a floor area limit	30,000 square feet
Maximum building height	45 feet

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**G. SPACE AND BULK REGULATIONS – PLANNED DEVELOPMENT**

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

Minimum lot area	10,000 sq. ft.
Minimum street frontage	200 feet on arterial or collector streets 100 feet on local streets
Minimum front yard	35 feet
Minimum side and rear yards	15 feet required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of 50 feet and the buffering requirements of this ordinance shall be met
Maximum building coverage	Determined by the Planning Board under subsection L.(2) flexible building coverage
Maximum floor area per unit of occupancy for uses permitted in subsection C. and D. that are subject to a size limit	80,000 square feet as determined by the Planning Board under subsection L(2) flexible floor area per unit of occupancy, except that for a building located within one thousand five hundred (1,500) feet of the point of intersection of the centerlines of the Payne Rd and Haigis Parkway the maximum floor area per unit of occupancy shall be 150,000 square feet as determined by the Planning Board under subsection L(2) flexible floor area per unit of occupancy (Amended 06/20/12)
Maximum individual building footprint for uses permitted in subsection C. and D. that are subject to a floor area limit	Determined by Planning Board under subsection L(2) flexible maximum individual building footprint
Maximum building height	45 feet

**H. RESIDENTIAL DENSITY REGULATIONS FOR PLANNED DEVELOPMENTS**

Within this zoning district the Residential Density Factors in Section VII C. A. of this Ordinance shall apply to dwelling units in a mixed-use building or live/work units that may be allowed in a planned development.

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

Dwelling units located in a mixed use building or live/work units	3 dwelling units per acre of net lot area. The net lot area is the gross area of a lot exclusive of those areas described in paragraphs 1, 2, 3, 5 and 6 of the definition of Net Residential Acreage in Section VI of this Ordinance
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**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.

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

**4. Additional Residential Density Thru an Affordable Housing In-Lieu Fee** – In lieu of developing affordable housing to utilize additional residential density under subsection H.3., a development may incorporate up to one (1) additional dwelling unit per net residential acre beyond the maximum base residential density by utilizing the affordable housing In-Lieu Fee provisions in accordance with Section VII.C. of this Ordinance. [Adopted 08/20/2014]

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

### I. ADDITIONAL DEVELOPMENT STANDARDS APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS

**1. Streetscape Buffer Strip:** A landscaped or naturally vegetated buffer strip shall be established and/or maintained along the front property line of a lot where it abuts a public street. The width of the buffer strip shall be a minimum of fifteen (15) feet when it is adjacent to Route One or Payne Road and ten (10) feet when it is adjacent to any other public street. The buffer strip shall be designed to separate the development from the street and to enhance the visual environment of the street. The buffer strip shall be maintained as a naturally vegetated area with native, non-invasive vegetation where it is adjacent to water bodies, wetlands, or other areas with significant natural resource value unless an alternative treatment is approved by the Planning Board as part of the site plan review. In addition, the buffer strip must be landscaped in accordance with the Site Plan Review Ordinance and Design Standards for Scarborough's Commercial Districts. The buffer strip may be crossed by access roads or driveways and may include pedestrian and public utility facilities provided that the buffer function of the strip is maintained. Parking, internal roadways, structures, and storage or service facilities may not be located within the buffer strip.

**2. Buffering of Parking:** Parking lots and associated access drives must be buffered from adjacent public streets in accordance with the Design Standards for Scarborough's Commercial Districts.

**3. Commercial Design Standards:** All development in the B3 District must be consistent with the Design Standards for Scarborough's Commercial Districts.

**4. Pedestrian and Bicycle Facilities:** All developments shall provide for pedestrian movement to and within the parcel in accordance with Section IV.E. of the Site Plan Review Ordinance and the Design Standards for Scarborough's Commercial Districts. Provisions must be incorporated into new developments for bicycle movement including appropriate facilities such as bike racks and bike lanes if the scale of the project makes these reasonable

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### **J. OFF-STREET PARKING APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS**

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

### **K. SIGNS, APPLICABLE TO BOTH CONVENTIONAL AND PLANNED DEVELOPMENTS**

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

### **L. DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENTS**

The General Business District (B3) Planned Development standards provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of this zoning district by providing provisions for larger buildings and uses, opportunities for mixed use development, the establishment of gasoline filling stations, and master planning for large development sites.

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

## **PLANNED DEVELOPMENT STANDARDS**

### **1. Walkable, Pedestrian-Oriented Design Required of all Planned Developments within the B3 District**

Appropriately designed and oriented sidewalks and other pedestrian amenities are critical to promote walk-ability, pedestrian activity, and a sense of place within planned developments in the B3 District. Sidewalks shall be designed to provide linkages and continuity between each use and building within a planned development as well as connections to abutting uses and the pedestrian network along the adjacent roadways. Where pedestrian traffic and activity is likely to be intense, such as along storefronts, at the entrances to buildings, around residential dwellings, or at a common gathering place, sidewalks shall be properly proportioned to accommodate this activity and to establish a pedestrian realm.

### **2. Human Scale Design Required of all Planned Developments within the B3 District**

Building height, massing and facades as well as building orientation to streets, driveways and parking areas are critical to establishing a human scale development. Within the B3 District, buildings should be designed to exhibit a strong relationship with the street(s) that they front. Parking should be dispersed on the site with no major expanse of parking between the building(s) and the street(s) or between individual buildings within the planned development. Coupled with this, planned developments incorporating multiple buildings shall be designed in a compact manner with buildings sited in close proximity to each other with pedestrian connections, design features and amenities that establish a pedestrian realm as required in subsection 1 above. This design may include human scale lighting, appropriately sized sidewalks, shade trees, benches and the like. Human scale design elements may also include a common, green space, court, plaza or



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the like that is an integral part of the planned development and is located at or near the center of the planned development in a high activity location.

### **3. Required of Planned Developments Utilizing Green Building Design to Exceed Conventional Space and Bulk Regulations**

The allowance to exceed the space and bulk requirements for conventional development through the use of green building techniques shall not take effect until the Town Council has enacted the development standards for green building design to be inserted in this subsection or to be added in new performance standard section of this Ordinance.

### **4. Required of Planned Developments Incorporating Residential Uses**

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

- a. The proposed residential dwellings are sufficiently setback and/or buffered from major roadways as well as major internal circulation routes and large parking areas so as to ensure a safe, sanitary, and healthful environment for residents
- b. The non-residential uses within the planned development are compatible with residential uses with respect to noise, odors, intensity of use, health and safety, and aesthetics.
- c. Residential uses are designed with outdoor amenities, open spaces or common places usable for the active or passive recreation of residents. Such spaces can be a community green or common; plaza; court; square; pocket park or some variation of each. The Planning Board may determine that these spaces be designed and available to only the residents in the project or available for non-residential and public use depending on the layout, design and nature of the planned development.

### **5. Required of Planned Developments Incorporating Boarding Care Facilities for the Elderly or Nursing Homes [Amended 06/20/12]**

Boarding care facilities for the elderly and nursing homes are allowed in this District provided they are reviewed through the planned development process and provided they meet the requirements of this section. In reviewing such a planned development, the Planning Board shall only permit these uses if they are designed in a manner and sited in locations that are appropriate and conducive to these types of facilities. Accordingly, the Planning Board shall find that these uses, and their design and location, meet each of the following standards:

- a. Given the B3 District is principally a business district, boarding care facilities for the elderly and nursing homes shall be adequately screened and buffered from adjacent properties and non-residential uses. This buffering shall provide a visual screen as well as minimize the impacts of noise or odors that may be generated by abutting uses. Buffering may include the preservation of natural vegetation, new landscaping, berms or other means to fulfill this standard.
- b. The proposed facility shall be sufficiently setback and/or buffered from major roadways so as to ensure a safe, sanitary, and healthful environment for residents.

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- c. If other non-residential uses are proposed within the same planned development, these other uses must be compatible with a boarding care facility or nursing home with respect to noise, odors, intensity of use, health and safety, and aesthetics.

### **6. Required of Planned Developments to Establish a Gasoline Filling Station**

Gasoline filling stations are allowed only through the planned development review process. The planned development review process is required for gasoline filling stations to ensure that the use is compatible with surrounding uses and is designed in a manner that reinforces the purpose of the B3 district. In addition to planned development review, gasoline filling stations must comply with the performance standards of Section IX.(X.) of this Ordinance. [Amended 06/20/12]