

Amended July 6, 2021 to extend until September 5, 2021

**WHEREAS**, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individuals in the community, and

**WHEREAS**, these businesses continue to find it beneficial to make temporary changes to their traditional operations to allow outdoor business activities, such as outdoor seating, outdoor sales areas, outdoor meeting areas, and additional outdoor signage to communicate business changes due to COVID-19, and

**WHEREAS**, the Town of Freeport may continue to have a reduced number of visitors, which would create a corresponding economic hardship to many of its businesses, and which could be mitigated to some extent by allowing expanded outdoor business activities, and

**WHEREAS**, expanded outdoor business activities may also help to promote the public health and welfare, by allowing patrons of these businesses to observe social distancing by avoiding shopping or dining in close proximity to other patrons, and

**WHEREAS**, there are several sections within Freeport's municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

**WHEREAS**, Section 2.14 of the Freeport Town Charter authorizes the Town Council to adopt one or more emergency ordinances to meet a public emergency affecting the life, health, property or the public peace, and

**WHEREAS**, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, and

**WHEREAS**, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily suspend certain provisions of the Town's code of ordinances relating to outdoor business activity for the purposes of allowing businesses to reopen or continue operating without undue hardship while also allowing for compliance with social distancing guidelines.

**NOW THEREFORE BE IT ORDAINED:**

That for the time period from July 7, 2021 until September 5, 2021, unless this ordinance is repealed by the Town Council prior to September 5, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

**I. Chapter 23 - Sign Ordinance**

- A) Temporary signs to support changes to the operations of business as a result of the COVID-19 pandemic shall be exempt from regulation under Chapter 23. This may also include additional signs needed for distance markers outside of establishments. Internally illuminated signs, signs with moving parts, and flag and/or feather style signs are not exempted from the regulations of Chapter 23. Signs must be located on private property and not project over the public right-of-way; unless permission is otherwise granted from the Town Council. No sign shall exceed 32 sf in size or 25 feet in height.

Amended July 6, 2021 to extend until September 5, 2021

- B) To be exempted as described in section I (A) above, all signs must obtain a temporary activity permit from the Codes Office/Planning Department.

**II. Chapter 21 - Freeport Zoning Ordinance, Section 501 - Temporary Activity**

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.
- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis."

**III. Chapter 21 – Freeport Zoning Ordinance, Section 526-A – Food Trucks**

- A) Section 526-A (B)(11) shall be replaced with the following language for the duration of time while this ordinance is in effect: "not have any furniture, umbrellas, or other objects or structures outside of the food truck. Generators may be used when the food truck is located on a parcel that does not abut a parcel with a current residential use."

**IV. Chapter 21 - Freeport Zoning Ordinance, Section 602 - Site Plan Review**

- A) Temporary modifications to an existing business/educational site required to conduct outdoor business/educational activities will not require an applicant to amend their existing site plan through the formal Site Plan Review process, so long as no new permanent impervious cover is created. Outdoor business activities for the purposes of this section shall include outdoor sales areas and tent sales, outdoor seating for existing restaurants, outdoor seating space for carryout establishments (such as coffee, ice cream, and carryout food), and outdoor meeting space for offices and exercise classes, outdoor space to support classroom educational instruction, along with minimal new lighting as required for safety and ambiance of these activities. The use of any temporary outdoor heating sources to support these modifications must comply with all applicable local and State codes and standards.
- B) Existing businesses/educational facilities may conduct any of the outdoor business/educational activities described in section III(A) above on the property owned by another so long as: 1) the underlying outdoor business activity (restaurant, retail, office, etc.) is allowed in that zone and, 2) the applicant for a temporary activity permit described in section III (C) below shall provide written authorization for any proposed activities from the

Amended July 6, 2021 to extend until September 5, 2021

property owner. Any use of public property (including sidewalks and streets) for outdoor business activities shall require prior approval of the Freeport Town Council.

- C) To be exempted as described above, all businesses/educational facilities conducting temporary outdoor business activities described in section III(A) and III(B) must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- D) Any outdoor business/educational activities conducted on a site abutting a residential site shall observe all building setbacks as required by the underlying zoning district.
- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall's Office and the Town of Freeport's Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

**V. Chapter 11 - Building Code Ordinance**

- A) In the event of any conflict between the Freeport Building Code Ordinance and directives issued under executive order by the Governor regarding the requirement or availability of public restroom facilities, the requirements issued by executive order of the Governor shall prevail.

**VI. Chapter 22 - Design Review Ordinance**

A Design Review Certificate shall not be required for any of the temporary outdoor business activities described in Sections I, II, or III of this ordinance, so long as no permanent changes to the site or the building facades are proposed.