

***Chapter 21 – Town of Freeport, Maine Zoning Ordinance  
Proposed Amendments***

*Note: Proposed new text is shown in red with underline*

**ARTICLE I**

**TITLE, PURPOSE AND DEFINITIONS**

**Section 104. Definitions**

**Lot, Oversized\*:** a lot with total area more than twice the minimum size required in the district in which the majority of the area of the lot is located.

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### **ARTICLE II**

#### **GENERAL USE REGULATIONS**

##### **Section 201. General Restrictions**

- A. No building or land shall hereafter be used or occupied, no new lot shall be created, and no building or part thereof shall be erected, moved or structurally altered, as defined in the current building code adopted by the Town of Freeport, except in conformity with the regulations herein specified for the district within which it is located and in conformity with the regulations contained within the definitions set forth in Section 104 of this Ordinance. Except as otherwise provided in the District Regulations, accessory uses and structures, home occupations; a lemonade stand operated by a minor on the parent's property; agricultural farm stands; peddler trucks; peddler activities including the sale of goods, as well as the preparation, sale and service of food, conducted by Freeport-based religious, charitable, educational and other non-profit institutions; forest management activities, state granted snowmobile trails and open space uses are permitted in every district. *{Amended, Effective 10/03/17}*

The operation of a lemonade stand, an agricultural farm stand, a peddler truck or a peddler activity pursuant to this Section 201-A shall not be considered a permanent use of the property and shall not acquire the status of a lawful non-conforming use in the event of subsequent changes to this Ordinance.

- B. No part of a yard or other open space around any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building, and no lot shall be changed in area after the enactment of this Ordinance so as to reduce the dimensions of any lot below the minimum herein required; except that a single lot of record containing more than one principal structure that was in existence prior to February 20, 1976 and used as dwelling units may be divided so that each structure is contained on a separate lot, if the following conditions are met:
1. The principal structures were in existence and functioning as a year round dwelling unit prior to February 20, 1976 and there are no records in the Town's

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possession indicating that the structures were unlawful when originally constructed.

2. Each structure is a year round dwelling. As used in this section, the term “year round dwelling” means a structure that is (i) constructed on a permanent foundation; (ii) capable as being used as a permanent residence for one or more persons; (iii) serviced by utilities (including but not limited to, heating, water supply, sewage treatment, electricity and cooking facilities) which are functional during the full calendar year.
3. Each new lot complies individually to the fullest extent possible with the dimensional requirements of this Ordinance.
4. Each lot is serviced by public sewer or a subsurface wastewater disposal system in accordance with Maine law. Each lot is served by public water or a well.
5. A plot plan, drawn to scale, showing the dimensions of the new lots and the locations of structures is submitted to the Codes Enforcement Officer.
6. The Codes Enforcement Officer determines that the division of land complies with all of the requirements of this section and approves the plot plan.

*{Amended, Effective 02/07/12}*

- C. No more than one principal building and its accessory buildings as regulated by this Ordinance may be located in any one lot used as a residential lot. This section does not apply to Multi-family Developments, as defined by the Freeport Subdivision Ordinance, and which are part of an approved subdivision. *{Amended, Effective 10/03/17}*
- D. Lots which abut more than one street shall provide the required front yard setbacks along every street except as specifically provided for in the Freeport Subdivision Ordinance.
- E. The use of any building, structure or land shall comply with the performance standards of this Ordinance. The Codes Enforcement Officer, when reviewing an application for any permit required by law, shall determine that a use complies with all performance standards applicable.
- F. When a lot is transected by a zoning district boundary, the regulations set forth in this Ordinance for each district shall apply to the area of the lot in each district, except as permitted by Section 201.H below.
- G. Excavation or filling and earthmoving as described in Section 509 D.2. shall be permitted in any district unless otherwise regulated by this Ordinance. Ponds, as regulated in Section 525, and short term excavations, as regulated in Section 509, are permitted in any district unless otherwise regulated by this Ordinance.

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- H. When part of a lot is in a Resource Protection District RPI, that area in the Resource Protection I District shall be counted toward the required minimum lot area of the other District only if all other applicable space standards can be satisfied within that part of the lot which is in the other district.
- I. If residential and non-residential uses are located on the same lot, the area of the lot must equal or exceed the sum of the minimum lot sizes required for each user, except in the Village District I (V-I), Village Commercial District I (VC-I), Village Commercial District II (VC-II), Village Commercial District III (VC-III), Village Commercial District IV (VC-IV), Medium Density Residential District II (MDR II), Village Mixed Use District 1 (VMU-1), Village Mixed Use District 2 (VMU-2), Village Mixed Use District 3 (VMU-3), Commercial District I, Commercial District III, Commercial District IV, and as provided in Section 402.II.C. below. For the purposes of this section, accessory structures and facilities such as but not limited to sewage and water pumping stations, telephone electronic stations, and electrical transformers, to public utilities are considered to be residential uses. *{Amended, Effective 06/19/12}*
- J. No building or structure which is not a dwelling unit as defined in this Ordinance may be used as a residence.
- K. Public sewer pump stations are exempt from the space standards and landscape setback requirements of this Ordinance.

Public sewer pump stations shall be designed to be as unobtrusive as possible through the use of such measures as landscaping and buffering.

- L. Notwithstanding any other provision of this Ordinance, an Oversized Lot that is partially located in a RR-1, RR-2, or V-2 District and partially located in a district within the Shoreland Zone, but that does not have sufficient shore frontage or lot width under Section 507(I)(1), may be divided into two or more lots provided that the following conditions are met with respect to each lot created by the division:
  - 1. The majority of the area of the lot is located in the RR-1, RR-2 or V-2 District outside a district located within the Shoreland Zone;
  - 2. The portion of the lot located in a district within the Shoreland Zone is not used for a residential dwelling unit, for a use requiring a permit from the Project Review Board or the Codes Enforcement Officer, or for any principal or accessory building;

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3. The lot meets the minimum road frontage, minimum lot width, and minimum lot size requirements for the RR-1, RR-2 or V-2 District;
4. The driveway and utilities on the lot are not located within the minimum shore setback;
5. The driveway and utilities on the lot are not located within the portion of the lot in a district within the Shoreland Zone unless the Project Review Board makes a determination that there is no other reasonable alternative for access to the lot from a public way; and
6. Notwithstanding the provisions of 1 M.R.S. section 302, the division of the Oversized Lot is or was accomplished on or after January 1, 1990, by deed, plan or other similar legal document recorded in the Cumberland County Registry of Deeds. The lots, once so created, are not required to be held in separate ownership.