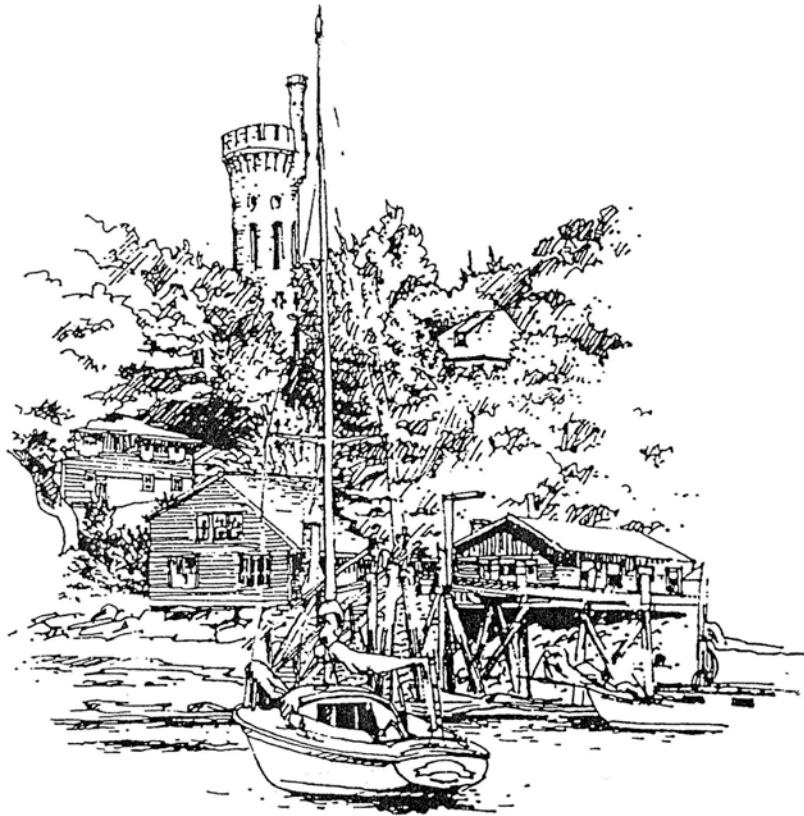


TOWN OF FREEPORT



ZONING ORDINANCE May 2008

Amendments

July 15, 2008	<i>Section 526: Peddlers on Private Property</i>
December 2008	<i>Section 514: Correction – Parking Standards</i>
April 7, 2009	<i>Section 514: Parking Standards</i>
July 01, 2009	<i>Shoreland Zoning (multiple sections)</i>
January 26, 2010	<i>Section 104: Definitions (Dwelling Unit – Residential)</i>
January 26, 2010	<i>Zoning Map Amendment – Village Mixed Use District 3 changed to Village Mixed Use District 2</i>
January 26, 2010	<i>Section 419: Village Mixed Use District 3 - Deleted</i>
April 6, 2010	<i>Section 602: Site Plan Review</i>
April 6, 2010	<i>Zoning Map Amendment: Addition of 6 acres to previously approved First Atlantic Retirement Community Overlay District on Old County Road</i>
December 7, 2010	<i>Section 414. Village Commercial II “VC-II”</i>
February 8, 2011	<i>Section 602: Site Plan Review</i>
February 8, 2011	<i>Section 104: Definitions (Initiate Construction)</i>
February 12, 2012	<i>Section 532: Accessory Apartments</i>
February 12, 2012	<i>Section 104: Definitions (Dwelling, Two-Family, setback, solar building, accessory use or structure, structure, condominium)</i>
February 12, 2012	<i>Section 601.G.2.d: Limited Setback Reductions</i>
February 12, 2012	<i>Section 533: Small Wind Energy Systems (new section)</i>
February 12, 2012	<i>Section 201.B: General Restrictions</i>
June 19, 2012	<i>Section 201.I: General Restrictions</i>
June 19, 2012	<i>Section 104: Definitions (Municipal Facility)</i>
June 19, 2012	<i>Section 601.D & E: Building Permit and Certificate of Occupancy</i>
January 22, 2013	<i>Sections 407, 414, 415, 417 & 418: Amendments pertaining to Affordable Housing</i>
January 22, 2013	<i>Sections 521 & 602: Amendments pertaining to Site Plan Review</i>
February 26, 2013	<i>New Digital Zoning Map Adopted (Section 302: Date reference added)</i>
April 2, 2013	<i>Updated Article V: Leased Parking Standards (per amendments adopted to Chapter 48: Traffic and Parking Ordinance)</i>
April 11, 2013	<i>Correction – typographical error to cross reference in Section 406 regarding setbacks for certain uses</i>
June 18, 2013	<i>Sections 104, 402, 403, 404, 405, 306, 409, 421, 422, 425, 426 & 504A: Amendments pertaining to Agriculture</i>
September 17, 2013	<i>Sections 413, 514: Amendments Pertaining to Parking</i>
January 7, 2014	<i>Section 406: Medium Density Districts – “MD-A and MD-B”</i>
August 5, 2014	<i>Section 202: Amendments pertaining to the expansion of non-conforming buildings in the Shoreland Zone</i>
August 5, 2014	<i>Section 601: Limited setback reduction</i>
December 2, 2014	<i>Sections 514, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, 422, & 425: Amendments pertaining to parking at Open Spaces.</i>

December 2, 2014	<i>Sections 104, 406, 409, 411, 412, 413, 414, 415, 416, 420, 421, 422 and new Section 526.A: Amendments pertaining to Artisan Food and Beverage (including a food truck(s) as an accessory use.) (Note: Amendments effective 12/17/14)</i>
January 6, 2015	<i>Section 501: Temporary Activity</i>
August 4, 2015	<i>Sections 402, 403, 425: Amendments pertaining to sheds and reduced setbacks</i>
December 15, 2015	<i>Section 504 C: Rural Flexible Lot Development</i>
March 15, 2016	<i>Section 407.A: Village I-R - "V-IR"</i> <i>Zoning Map Amendment: Amend portion of V-I and replace with V-IR</i>
October 4, 2016	<i>Sections 104, 412 Medication Assisted Treatment Facility for Opioid Addiction</i>
June 6, 2017	<i>Section 602.C.1.m As Built Plans and Section 602.D.4 Plans</i> <i>Section 521.A Exterior Lighting, Section 521.B Athletic Field Lighting in the Village I District, & Section 515 Noise Regulations</i>
June 28, 2017	<i>Section 202.C.1 Non-conformance (correction of omitted text)</i>
September 12, 2017	<i>Correction – Section 416: typographical error pertaining to multi family dwellings</i>
October 3, 2017	<i>Various amendments to update or correct standards – Section 104, Section 201, Section 407, Section 409, Section 413, Section 414, Section 415, Section 417, Section 418, Section 501, Section 509, Section 512, Section 520, Section 525, Section 532, and Section 602</i>
January 2, 2018	<i>Various amendments pertaining to the Commercial Districts – Section 409, Section 411, Section 412, and Section 527.</i> <i>Various amendments pertaining to parking requirements in the Village Commercial I – Section 413, Section 514 and Section 602.</i>
October 2, 2018	<i>Section 409.D.6: Commercial District I (C-I) pertaining to overhead doors</i>
December 18, 2018	<i>Various amendments pertaining to parking- Section 104, Section 413, Section 514 (repeal and replace). Note: Some amendments from this date have an effective date of March 18, 2019, as noted.</i>
March 19, 2019	<i>Section 104, Section 409 and Section 411 to allow car washes, and clarify setback reductions in C-1 District and to clarify combined setback requirements in C-3 District; Section 426 to differentiate islands that are connected to the mainland with a causeway and those only accessible by water, and to establish restrictions accordingly, to update timber harvesting language, and update the use of "nature interpretation" to outdoor recreation and outdoor recreation school; and, Section 104, Section 406 to allow boatyards in the MD-A and MD-B Districts (Route 1 North) and to clarify flexible setback reductions.</i>
June 18, 2019	<i>Section 409 and Section 527 regarding overhead doors</i>
August 6, 2019	<i>Amendments pertaining to Subdivision – Commercial Open Space – Section 104, Section 412, & Section 504.D</i>
September 17, 2019	<i>Repeal of Freeport Living, LLC Retirement Community originally approved by the Freeport Town Council on 10/17/06 (Tax Assessor Map 23, Lots 43, 45, & 49).</i>
September 17, 2019	<i>Section 104, 426 & 507 pertaining to the Island District and Individual Private Campsites.</i>

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ARTICLE I

TITLE, PURPOSE AND DEFINITIONS

Section 101. Title

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Freeport, Maine”.

Section 102. Purpose

- A. The purpose of this Ordinance is to promote the health, safety and general welfare; to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide adequate light and air; to encourage the preservation of the historical heritage of Freeport; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to regulate the location, density and rate of development so that the rural environment is retained in appropriate locations; to provide an allotment of land areas in new development sufficient for all the requirements of community life; to conserve natural resources, and to provide for adequate public services.
- B. The purpose of this Ordinance is to implement the land use policies of the Comprehensive Plan.

Section 103. Word Usage

In this Ordinance, if not inconsistent with the context, the singular may be taken for the plural and the plural for the singular; “person” may include an association, a partnership, a corporation, or other entity; the present tense includes the future; the word “building” includes the word “structure”; the word “lot” includes the word “plot”; and the word “shall” is mandatory and not directory.

Section 104. Definitions

The definitions listed in this Section 104 are an integral part of this Zoning Ordinance. Where the definitions include regulations, restrictions, limitations or prohibitions, the definitions shall constitute enforceable requirements of this Ordinance. Diagrams and illustrations are not governing provisions, and are included only as aids in understanding the written regulations. Definitions with asterisks (*) apply only to the Shoreland Zone.

Access Point – a public or private point of entry or exit used by on-road vehicles from land adjacent to U.S. Route One between the Freeport and Yarmouth boundary and the intersection of Desert Road. An access point may serve any permitted use in the underlying zoning district. Access points may have a gravel, asphalt or other man-made surface or may be created by repeated passage of on-road vehicles.

Accessory Apartment in a Single Family Dwelling: A small dwelling unit that meets the performance standards for accessory apartments and is located on the same lot as and is accessory to a single family dwelling. One accessory apartment per dwelling unit is allowed.

Accessory Use or Structure: A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot. Where an accessory building or structure, including but not limited to a deck or garage, is attached in a substantial manner by a wall to a principal building or structure, it shall be considered a part of said principal structure or building. ~~Roof or wall mounted solar panels are considered part of said principal structure.~~ Accessory structures shall conform to the space standards of each district. *{Amended, Effective 02/07/12}*

Adult Business: "Adult business" means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which appeal to prurient interest and which depict or describe specified sexual activities.

Agriculture: Agriculture is the utilization of natural resource systems to produce commodities which maintain life, including food, fiber, forest products, horticultural crops, and their related services.* (From Title 7 Definitions *derived from 1997 Maine Department of Education workshops, building upon 1988 Natural Research Council definition.) The production of these commodities is further described in the following subsections: "Agricultural Products", "Agricultural Product Farm Stands", "Agricultural Product Farm Store", "Farm", "Farm Operation", and "Farming or Ranching".

The following activities are conducted on a farm, by a farm operation or by farming or ranching and are permitted by Maine State Statute Title 7: Maine Agricultural Protection Act (more commonly known as the Right To Farm Law). *{Amended, Effective 06/18/13}*

- **Agricultural products.** "Agricultural products" shall be as defined as stated in 7 MRSA §152 as amended from time to time, meaning those plants and animals and their products that are useful to humans and includes, but are not limited to, forages and sod crops, grains and grain products, feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products. *{Amended, Effective 06/18/13}*
- **Agricultural Product Farm Stands** – hereafter known as Farm Stands are a booth, stall or structure, from which agricultural products are sold to the general public. A Farm Stand is not considered a peddler on private property. Farm Stands that are 300 square feet or less do not have to meet the setback requirements of the district in which it is located. *{Amended, Effective 06/18/13}*
- **Agricultural Product Farm Stores** – hereafter known as Farm Stores are a structure, from which agricultural products are sold to the general public. A Farm

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Frontage-Road: That lot line abutting a road and ordinarily regarded as the front of the lot. On any lot bounded on more than one property line by a road, the road frontage shall be that property line of the lot designated as “road frontage” in any building permit application for such lot.

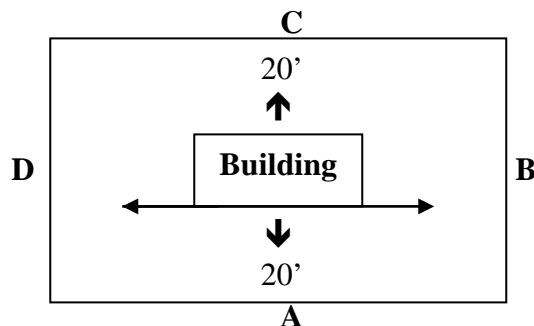
Frontage-Shore: The length of a lot bordering on a water body or wetland measured in a straight line, between the intersections of the side lot lines with the shoreline. *{Amended, Effective 07/01/09}*

Ground cover: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. *{Amended, Effective 07/01/09}*

Ground level – for the purposes of Section 514 of this ordinance, each building must have at least one ground level. The ground level is the level of a building that is closest to the sidewalk. A building that has storefronts on Main St. and another street other than Bow St., the ground level is considered the level of the building closest to the sidewalk on Main St. A building that has a storefront(s) on Main St. and Bow St. may have more than one ground level if a storefront has an entrance on Bow St. that is accessible from the sidewalk without any exterior stairs, all other levels of the building are not considered ground level. *{Amended, Effective 12/18/18}*

Groundwater: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the slowly moving sub-surface water present in the aquifers and recharge areas.

Height: The vertical distance of a building measured from the average elevation of the finished grade within 20’ of the building’s contiguous perimeter, to the highest point of the roof for flat and mansard roofs and to a point which includes 30% of the height between eaves and ridge for other types of roofs. Height limitations shall not apply to chimneys, steeples, water standpipes, detached barns used for agricultural purposes, spires or other similar non-habitable structures. Height limitations do apply to wireless telecommunications facilities, as defined in this Section 104, and those regulations are listed below and in Section 528. Height limitations do apply to Solar Energy Generation Systems (including, but not limited to, Accessory Solar Energy Generation Systems, Small Solar Farms, and Large Solar Farms), as defined in Section 104, and those regulations are listed in Section 534 of this Ordinance.



Steps:

River*: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth. The only river meeting this definition is the Cousin's River.

Road: For the purposes of this Ordinance and for determining minimum road frontage requirements, a road is considered to be any one of the following:

- any public way maintained by public authority, except a limited access highway, or
- a public or private way in an approved subdivision, or
- a private way fifty (50) feet in width, or
- a private way of thirty (30) feet in width serving 2 or fewer lots provided all of the road or driveway and associated drainage and utilities will be contained within the private way and the Fire Chief determines that the private way is adequate for public safety vehicles.

Construction of a private way or minimum road frontage requirements shall in no way be construed to imply acceptance by the Town of Freeport for purposes of maintenance, improvements or other Town services. *{Amended, Effective 10/03/17}*

Rustic campsite: An area for tent camping only. Rustic campsites may include a platform. A portable yurt no greater than 14' in diameter is considered a tent for the purposes of this Ordinance. *{Amended, 03/19/19}*

Salt Marsh*: Areas of coastal wetlands (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is salt march cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. *{Amended, Effective 07/01/09}*

Salt Meadow*: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas. *{Amended, Effective 07/01/09}*

Service Road: A road running parallel to Route One and serving abutting properties through limited access points. A two-way service road shall contain pavement no less than twenty (20) feet in width.

Limited

Access

Points

_____ service road

_____ landscaped area

_____ Route One

Setback: A line that is a required minimum distance from the road right-of-way line or any other lot line that establishes the area within which principal and accessory buildings or structures must be erected or placed. ~~The Codes Enforcement Officer or the Project Review Board may reduce the front, side, and/or rear setback requirements up to 25% for a proposed solar building if the reduction is necessary to allow for a more efficient orientation of a building that would otherwise meet the setback requirements.~~ For projects requiring a permit from the

Codes Enforcement Officer, he or she may issue a reduction in the setback requirements. For projects requiring approval from the Project Review Board, that Board may approve a reduction in the setback requirements. *{Amended, Effective 02/07/12}*

Front Setback: Setback between the front lot line and front line of a building extended to the side lot lines of the lot. The depth of the front setback shall be measured from the front lot line to the front line of the building.

Side Setback: Setback between the side lot line and side line of a building extended to the front and rear lot lines of the lot. The depth of the side setback shall be measured from the side lot line to the side line of a building. A combined side setback is the total of both side setbacks.

Rear Setback: Setback between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear setback shall be measured from the rear lot line to the rear line of the building.

Shore Setback: the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated structure or area. *{Amended, Effective 07/01/09}*

Shared Parking: Parking spaces open to the general public and not restricted to customers or employees of specific non-residential activities. Restrictions include, but are not limited to signs that allow customers of certain businesses to use parking spaces, gates or other types of barriers on parking lots or parking lots that charge customers to park. For the purposes of shared parking, parking spaces reserved for persons with valid disabled parking placards or plates are not considered to be restricted. *{Amended, Effective 12/18/18}*

Ship Chandlery: A retail store specializing in the sale of marine related products.

Shoreland Zone*: The area shown on the official Town of Freeport Zoning Map which includes the land area located within two hundred and fifty (250) feet horizontal distance of the normal high-water line of any river or saltwater body; within 250 feet of the upland edge of a coastal wetland, including all areas affected by tidal action or a freshwater wetland; or within seventy-five (75) feet horizontal distance of the normal high-water line of a stream. *{Amended, Effective 07/01/09}*

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland. *{Amended, Effective 07/01/09}*

Sludge: Residual materials produced by water or sewage treatment processes and by domestic septic tanks.

Solar Building: ~~a building that is designed so that windows, walls, and/or floors are made to collect, store, and distribute solar energy in the form of heat in the winter and reject solar heat in the summer with or without the use of mechanical, electrical devices, and/or solar panels.~~
{Amended, Effective 02/07/12}

Solar Array Development Area: The aggregate area of land occupied by the complete assembly of a ground-mounted Solar Energy Generation System, including but not limited to: (i) the solar photovoltaic (PV) technology (including, but not limited to, solar panels) and associated mounting hardware and equipment, (ii) all inter-panel space, and (iii) all impervious surfaces. The Solar Array Development Area does not include areas adjacent to the ground-mounted Solar Energy Generation System that must, by virtue of an easement, lease condition, or other legal instrument, be kept free of structures or vegetation (other than grass) in order to capture the unobstructed flow of solar insolation (sunlight) for the Solar Energy Generation System.

Solar Energy Generation System: A complete assembly consisting of one or more solar collectors and associated mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure, which uses photovoltaic (PV) technology (including, but not limited to, solar panels) to collect, convert solar energy to electricity, store and deliver the electricity for on-site or remote consumption. A Solar Energy Generation System may be roof-mounted or ground-mounted.

Solar Energy Generation System, Accessory or Accessory Solar Energy Generation System: A Solar Energy Generation System that (i) may be roof or ground-mounted and (ii) generates, stores, and delivers electricity for on-site consumption by a principal use or structure; provided, however, that any excess electricity not consumed on-site may be fed back to the energy grid. An Accessory Solar Energy Generation System is commonly known as a “behind-the-meter” Solar Energy Generation System. An Accessory Solar Energy Generation System shall be considered accessory to a principal use or structure when it is customarily incidental and subordinate to the principal use or structure and is located on the same lot as the principal use or structure.

Solar Farm, Small or Small Solar Farm: A Solar Energy Generation System; that (i) may be roof or ground-mounted; (ii) primarily generates and delivers electricity to the energy grid for off-site consumption; and (iii) if it is ground-mounted, has a Solar Array Development Area that is less than 87,120 square feet (2 acres).

Solar Farm, Large or Large Solar Farm: A Solar Energy Generation System that (i) may be roof or ground-mounted; (ii) primarily generates and delivers electricity to the energy grid for off-site consumption; and (iii) if it is ground-mounted, has a Solar Array Development Area that is 87,120 square feet (2 acres) or greater but less than 30 acres.

Solid Waste: Useless, unwanted, or discarded solid material without sufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk and refuse, and recyclable materials.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

ARTICLE IV

ZONING DISTRICT REGULATIONS

Section 401. Purpose and Land Use Controls

The following tables state the purpose and land use regulations for each of the zoning districts of this Ordinance. Except as otherwise provided in Section 202 (Nonconformance), any structure or land that hereafter is used or occupied, and any structure or portion thereof that is erected, moved, constructed, reconstructed, extended, enlarged, or altered shall be in conformity with the regulations herein specified for the zoning district in which it is located and the general use regulations of this Ordinance.

Section 402. Rural Residential District I “RR-I” and Rural Residential District IA “RR-IA”

I. RR-I

A. Purpose: The Rural Residential District I is the most open and rural area in town and extends generally beyond the area of Freeport that is serviced by public water and sewer. It is intended that open space, agricultural and low-density residential uses be encouraged, in that they tend to enhance, reinforce, and protect the rural, open space atmosphere now characterizing much of the Town.

B. The following are permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. Agriculture *{Amended, Effective 06/18/13}*
5. Agritourism Activity *{Amended, Effective 06/18/13}*
6. Timber Harvesting

The following uses are subject to subdivision review

7. Open Space Subdivisions for single family and two family dwellings
8. Expanded Open Space Subdivisions for single family and two family dwellings
9. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

10. Municipal Facility
11. Commercial Recreation, Outdoor
12. Public Utilities
13. Campgrounds
14. Religious Institution
15. Public or Private School
16. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot size must be at least 5 acres.
17. Cemeteries
18. Nursing Homes which may include congregate care multi-family units
19. Private Assembly
20. Bed and Breakfast Inn
21. Day Care Center Facilities
22. Wireless Telecommunication Facility only if the base of any on-site tower is located at or above elevation 240 feet above mean sea level (See Sec. 528).
23. Parking area for open space *{Amended, Effective 12/02/14}*
24. Small Solar Farm, subject to the standards of Section 534

The following use is subject to a Coastal Waters Commission permit as described in Section 507.R.

- ~~24~~25. Aquaculture

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

- | | |
|--|-----------------|
| 1. Minimum lot size: | 2.5 acres |
| 2. Minimum road frontage: | 200 feet |
| 3. Maximum building height: | 35 feet |
| 4. Minimum setback- | front: 50 feet |
| | side: 50 feet |
| | rear: 75 feet |
| | shore: 75 feet |
| 5. Minimum land area per dwelling unit: | 1 .5 acres |
| 6. Minimum shore frontage: | See Section 507 |
| 7. Minimum lot width: | 150 feet |
| 8. Maximum Height - Wireless Telecommunication Facility (single user): | 100 feet |
| Wireless Telecommunication Facility (co-located): | 150feet |

D. Space Standards for Lot in Subdivisions approved after April 9, 2002

1. Open Space Subdivisions requirements
 - A. Net residential density, single family: *1 unit per 2.5 acres of*

accessory, and secondary structures, storage areas, display areas, parking areas and accessory uses areas related to the business activity. Excluded from this business occupancy area calculation shall be all of the residential uses and uses accessory to the residential uses, open space, personal use areas, and all setbacks except for business use accessways.

- f. The owner of any existing use as defined in Section 402.II.D.1. must register with the Code Enforcement Officer (CEO) within sixty (60) days of the effective date of the RR-IA zoning of the parcel on which the use is located. The registration shall describe and calculate the existing business occupancy area as defined in Section 402.II.D.2.e. The CEO shall verify the calculation within thirty (30) days of the registration. This calculation shall be used thereafter for determining the extent of any expansion. Failure to register shall cause any existing use to become a new use and it must receive Project Review Board site review and approval in order to continue.

3. For the purposes of this section, a shed is defined as a structure that is no greater than 200 square feet with a building height of no more than 12 feet and that is used solely for the storage of property, not shelter for animals, people, or passenger vehicles. Sheds as defined in this section have a minimum side and rear setback requirement of 25 feet.

{Amended, Effective 08/04/15}

Section 403. Rural Residential District II “RR-II”

A. Purpose:

The Rural Residential District II is similar to the RR-I District. It is generally rural and underdeveloped and contains poor soils and some steep slopes which are constraints on development. Its unique characteristic is that it comprises most of the Harraseeket Historic District. The uses permitted within it are, therefore, limited to those which are compatible with its historic and rural qualities.

B. The following are permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Agriculture *{Amended, Effective 06/18/13}*
4. Agritourism Activity *{Amended, Effective 06/18/13}*
5. Timber Harvesting

The following uses are subject to subdivision review

6. Open Space Subdivisions for single family and two family dwellings,
7. Expanded Open Space Subdivisions for single family and two family dwellings
8. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

9. Municipal Facility
10. Public Utilities
11. Campgrounds
12. Religious Institution
13. Public or Private School
14. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot size must be at least 5 acres.
15. Cemeteries
16. Nursing Home with a maximum of 20 beds
17. Private Assembly
18. Bed and Breakfast Inn
19. Parking area for open space {Amended, Effective 12/02/14}
20. Small Solar Farm, subject to the standards of Section 534

The following use is subject to a Coastal Waters Commission permit as described in Section 507.R.

~~2021.~~ Aquaculture

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

- | | |
|---|-----------------|
| 1. Minimum lot size: | 2.5 acres |
| 2. Minimum road frontage: | 200 feet |
| 3. Maximum building height: | 35 feet |
| 4. Minimum setback - | front: 50 feet |
| | side: 50 feet |
| | rear: 75 feet |
| | shore: 75 feet |
| 5. Minimum land area per dwelling unit: | 2 acres |
| 6. Minimum shore frontage: | See Section 507 |
| 7. Minimum lot width: | 150 feet |

D. Space Standards for Lot in Subdivisions approved after April 9, 2002

1. Open Space Subdivisions requirements

- | | |
|--|--|
| A. Net residential density, single family: | <i>1 unit per 2.5 acres of net residential acreage</i> |
| B. Net residential density per dwelling unit, two-family dwelling: | <i>1 unit per 2 acres of net residential acreage</i> |
| C. Minimum lot size, single-family: | <i>20,000 sq. ft.</i> |
| D. Average Lot Size Single Family: | <i>not less than 1 acre</i> |
| E. Minimum lot area per dwelling unit, two-family dwelling: | <i>15,000 sq. ft.</i> |
| F. Average lot area per dwelling unit, two family dwelling: | |

Section 405. Medium Density Residential District II “MDR-II”

A. Purpose:

It is the intent of this District to permit a denser pattern of residential development than in the rural district. Because of the historic nature of some of the areas located in this District, mobile homes are not permitted. Large road frontages along major roads are required in order to limit the number of access points and retain a more rural atmosphere.

B. Permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Agriculture *{Amended, Effective 06/18/13}*
4. Agritourism Activity *{Amended, Effective 06/18/13}*
5. Timber Harvesting

The following uses are subject to subdivision review

5. Open Space Subdivisions for single family, two family, and multiple family dwellings. Two family and multiple family dwelling units must be connected to the public water system.
6. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings,
7. Large Lot Subdivisions for single family, two family, and multiple family dwellings;

The following uses are subject to site review regardless of size:

8. Municipal Facility
9. Multiple Family Dwelling - Maximum of 6 units per building
10. Public Utilities
11. Religious Institution
12. Bed & Breakfast Inn
13. Public or Private School
14. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot size must be at least 100,000 s.f.
15. Wireless Telecommunication Facility (see Sec. 528)
16. Parking area for open space *{Amended, Effective 12/02/14}*
17. Small Solar Farm, subject to the standards of Section 534

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

- | | |
|---------------------------|-------------|
| 1. Minimum lot size: | 50,000 s.f. |
| 2. Minimum road frontage: | 150 feet |

Section 406. Medium Density Districts - “MD-A and MD-B”

{Amended, Effective 01/07/14}

A. Purpose:

It is the intent of this District to maintain the present balance between residential and limited business uses in an area which includes some moderately densely developed areas containing structures of historical significance in sections which are more rural in nature. Route 1 is the major roadway in this District and extends from the Village to the Town of Brunswick border. Provisions below are intended to allow a mix of residential and commercial uses while protecting the neighborhoods and residential properties.

B. Permitted Uses: *{Amended, Effective 06/18/13}*

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. Agriculture *{Amended, Effective 06/18/13}*
5. Agritourism Activity *{Amended, Effective 06/18/13}*
6. Timber Harvesting
7. Peddler on Private Property subject to the requirements of Section 526.

The following uses are subject to subdivision review:

8. Open Space Subdivisions for single family, two family dwellings, and multiple family dwelling,
9. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings,
10. Large Lot Subdivisions for single family, two family, and multiple family dwellings;

The following uses are subject to site review regardless of size:

11. Municipal Facility
12. Multiple Family Dwelling
13. Hotel/Motel - Maximum of 30 units including retail trade as an accessory use up to 1,000 square feet of gross floor area.
14. Commercial Recreation - Outdoor
15. Commercial Recreation - Indoor
16. Public Utilities
17. Business and Professional Office
18. Hospital
19. Nursing Home and/or Residential Health Care Facility
20. Religious Institution
21. Public or Private School
22. Commercial School

23. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot size must be at least 100,000 s.f. in MD-A, 80,000 s.f. in MD-B without public water and sewer, and 40,000 s.f. in MD-B with public water and sewer.
24. Cemeteries
25. Private Assembly
26. Bed and Breakfast Inn
27. Convenience Store limited to a maximum of 2500 sq. ft. of gross floor area
28. Junkyard existing as of May 11, 1999
29. Mobile Home Park subject to the requirements of Article V, Sec. 524
30. Day Care Center Facilities
31. Wireless Telecommunication Facility (see Sec 528)
32. Auto Repair Service Garage up to 2,500 square feet of building footprint and up to 5,000 square feet of outdoor vehicle storage area. Auto sales may occur on the premises with no limitation on the percentage of the above building and storage area used as long as an auto repair service garage is operated on the premises within the enclosed building.
33. Construction services
34. Campgrounds
35. Art Gallery/Museum up to 2,500 square feet of building footprint
36. Manufacturing and processing and research and development facilities up to 10,000 square feet of gross floor area of building with up to 5,000 square feet of outdoor storage area. The type of items to be stored outdoors must be approved by the Project Review Board.
37. Restaurant limited to a maximum of fifty (50) seats.
38. Retail trade up to 1,000 square feet of gross floor area
39. Warehouse and Storage Facility, subject to the following limitations:

(a) On a lot less than three acres, a warehouse and storage facility may contain:

- 1) No more than one principal building
- 2) No more than 2,500 square feet of gross floor area
- 3) No more than 5,000 square feet of outdoor storage area, except that total outdoor storage area may be increased to no more than 10,000 square feet when the storage includes at least 5,000 square feet of lumber and wood products.
- 4) No outdoor storage of any items other than the types of items approved by the Project Review Board.

(b) On a lot of three acres or more, a warehouse and storage facility may contain:

- 1) In the MD-A District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 50,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.

- 2) In the MD-B District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 40,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
 - 3) No more than 2,500 square feet of gross floor area in any single building.
 - 4) No greater than 40 feet of separation between any two buildings on the lot.
 - 5) No more than 10,000 square feet of outdoor storage area.
 - 6) No outdoor storage of any items other than the types of items approved by the Project Review Board.
40. Parking area for open space *{Amended, Effective 12/02/14}*
41. Artisan Food and Beverage *{Effective 12/17/14}*
- a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
42. Boat Yard *{Effective 03/19/19}*
43. Small Solar Farm, subject to the standards of Section 534
44. Large Solar Farm, subject to the standards of Section 534

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

1. Minimum lot size:

MD-A -	50,000 s.f.
MD-B -	40,000 s.f. without public water & sewer
	20,000 s.f. with public water & sewer
2. Minimum road frontage:

Route 1	200 feet
All other roads:	100 feet
3. Maximum building height: 35 feet
4. Minimum setbacks: projects that meet the criteria of Sec. 406.G.4 are eligible for 50% reduction of the setbacks listed below: *{Amended, 03/19/19}*

Minor Street:	
front:	60 feet
side:	40 feet
rear:	40 feet
U.S. Route 1:	
Front:	50 feet
Side:	50 feet
Rear:	50 feet

From residential buildings: In addition to the setback requirements listed above, new buildings for the uses of auto repair service garage, construction services, manufacturing and processing, and/or warehouse and storage facility that require Site Plan Review approval shall not be located any closer than 100 feet from the closest point of a residential building on an adjacent property. For the purposes of this section, a

6. Outdoor Recreation School
7. Municipal Facility
8. Public Utilities
9. Private Assembly
10. Day Care Center Facility
11. Wireless Telecommunication Facility (see Sec 528)
12. Parking area for open space *{Amended, Effective 12/02/14}*

C. Space Standards:

- | | | |
|---|--------|-----------------|
| 1. Minimum lot size: | | 20,000 s.f. |
| 2. Minimum road frontage: | | 100 feet |
| 3. Maximum building height: | | 35 feet |
| 4. Minimum setback - | front: | 25 feet |
| | side: | 15 feet |
| | rear: | 25 feet |
| | shore: | 75 feet |
| 5. Minimum land area per dwelling unit: | | 12,000 s.f. |
| 6. Minimum shore frontage: | | See Section 507 |
| 7. Minimum lot width: | | 75 feet |

8. Maximum Height B

- | | |
|--|---------|
| Wireless Telecommunication Facility (single user): | 75 feet |
| Wireless Telecommunication Facility, Co-located: | 75 feet |

D. Other Standards:

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.

Section 409. Commercial District I “C-I”

A. Purpose:

It is the intent of this District to provide for suitable locations for commercial uses which are appropriately situated at highway locations and to encourage an attractive entrance to the Town of Freeport. This District comprises land along the U.S. 1 corridor from Yarmouth to the plaza just north of Desert Road and is the major local connector between Yarmouth and Freeport. This district is intended to be flexible with regard to minimum lot size, road frontage requirement, and setbacks from property lines provided points of access onto U.S. Route One are limited, and design standards are met.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling

3. Agriculture *{Amended, Effective 06/18/13}*
4. Agritourism Activity *{Amended, Effective 06/18/13}*
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526

The following uses are subject to site plan review regardless of size: *{Amended, 03/19/19}*

7. Public or Private School
8. Commercial School
9. Outdoor Recreation School
10. Auto Repair Service Garage subject to the standards of Sec. 409.D.6 listed below
11. Auto Service Station
12. Retail Trade up to 15,000 s.f. building footprint
13. Commercial Sales and Service - Outdoor
14. Business and Professional Offices
15. Commercial Recreation – Indoor and Outdoor
16. Public Utilities
17. Convenience Store with Gas Pumps
18. Restaurant
19. Restaurant - Drive-Up
20. Restaurant - Carry-Out
21. Bed and Breakfast Inn
22. Hotel/Motel
23. Boatyard
24. Public and Private Assembly Indoor
25. Parking Facility
26. Commercial Sales and Service
27. Manufacturing and Processing
28. Day Care Center Facilities
29. Auto Sales for up to 30 vehicles stored outdoors
30. Flea Markets
31. Art Gallery and Museum
32. Residential Health Care Facility
33. Nursing Home
34. Construction Services
35. Research and Development Facility
36. Parking area for open space *{Amended, Effective 12/02/14}*
37. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
38. Vehicle wash center *{Amended, 03/19/19}*

The following uses are permitted 300 feet or more from the easterly edge of the U.S. Route One right-of-way **or if closer than 300 feet from the easterly edge of U.S. Route One the standards of Section 409.D.9 shall be met**, and are subject to site review regardless of size:

- 38. Multiple Family Dwelling
- 39. Warehouse and Storage Facility
- 40. Wireless Telecommunication Facilities
- 41. Truck Facilities
- 42. Small Solar Farm, subject to the standards of Section 534
- 43. Large Solar Farm, subject to the standards of Section 534

C. Space and Bulk Standards

1. Minimum lot size and road frontage requirement if the building(s) or use(s) is/are connected to the public water and sewer system and if one of the following conditions exists or is provided¹: *{Amended, Effective 10/03/17}*
 - a. there is no more than one access point (existing or proposed) per lot of record as of May 6, 2008 on U.S. Route One, or
 - b. the only access point off U.S. Route One is shared with an adjacent lot or lots and the lot or lots sharing the access points don't have other access points on U.S. Route One; or
 - c. a lot has more than one existing access point per lot of record as of May 6, 2008; provided, however, that (i) in these situations the Project Review Board may relocate some or all of the access points, (ii) the development shall not have more access points than exist on May 6, 2008, and (iii) the Project Review Board may in its discretion limit access points to a number less than the number existing on May 6, 2008 if the Project Review Board shall determine that the maintenance of the number of access points existing as of May 6, 2008 is likely to²:
 - A. detract from public safety considering such factors such as accidents in the area, traffic volumes, road geometrics, types and frequency of traffic moving to and from existing uses within 1,000' of the proposed use; or
 - B. adversely effect the ability of vehicular traffic to maintain the existing speed limit; or
 - C. threaten an environmentally sensitive area,

West side of U.S. Route One and lots in the C-1 District just prior to May 6, 2008

Minimum lot size	20,000 s.f.
Minimum land area per dwelling unit if part of a mixed use development	10,000 s.f.
Road frontage requirement	none

¹ It is the intent of this section to provide the incentives of reduced minimum lot sizes and road frontage requirements for developments that limit or share access points on to U.S. Route One. The limitation of access points on U.S. Route One applies to developments that intend to take advantage of the incentives of reduced minimum lot sizes and road frontage requirements when a new lot is created. The limitation of access points does not apply to existing developments, buildings, or uses or to existing developments, buildings, or uses that propose a change of some sort but that are not creating a new lot. For more information on the intent of this section refer to the Freeport Comprehensive Plan, Section VI.B – Future Land Use Directions – Commercial.

² It is the intent of this section to give the Project Review Board the authority to consider allowing two access points if the two access points existed prior to May 6, 2008. This exception was intended for proposed developments that are expected to have a minimal increase in traffic such as small residential developments or commercial uses with limited traffic needs, and for proposed developments that can easily meet the standards of this section.

Section 411. Commercial District III - “C-III”

A. Purpose:

It is the intent of this District to create an attractive entrance to the Village. A mix of commercial and residential uses are permitted with restrictions on building size and parking locations. Landscaping requirements are mandated in the front setback. In order to limit access points on heavily traveled U.S. Route 1, access on other streets and on service roads is encouraged through decreased road frontage requirements. This District is part of the Design Review District and contains historically and architecturally significant buildings and structures which should influence the design of future development.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling

The following uses are subject to site review regardless of size:

3. Public or Private School
4. Commercial School
5. Outdoor Recreation School
6. Cemeteries
7. Public Utilities excluding commercial communications towers
8. Municipal Use
9. Multiple-family Dwelling
 - a. Existing buildings shall not be subject to the provisions of Section 411.D.6 below
10. PUD (Subject to the provisions of Article V, Section 504)
11. Restaurant
12. Restaurant - Carry-Out
13. Bed & Breakfast Inn
14. Business and Professional Offices
15. Public Assembly - Indoor
16. Private Assembly
17. Auto Repair Service Garage
18. Religious Institutions
19. Hotel - Motel
20. Commercial Sales and Service, including up to 200 square feet of incidental, accessory outdoor storage. This outdoor storage is permitted only on a seasonal basis (April to October). Materials such as propane, which must be located outdoors at all times, are exempt from the seasonal restriction, but they must be screened from abuttor and street views.
21. Parking Facility
22. Retail Trade
23. Manufacturing and Processing
24. Day Care Center Facilities

25. Commercial Recreation – Indoor
26. Parking area for open space *{Amended, Effective 12/02/14}*
27. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
28. Small Solar Farm, subject to the standards of Section 534

C. Prohibited Uses:

Specifically include, but are not limited to, the following:

1. Manufacturing, fabrication, disposal, or any use of asbestos products.
2. Paper manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or deer animal disposal and reprocessing
7. Abattoirs and slaughterhouses

D. Space Standards:

1. Minimum lot size: 2 acres
2. Maximum Building Height: 35 feet
3. Minimum Road Frontage
 - U.S. Route 1 and Pine Street: 300 feet
 - Other Streets: 150 feet
4. Maximum Impervious Surface to lot area ratio: 70%
5. Minimum Setback:
 - a. All setbacks except from I-95 boundary:
 - Front: 50 feet, if parking is located between the 25' front landscaped setback and the 50' setback. 25' if parking is located beyond 50' of the front property boundary line.
 - Side: On a lot with two side lot lines, the total combined minimum width of both side setbacks shall be 75' and the minimum side setback shall be 25'. If a parcel has only one side lot line, the minimum side setback shall be 35'.
{Amended, 03/19/19}
 - Rear: 35 feet
 - b. All setbacks from I-95 boundary: 25 feet
6. Minimum Land Area per Dwelling Unit: 7,000 s.f.
7. Maximum Gross Floor Area per lot: 40,000 s.f.

E. Other Standards:

1. Buffer strips, as required by Section 506, shall consist of at least the minimum required setbacks.
2. Landscaping is required in the setback from U.S. Route 1 and in the front setback

from all other streets for a minimum of 25 feet except for driveways. Landscaping is required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural vegetative cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side setback.

3. Outdoor storage is prohibited except as permitted in Section 411 B.17 above.
4. The Performance Standards of Section 527 are applicable. *{Amended, Effective 01/02/18}*
5. If existing or proposed parking spaces are eliminated due to the creation of parking lot connectors and/or common driveways for abutting lots, the property shall be credited for each lost space so that no net loss of parking spaces shall occur.
6. Curb cuts on Route One and Pine Street should be limited, where possible, to one per lot. In addition, because of the limited sight distance at certain parcels containing frontage on Pine Street, if any lot fronting on Pine Street is subdivided after May 1, 1997, one common driveway location which provides access to all existing and new lots shall be provided in the deed. The common driveway location shall meet MDOT requirements for sight distance and all necessary easements shall be included in each deed.

Section 412. Commercial District IV “C-IV”

{Amended, Effective 08/06/19}

A. Purpose:

This District is intended to provide suitable locations for a variety of higher density residential and commercial uses which benefit from nearby major highway connections and existing public utilities. Open space and/or buffers are required to provide a buffer between higher density development and adjacent lower density residential properties and to protect environmentally sensitive areas.

B. Permitted Uses:

The following uses are subject to site plan review regardless of size:

1. Two-Family Dwelling
2. Multiple-Family Dwelling
3. Public or Private School
4. Commercial School
5. Outdoor Recreation School
6. Local convenience goods stores accommodating local needs such as but not limited to retail bakeries, delicatessens, candy, nut and fish stores, fruit and vegetable stores, grocery and food stores, 5 & 10 stores, hardware stores, auto parts supply, book stores, branch banks, dry goods stores and florist shops;

7. Personal service stores such as but not limited to beauty and barber shops, laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services and alterations services;
8. Supermarket
9. Business and Professional Offices
10. Commercial Recreation - Indoor
11. Commercial Recreation - Outdoor
12. Municipal Facilities
13. Public Utilities
14. Warehouse and Storage Facilities
15. Commercial Sales and Service
16. Truck Facility
17. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
18. Hotel/Motel
19. Day Care Center Facilities
20. Convenience Store with Gas Pumps
21. Auto Service Station
22. Auto Repair Service Garage
23. Restaurant
24. Restaurant - Carry Out
25. Restaurant - Drive-up
26. Construction Services
27. Public Assembly
28. Private Assembly
29. Wireless Telecommunication Facility (See Sec. 528)
30. Parking area for open space *{Amended, Effective 12/02/14}*
31. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
32. Medication Assisted Treatment Facility for Opioid Addiction *{Effective 10/04/16}*
33. Small Solar Farm, subject to the standards of Section 534
34. Large Solar Farm, subject to the standards of Section 534

The following uses are subject to subdivision review:

- ~~33~~35. Commercial Open Space Subdivision for two-family and/or multiple-family dwellings.

C. Space Standards for Lots which are Not Within Subdivisions as Listed in Section D below:

1. Minimum Lot Size:
20,000 s.f. provided curb cuts on Hunter Road or Desert Road are at least 300 feet apart on the relevant side of the road; otherwise the minimum lot size is 1 acre. The minimum lot size of lots having frontage on roads other than Hunter Road or Desert Road is 20,000

8. For Section 418.B.4.a, additions to the building are prohibited. Decks, open air porches, garages used solely for storage and vehicles, and fire escapes necessary to meet the Life Safety Code are not considered to be additions. The parking requirements and maximum impervious surface to lot area ratio must be able to be met on-site. No building may have more than 8 units unless the land area per dwelling unit requirement can be met. All units must be connected to the public water and sewer system. To encourage the development of affordable housing for every three units that are created at least one of those units must be a one-bedroom or efficiency unit that is no greater than 650 sf. *{Amended, Effective 01/22/13}* *{Amended, Effective 10/03/17}*

Section 419. Village Mixed Use District 3 –VMU-3 *{deleted 01/26/10}*

Section 420. Local Business District “LB”

A. Purpose:

This District is intended to provide an opportunity for retail, service and municipal facilities that primarily serve local residents. Service of any extended area or regional market is ancillary to the local market.

B. Permitted Uses:

The specific permitted uses which are listed below are intended to provide examples of a type of permitted use. Uses similar to those examples which are specifically listed are permitted if their primary purpose is to serve local needs. All uses are subject to site review.

1. Peddler on Private Property subject to the requirements of Section 526.
2. Local convenience goods stores accommodating local needs such as but not limited to retail bakeries, delicatessens, candy, nut and fish stores, fruit and vegetable stores, grocery and food stores, 5 & 10 stores, hardware stores, auto parts supply, book stores, branch banks, dry goods stores, apparel stores and florist shops. All types of restaurants, as defined in this Ordinance, are not included in this definition and, therefore, are prohibited.
3. Personal service stores such as but not limited to beauty and barber shops, laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services, and alterations services.
4. Shopping Center including a supermarket, department store, local convenience goods and personal service stores.
5. Business and Professional Offices
6. Commercial Recreation - Indoor
7. Municipal Facility
8. Public or Private School

9. Commercial School
10. Outdoor Recreation School
11. Timber framing millwork and cabinetry
12. Warehouse and Storage Facility
13. Parking area for open space *{Amended, Effective 12/02/14}*
14. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
15. Small Solar Farm, subject to the standards of Section 534

C. Space Standards:

- | | | |
|---|--------|-----------------|
| 1. Minimum lot size: | | 1 acre |
| 2. Minimum road frontage: | | 150 feet |
| 3. Maximum building height: | | 35 feet |
| 4. Minimum setback | front: | 50 feet |
| | side: | 35 feet |
| | rear: | 35 feet |
| | shore: | 75 feet |
| 5. Minimum shore frontage: | | See Section 507 |
| 6. Maximum Impervious Surface to Lot Area: | | 70% |
| 8. Maximum gross floor area per local convenience goods & personal service store: | | 12,000 s.f. |
| Supermarkets will be excluded from this space standard. | | |

D. Other Standards

1. Buffer strips separating the LB District from the boundaries of districts which permit residential uses shall be at least 50' and shall consist of natural growth, landscaping or fencing to effectively screen business uses from residential areas. Buffer strip requirements shall not apply where the district boundary is a road as defined in this Ordinance.
2. Outdoor storage shall be fenced. No outdoor storage is permitted in the front setback. No temporary or permanent outdoor storage areas shall be permitted unless they are approved by the Project Review Board under site review.
3. Landscaping is required in the front setback.
4. Parking standards: Shopping centers larger than 25,000 s.f. of gross floor area - 4.0 spaces per 1,000 s.f. of gross floor area. All other uses must conform to the parking and loading requirements of this Ordinance.
5. Access to streets or sections of streets from a business use on land, under one ownership, aggregating more than 300 feet of continuous frontage shall be from service roads. The number of service roads, grade, provision of curbs, sidewalks and esplanade reservation shall be subject to site review.
6. Parcels within the Shoreland Zone shall meet the requirements of Section 507

Section 421. Industrial District I “I-P”

A. Purpose:

It is the intent of this District to provide for suitable locations, near major transportation routes, for industrial, office, business, and warehouse uses, including industrial parks, which will be environmentally sound and physically attractive assets to the Town. Off-site utilities are presently or potentially available. In order to assure that developments shall be compatible with adjacent residential districts, all uses are subject to site review and shall conform to the appropriate performance standards of Article V. Specific uses which have been determined to be incompatible with residential uses are prohibited.

B. Permitted Uses:

1. Timber Harvesting
2. Agriculture *{Amended, Effective 06/18/13}*
3. Agritourism Activity *{Amended, Effective 06/18/13}*
4. Peddler on Private Property subject to the requirements of Section 526

The following uses are subject to site plan review regardless of size:

5. Public or Private School
6. Commercial School
7. Outdoor Recreation School
8. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
9. Business and Professional Offices
10. Warehouse and Storage Facilities
11. Commercial Sales and Service
12. Public Utilities
13. Commercial Recreation - Outdoor
14. Truck Facility
15. Parking area for open space *{Amended, Effective 12/02/14}*
16. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
17. Small Solar Farm, subject to the standards of Section 534

C. Space Standards:

1. Minimum lot size: 3 acres
2. Maximum building height: 35 feet
Building height may be increased one (1) foot for every five (5) feet that all set-backs are increased to a maximum of 45 feet
3. Minimum road frontage: 500 feet

- | | |
|--|----------|
| 4. Maximum impervious surface to lot area: | 70% |
| 5. Minimum setback - | |
| front: | 100 feet |
| side: | 15 feet |
| rear: | 15 feet |
| 6. Minimum setback from lot line of a parcel containing a residential use: | 100 feet |

D. Prohibited Uses:

1. Manufacturing, fabrication, disposal, or any use of asbestos products.
2. Paper manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition & fireworks
6. Offal or dead animal disposal & reprocessing
7. Abattoirs and slaughterhouses

E. Other Standards:

1. A buffer strip of at least one hundred (100) feet in depth shall be created around the perimeter of the District. It shall meet the requirements of Section 506, B-D. No use other than access roads shall be allowed in the buffer strip. Access roads shall be perpendicular to the road or buffer strip unless specifically waived by the Project Review Board.
2. Landscaping is required in the front setback.
3. Parking and outdoor storage are prohibited in buffer strip.

Section 422. Industrial District II “I-II”

A. Purpose:

It is the intent of this District to provide for suitable locations, near major transportation routes, for industrial, office, business and warehouse uses, including industrial parks, which will be environmentally sound and physically attractive assets to the Town. Off-street utilities are presently or potentially available. In order to assure that development shall be compatible with adjacent residential districts, all uses are subject to site review and shall conform to the appropriate performance standards of Article V. Specific uses which have been determined to be incompatible with residential uses are prohibited.

B. Permitted Uses:

1. Timber Harvesting
2. Agriculture *{Amended, Effective 06/18/13}*
3. Agritourism Activity *{Amended, Effective 06/18/13}*

The following uses are subject to site review regardless of size:

4. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
5. Business and Professional Offices
6. Warehouse and Storage Facilities
7. Commercial Sales and Service
8. Public Utilities
9. Public or Private School
10. Commercial School
11. Outdoor Recreation School
- ~~1~~2. Commercial Recreation - Outdoor
13. Truck Facility
14. Wireless Telecommunication Facility (See Sec 528)
15. Parking area for open space *{Amended, Effective 12/02/14}*
16. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
17. Small Solar Farm, subject to the standards of Section 534
18. Large Solar Farm, subject to the standards of Section 534

C. Space Standards:

1. Maximum building height: 35 feet
Building height may be increased one (1) foot for every five (5) feet that all setbacks are increased to a total of 45 feet.
2. Maximum impervious surface to lot area: 70%
3. Maximum Height:
Wireless Telecommunication Facility (single user): 75 feet
Wireless Telecommunication Facility, Co-located: 125 feet.
4. Minimum setback -

front	100 feet
side	15 feet
rear	15 feet

D. Prohibited Uses:

1. Manufacture, fabrication, disposal or any use of asbestos products
2. Paper manufacturing
3. Petroleum and petrochemical refining and re-processing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or dead animal disposal & reprocessing
7. Abattoirs and slaughterhouses

E. Other Standards:

1. A buffer strip of at least one hundred (100) feet in depth shall be created around the perimeter of the District. It shall meet the requirements of Section 506, B-D. No use other than access roads shall be allowed in the buffer strip. Access roads shall be perpendicular to the road or buffer strip unless specifically waved by the Project Review Board.
2. Parking and outdoor storage are prohibited in the buffer strip.

Section 423. Marine Waterfront District “MW” (Section removed and replaced with Section 507.E.4 and Table 1)

{Amended, Effective 07/01/09}

Section 424. Resource Protection District I “RP-I” (Section removed and replaced with Section 507.E.1 and Table 1)

{Amended, Effective 07/01/09}

Section 425. Resource Protection II “RP-II”

A. Purpose:

It is the intent of this District to protect the quality and quantity of the groundwater resources of Freeport.

This zone applies to all lands identified as aquifer recharge protection zones on the Town of Freeport, Maine Zoning Map. Recharge areas are defined by the extent of sand and gravel deposits associated with aquifers and wetlands within them that drain into the aquifer, together with:

1. an appropriate protective strip so drawn that its bounds can be definitely established upon the site;
2. the shorelands around any stream, including an appropriate protective strip, that flows into the recharge area.

Where bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the Town.

B. The following are permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling

3. Mobile Home
4. Timber Harvesting
5. Agriculture *{Amended, Effective 06/18/13}*
6. Agritourism Activity *{Amended, Effective 06/18/13}*

The following uses are subject to subdivision review

7. Open Space Subdivisions for single family and two family dwellings;
8. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

9. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot size must be at least five acres.
11. Municipal Facilities
12. Parking area for open space *{Amended, Effective 12/02/14}*
13. Small Solar Farm, subject to the standards of Section 534

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

- | | |
|---|-----------------|
| 1. Minimum lot size: | 2 ½ acres |
| 2. Minimum road frontage: | 200 feet |
| 3. Maximum building height: | 35 feet |
| 4. Minimum setback- | |
| front: | 50 feet |
| side: | 50 feet |
| rear: | 75 feet |
| shore: | 100 feet |
| 5. Minimum land area per dwelling unit: | 2 ½ acres |
| 6. Minimum shore frontage: | See Section 507 |
| 7. Maximum lot coverage with impervious surfaces: | 10% |
| 8. Minimum lot width: | 150 feet |

D. Space Standards for Lot in Subdivisions approved after April 9, 2002

1. Open Space Subdivisions requirements
 - A. Net residential density, single family and per dwelling unit, two-family
1 unit per 2.5 acres of net residential acreage
 - B. Minimum lot size, single family and per dwelling unit, two-family *1 acre*
2. Large Lot Subdivisions requirements
 - A. Net residential density, single family and per dwelling unit, two-family:

and foundation prepared by the manufacturer or a professional engineer; and electrical and building permit applications shall be submitted prior to Code Enforcement review and approval.

10. Removal Requirements

- a. Unsafe SWES – A SWES that is found to be unsafe by Code Enforcement shall either be repaired to correct the safety issue or shall be removed by the property owner.
- b. Abandonment – A SWES that is not working or is not being used for a consecutive twelve (12) month period shall be removed by the property owner.

12. SWES within Common Open Space

To the extent permitted by applicable state and/or federal law, SWES may be allowed by the Project Review Board within the common open space of a residential subdivision reviewed under Section 504A of the Zoning Ordinance, subject the following requirements:

- a. The open space shall be of sufficient size and dimensions to accommodate the SWES(s) and the 75% setback requirement of subsection N.1.c. above, within the boundaries of the open space.
- b. The installation of a SWES, and necessary associated improvements, shall not impact wetlands or otherwise compromise the intent of a conservation subdivision to protect wetlands or other natural resources.
- c. The SWES shall comply with all the performance standards other than subsection N.1. Number of SWES, and shall require Planning Board approval of the location of the SWES within the subdivision prior to application to Code Enforcement. The number of SWES shall be determined by the Planning Board and shall be based on the forecasted energy consumption of the dwellings and uses with the subdivision as well as the sites ability to comply with subsection 12.a. and 12.b. a. above.

Section 534. Solar Energy Generation Systems

The purpose of this Section 534 is to allow for the construction and operation of Solar Energy Generation Systems by establishing appropriate standards to ensure safe, effective, and efficient use of Solar Energy Generation Systems that are compatible with existing surrounding uses.

A. General Standards.

1. Accessory Solar Energy Generation Systems, Small Solar Farms, and Large Solar Farms must obtain all applicable permits from the Freeport Codes Enforcement Officer, including but not limited to building and electrical permits.
2. Accessory Solar Energy Generation Systems, Small Solar Farms, and Large Solar Farms shall be subject to the standards of the Freeport Design Review Ordinance and/or the Freeport Village Overlay District, as applicable.

B. Additional Standards for Accessory Solar Energy Generation Systems.

1. An Accessory Solar Energy Generation System shall be permitted wherever accessory structures or uses are permitted and shall conform to the standards for such accessory structures or uses of the applicable zoning district(s).
2. The maximum height of a roof-mounted Accessory Solar Energy Generation System shall be the maximum building height set forth in the applicable zoning district(s). The maximum height of a ground-mounted Accessory Solar Energy Generation System shall be 25 feet ~~or the height of the principal structure, whichever is less.~~
3. Roof-mounted Accessory Solar Energy Generation Systems are not subject to Site Plan Review.
4. Ground-mounted Accessory Solar Energy Generation Systems accessory to uses other than single and two family dwellings are subject to Site Plan Review by the Freeport Project Review Board, per Section 602 of this Ordinance.

C. Standards for Small Solar Farms and Large Solar Farms.

1. Site Plan Review. Small Solar Farms and Large Solar Farms are subject to Site Plan Review by the Freeport Project Review Board, per Section 602 of this Ordinance.
2. Application Requirements. In addition to all of the applicable site plan review submission requirements set forth in Section 602.D.4 of this Ordinance, the following additional submissions are required unless waived by the Project Review Board.
 - a. Name(s) and contact information for the owner, operator and installer of the proposed system and the name(s) of the owner of the subject property on which the Small Solar Farm or Large Solar Farm is to be located.
 - b. Cover letter describing the project, including details regarding the subject property on which the Small Solar Farm or Large Solar Farm will be located; the construction schedule and anticipated commercial operation date; dimensions of all major components of the Small Solar Farm or Large Solar Farm, including the solar panel specifications, manufacturer(s), and manufacturer-identified period of time for which the solar photovoltaic (PV) technology will be economically feasible for its intended use (referred to in this Section 534 as “useful life”); and a detailed description of how the project complies with each applicable standard of this Ordinance.
 - c. A deed, lease, lease option agreement, or similar legal instrument describing the applicant’s right, title, and interest to the subject property and right of access to the subject property from the nearest public roadway.
 - d. Site photos showing existing site vegetation, existing and adjacent structures, and views of and from the subject property.

- e. Plans, prepared by a professional engineer, professional surveyor, or licensed landscape architect containing, at minimum, the following information:
 - i. The proposed location of the Small Solar Farm or Large Solar Farm in relation to existing lot lines and natural features (including but not limited to vegetation, streams, and wetlands), as well as existing and proposed deed and lease lot lines, structures, fencing, roads and rights-of-way, driveways, parking areas, curb cuts on the subject property, easements, and underground and overhead utility lines.
 - ii. The proposed location of all Solar Energy Generation System components (including solar collectors (including the location of all inter-panel space), mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), all existing and proposed structures, all existing and proposed impervious surfaces, all areas proposed to be cleared of vegetation, and their physical dimensions, including the dimensions and square footage of the Solar Array Development Area.
 - iii. A landscaping plan reflecting the location of any existing and proposed screening and demonstrating compliance with all applicable buffer requirements of this Ordinance.
 - iv. Scaled elevation drawings of all Solar Energy Generation System components (including solar collectors (including the location of all inter-panel space), mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure) and all existing and proposed structures, foundations, supports, fencing, security barriers, vegetation, and landscaping.
 - v. For ground-mounted Small Solar Farms or Large Solar Farms, a statement prepared and stamped by a professional engineer certifying that the proposed Solar Energy Generation System design is safe in terms of its strength, stability, security, and grounding.
- f. Documentation that the Small Solar Farm or Large Solar Farm complies with applicable state and federal laws and rules. Include copies of applications submitted to and permits granted by state regulatory agencies, including any applications and permits related to the interconnection of the Small Solar Farm or Large Solar Farm to the energy grid.
- g. A decommissioning plan for the removal of the Small Solar Farm or Large Solar Farm and stabilization of the site at the end of the useful life of the solar photovoltaic (PV) technology. A decommissioning plan shall include details how the owner or operator of record of the Small Solar Farm or Large Solar Farm will ensure completion of the following tasks:

- i. Physical removal of all Solar Energy Generation System components (including solar collectors, mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure), structures, foundations, supports, fencing, and security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state. Native, pollinator-friendly seed mixtures shall be used to re-vegetate areas the greatest extent practicable.
- h. Proof of financial capacity to build, maintain, and remove the Small Solar Farm or Large Solar Farm, including evidence which satisfies the requirements of Section 534.C.3.e.i. This proof should include documentation of the cost of constructing the Small Solar Farm or Large Solar Farm, as well as a statement or other documentation from a bank or lending institution that the owner of the Small Solar Farm or Large Solar Farm has secured adequate financing to cover the cost of construction.
- i. The following additional submission requirements apply to applications for Large Solar Farms:
 - i. Written documentation from the Maine Historic Preservation Commission (MHPC) regarding any known or likely historic, prehistoric, or archeological resources located in or on the subject property. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.i.
 - ii. Written documentation from the Maine Natural Areas Program (MNAP) regarding the presence of rare or exemplary natural communities located on the subject property, including any critically imperiled (S1) or imperiled (S2) natural communities or plant species. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.ii.
 - iii. Written documentation from the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding known locations of rare, endangered, threatened, and special concern species; essential and significant wildlife habitats (including waterfowl and wading bird habitats, deer wintering areas, and significant vernal pools); and significant fisheries habitats (including Atlantic salmon spawning, limited spawning, and rearing habitats) on the subject property. If such resources are identified, the applicant shall submit a plan demonstrating compliance with the requirements of Section 534.C.3.d.iii.

- iv. For Large Solar Farms that trigger review by the Maine Department of Environmental Protection (MDEP) pursuant to the Site Location of Development Act (Site Law), 38 M.R.S.A. §§ 481-490, a copy of the Site Law application submitted to MDEP and any permits granted by the MDEP at the time of submission of the application to the Town.

3. Performance Standards for Small Solar Farms and Large Solar Farms.

a. Dimensional Standards.

- i. The maximum height of any ground-mounted Small Solar Farm or Large Solar Farm shall be twenty-five (25) feet. Height shall be measured from the lowest point of the Solar Energy Generation System components above grade to the highest point of the solar photovoltaic (PV) technology when oriented at maximum tilt or any other structures. This maximum height limitation does not apply to the transmission and distribution lines.
- ii. The minimum setback of any part of the Solar Array Development Area and any other proposed structures shall conform to requirements of the applicable zoning district or twenty (20) feet from any lot lines, whichever is greater. This minimum setback does not apply to fencing or transmission and distribution lines.
- iii. For Small Solar Farms or Large Solar Farms permitted in the following districts (RR-IA, C-I, C-III, C-IV, MD-A, MD-B, LB, I-I, I-II) which abut the following districts (RR-I, RR-IA, RR-II, RP-I, RP-II, MDR-I, MDR-II, V-I, V-II, VMU-1 and VMU-2), the Solar Array Development Area and any other proposed structures shall meet the minimum setback requirements of the applicable zoning district or following minimum whichever are greater:
 - (a) Front: 50 feet
 - (b) Side: 50 feet
 - (c) Rear: 75 feet

b. Design & Aesthetics.

- i. Buffer Zones. The Small Solar Farm or Large Solar Farm shall, at minimum, conform to the requirements of the applicable zoning district and, where applicable, to the requirements of Section 506 of this Ordinance. For purposes of applying Section 506 to a Small Solar Farm or Large Solar Farm, (i) the Solar Array Development Area and any proposed structures shall be considered the “building or structure” to be buffered, and (ii) stands of trees shall be used to meet the buffer requirement only if the trees do not interfere with the capture of unobstructed flow of solar insolation (sunlight) by the solar photovoltaic (PV) technology.
- ii. Stormwater Management. The Small Solar Farm or Large Solar Farm shall conform to the requirements of Section 529 of this Ordinance.

- iii. Lighting. The Small Solar Farm or Large Solar Farm shall conform to the requirements of Section 521.A of this Ordinance.
 - iv. Land Clearing, Soil Erosion, and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the Small Solar Farm or Large Solar Farm, including the need to maximize the capture of unobstructed flow of solar insolation (sunlight). Native, pollinator-friendly seed mixtures shall be used to re-vegetate cleared areas to the greatest extent practicable. Herbicide and pesticide use shall be avoided or minimized. No prime agricultural soil or significant volume of topsoil or prime agricultural soil shall be removed from the site for installation or repair of the Small Solar Farm or Large Solar Farm.
 - v. Additional Performance Standards for Commercial Districts (C-I, C-III, C-IV). If the Small Solar Farm or Large Solar Farm is proposed to be located in a Commercial District (C-I, C-III, or C-IV), the requirements of Section 527 of this Ordinance shall apply; provided, however, that the requirements of Section 527.B (Building Design) shall only apply to proposed structures, if any, and not to the Solar Array Development Area. For purposes of applying Section 527.E (Front landscaped setback) to a Small Solar Farm or Large Solar Farm, (i) the Solar Array Development Area and any proposed structures shall be considered the “structure” whose appearance is to be softened, and (ii) landscaping using trees and preservation of existing mature trees shall be required only if such trees do not interfere with the capture of unobstructed flow of solar insolation (sunlight) by the solar photovoltaic (PV) technology.
- c. Safety.
- i. Small Solar Farm or Large Solar Farm shall comply with all applicable codes and ordinances, including but not limited to, the Town of Freeport Building Code Ordinance, the Town of Freeport Electrical Code Ordinance, the Town of Freeport Fire Protection Code, the Town of Freeport Floodplain Ordinance, and Shoreland Zoning.
 - ii. A sign shall be installed on the property to identify the owner or operator of the Small Solar Farm or Large Solar Farm and provide a 24-hour emergency contact phone number. Additional signage may be required, per the Town of Freeport Electrical Code Ordinance and the Town of Freeport Fire Protection Code. All signage shall also conform to the Town of Freeport Sign Ordinance.
 - iii. All electrical and control equipment for a ground-mounted Small Solar Farm or Large Solar Farm shall be labeled and secured to prevent unauthorized access.
 - iv. For any ground-mounted Small Solar Farm or Large Solar Farm, fencing shall be installed around the perimeter of the Solar Array Development Area. Where fencing

is used, fences should be elevated by a minimum of 5 inches to allow for passage of small terrestrial animals.

d. Protection of Natural and Cultural Resources.

- i. If any portion of the Small Solar Farm or Large Solar Farm includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places or is considered by the Maine Historic Preservation Commission (MHPC) as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the MHPC. If a significant archaeological site or structure is located in or on the subject area, the applicant shall demonstrate that the proposal will cause no or minimal impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation.
- ii. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified by the Maine Natural Areas Program (MNAP) as containing rare or exemplary natural communities, including any critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MNAP or in accordance with the recommendations of a biologist with demonstrated experience with the identified resources. In the latter situation, the report prepared by the biologist shall assess the potential impact of the Small Solar Farm or Large Solar Farm on the identified resources and any adjacent areas that are important to the maintenance of the identified resources and shall describe appropriate mitigation measures to ensure that the Small Solar Farm or Large Solar Farm will have minimal impacts on the identified resources.
- iii. If any portion of the Small Solar Farm or Large Solar Farm lies within an area identified and mapped by the Maine Department of Inland Fisheries and Wildlife (MDIFW) as containing rare, endangered, threatened, and special concerned species; designated essential and significant wildlife habitat; or fisheries habitat concern, the applicant shall demonstrate that the proposal will cause no or minimal impact to any such identified resources. The plan shall provide for protection of the identified resources in a manner acceptable to MDIFW or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the identified resources. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the Small Solar Farm or Large Solar Farm on the identified resources and any adjacent areas that are important to the maintenance of the identified resources and shall describe appropriate mitigation measures to ensure that the Small Solar Farm or Large Solar Farm will have minimal impacts on the identified resources.

e. Financing and Insurance.

- i. The owner or operator of record of the Small Solar Farm or Large Solar Farm shall secure financing to fully construct the Solar Energy Generation System before any construction or pre-construction site preparation activity (including, but not limited to, any clearing of vegetation) begins.
 - ii. Prior to commencing operations, the owner or operator of record of the Small Solar Farm or Large Solar Farm shall obtain and maintain for the full length of the useful life of the Small Solar Farm or Large Solar Farm, liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- f. Decommissioning and Removal; Performance Guarantee.
 - i. The owner or operator of record of a Small Solar Farm or Large Solar Farm shall, at its expense, be responsible for the decommissioning and removal of the Small Solar Farm or Large Solar Farm, in compliance with a decommissioning plan approved by the Project Review Board, within six months of the end of the useful life of the solar photovoltaic (PV) technology, or within 6 months of the date that the Solar Energy Generation System has been determined to have been abandoned by the Codes Enforcement Officer and notice of such determination has been provided to the owner or operator of record.
 - ii. A performance guarantee in the form of an escrow account, irrevocable letter of credit, or other form satisfactory to the Town Manager covering the cost of the decommissioning plan shall be delivered to the Town Manager at the time of Project Review Board approval. The amount of the performance guarantee shall be determined by the Project Review Board according to the time schedule for the decommissioning, shall be in an amount equal to 125% of the projected total cost of decommissioning and removing the Small Solar Farm or Large Solar Farm and restoring the site to its pre-construction condition, plus any adjustments for reasonable inflation estimates. The amount shall include a breakdown of costs of the various stages of decommissioning, if any. The performance guarantee shall remain in force until the Codes Enforcement Officer certifies that the site has been rehabilitated according to the approved decommissioning plan. Failure to complete the decommissioning plan approved by the Project Review Board shall constitute a violation of this Ordinance, subject to enforcement and legal action as provided in Section 601. In addition, if there is a default of any obligation to decommission a project under this Section 534, the Town may call upon the performance guarantee and cause the decommissioning plan to be implemented pursuant to the terms of that guarantee.
- g. Additional Performance Guarantee.
The Project Review Board as a condition of approval may require the applicant to post a performance guarantee to ensure completion of site improvements associated with a Small Solar Farm or Large Solar Farm, as provided in Section 602.C.1.j.

- i. Shoreland Zoning Variances: A copy of all variances granted by the Board of Appeals to all land areas within the Shoreland Zone shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

Section 602. Site Plan Review *{Amended, Effective 01/22/13}*

A. Purpose

The purpose and objectives of the Site Plan Review requirements are to conserve the Town's natural beauty and visual character and to provide for public safety and environmental stewardship of the immediate neighborhood including light and noise and by insuring that structures, signs and other improvements are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearance of structures, signs and other improvements harmoniously relates to their environment.

B. Applicability

1. **Site Plan Review** is required for all development proposals as outlined in Article IV of this Ordinance. In addition, , in accordance with the provisions of this Ordinance. In addition Site Plan Review is required for the following activities:
 - a. A change of use when the new use is subject to Site Plan Review, except that a change of use of an existing building in the VC-I District from a restaurant to retail trade or from retail trade to a restaurant may be approved by the Town Planner as allowed in Section 602 (C)(c) (1), provided the building is located on a lot which does not abut a lot in residential use and no change occurs to the existing elements and features of the site except for necessary changes to the content of signage.
 - b. A reduction in the number of or a reconfiguration of parking spaces serving a restaurant in the VC-I District, where such reduction or reconfiguration is allowed under Section 514(A)(5) of this Ordinance as amended on April 3, 2001; such reduction may be approved by the Town Planner as allowed in Section 602(C)(c) (1).
2. **Build according to plan.** Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches, and other documents approved by the Project Review Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and improvement of existing structures and facilities.

3. **Multiple Reviews.** When a development is subject to multiple reviews such as Site Plan Review, Design Review, and/or Subdivision Review, the Project Review Board shall conduct a concurrent review; the project is required to meet the criteria and standards of all ordinance under review. If Subdivision Review is required, the procedures of Subdivision Ordinance shall be used. If the development requires action by the Board of Appeals, Project Review Board review shall not commence until the Board of Appeals has made a decision.

C. Administration

1. The following procedures and requirements shall apply to all applications for site plan review:

a.b. **Pre-Application Conference.** Prior to submitting a formal application for a project requiring Site Plan Review, the owner of the property or agent, as designated in writing by the owner, is urged to schedule a pre-application conference with the Town Planner. The purpose of this meeting is to familiarize the applicant with the review procedures, submission requirements and the approval criteria and to familiarize the Town Planner and other relevant Town staff with the project. The Town Planner shall determine who has the authority to review the project: the town planner, the Staff Review Board, or the Project Review Board.

- b. **Notification.** Notwithstanding other notification requirements included in Sec. 602, all agendas of the Project Review Board and the Staff Review Board shall be posted in the Town Clerk's Office and the Freeport Community Library for inspection during normal business hours and the notice shall be placed on Freeport's local cable channel 7 and the Town's website.

c. **Classification of Site Plans:**

1. **Town Planner review.** The Town Planner has the authority to review and take action on projects that do not modify the intent of the approved site plan. They shall be shown on a plan submitted by the applicant to the Town Planner and the Town Planner shall sign and date the plan to record agreement that the change does not modify the intent of the approved site plan. Examples include, but are not limited to, minimal lighting, recalculations of parking requirements, landscaping changes and changes to previously approved ground and building mounted signs and new building mounted signs provided the signs meet the standards of the Freeport Sign Ordinance, building modifications up to 500 square feet, impervious surface modifications up to 500 square feet, and site plan renewals in which the plans still meet the local standards. Notwithstanding the above, either the Town Planner or the applicant may request a hearing by the Project Review Board. *[Amended, Effective 01/02/18]*

2. **Staff Review Board.** Developments that meet the criteria of Sec. 602.C.c.2.a-g below shall be considered minor amendments and shall be eligible for review by the Staff Review Board. Developments that also require a Design Review Certificate or Subdivision approval are not eligible for review by Staff Review Board, those projects require review by the Project Review Board. The Staff Review Board shall consist of the Town Planner, the Fire Chief, the Codes Enforcement Officer, the Town Engineer and the Public Works Superintendant, or the designee of any of them, with input from other Town departments as needed. The Staff Review Board shall have the same powers and duties as the Project Review Board. A public hearing shall not be required; however, notification of the nature of the application and the time and place of the meeting shall be given by mail to the applicant and the owners of all property within 200 feet of the property involved at least 5 days in advance of the meeting. The Staff Review Board shall accept public comment for all application. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least three (3) members. Action on any application by the Staff Review Board shall require a majority of those members present and voting. An audio recording of each meeting shall be made and retained by the Town. The completed application for site plan review, together with the documentation required in these regulations shall be placed on the Staff Review Board's agenda for consideration within 20 days. Any appeals from the decisions of the Staff Review Board shall be taken directly to the Project Review Board within 30 days of decision. The following developments shall be eligible for staff review:
- a. Change of use from one permitted use to another permitted use provided any expansions do not exceed the limits stated in Section 602.C.c.2.b-c.. listed below
 - b. Building footprint modifications greater than 500 square feet but less than 1,500 square feet.
 - c. Parking lot modifications greater than 500 square feet but less than 1,500 square feet.
 - d. Filling of lands or creation of ponds on properties where the primary use is residential.
 - e. Filling of lands or creation of ponds where the primary use of the property is commercial which are greater than 200 cubic yards but less than 600 cubic yards of material.
 - f. Renewal of gravel pit operations that do not include an expansion or other modification.
 - g. Any increase in height of a wireless telecommunication tower that is more than 20 feet or 10%, whichever is greater; any appurtenance to the tower that protrudes out from the edge of the tower more than 20 feet or the width of the tower at the level of the appurtenance, whichever is greater; the installation of more than 4 cabinets per carrier for the technology involved; any

excavation or deployment outside of the limits of the approved site plan; changes around the base of the tower structure that reduces the concealment elements of the support structure; amendments that alter the approved site plan. *{Amended, Effective 10/03/17}*

g-h. Accessory Solar Energy Generation Systems for uses other than single and/or two family dwellings

If, however, the Town Planner or the applicant determines that a project appears to be complicated or disputed, the Town Planner may refer the application to the Project Review Board for their review at the next available meeting.

3. **Project Review Board.** Developments that don't meet the criteria for review and action by either the Town Planner or the Staff Review Board shall require review and action by the Project Review Board. The Project Review Board shall accept public comments on any item at any stage of the review process. A public hearing shall not be required, but the Project Review Board may decide to schedule a public hearing if the size and/or nature of the development is perceived to have a significant impact on the community, not just the nearby properties.

Projects that amend previously approved site plans, and that have sufficient information to be considered complete by the Town Planner, may be reviewed and have action taken in a single meeting of the Project Review Board.

Projects that are proposed on undeveloped land, that include the demolition of buildings, that are located in the Resource Protection 1 District, or when a building and/or parking area is more than doubled in size than the existing building and/or parking area should first submit a conceptual plan. A conceptual plan should include environmentally sensitive areas such as wetlands, water bodies, streams, and steep slopes, locations of passing test pits if a subsurface sewage disposal system is proposed, the location of buildings and parking areas, and building elevations if a building is proposed. Conceptual plans should not be engineered plans. The purpose of the conceptual plan is to introduce the project to the Board and to contact property owners near the development. This portion of the review gives the Board and nearby property owners an opportunity to comment on the project before any engineering is done for the project. This phase of the review process is to direct the applicant as to what changes should be made and what information should be included in the final plan.

- d. **Timing of review.** The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Project Review Board's agenda for consideration within thirty (30) days of its receipt for