

**Town of Freeport
Planning Department**

Application for Review

Project Type: (check all applicable)

Site Plan Review Design Review Certificate Subdivision
 Zoning Ordinance Amendment Other (please explain) _____

Name of Project: CI Zoning Ordinance Amendment

1) Applicant Information:

Name: Maine Wicked Goods Mercantile - Nick & Amanda Kent **Tel:** 207-869-5251
(If a Company, provide name of person also)

Address: 304 US RT 1, Freeport Maine 04032

Email: mainewickedgoods@gmail.com

2) Interest in Property: Please attach a copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be blacked out. This application will not be processed without this information.

3) Do you own any abutting property? Yes No
If yes, please explain: _____

4) Property Information:

Present Use of Property _____

Proposed Use of Property _____

Location: Street Address _____

Assessor's Office Map: _____

Lot: _____

Size of Parcel (acres): _____

Zoning District (s): _____

5) Design Review Information (please circle one from each category)

Design Review District: One Two Not in the Design Review District

Building Class, as designated on the Design Review District Map(s): A B C

Is this building in the Color Overlay District: Yes No

Please describe the proposed changes: SEE ATTACHED PROPOSED ZONING AMENDMENT

6) Other Information:

Proposed # of Buildings: _____ Gross Square Footage of Non-Residential Buildings: _____

Is Zoning Board of Appeals Approval Required? Yes No

If YES, provide reason _____

7) Subdivision Approval or a Subdivision Amendment: (if applicable)

Proposed Number of Lots _____

Does the applicant intend to request any waivers of Subdivision or Site Review provisions?

NO _____ YES _____

If YES, list and give reasons why _____

8) Applicant's Engineer, Land Surveyor, Landscape Architect and/or Planner:

Name: _____ Tel: _____

Address: _____

Email: _____

9) Billing Contact (If different than applicant information)

Name: _____ Tel: _____

Address: _____

Email: _____

Application Fee: \$ _____ Abutter Fee: \$ _____

Submission: This application form, along with required accompanying materials, must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered.

The undersigned, being the applicant, owner or legally authorized representative, states that all information in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

10/15/19
DATE


SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE

Town of Freeport Request for Zoning Ordinance Amendment

Zoning Ordinance Change for Commercial District C1 Only Add to Permitted Uses Food Truck on Private Property as an Accessory Use

RATIONALE:

This application for review is to add Food Truck on Private Property to the listing of permitted uses in the Commercial District C1.

The C1 corridor of Freeport does not have the same commercial draw and retail density as the village. It is used as a means to get from the Village to Yarmouth and often not as a destination in itself. We, businesses who have chosen to operate in this area, would like to have more services available to entice and retain more customers for our neighborhood. Currently Food Trucks are only permitted on Artisanal Food & Beverage locations, of which there is only one in the district- Maine Beer Company.

Food Trucks as accessory to C1 businesses would be a draw for commerce in this area. Mobile food vending is increasingly being recognized as a community economic development tool. In addition, the amount of people who work in this area have few choices to purchase a take out meal within our neighborhood. Between LL Bean and Power Engineering alone, we are looking at well over 400 working individuals who are searching for quick lunch options. In the summer months, we have many people in the area who do not want to go into town to grab a take away meal. With the addition of Food Trucks in our district we should see an increase in visitation thanks to social media. It should increase business across the board for our District.

We are requesting this change because we have found that businesses in this zoning typically have more than enough parking and set back availability to allow for this accessory use, no matter the business category. The Zoning Ordinance for Food Trucks (526A) would still serve as the requirements needed to meet the zoning standards. We are requesting that in our District (C1), licensed food trucks would have the opportunity to operate on our properties.

PROPOSAL:

AMENDMENTS TO THE CURRENT ZONING ORDINANCE

1. Add language under Section 409 B - Permitted Uses
“7. Food Trucks on private property as an accessory to businesses listed under “Permitted uses with siteplan review”, subject to the requirements of section 526.A - Food Trucks.”
2. In Section 409 B renumber the additional permitted uses with siteplan review from numbers 8 through 39 and remove food truck language under Artisan Food and Beverage.

EXCERPTS FROM TOWN OF FREEPORT ZONING ORDINANCE

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

PROPOSED ADDITION:

- 7. Food Trucks on private property as an accessory to businesses listed under Permitted Uses with siteplan review, subject to the requirements of section 526A - Food Trucks.**

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

Section 526.A Food Trucks *Effective 12/17/14*

Food trucks individually and cumulatively have an impact similar to small structures and to other businesses. The Town acknowledges that food trucks can be desirable in limited circumstances provided certain standards can be met. For businesses and zoning districts that specifically allow food trucks and for special events that will use food trucks as a temporary activity, the following standards shall be met:

- A. For permitted uses that allow the use of a food truck as an accessory use:
 1. the food truck must be located on the same property as the permitted use or on an adjacent property if the owner of the land on which the permitted use is located has a legal agreement with the property owner and
 2. customers of the food truck must have access to restrooms on the same property that are connected to the public sewer system or a sub-surface wastewater disposal system. An agreement with the host permitted use to use the restrooms on the site must be submitted.
 3. One food truck is allowed at any given time, except that the host permitted use may have up to three trucks, for no more than three days, no more than three times in any calendar year.
 4. Site plan review is not required for the use of a food truck as an accessory use on a property that has already received site plan review.
 5. Food trucks may be open for business during the host businesses hours of operation; however, the hours of operation cannot be earlier or later than those included in Sec. 526A.B.12 below.

B. All food trucks must:

1. be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services.
2. be located on private property; except that the Project Review Board may approve food trucks in the public right-of-way if they are associated with a special event that has been approved by the Project Review Board and/or the Town Council (as an example 4th of July festivities)
3. have a valid Food Truck license issued by the Codes Enforcement Officer of the Town of Freeport.
4. have a valid Victualer's License from the Town of Freeport if they will be selling at more than 9 events and/or days in Freeport, this does not include food trucks for private catering events when the food truck is parked entirely on private property and serves the private guests of the host and all payments are made by the host, not the guests.
5. not verbally solicit business from pedestrians or persons in vehicles and no sales to persons in vehicles,
6. not have lighting except localized lighting that is used on or in the food truck for the purpose of food preparation and menu illumination,
7. not have signs except those identifying the name of the truck, this does not include menus,
8. provide at least one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic,
9. collect and dispose of all litter or debris within a 25-foot radius of the food truck,
10. contain all equipment needed for the preparation of food within the food truck, except for trash and recycling receptacles,
11. not have any furniture, umbrellas, generators, or other objects or structures outside of the food truck,
12. limit operation between 8am and 10pm Sunday through Thursday and 8am and 11pm Friday and Saturday,
13. not use any amplified customer notification system or amplified music.
14. food trucks must meet the setback requirements of the district in which they are located if an adjacent property's use is primarily residential.