



TOWN OF FREEPORT, MAINE

Planning Department

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TO: SOPHIA WILSON, TOWN MANAGER
CC: FREEPORT TOWN COUNCIL
FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER & CAROLINE PELLETIER, TOWN PLANNER
RE: PROPOSED AMENDMENTS TO CHAPTER 65 SHORELAND ZONING ORDINANCE RELATED TO COMPLIANCE WITH THE STATE'S PL 2021, Ch. 672 (LD 2003) AND OTHER STATE REQUIREMENTS
DATE: TUESDAY, JANUARY 2, 2024

Background: As explained in the memo pertaining to the proposed Zoning Ordinance amendments being presented for consideration at the January 2, 2024 Town Council meeting, the State of Maine recently adopted PL 2021, Ch. 672 (LD 2003) which is *"An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions."* The Act, which was signed into law in April 2022 expands the ability to build housing in residential zones by loosening land use standards. In Freeport, the implementation of the new State mandate requires amendments to multiple ordinances. *(For more detailed information on the requirements of PL 2021, Ch. 672 (LD 2003) please refer to the memo regarding proposed amendments to the Freeport Zoning Ordinance on this same topic).*

Guidance from the State and Town Attorneys is that municipal shoreland zoning ordinances do not need to be amended for this legislation. However, given the amendments made to definitions in the Zoning Ordinance definitions, we recommend amending the Shoreland Zoning Ordinance of the Town of Freeport, Maine to ensure that terminology used throughout the ordinances are consistent with the definitions found in the Zoning Ordinance.

One item to note and that we did get questions on is regarding Accessory Dwelling Units (ADUs) in the Shoreland Zone. Under LD 2003 (P.L. 2021 Ch. 672) M.R.S. § 4364-B Shoreland zoning regulations are still valid and the development of any additional dwellings, including ADUs, must still meet Shoreland Zoning requirements. Therefore, within the Shoreland Zone, an ADU is still needs to comply with the space standards of Section 306. Land Use Standards of Chapter 65: Shoreland Zoning Ordinance of the Town of Freeport, Maine. This is different than the requirement for ADUs outside of the Shoreland Zone.

Process: The process for the implementation of PL 2021, Ch 672 (LD 2003) was outlined in the memo for the proposed amendments to the Freeport Zoning Ordinance, with the difference for the proposed Shoreland Zoning Ordinance text amendments being more minimal and to reflect amendments to the Zoning Ordinance, so the actual draft amendments were presented at the December 13th, 2023 public hearing. The Planning Board held a public hearing on December 13th, 2023, and made a motion to recommend the proposed amendments to the Shoreland Zoning Ordinance of the Town of Freeport to the Town Council.

Although we did consult with the Maine Department of Environmental Protection (DEP) on the proposed changes, any changes to the Town's Shoreland Zoning Ordinance must be reviewed and approved by the Commissioner of DEP to be effective (See Section 203 of the Shoreland Zoning Ordinance). If the proposed amendments are approved by the Town Council, a copy will then be forwarded to the DEP for review and approval.

Recommended amendments to the Shoreland Zoning Ordinance:

A summary of proposed amendments to the **Shoreland Zoning Ordinance of the Town of Freeport, Maine**, is as follows, and is including, but not limited to the following:

- Article I – Section 107. Definitions – Amendments to definitions to keep consistent with the definitions in the Zoning Ordinance; and
- Non-substantive text amendments throughout other sections of the document to match words used in the document with words used in Section 104. Definitions (e.g. single family to Single-Family, two family to Duplex, etc.)

Recommendations from the Planning Board:

The Planning Board made the following recommendations:

“BE IT ORDERED: that the Freeport Planning Board recommends the Freeport Town Council adopt the proposed amendments to the Shoreland Zoning Ordinance pertaining to the implementation of the State of Maine’s LD 2003 – Public Law 2021, chapter 672 requirements in keeping consistency with the proposed amendments in the Freeport Zoning Ordinance.

The Board finds that the proposed amendments are in general harmony with the Comprehensive Plan and consistent with the Plan’s Vision that Freeport allow a variety of neighborhoods and housing types at a variety of prices ensuring that workers of Freeport can afford to live in Freeport and protect natural resources. (Speirs & Arsenault) VOTE: (6 Ayes) (1 Excused: Myles) (0 Nays)”