



TOWN OF FREEPORT, MAINE
Planning Department
30 Main Street
Freeport, ME 04032
Phone: 207-865-4743
www.freeportmaine.com

TO: FREEPORT TOWN COUNCIL

FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER

RE: PROPOSED ZONING ORDINANCE AMENDMENTS – FOOD TRUCKS AS A PERMITTED USE IN THE COMMERCIAL I (C-I) ZONING DISTRICT

DATE: MONDAY, JANUARY 6, 2020

The Freeport Planning Board recently reviewed a request from Maine Wicked Goods Mercantile, Nick and Amanda Kent for a proposed amendment to the Freeport Zoning Ordinance to allow food trucks as an accessory use to uses that are subject to site plan review in the Commercial I Zoning District. The Commercial I Zoning District primarily encompasses the Route One South corridor, and is depicted as “C-1” on the map below:



Currently, food trucks are only permitted in certain zoning districts, including the Commercial I District, as an accessory use to a permitted Artisan Food and Beverage use or with proper permitting, they are allowed as a Temporary Activity with a Special Event Permit (event permitted with an excess of 250 people). The proposed change would allow food trucks in the Commercial I District, as an accessory to any permitted use that is subject to site plan review. The existing standards for food trucks, as provided in Section 526.A of the Zoning Ordinance would still be applicable. The Board did discuss of there were any permitted uses where a food truck may not be appropriate, but decided to keep the language as proposed.

The Planning Board held a discussion on the application at the November 6, 2019 Planning Board meeting and a formal public hearing was held at the December 4, 2019 Planning Board meeting. A legal advertisement was run in the Brunswick Times Record on 11/22/19 & 11/26/19.

Public Notice

PUBLIC HEARINGS

The Freeport Planning Board will hold public hearings on Wednesday, December 4, 2019 at 6:00 p.m. in the Freeport Town Hall Council Chambers to discuss the following proposed amendments to Chapter 21: Zoning Ordinance of the Town of Freeport, Maine:

1. Section 104 – Definitions to amend the existing definition of “Mixed Use Development” and Section 409 - Commercial I District “C-I” to add Mixed Use Development as a permitted use subject to site plan review and may consider adjusting the land per dwelling unit requirement for the use (Hal & Mark LLC, applicant); and,

2. Section 409 - Commercial I District “C-I” to allow food trucks as an accessory use to any use subject to site plan review (Maine Wicked Goods Mercantile, Nick and Amanda Kent, applicants). The public is welcome to attend. Submitted materials are available for viewing in the Planning Department at the Freeport Town Hall during normal business hours.

Abutter notification was sent in accordance with the notification requirements outlined in the Rules of Order and Procedure of the Freeport Planning Board. In addition to the applicant, three members of the public spoke at the public hearing.

The attached language is the draft recommended by the Planning Board and was generated as a result of comments at the two Planning Board meetings, staff input and review by Town Attorney.

The Planning Board made the following motion to recommend the proposed Zoning Ordinance amendment to the Council:

“MOVED AND SECONDED: BE IT ORDERED: That the Freeport Planning Board recommend to the Freeport Town Council the proposed amendments to the Freeport Zoning Ordinance Section 409 Commercial-I District pertaining to adding food trucks as an accessory use to a permitted use that is subject to Site Plan Review. Application submitted by Maine Wicked Goods Mercantile with changes suggested by Staff. The Board finds that the proposal is in harmony with the Freeport Comprehensive Plan’s future vision definition that Freeport would continue to be a desirable place to live by allowing a variety of neighborhoods and housing types at a variety of prices. (Ball & Canaan) VOTE: (4 Ayes) (3 Excused-Savona, Torres and Winrich, (0 Nays).”

Proposed Amendments
Chapter 21: 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

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}*
39. Food Truck, as an accessory to any permitted use that is subject to Site Plan Review, and subject to the provisions for Section 526A. – Food Trucks

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.9-8 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

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

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.

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 |

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

| | |
|--|-------------|
| Minimum lot size | 40,000 s.f. |
| Minimum land area per dwelling unit within 300' of U.S. Route One | 40,000 s.f. |
| Minimum land area per dwelling unit 300' or beyond U.S. Route One | 15,000 s.f. |
| Minimum land area per dwelling unit if part of a mixed use development | 10,000 s.f. |
| Road frontage requirement | none |

2. Minimum lot size and road frontage requirements for lots that do not meet the requirements of Section 409.C.1 above

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

| | |
|---------------------------|----------|
| Minimum lot size | 1 acre |
| Road frontage requirement | 300 feet |

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

| | |
|---------------------------|----------|
| Minimum lot size | 3 acres |
| Road frontage requirement | 300 feet |

3. Maximum building height: *{Amended, 03/19/19}* 35 feet
 Projects that meet the criteria of Sec. 409.D.7 are eligible for a maximum height of 45 feet.

4. Maximum impervious surface to lot area: 70%
5. Minimum setback *{Amended, 03/19/19}*
- | | |
|--------|---------|
| front: | 15 feet |
| side: | 15 feet |
| rear: | 15 feet |

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.

Projects that meet the criteria of Sec.409.D.5 are eligible for a minimum side and rear setback of 5'.

D. Other Standards: *{Amended, 06/18/19}*

1. Outdoor storage for non-residential uses is prohibited in the front setback. Outdoor storage areas shall be fenced.
2. For all uses subject to Site Plan Review, in the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping is also 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 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 landscaped setbacks. *{Amended, 03/19/19}*
3. Items for sale are allowed within all of the required setbacks.
4. 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.
5. The side and rear setback requirements may be reduced to a minimum of 5' if the proposed building is adjacent to an existing building used for commercial purposes, if a lot shares access, parking, and/or other facilities with another lot, or if environmental constraints on the property limit the logical location of buildings to be closer to the property line. *{Amended, 03/19/19}*
6. Building heights up to 45' are allowed provided the building can be adequately screened from U.S. Route One, I-295, Old South Freeport Road and South Freeport Road as applicable with existing trees and the building is 300' or greater from U.S. Route One. *{Amended, 03/19/19}*
7. The Performance Standards of Section 527 are applicable.
8. For uses that require outdoor storage of materials or the operation/storage of large equipment (other than inventory for sale), or outdoor equipment that is accessory to vehicle wash centers such as vacuuming devices, the Project Review Board shall require screening that visually obscures the storage area(s) or accessory uses to vehicle wash centers and/or reduces the ambient noise level of the use to the greatest extent practicable. Such screening may include plantings, retention of existing vegetation, berms, fences, or other vegetative or constructed barriers to mitigate the visual and auditory impact of the development on the surroundings. *{Amended, 03/19/19}*

The final shape, size and location of all screening shall be determined, at the discretion of the Project Review Board. In determining the shape and size of the screening, the board

shall consider the amount of land being used for outdoor storage, the type of screening being used, the amount of noise that may be generated by the outdoor storage, the proximity of the outdoor storage to the road, and the amount of natural vegetation being maintained.