



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, TOWN PLANNER

RE: RECOMMENDED ZONING ORDINANCE AMENDMENTS – PERTAINING TO SECTION 105 DEFINITIONS AND SECTION 514 OFF-STREET PARKING AND LOADING

DATE: TUESDAY, SEPTEMBER 6, 2022

Background: The Planning Board recently held discussions (6/1/22 & 7/6/22) and a public hearing (8/03/22) pertaining to amending the parking requirements for multiple-family dwellings in the Village Commercial I Zoning District (see attached map for reference). The agenda item was as follows:

ITEM II: PUBLIC HEARING – Proposed Amendments to Section 104. Definitions and Section 514. Off-Street Parking and Loading of the Freeport Zoning Ordinance

This will be a public hearing pertaining to the parking requirements for residential uses in the Village Commercial I (VC-1) Zoning District. Amendments proposed for discussion include: amending the definition of Shared Parking; allowing multiple family dwellings in the VC-1 Zoning District to meet the parking requirement through a combination of shared and non-shared parking; and, the lowering the parking requirement for multiple family dwellings in the VC-1 Zoning District.

The recent Freeport Downtown Vision Planning process ([Freeport Downtown Vision](#)) reflected a need and desire for residential housing in downtown Freeport. Multi-family housing (containing three or more residential units in one structure) is an existing permitted use in downtown Freeport, and recently (2021) the Town removed barriers to encourage more multi-family residential development including changing the allowed building height and changing the land per dwelling unit requirement. Through conversations with developers interested in developing multi-family housing projects, it was identified that Freeport's existing parking requirements for multiple-family developments was creating an additional barrier to development as the off-street parking requirement was considered too high.

The Downtown Vision Plan included multiple references regarding the topic of parking in downtown Freeport. The Vision Plan suggests that Freeport needs to assess downtown parking requirements. It further recommends (Source: *Freeport Downtown Vision Plan, Potential Site Plan- Redevelop Depot Street*, page 79) to "Allow residential users to share the parking space for retail or commercial uses. Allow the market to define the correct amount of parking required by eliminating minimum parking requirements." This concept of removing parking minimums is reflected in current planning practices both regionally and nationally ([A Business Case for Dropping Parking Minimums \(planning.org\)](#)).

General Parking Background: Freeport is unique in many ways, in particular with regards to parking. In many places with multiple retailers, the retailers are located on properties under common ownership and parking is located on that shared property. In the case of Freeport, we have many retailers/businesses located within close proximity, however many different property owners owning the structures and properties on which the businesses and parking are located.

Back in the early 1980's Freeport moved to the concept of a shared parking system. That means you could come to Freeport, park on almost any downtown parking area and shop/visit for the day without having to move your vehicle each time you visited a property owned by someone else. This program was incentivized with a lower parking requirement if a property owner participated in the shared parking program.

Over the years, downtown parking requirements have fluctuated depending on the use, where parking was provided and whether or not it was shared. By the early 1990's, Freeport developed leasing standards for shared parking (see attached excerpt from the Freeport Traffic and Parking Ordinance pertaining to leased parking standards). This meant that you did not have to necessarily have your parking on-site, or even own it, but could lease it to meet the minimum off-street parking requirement. The standards were further amended in the early 2000's to include that the leased parking could be anywhere in the Village Commercial I (VC-1) Zoning district. Parking standards have continued to be amended over time to encourage development as the Community Center, parking structures, visitor's centers, outdoor arts venue and parking requirement was omitted entirely for religious institutions in the VC-1 Zone.

Parking continues to be a topic that is discussed frequently in Freeport. In 2018, the Town made significant changes to parking requirements in the VC-1 District, to further clarify the square footage used to calculate the parking requirement and lower the parking requirement for many uses. With these changes, a standard was created to allow property owners to apply for a parking requirement recalculation, with the expectation that surplus parking would result and surface parking could be re-developed into other potential uses.

Due to the various changes in off-street parking requirements over the years, property owners in Freeport provide various amounts of require off-street parking. Some property owners with newer developed sites comply with current requirements, however other owners are legally non-conforming and are required to provide none or just a portion of what would be required for a project completed under current standards.

Other: The Planning Board had to consider what requirements would be appropriate for Freeport given the amount of parking downtown (approximately 3,000 off-street parking spaces), our unique shared parking system, the amount municipally owned parking, and what parking requirement would encourage multi-family residential development to help re-invigorate our downtown core all while maintaining adequate parking in downtown Freeport.

Process: The Planning Board discussed the changes to pertaining to parking at the 6/01/22, 7/6/22 and 8/3/22 Planning Board meetings. Notification to all Village Commercial I property owners was completed per the Rules of Order of the Freeport Planning Board. The Legal ad for the public hearing was published in the Times Record on 7/21/22 and 7/26/22. The text for the legal ad was as follows:

TOWN OF FREEPORT
PLANNING BOARD— PUBLIC HEARINGS

The Freeport Planning Board will hold public hearings on Wednesday, August 3, 2022 at 6:00pm in the Freeport Town Hall Council Chambers at 30 Main Street Freeport, Maine to discuss proposed text amendments to the following sections of Chapter 21 – Town of Freeport Zoning Ordinance:

1) **Section 104. Definitions and Section 514. Off-Street Parking and Loading**

This will be a public hearing pertaining to the parking requirements for residential uses in the Village Commercial I (VC-1) Zoning District. Amendments proposed for discussion include: amending the definition of Shared Parking; allowing multiple family dwellings in the VC-1 Zoning District to meet the parking requirement through a combination of shared and non-shared parking; and, the lowering the parking requirement for multiple family dwellings in the VC-1 Zoning District.

2) **Section 104. Definitions**

This will be a public hearing pertaining to adding a proposed definition for “increase in nonconformity of a structure”. *(Note: This definition is being proposed as a result of the Planning Board discussion/recommendation made at the June 2022 Planning Board meeting for text amendments to Section 202.C.1. (Non-conforming buildings) of the Freeport Zoning Ordinance that would allow for an expansion of an existing non-conforming structure if certain conditions are met).*

The public is welcome to attend and may choose to attend in person or on Zoom. Information on how to participate (including information on how to join on Zoom) can be found on the meeting agenda posted on the meeting calendar of the Town’s website at www.freeportmaine.com. Meeting materials will be available for viewing on the Town’s website or by contacting the Planning Office at the Freeport Town Hall at (207)865-4743 option 5.

Recommendations from the Planning Board: The Planning Board made the following motion:

MOVED AND SECONDED: Be it ordered that the Freeport Planning Board recommends that the Freeport Town Council adopt the proposed amendment to the Freeport Zoning Ordinance Section 104 definitions in Section 514. Off-street parking and loading to include the language presented on August 3, 2022 Planning Board meeting which clarifies the definition of shared parking, provides for allowing multiple family dwellings in the VC-1 Zoning District to meet the parking requirement through a combination of shared and non-shared parking and lowers the parking requirement for multiple-family dwellings in the VC-I Zoning District. The Planning Board would like to make an amendment to lower the shared parking requirement as noted in Section 514.B.8.C for shared parking to be reduced from one parking space to .75 and for 514.B.8.D for non-shared parking to be reduced from 1.25 to one. The Planning Board finds that this amendment is consistent with the Freeport Comp Plan of replicating the traditional pattern of traditional New England neighborhoods, allowing a variety of neighborhoods and housing types, providing flexible regulations to minimize negative environmental impacts, improving the walkability of neighborhoods so as to encourage community health, promote a variety of alternatives to the automobile, to provide a positive impact to the economic decline we have seen in downtown to encourage development and to encourage more people to live, work and play in our community. This issue be revisited and we monitor it closely and we realize this one change will have ripple effects and realize it means we need to look at other parking priorities that the public brought up today so we will be keeping a close eye on it. (Child & Burwell) **VOTE**: (5 Ayes) (2 Nays-Rouda & Arsenault).



 VC-1



Morse St

Nathan Nye St

Howard Pl

Grove St

West St

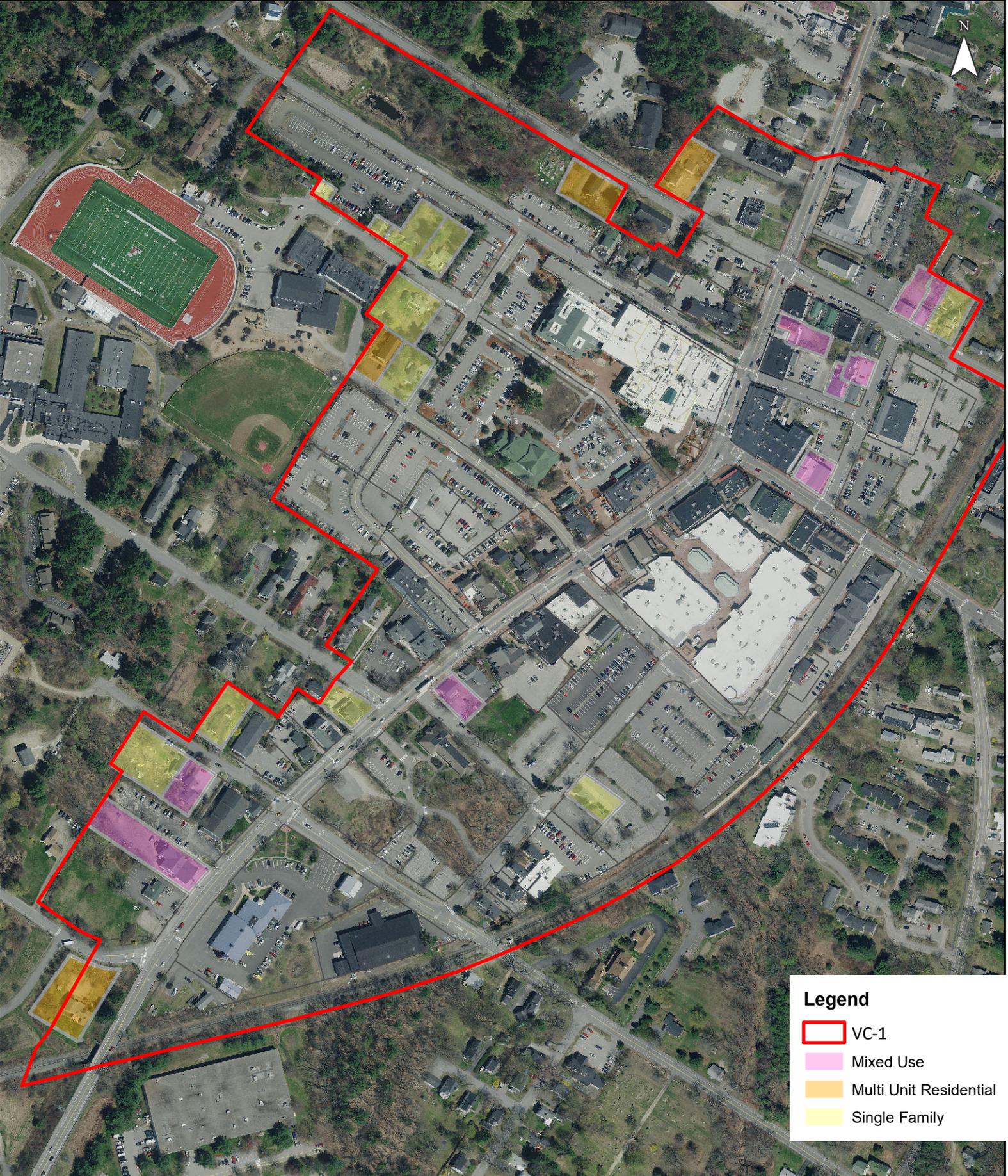
Main St

Depot St

Middle St

Bow St

Existing Residential Uses in the VC-1 District



ARTICLE V LEASED PARKING STANDARDS

The Town of Freeport hereby orders that the Freeport Traffic and Parking Ordinance be amended by enacting the following new Article V:

Section 48-501 The priorities, terms and conditions for leased parking spaces in the Village Commercial I District, as established by the Freeport Zoning Ordinance, are established by this Article.

The Town may lease parking spaces to applicants who require leased parking spaces from the municipality in order to satisfy the parking requirements of the Freeport Zoning Ordinance. The leased parking spaces shall be located either in a lot which is owned in fee by the Town of Freeport or owned in fee by a person or organization who has entered into a lease agreement with the Town to provide parking spaces as regulated by this Article. All parking lots regulated in this article shall be located in the Village Commercial I District.

Section 48-502 Leased parking spaces shall be allocated according to the following priorities:

1. Applicants with existing buildings who want to expand or change their use within the existing footprint of the building;
2. Applicants with existing buildings who want to expand the footprints of the existing buildings, to create additional square footage for existing or changed uses.
3. Applicants who want to build a new building after the date of adoption of this Article.

Section 48-503 The terms and conditions for all leased parking spaces shall include the following:

1. Non-Municipal owners of parking lots shall enter into a lease agreement with the Town which contains the following provisions:
 - a. Proof of adequate public liability insurance equal to that of the Town shall be submitted by the owner;

- b. Notarized agreement to maintain the parking lots, including but not limited to paving, striping, landscaping, signs, stormwater facilities and other amenities, shall be submitted by the owner;
 - c. Statement that the parking spaces offered for lease are not required to satisfy pending and/or approved development plans on the same or abutting lot;
 - d. Notice of termination of this lease shall be sent by registered mail to the Town and to all leaseholders of the premises a minimum of one year before the lease expires;
 - e. The Town may set any other provisions it deems appropriate.
2. Applicants for parking spaces shall be the owners and not the lessees of premises requiring parking spaces.
 3. The schedule of parking fees shall be established by the lot owner.
 4. The Town shall bill the leaseholder and charge the lot owner 5% of the yearly lease fee to cover its administrative costs. On a case by case basis, the Town Council may, by order, exempt a non-profit lot owner from this 5% fee, provided that the lot owner agrees to bill the lease holder(s) directly and report the payment status of all leases to the Finance Department on a quarterly basis. The Town Council shall have the authority, by order, to revoke any such exemption for just cause.
 5. The Town shall decide, based on the priorities established by Section 48-502, which applicant is next eligible for a lease. The applicant may choose to lease whichever spaces are available. If the applicant chooses not to enter into a priority list becomes eligible for a lease and the previous applicant may remain on the list.
 6. Applicants for parking spaces shall provide a notarized statement which states that continued occupancy of part or all of the premises requiring leased parking spaces is contingent on continued leasing of parking spaces.
 7. Failure by the owner of a premises to continue to provide the required parking spaces shall result in the revocation of its Certificate of Occupancy.