

Proposed Nature-Based and Art Overlay District Amendments to the Zoning Ordinance of the Town of Freeport, Maine

The Town of Freeport Zoning Ordinance is amended as follows:

Section 1. Article I is amended at Section 104 by the amendment of the following definition to read:

Campgrounds: A parcel which is used as a recreational site typically for a fee, for (i) tents, trailers, or recreational vehicles or other similar forms of temporary shelters; or (ii) rental cabins designed, equipped, and used for seasonal (between May 1 and November 1), transient (lasting no more than 14 consecutive days) recreational occupancy, which do not exceed 600 square feet in gross floor area, are not constructed on a basement or slab, and contain no cooking facilities. ~~and for which use a fee is charged.~~

Section 2. Article I is amended at Section 104 by the addition of the following term and definition to read:

Nature-Based Commercial Enterprise: Any commercial activity carried out on land with significant natural, cultural, or historical values whose principal purpose is to provide members of the general public with opportunities to observe and appreciate the values prevailing on the land, typically for a fee. A "Nature-Based Commercial Enterprise" constructs, maintains, and operates facilities and offers services and activities in a manner that provides for the long-term conservation of existing natural, cultural or historical values. A "Nature-Based Commercial Enterprise" may include, but is not limited to: family activities and games, mini-golf, and a vehicle or train tour, all incorporating educational components highlighting the natural, cultural, or historical prevailing on the land; a gift shop; arts gallery; arts museum; and a café for sale of food items primarily prepared offsite and beverages with limited indoor and patio seating. A "Nature-Based Commercial Enterprise" shall not include a restaurant or amusement park rides.

Section 3. Article III is amended at Section 301 by the addition of the following to the list of Zoning Districts:

Nature-Based and Art Overlay District "NBAOD"

Section 4. Article IV is amended by enactment of Section 428 to read:

Section 428 – Nature-Based and Art Overlay District - "NBAOD"

A. Purpose and Applicability:

1. Purpose

It is the intent of the Nature-Based and Art Overlay District (the "NBAOD") to allow nature-based commercial uses that are consistent with the historical uses of any property within the overlay district and assist with the long-term sustainability of the current uses and the protection of the natural and historic resources of a property, to allow an indoor art center and indoor public assembly, and to specify the principal and accessory uses that are allowed thereon. The NBAOD is intended to function as an overlay district. As such, the requirements of the underlying zoning district(s) will remain in force and will apply to all uses of land and buildings within the NBAOD except as specifically modified by the provisions of this Section 428.

The NBAOD is shown on a map titled "Town of Freeport, Official Zoning Map," as adopted by the Freeport Town Council.

B. Permitted Uses subject to Site Plan Review regardless of size:

In addition to the uses allowed in the underlying zoning district(s), the following uses shall be permitted uses in the NBAOD:

1. Nature-Based Commercial Enterprise
2. Art Center-Indoor
3. Public Assembly – Indoor
4. Food trucks, as an accessory use to any permitted use that is subject to Site Plan Review, and subject to the provisions of Sec. 526A—Food Trucks

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

1. For a Nature-Based Commercial Enterprise, Art Center-Indoor, Public Assembly - Indoor or Campground the minimum lot size shall be ten (10) acres.
2. All other space standards applicable to the underlying zoning district(s) shall apply in the NBAOD.

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

1. The space standards applicable to the underlying zoning districts shall apply to the NBAOD.

E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002

1. The bulk standards applicable to the underlying zoning district(s) shall apply to the NBAOD.

F. Other Standards

1. For all uses subject to Site Plan Review, in the front setback, in a strip extending along the property's road frontage, for a depth of 15 feet, except for driveways, landscaping is required. A buffer is required in all side setbacks for a depth of 15 feet extending from the front property line along the entire side and rear setbacks to the furthest back edge of the developed area (meaning buildings, parking lots, other impervious surface), except for any curb-cuts, trails or road ways existing as of the Effective Date of the NBAOD. Such buffer shall consist of natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops, but where the Project Review Board determines that these natural features do not exist or are insufficient to provide an adequate buffer, the applicant shall provide additional landscaping, or where the Project Review Board determines landscaping is not feasible or adequate, the applicant shall provide fencing or screening.

2. A structure on a property in this overlay district may be used for one or more permitted uses subject to site plan review, provided however that the maximum capacity of that structure shall be 300 persons and no such structure may be used as a wedding venue.

Section 5. Article V is amended at Section 514 by the amendment of subsection 8.a. as follows:

- a. Commercial Districts, I, II, and IV (C-1, C-3, C-4) and Nature-Based and Art Overlay District (NBAOD)

Where construction of new buildings or additions to existing buildings or a change of use or new use is proposed, the Project Review Board shall establish the parking requirement for such structures or uses based upon a parking analysis submitted by the applicant. In making a decision, the Project Review Board may require a peer review of the parking analysis.

Section 6. Article V is amended at Section 515 by the amendment of subsection A. 1. as follows:

District	Average dBA (day-night)
1.Resource Protection I and II, Island	55-45

Rural Residential I & II, Nature-Based and Art Overlay District (NBAOD)

(New language is underlined.)