



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 \(planning.org\)](#)).

**Proposed Amendments to Section 104. Definitions and Section 514. Off-Street Parking and Loading of the
Town of Freeport Zoning Ordinance**

As recommended at the 08/03/2022 Planning Board Public Hearing

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Section 104. Definitions

Shared Parking: Parking spaces open to the general public and not restricted to customers, ~~or~~ employees, or residents of specific ~~non-residential activities permitted uses~~. Restrictions include, but are not limited to signs that allow customers of certain businesses to use parking spaces, gates or other types of barriers on parking lots or parking lots that charge customers to park. For the purposes of shared parking, parking spaces reserved for persons with valid disabled parking placards or plates are not considered to be restricted. *{Amended, Effective 12/18/18}*

Section 514. Off-Street Parking and Loading

A. Purpose

The purpose of this section is to allow flexibility in addressing vehicle parking, present a menu of strategies to solve parking issues, maintain and enhance a safe and efficient transportation system that minimizes the amount of land converted to impervious surface for parking purposes, and to ensure that off-street parking demands associated with new development or re-development will be met without adversely affecting other nearby land uses and surrounding neighborhoods.

B. Off-Street Parking

1. **Accessory Use:** Off-street parking shall be considered an accessory use when required or provided to serve permitted uses located in any district. Off-street parking may be provided in either a surface parking lot or a parking structure. For residential uses, a garage space(s) is considered a parking space.
2. **Multiple uses or spaces:** Where more than one use occupies a single structure or lot or where one structure has more than one leasable space the total required parking shall be the sum of the requirements of the individual uses and/or spaces.
 - a. **VMU 1 and VMU 2** - Notwithstanding Sec. 514.B.2 above in the Village Mixed Use Districts (VMU-1 and VMU-2) Districts the requirement shall be ninety percent (90%) of the sum of the requirements of the individual uses if the parking is restricted, for shared parking the requirement shall be seventy-five percent (75%) and may be reduced to 70% if parking lots on adjacent properties are connected.
 - b. The Project Review Board may reduce the required parking if the applicant can demonstrate that the variety of uses have different peak parking demands. This section (514.B.2.b) does not apply to the Village Commercial 1 District.
3. **When a parking requirement isn't listed for a specific use:** In the event a particular building or use does not fit exactly into any of the categories listed in the Section, the Codes Enforcement Officer shall apply the requirements of the

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category which he deems to be most closely analogous.

4. **Use of parking spaces:** Required parking spaces shall be available for the parking of vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials (unless required in the provisions below), and shall not be used for sale, repair or servicing of any vehicle(s).
5. **Measuring the building area:** In all Districts, to determine the building area (in square feet) for meeting the parking requirement, all measurements are taken from the interior walls of each floor of the building. The following spaces are not included in the area for meeting the parking requirement:
 - Stairways and hallways that are not used by customers,
 - restrooms that are open to the public not just customers of the business and that are clearly marked for public use,
 - unused attic or basement space,
 - areas with less than 6 feet of floor to ceiling height,
 - elevators,
 - rooms for HVAC equipment or other utility equipment, and
 - loading docks.
6. **Reductions allowed** - In all Districts except the VC-I District, the Project Review Board may allow a reduction up to fifty (50) percent in the number of spaces constructed provided the required number of spaces can be constructed on the property while meeting all other space and bulk requirements of that District. The applicant must demonstrate that the additional spaces are not necessary, and the Project Review Board shall attach a condition of approval stating that the town may require that the spaces be constructed if additional parking is needed to correct a parking problem on the site. In considering a reduction, the Board may consider the typical hours of operation of the uses, seasonal fluctuations, the amount of parking needed for customers versus employees, and so on.
7. **On-site and off-site** – Notwithstanding Section 514.B.8.b (Village Commercial 1) below, the Project Review Board may approve off-site parking if the entrance to the off-site parking is within 300 linear feet of the entrance to the on-site parking. The owner, as defined by this Ordinance, of the off-site parking must be the same as the owner of the on-site parking. Evidence of legal use of the off-site parking spaces for the duration of the use must be submitted and that the use of the off-site parking spaces of the spaces will not create a shortage of parking spaces for any uses on the property which the off-site parking spaces are located.
8. **District Parking requirements** - Off-street parking in compliance with the following minimum requirements shall be provided and maintained for all uses, new construction, expansion of existing uses or structures, and changes of use in all districts.

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- a. Commercial Districts I, III, and IV (C-1, C-3, C-4) and Nature-Based and Art Overlay District (NBAOD) *{Amended, 12/15/20}*

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. The established parking requirement shall be 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.

- b. Village Commercial 1 District (VC-1) – **for shared parking**

1. Off-street parking requirements for permitted uses in the VC-1 District shall be located in the VC-1 District. Parking spaces may be provided on the same parcel as the use they serve, and/or on another lot held under the same ownership, and/or with a credit pursuant to the Freeport Traffic and Parking Ordinance, Chapter 48, Article VI 6. Parking Credits, ~~of the Traffic and Parking Ordinance,~~ and/or they may be leased from the municipality or other entity as per the Freeport Traffic and Parking Ordinance, Chapter 48, Article V Leased Parking Standards. All parking spaces shall be paved, striped, plowed, lighted and maintained so that they are useable.

~~1.2.~~ Multiple Family Dwellings and/or Mixed Use Developments are allowed to use a combination of shared and non-shared parking to meet the parking requirement for a property, using the standards of Section 514.B.8.c and Section 514.B.8.d below.

- c. For **shared** parking - the following table shall be used to calculate the number of required parking spaces. All parking requirements shall be calculated to one decimal point.

Restaurant, Retail	3 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514B.5 above Outdoor seating - parking must be provided based on the building area as defined in Sec. 514B.5 for outdoor seating using the standard above for this category of use. If the outdoors seating is seasonal, meaning that it is not enclosed with walls and/or a roof of any material and/or no sources of heat are provided the area of the outdoor seating is eligible for a reduction of 65% of the parking requirement for that seasonal use area. <i>Effective date: March 18, 2019</i>
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For all other uses permitted in the VC-1 District, but not specifically listed in this section	2.5 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514B.5 above <i>Effective date: March 18, 2019</i>
Notwithstanding the standards of this section, any use in a commercial space that is on a floor other than the ground floor and that is not connected to the ground level space	2 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514B.5 above <i>Effective date: March 18, 2019</i>
Religious institutions, visitors centers, outdoor arts center with no permanent structures and indoor and outdoor arts center connected to a parking structure	No parking requirement
Public utilities, Bed and Breakfast Inns, Inn, Public and Private Schools, Day care Facilities, Commercial Schools, Open Spaces	Use the parking requirements in Sec. 514.B.8. e-d below.
Peddler carts on private property	Per Sec 526.D.3
Dwellings	<u>Single family and two family dwellings:</u> 1 bedroom unit – 1 parking space, 2 bedroom unit – 1.75 parking spaces, 3 bedroom unit – 2 spaces for the first three bedroom and .5 spaces per bedroom beyond 3 bedrooms, units restricted to senior housing – 1 space per unit. Any buildings with more than 3 units shall also provide for guest parking at a rate of 1 space per 5 units. <u>For multiple family dwellings: 0.75 parking space per residential unit.</u> Every garage space counts as a parking space

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- d. For all other Districts and uses and buildings in the Village Commercial 1 District **not using shared parking** the following table shall be used to calculate the number of required parking spaces using the standards of Sec. 514B.5 above.

Dwellings:	<p>In the V-1, VC-2, VC-3, VC-4, and MDR-2 Districts the following shall apply: Single family – 2 spaces, two-family and multi-family: 1 bedroom unit – 1.25 spaces per unit or major fraction thereof, 2 bedroom unit -1.75 spaces per unit or major fraction thereof, 3 bedroom unit- 2 spaces for the first three bedrooms with .5 spaces per bedroom beyond 3 bedrooms; units restricted to senior housing – 1 space per unit, multi-family units shall provide 1 space per 5 units for guest parking.</p> <p><u>In the VC-1, Single family and two family dwellings: two parking spaces per unit</u></p> <p><u>In the VC-1, multiple family dwellings: 1.0 parking space per residential unit.</u></p> <p>All other districts: 2 parking spaces per dwelling unit.</p> <p>In all cases, a garage may be counted as a parking space. <i>{Amended, Effective 09/17/13}</i></p>
Motels, Tourist Homes, Rooming Houses, Hotels, Bed and Breakfast Inns, Inns:	1 parking space for each guest room; plus 1 parking space for each overnight employee based on the expected average overnight employee occupancy and, in addition, adequate parking based on the standards supplied in this section, shall be provided for restaurant, meeting rooms, auditoriums and other activities which are accessory to the principal use.
Schools:	
Nursery School & Day Care Home & Center:	1 parking space for each teacher & aide;
Elementary Schools:	1 parking space for each adult employee plus 10 parking spaces;
Junior High Schools:	1 parking space for each adult employee plus 6 parking spaces;
Senior High Schools:	1 parking space for each adult employee plus 25 parking spaces for each 100 students or major fraction there of total enrollment.
Commercial Schools:	1 parking space for each .75 students at maximum enrollment plus one space for each instructor
Hospitals, Nursing Homes:	1 parking space per 3 beds and 1 for each employee based on the expected average employee occupancy.
Public Assembly-Indoor, Private Assembly, Commercial Recreation-Indoor, Outdoor	1 parking space for each 3 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats;

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Recreation School:	
Marina	Minimum of 30 parking spaces <i>{Corrected, Dec 2008}</i>
Community Centers and Services	In designated growth areas, 1 parking space for each 235 square feet of building area as defined in Sec. 514B.5 above and excluding area designated for storage when bicycle racks are provided; on-street parking spaces created for this use within 700' of the parcel can be counted toward meeting this standard, provided at least one third of the total required parking spaces are provided on the site. Outside of designated growth areas, 1 space per 300 square feet of building
Retail Trade, Commercial Sales and Service, Commercial Fishery:	In the Village Commercial 1 District buildings not using shared parking, 1 parking space for each 150 square feet of building area as defined in Sec. 514B.5 above. In addition, parking for employees shall be provided and shall be calculated using the formula of minimum of one parking space per 1,000 square feet or major fraction thereof of Sec. 514B.5 of building. For uses with less than 1,000 square feet of Sec. 514B.5 of buildings, a minimum of one employee parking space is required. <i>{Amended, Effective 01/02/18}</i>
Furniture/Large Appliance Showroom, Art Galleries, Museums: <i>{Amended, Effective 01/02/18}</i>	1 parking space for each 500 square feet or major fraction thereof of building area as defined in Sec. 514B.5 above.
Bowling Alley:	4 parking spaces for each bowling lane.
Restaurants, Snack Bars, Eating and Drinking Establishments:	<p>In the Village Commercial I District (VC-I) for buildings not using shared parking, 1 customer parking space for each 150 square feet or major fraction thereof of building area as defined in Sec. 514B.5 above plus the greater of 1 employee parking space for each employee based on the highest expected average employment or 1 employee parking space for each 1,000 square feet or major fraction thereof of building area as defined in Sec. 514B.5 above.</p> <p>In all other zoning districts, 1 parking space for every 2 seats or stools (indoor & outdoor), and 1 space for each 50 square feet of dining or drinking area where there are no fixed seats with a minimum of 10 spaces.</p> <p>In any District, customer parking space for outdoor seating must be provided based on the building area as defined in</p>

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	Sec. 514B.5 above used for the seating using the same standard for this use in the District in which it is located. If the outdoors seating is seasonal, meaning that it is not enclosed with walls and/or a roof of any material and/or no sources of heat are provided the area of the outdoor seating is eligible for a reduction of 65% of the parking requirement for that seasonal use area. <i>{Amended, Effective 01/02/18}</i>
Offices, Professional & Public Buildings, Banks:	1 parking space for each 300 square feet, or major fraction hereof, of the building area as defined in Sec. 514B.5 above. In no case shall there be less than 1 parking space for every 1 ½ employees.
Public Utilities, Manufacturing/Processing, Boat Yard, Warehouse & Storage Facilities, Construction Services, Truck Facility:	1 parking space for each 1.2 employees based on the highest expected average occupancy or 1 space for each 1,000 sq. ft. of building area as defined in Sec. 514B.5 above, whichever is greater, plus one space for each vehicle used in conduct of the enterprise.
Commercial Recreation- Outdoor:	Spaces equal in number to one-third of the maximum design capacity in persons.
Golf Courses:	8 per hole and 1 for each 35 sq. ft. of building area as defined in Sec. 514B.5 above in assembly buildings connected with the course plus 1 for each 200 sq. ft. of gross floor area for adjoining commercial uses.
Golf Driving Ranges:	1.5 parking spaces for each tee.
Outdoor Game & Athletic Courts:	2 parking spaces for each court.
Miniature Golf Courses:	3 parking spaces per hole, or 2 for each hole plus the requirements for all accessory uses, whichever is greater.
Religious Institutions:	Spaces equal in number to one-third of the capacity in persons of the main sanctuary or auditorium except in the VC-I District there is no parking requirement.
Auto Service Station and Auto Repair Service Garage:	2 parking spaces for each enclosed bay and 1 space for each day shift employee.
Medical or Dental Clinic:	3 parking spaces per examination or treatment room.
Neighborhood Shopping Center:	1 parking space for each 250 square feet of building area as defined in Sec. 514B.5 above.
Convenience Store:	1 space per 200 sq. ft. of building area as defined in Sec. 514B.5 above for the first 1,000 sq. ft. and 3 spaces per each additional 500 sq. ft. of gross floor area.

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Handicapped-Accessible Spaces:	Any establishment which caters to and/or offers its goods, facilities or services to the general public shall maintain at least one of its required parking spaces as an accessible space for handicapped persons.
Open Space <i>{Amended, Effective 12/02/14}</i>	The number of spaces for any open space shall be based on a recommendation by the owner of the open space. The Project Review Board may make a recommendation on the number of spaces needed for a project under their review that includes open space. These parking spaces are subject to the dimensional standards of Section 514.B.9.b of this Ordinance.

9. Parking Space Dimensions

Parking angle In degrees	Stall width Parallel to	Stall depth Aisle to wall	Stall depth Aisle to interlock	Aisle width one way	Aisle width two way
30 Degree 9' Stall	18.0	17.0	13.2	12.0	N/A
45 Degree 9' Stall	12.7	19.4	16.3	12.0	N/A
60 Degree 9' Stall	10.4	20.5	18.3	16.0	N/A
90 Degree 9' Stall	9.0	18.5	18.5	24.0	24.0

NOTE: d= Dimensions in feet

Stall Dimensions Standard 9.0'x18.5'
Parallel stall Dimension Standard 9.0' x 22'

- a. Aisle and stall dimensions shall be measured as shown in 514.B.9; except that the Project Review Board may approve an aisle width of 22' for 90 degree parking stalls in parking lots in the Village Mixed Use Districts 1, and 2. Dimensions specified for one-way aisles apply only when diagonal parking is provided from each side of the aisle and all such aisles are designated as "One Way" with adequate signage and marking to direct the traffic movement.
- b. Parking areas for open spaces are exempt from the parking space dimensional standards of this section. Instead, the design of all parking areas must be reviewed and approved by the Freeport Town Engineer. In

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the case of parking areas that are owned by the Town of Freeport, the Town Engineer may also design the parking area. In addition, if parking spaces are proposed in a public right-of-way, the Freeport Traffic and Parking Committee must review and endorse the proposed parking plan. *{Amended, Effective 12/02/14}*

- c. Angle, interlock parking shall only be used when a sufficient physical barrier is provided to prevent vehicular contact across the interlock.

10. Accessible parking spaces – Newly constructed or paved parking lots or existing parking lots that are restriped, shall meet the following standards.

- a. Accessible spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Curb ramps to the accessible route shall be provided at the end of all access aisles. The maximum slope in all directions is 1:48
- b. Accessible spaces shall contain the minimum required dimensions of nine (9') feet by eighteen and a half (18.5') feet plus a five (5) foot wide striped access aisle. Two accessible spaces may share a common access aisle the full length of the parking stall. A van-accessible space shall be a minimum of eleven (11) feet wide with a minimum by eighteen and half (18.5') feet long and an aisle width of five (5') feet and provide 98 inches of vertical clearance.
- c. Each space shall be marked with the International or Universal Symbol of Accessibility.
In addition, "Van-Accessible" signs shall be located at van spaces. All signs shall be located a minimum of 60" above the ground surface measured to the bottom of the sign. Parking lots providing four or fewer parking spaces are exempt from providing a sign.
- d. Parking credits for improving accessibility - To improve the accessibility of parking lots, parking credits can be issued in accordance with Article VI of the Traffic and Parking Ordinance (Chapter 48) if existing parking spaces are lost due to restriping to add accessible space or van accessible space or aisle or for some other reason that improves accessibility.
- e. Minimum number of accessible parking spaces

Total number of parking spaces provided in a parking facility	Minimum number of accessible parking spaces (car and van)	Minimum number of van accessible parking spaces (1 for every 6 accessible spaces)
1 – 25	1	1
26 – 50	2	1
51 – 75	3	1
76 – 100	4	1
101 – 150	5	1

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151 – 200	6	1
201 – 300	7	2
301 – 400	8	2
401 – 500	9	2
500 – 1,000	2% of total parking provided in each lot or structure	1/6 of the previous column

Source: 2010 ADA Compliance Brief –for more details, refer to this document

C. VC-1 Conformance

1. Expansion of a building that is not conforming with this Section 514 must provide additional parking at the rate required by this Section 514 for the expanded portion of the building. The parking required for the expansion must be in addition to any existing parking spaces which must be retained.
2. Use ceases – Notwithstanding Section 202(B)(4), if a use ceases for more than a period of 12 months, the use shall meet the current requirement of this Section 514. For buildings that are divided into multiple commercial spaces, only the space(s) in which a use ceases for more than twelve months shall meet the current requirement of this Section 514. The parking required for the use must be in addition to any existing parking spaces currently being provided which must be retained.
3. Demolished building - If a structure is demolished and a new structure with a different use is constructed, the new use shall meet the current requirement of this Section 514. The parking required for the new use must be in addition to any existing parking spaces currently being provided which must be retained.
4. Change of use – If a use changes in a building that is not conforming with the above parking requirements, the new use shall provide parking at the rate required by this Section 514. For buildings that are divided into multiple commercial spaces, only the space(s) in which a use changes shall meet the current requirement of this Section 514. The parking required for the use must be in addition to any existing parking spaces currently being provided which must be retained.
5. Uses Made Conforming. Any previously legally non-conforming buildings and uses as to the parking requirements in this Section that become legally conforming as to the parking space requirements either through amendment of this Ordinance or the provision of additional parking spaces must meet the parking space requirements through the provisions outlined in subsection B(8) of this Section.

D. Enforcement

1. Enforcement. If the parking requirements of this Section 514 are not met or if

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they lapse, the Certificate of Occupancy shall be revoked and it shall be the responsibility of the Codes Enforcement Officer to invoke the requirements of Section 601 of this Ordinance.

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 re-calculation, 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-1 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

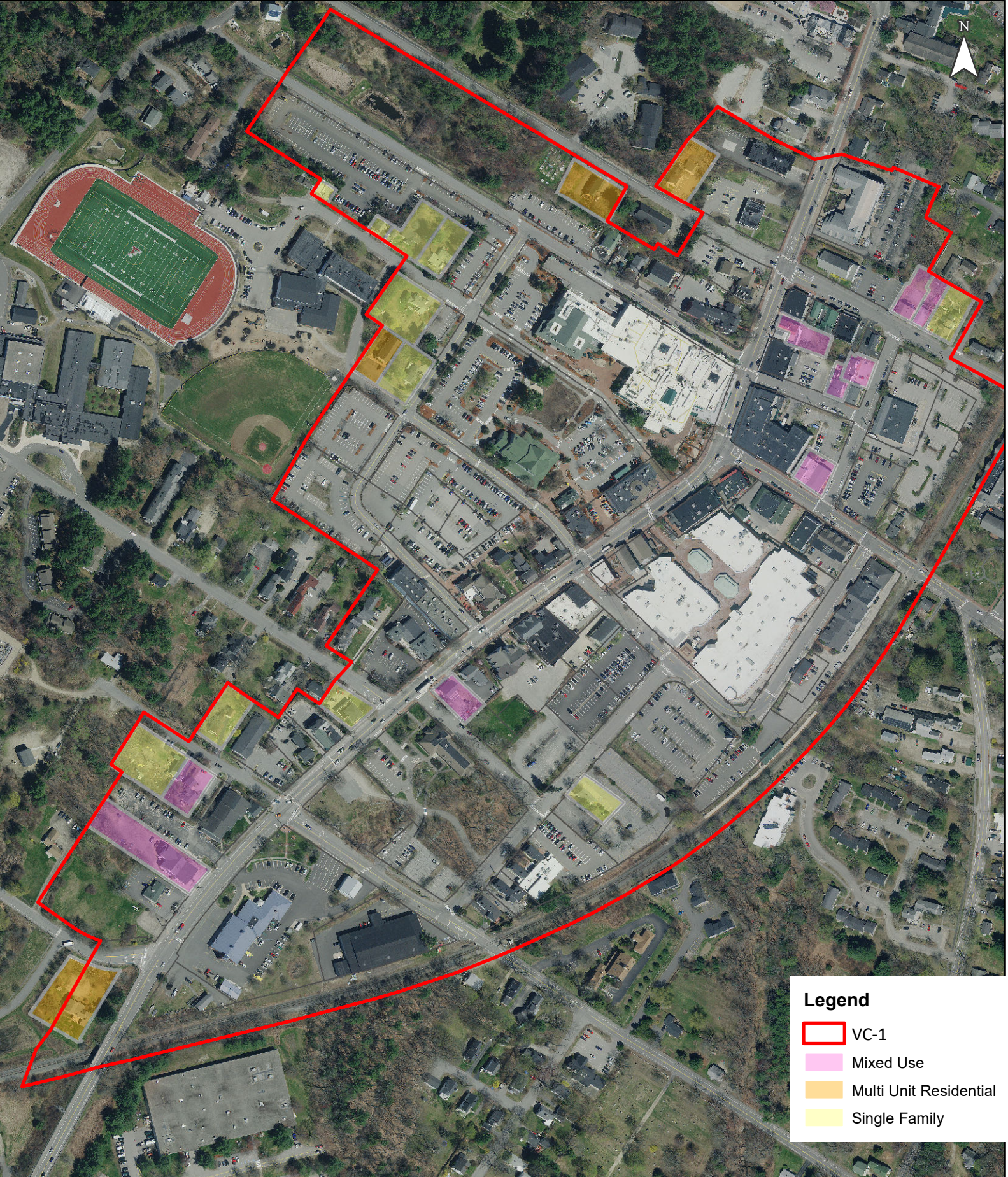
Main St

Depot St

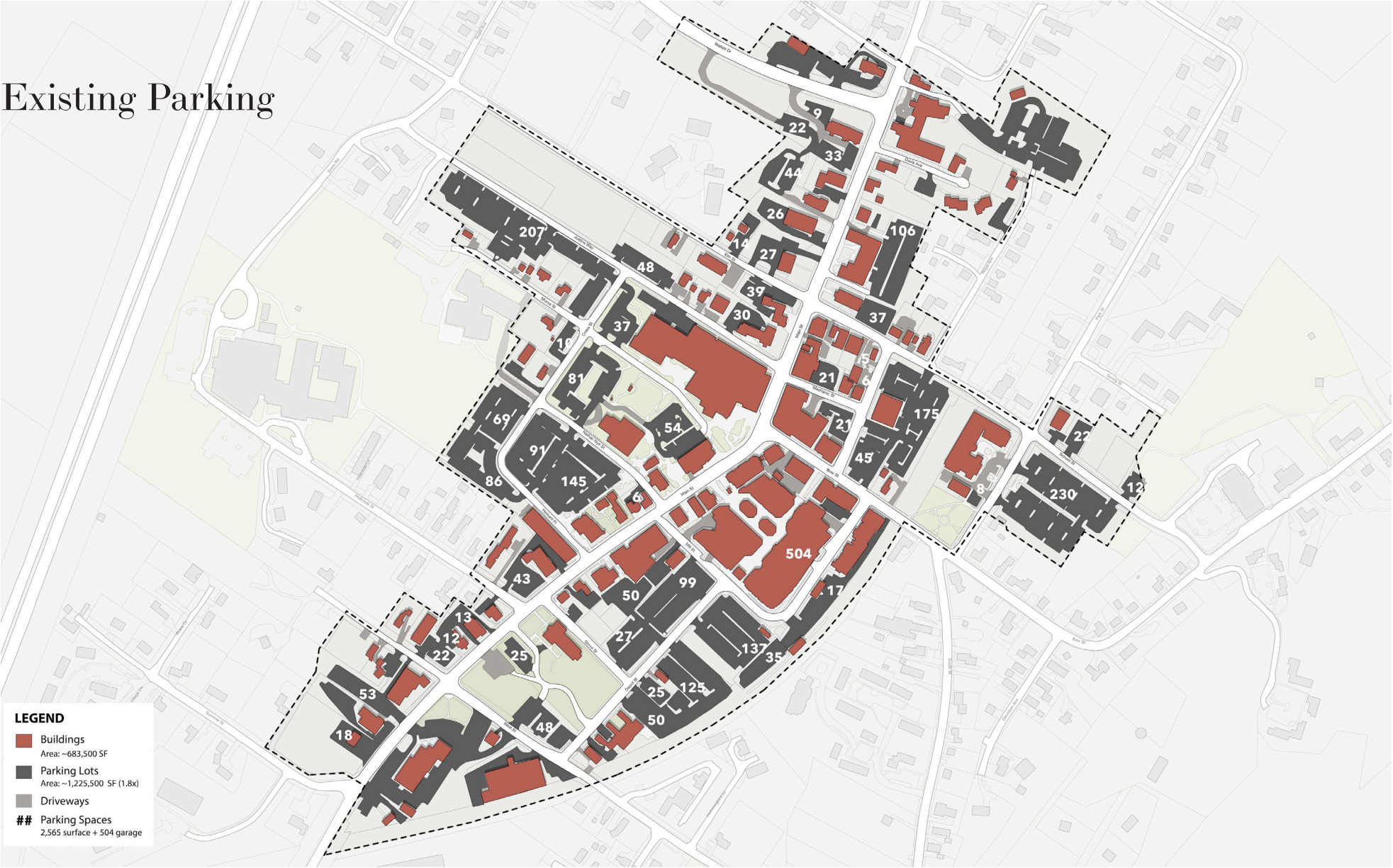
Middle St

Bow St

Existing Residential Uses in the VC-1 District



Existing Parking



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.