



**TOWN OF FREEPORT, MAINE**

Planning Department

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**TO: FREEPORT TOWN COUNCIL**

**FROM: CAROLINE PELLETIER, TOWN PLANNER**

**RE: RECOMMENDED ZONING ORDINANCE AMENDMENTS – PERTAINING TO  
FOOD TRUCKS AND PROPOSED AMENDMENTS TO THE TOWN OF  
FREEPORT VICTUALERS LICENSING ORDINANCE**

**DATE: TUESDAY, DECEMBER 21, 2021**

**Background:** At the Wednesday, December 1, 2021, Planning Board meeting, the Planning Board reviewed the following agenda item:

- a) This will be a **public hearing** to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing.

This item was based upon a request by the Freeport Town Council for the Freeport Planning Board to consider some of the provisions from the *Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards To Safely Accommodate Expanded Outdoor Business Activities due to COVID-19* and whether or not the Town should consider adopting some of these provisions permanently. The Board deliberation also considered past discussions by the Planning Board about food trucks; staff and applicant feedback on the standards and process; and, input from the ongoing Downtown revisioning process.

The proposed language would update the performance standards for food trucks, allow them in the Village Commercial I District when there is a Temporary Activity which is reasonably expected to draw additional visitors to Freeport (versus the existing special event threshold which required a permit from Public Safety when 250 or greater people are expected), and update the permitting process.

**Process:** The Planning Board generally discussed the Emergency Ordinance provisions at the 08/04/21 Planning Board meeting, and discussed this specific topic at the 10/6/21, 11/3/21, & 12/1/21 Planning Board meetings. Notification was completed in accordance with the Planning Board Rules of Order and Procedure and included standard posting and circulation of the agenda. Legal ads for the public hearing were published in the Brunswick Times Record on 11/19/21 and 11/23/21. Two members of the public commented on this item at the public hearing and one letter with written public comment was received for the public hearing.

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## Public Notice

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### PUBLIC HEARINGS

The Freeport Planning Board will hold a public hearing on Wednesday, December 1, 2021 at 6:00p.m. in the Freeport Town Hall Council Chambers to discuss proposed amendments to the following sections of the Freeport Zoning Ordinance:

a) Proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing.

b) Proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I "VC-I" and Village Commercial II "VC-II" Districts that restrict the displacing of parking spaces during certain times for the year.

c) Proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I "C-I", Section 411. Commercial District III "C-III", Section 413. Village Commercial District I "VC-I", Section 414. Village Commercial District II "VC-II" and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance.

The public is welcome to attend. Submitted materials are available for viewing on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com) or in the Planning Department at the Freeport Town Office during normal business hours.

**Recommendation from the Planning Board:** The Planning Board made the following motion:

**MOVED AND SECONDED:** That the Planning Board recommend amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing. In that the amendments are consistent with Freeport's Comprehensive Plan in that they will promote a diversity of commercial enterprises and promote a diversity of goods and services that attracts visitors and sustains residents again consistent with the community's character. (Cannan & Burwell) **VOTE:** (5 Ayes) (2 Excused-Ball and Savona) (0 Nays)

**Other Information:** At the next meeting, staff will provide the Town Council with a suggested amended fee structure for the new proposed permits. In addition, proposed amendments to Chapter 30 Victualers Licensing Ordinance are proposed to clarify when a food truck would require a victualers license. Staff did propose one minor addition, to Section 526.A.2.D to note that the permitted 9 events and/or days in Freeport that would require a Victualer's License would be per calendar year. This reflects current practice and is consistent wording between both documents.

**Proposed Amendments to the Freeport Zoning Ordinance pertaining to Food Trucks  
As recommended at the 12/01/2021 Planning Board meeting.**

Note: Proposed new text is shown with an underline and proposed text to be deleted is shown with a strikethrough.

**Section 104. Definitions**

**Food Truck:** A truck or trailer which has a current registration from the Maine Department of Motor Vehicles from which prepared and/or unprocessed food and drinks are sold. Food trucks are not the same as peddler trucks and/or peddler carts. *{Effective 12/17/14}*

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**Section 526.A Food Trucks *{Effective 12/17/14}***

Food trucks individually and cumulatively have an impact similar to small structures and to other businesses. The Town acknowledges that food trucks can be desirable in limited circumstances provided certain standards can be met. For businesses and zoning districts that specifically allow food trucks as an accessory use and for ~~special events~~ Temporary Activities which are reasonably expected to draw additional visitors to Freeport that will use food trucks ~~as a temporary activity~~, the following standards shall be met:

**A1.** For permitted uses that allow the use of a food truck as an accessory use:

~~1A.~~ ~~€~~The food truck must be located on the same property as the permitted use or on an adjacent property if the owner of the land on which the permitted use is located has a legal agreement with the property owner and

~~2B.~~ ~~€~~Customers of the food truck must have access to restrooms on the same property that are connected to the public sewer system or a sub-surface wastewater disposal system. An agreement with the host ~~permitted use to permitting the~~ use of ~~the~~ restrooms on the site must be submitted.

~~3C.~~ One food truck is allowed at any given time, except that the host permitted use may have up to three trucks, for no more than three days, no more than three times in any calendar year.

~~4D.~~ Site plan review is not required for the use of a food truck as an accessory use on a property that has already received site plan review.

~~5E.~~ Food trucks may only be open for business during the host businesses hours of operation; however, the hours of operation cannot be earlier or later than those included in Sec. 526A.~~B.122.L.~~ below.

F. Required accessible parking and accessible access to any accessible building(s) entrance(s) may not be displaced by the food truck and any associated appurtenances. For the purposes of this standard, the term "accessible" shall refer to parking spaces, building entrances, and access routes that were designed with the intent to meet the Americans with Disabilities Act standards for Accessible Design.

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G. The property owner(s) must obtain a yearly permit from the Freeport Codes Enforcement Officer to permit the food truck as an accessory use and demonstrate that the standards of Section 526.A.1.A-F will be met.

**B2.** All food trucks must:

~~1A. b~~Be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services.

~~2B. b~~Be located on private property; ~~except that the Project Review Board may approve food trucks in the public right-of-way if they are associated with a special event that has been approved by the Project Review Board and/or the Town Council (as an example 4th of July festivities) unless approval to locate in the right-of-way or town property is granted by the Freeport Town Council.~~

~~3C. have~~Have a valid Food Truck ~~license~~License issued by the ~~Codes Enforcement Officer~~Town Clerk of the Town of Freeport.

~~4D. h~~Have a valid Victualer's License from the Town of Freeport if they will be ~~selling~~permitted for at more than 9 events and/or days in Freeport ~~per calendar year.~~;~~†~~This does not include food trucks for private catering events when the food truck is parked entirely on private property and serves the private guests of the host and all payments are made by the host, not the guests.

~~5E. n~~Not verbally solicit business from pedestrians or persons in vehicles and no sales to persons in vehicles~~;~~

~~6F. n~~Not have lighting except localized lighting that is used on or in the food truck for the purpose of food preparation and menu illumination~~;~~

~~7G. n~~Not have signs ~~except those~~Be allowed signage to identify the name of the truck and may have a menu board. ~~identifying the name of the truck, this does not include menus;~~

~~8H. p~~Provide at least one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic~~;~~

~~9I. e~~Collect and dispose of all litter or debris within a 25-foot radius of the food truck~~;~~

~~10J. e~~Contain all equipment needed for the preparation of food within the food truck, except for trash and recycling receptacles~~;~~

~~11K. not have any~~ Must contain any furniture, umbrellas, generators, or other objects or structures outside of the food truck, within a 25-foot radius of the food truck and must be removed from the premises with the food truck. No appurtenances related to the food truck

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may be left at the property once the food truck closes. In addition, no required parking shall be displaced by such objects and/or structures, and vehicular and pedestrian access must not be obstructed.

~~12.L. Limit operation between 8am and 10pm Sunday through Thursday and 8am and 11pm Friday and Saturday, however, in no case shall a food truck operating under a Temporary Activity Permit operate beyond the hours of operation of the permitted temporary activity.~~

~~13M. Not use any amplified customer notification system or amplified music.~~

~~14N. Food trucks and any appurtenances, such as furniture or other objects, must meet Meet the setback requirements of the district in which they are located if an adjacent property's use is primarily residential and adhere to any buffer requirements of the underlying zoning district(s) and/or any overlay district(s). This includes food trucks and any appurtenances, such as furniture or other objects.~~

~~— O. Operate as an accessory use to businesses and zoning districts that specifically allow food trucks as an accessory use and/or operate any an event for which a Temporary Activity Permit has been issued.~~

3. Licensing:

In addition to any permitting requirements of this Section 526.A, the license process for food trucks will be as follows:

- A. An application for a Food Truck License must be filed with the Town Clerk's Office and such license must be issued by the Town Clerk prior to any food truck operating in the Town of Freeport, subject to the requirements of Section 526.A.2 above.
- B. Food truck licenses may be issued in two ways:
  - 1) A license to operate for up to three consecutive days, subject to the provisions of Section 526.A.2. noted above.
  - 2) An annual license to be issued by the Town Clerk, once the applicant has first obtained a Victualer's License (per Section 526.A.2.D) from the Town of Freeport.

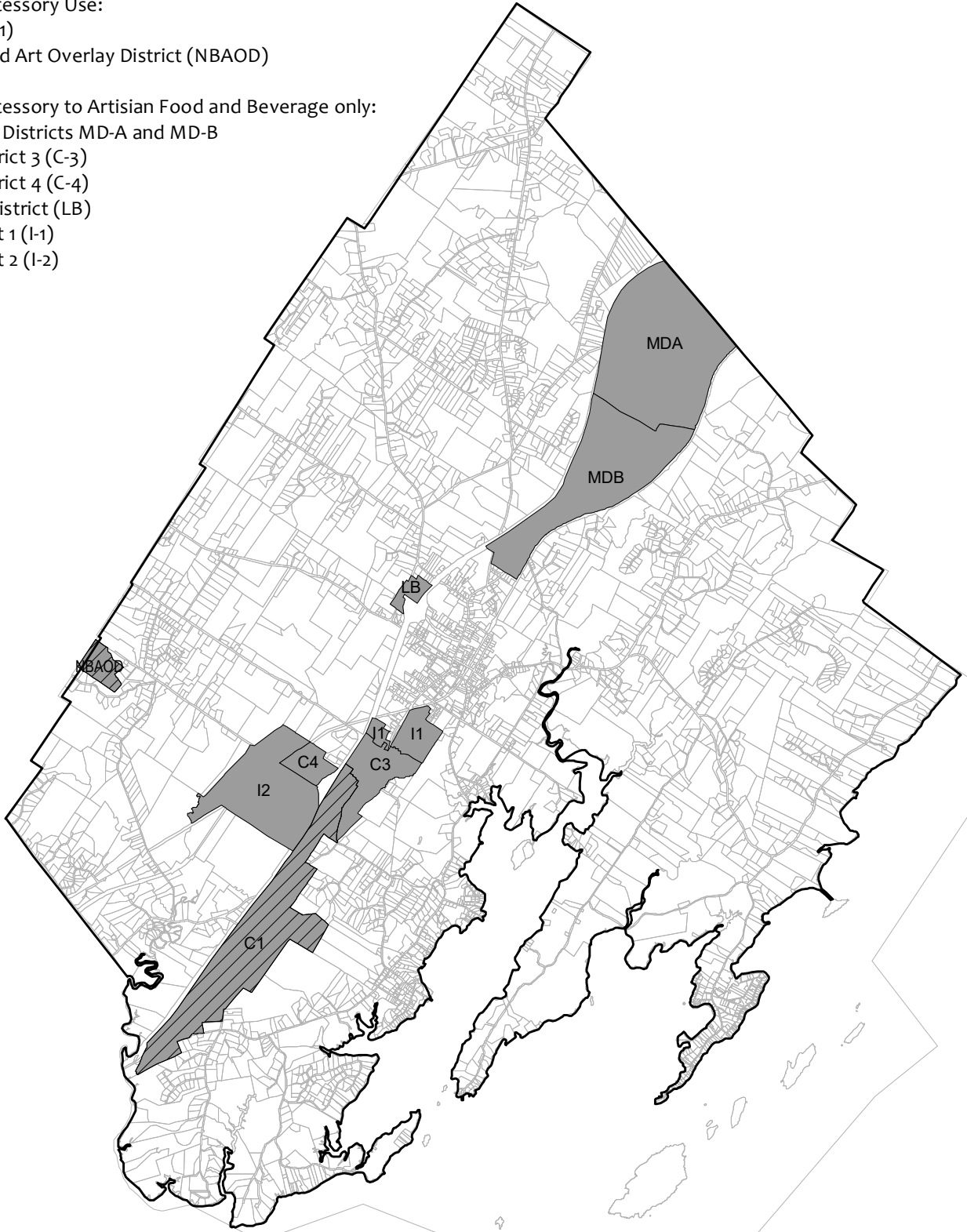
4. Exceptions:




Any food truck used for private catering events when the food truck is parked entirely on private property and serves the private guests of the host and all payments are made by the host, not the guests, will not require a Food Truck License from the Town of Freeport.

# Freeport Zones for Food Trucks 2021

Permitted as Accessory Use:  
Commercial 1 (C-1)  
Nature Based and Art Overlay District (NBAOD)

Permitted as Accessory to Artisan Food and Beverage only:  
Medium Density Districts MD-A and MD-B  
Commercial District 3 (C-3)  
Commercial District 4 (C-4)  
Local Business District (LB)  
Industrial District 1 (I-1)  
Industrial District 2 (I-2)



-  Food Trucks as Accessory to Artisan Food and Beverage
-  Food Trucks Permitted Accessory Use
-  Parcels

