



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
TEMPORARY ACTIVITY PERMITS**

DATE: TUESDAY, DECEMBER 21, 2021

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

- b) This will be a **public hearing** to discuss 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.

This item was originated from 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 language pertaining to accessible site features, as this was an item of concern brought to the Town’s attention by concerned residents, including some members of the Accessibility Task Force.

The proposed language has some minor text clean-up, allows for parking space displacement in certain situations, eliminates a restriction on displacing required parking during certain times of the year, and adds a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access.

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.

Public Notice

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-I" 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 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 Board recommends 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 as amended in the discussions we had tonight amongst the Board, the public hearing and Town Staff in that these amendments are consistent with Freeport's Comprehensive Plan in that it provides diversity of commercial enterprises that provide a wide variety of jobs that are consistent with the community's character and provides a variety of goods and services that attracts visitors and sustains residents again, consistent with the community's character and promotes Freeport as a destination to visitors. (Cannan & Burwell) **VOTE:** (5 Ayes) (2 Excused-Ball and Savona) (0 Nays)

Proposed Amendments to the Freeport Zoning Ordinance pertaining to Temporary Activity Permits
As recommended by the Planning Board at the 12/01/21 meeting

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

Section 501. Temporary Activity

A. An activity that is of a decidedly temporary nature and which can meet the minimum requirements of the performance standards below Sec. 501.A.2-4, may be allowed under the provisions of a Temporary Activity Permit issued by the municipal Codes Enforcement Officer. The conditions of issuance or of renewal for any such permit are:

1. The proposed activity or use will not continue beyond a maximum time period of one (1) week for no more than three times per year per property except as allowed in 501.C and 501.D below or as allowed in this section. If additional time beyond one week is requested by the applicant, the Codes Enforcement Officer must obtain the concurrence of the municipal Project Review Board before such an extension is granted. Upon expiration of the Special Permit, the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be in violation of this Ordinance.
2. The proposed activity will not create, cause or increase any health, safety or public nuisance problems.
3. The proposed activity will not cause immediate or future damage to adjacent properties.
4. Reasonable provision is made to prevent or minimize harmful environmental impacts of the proposed activity.
5. The proposed activity will not displace any required accessible parking spaces unless such accessible parking space(s) are temporarily relocated, as close as possible to the existing parking spaces and providing access to an accessible route. The temporarily relocated space(s) must comply with the dimensional and signage requirements Section 514.B.10 of the Freeport Zoning Ordinance. In addition, if needed to connect to an accessible route, a modification may be provided. If this standard of Item 5 is applicable, a sketch demonstrating that this standard has been met must be included with the application form for a Temporary Activity Permit. For this standard of item five, 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.

B. This section is not intended to permit uses which do not conform to the use requirements of the District in which the temporary activity is planned.

C. Temporary Activity Permits issued annually for outdoor retail sales, including but not limited to, rack and container sales and farmers’ markets, in the Village Commercial 1-4 and Commercial 1-4 Districts issued by the ~~CEO~~Codes Enforcement Officer, shall be unlimited provided all of the sales are conducted outside of the public right-of-way ~~and do not displace parking spaces~~ and on the same property that the business requesting a temporary activity permit is located. If the applicant is not the property owner, and is located in a multi-tenant building, written authorization from the property owner will be required for the applicant to obtain a Temporary Activity Permit.

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- D. Peddler activities and food trucks during special events such as concerts, festivals, and holiday festivities on private property ~~but not including privately owned parking lots in the VC-1-4 Districts~~ are considered a temporary activity subject to the requirements of Subsections A.2-45 and Section 526 or Section 526A. τ
- E. ~~In the VC-I and VC-II Districts, no Temporary Activity Permits shall be issued between the week before Memorial Day and the week after Labor Day if required parking is displaced by the activity.~~
- FE. All temporary activities require a Temporary Activity Permit from the Codes Enforcement Officer. Fees for Temporary Activity permits are established by order of the Town Council.