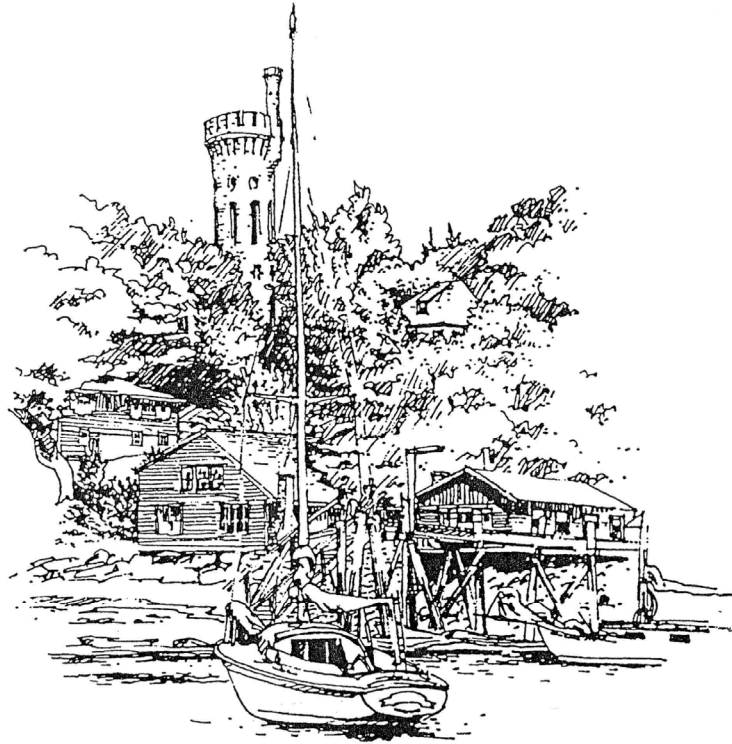


# TOWN OF FREEPORT



## ZONING ORDINANCE May 2008

Proposed Amendments to Chapter 21 Town of Freeport Zoning Ordinance Pertaining to Cannabis Uses  
for the 02/06/24 Town Council Public Hearing  
(Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

**Only the Sections of the Zoning Ordinance proposed to be amended are included in this document.**

## Section 104. Definitions

Note: Text to be added to this Section 104. Definitions in alphabetical order.

**Adult Use Cannabis Cultivation Facility:** A “cultivation facility” as that term is defined in 28-B M.R.S. § 102(13).

**Adult Use Cannabis Retail Store:** A “marijuana store” as that term is defined in 28-B M.R.S. § 102(34).

**Adult Use Cannabis Testing Facility:** A “testing facility” as that term is defined in 28-B M.R.S. § 102(54).

**Cannabis:** “Marijuana” as that term is defined in 28-B M.R.S. § 102 (27), as may be amended.

**Cannabis Cultivation Facility:** An Adult Use Cannabis Cultivation Facility or a Medical Cannabis Cultivation Facility.

**Cannabis Establishment:** A Cannabis Cultivation Facility or a Cannabis Manufacturing and Processing Facility. Unless a general definition (including, but not limited to, agriculture, manufacturing/processing, retail trade, business and professional offices, home occupation, or accessory use) expressly includes a Cannabis Establishment, the general definition does not include a Cannabis Establishment. A Cannabis Establishment does not include an Adult Use Cannabis Retail Store, a Medical Cannabis Caregiver Retail Store, an Adult Use Cannabis Testing Facility or a Medical Cannabis Testing Facility, which are not permitted in the Town of Freeport.

**Cannabis Extraction:** The process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or other chemicals or chemical processes, as defined in 28-B M.R.S. § 101 (30), as may be amended. Cannabis Extraction does not include extraction processes that use inherently hazardous substances.

**Cannabis Home Cultivation:** The cultivation of (i) cannabis for personal adult use by persons twenty-one (21) years of age or older in accordance with the provisions of 28-B M.R.S. § 1502; or (ii) medical cannabis by an exempt caregiver or a qualifying patient.

**Cannabis Manufacturing:** The production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, Cannabis Extraction or preparation by means of chemical synthesis.

**Cannabis Manufacturing and Processing Facility:** A “products manufacturing facility” as that term is defined in 28-B M.R.S. § 102(43) as amended, or a “manufacturing facility” as that term is defined in 22 M.R.S. § 2422(4-R) as amended.

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**Cannabis Uses, Other:** Any use involving cannabis that is not a Cannabis Establishment, Cannabis Home Cultivation, or a Medical Cannabis Small-Scale Caregiver Operation.

**Exempt Caregiver:** A natural person who cultivates cannabis for no more than two (2) family members or members of the Caregiver's household, is exempt from registration by the State pursuant to 22 M.R.S § 2423-A(3)(C-1) and may not possess more than eight (8) pounds of cannabis.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the resident's dwelling unit or accessory structure and subject to the performance standards of Section 503. Home Occupation includes Medical Cannabis Small-Scale Caregiver Operation uses.

**Inherently Hazardous Substances:** Means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than thirty-eight (38) degrees Celsius or one hundred (100) degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. Inherently Hazardous Substance does not include any form of alcohol or ethanol.

**Marijuana:** See Cannabis.

**Medical Cannabis Cultivation Area:** A "cultivation area" as that term is defined in 22 M.R.S. § 2422(3).

**Medical Cannabis Cultivation Facility:** An indoor Medical Cannabis Cultivation Area located anywhere other than a Medical Cannabis Registered Caregiver's residential dwelling or accessory structure.

**Medical Cannabis Caregiver Retail Store:** A "caregiver retail store" as that term is defined in 22 M.R.S. § 2422(1-F) as may be amended.

**Medical Cannabis Registered Caregiver:** A "caregiver" as that term is defined in 22 M.R.S. § 2422(8-A), as may be amended, who is registered by the State pursuant to 22 M.R.S. § 2425-A.

**Medical Cannabis Small-Scale Caregiver Operation:** A commercial or noncommercial use by a Medical Cannabis Registered Caregiver who sells or dispenses cannabis solely out of the Caregiver's residential dwelling or accessory structure; does not process or manufacture cannabis using chemicals or solvents; and cultivates no more than thirty (30) mature cannabis plants. Medical Cannabis Small-Scale Caregiver Operation is considered a home occupation and is subject to the performance standards of Section 503 of this Ordinance.

**Medical Cannabis Testing Facility:** A "marijuana testing facility" as that term is defined in 22 M.R.S. § 2422(5-C) as may be amended.

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**Qualifying Patient:** A “qualifying patient” as that term is defined in 22 M.R.S. § 2422(9) as may be amended.

## Section 201. General Restrictions

- A. No building or land shall hereafter be used or occupied, no new lot shall be created, and no building or part thereof shall be erected, moved or structurally altered, as defined in the current building code adopted by the Town of Freeport, except in conformity with the regulations herein specified for the district within which it is located and in conformity with the regulations contained within the definitions set forth in Section 104 of this Ordinance. Except as otherwise provided in the District Regulations, accessory uses and structures, home occupations; a lemonade stand operated by a minor on the parent's property; agricultural farm stands; peddler trucks; peddler activities including the sale of goods, as well as the preparation, sale and service of food, conducted by Freeport-based religious, charitable, educational and other non-profit institutions; forest management activities, state granted snowmobile trails; ~~and~~ open space uses; and Cannabis Home Cultivation are permitted in every district. *{Amended, Effective 10/03/17}*

The operation of a lemonade stand, an agricultural farm stand, a peddler truck or a peddler activity pursuant to this Section 201.A shall not be considered a permanent use of the property and shall not acquire the status of a lawful non-conforming use in the event of subsequent changes to this Ordinance.

- B. No part of a yard or other open space around any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building, and no lot shall be changed in area after the enactment of this Ordinance so as to reduce the dimensions of any lot below the minimum herein required; except that a single lot of record containing more than one principal structure that was in existence prior to February 20, 1976 and used as dwelling units may be divided so that each structure is contained on a separate lot, if the following conditions are met:
1. The principal structures were in existence and functioning as a year round dwelling unit prior to February 20, 1976 and there are no records in the Town's possession indicating that the structures were unlawful when originally constructed.
  2. Each structure is a year round dwelling. As used in this section, the term "year round dwelling" means a structure that is (i) constructed on a permanent foundation; (ii) capable as being used as a permanent residence for one or more persons; (iii) serviced by utilities (including but not limited to, heating, water supply, sewage treatment, electricity and cooking facilities) which are functional during the full calendar year.
  3. Each new lot complies individually to the fullest extent possible with the dimensional requirements of this Ordinance.
  4. Each lot is serviced by public sewer or a subsurface wastewater disposal system in accordance with Maine law. Each lot is served by public water or a well.
  5. A plot plan, drawn to scale, showing the dimensions of the new lots and the locations of structures is submitted to the Codes Enforcement Officer.
  6. The Codes Enforcement Officer determines that the division of land complies with all of the requirements of this section and approves the plot plan.

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*{Amended, Effective 02/07/12}*

- C. Reserved.
- D. Lots which abut more than one street shall provide the required front setbacks along every street except as specifically provided for in the Freeport Subdivision Ordinance.
- E. The use of any building, structure or land shall comply with the performance standards of this Ordinance. The Codes Enforcement Officer, when reviewing an application for any permit required by law, shall determine that a use complies with all performance standards applicable.
- F. When a lot is transected by a zoning district boundary, the regulations set forth in this Ordinance for each district shall apply to the area of the lot in each district, except as permitted by Section 201.H below.
- G. Excavation or filling and earthmoving as described in Section 509 D.2. shall be permitted in any district unless otherwise regulated by this Ordinance. Ponds, as regulated in Section 525, and short term excavations, as regulated in Section 509, are permitted in any district unless otherwise regulated by this Ordinance.
- H. When part of a lot is in a Resource Protection District RPI, that area in the Resource Protection I District shall be counted toward the required minimum lot area of the other District only if all other applicable space standards can be satisfied within that part of the lot which is in the other district.
- I. If residential and non-residential uses are located on the same lot, the area of the lot must equal or exceed the sum of the minimum lot areas required for each use, except in the Village District I (V-I), Village Commercial District I (VC-I), Village Commercial District II (VC-II), Village Commercial District III (VC-III), Village Commercial District IV (VC-IV), Medium Density Residential District II (MDR II), Village Mixed Use District 1 (VMU-1), Village Mixed Use District 2 (VMU-2), Village Mixed Use District 3 (VMU-3), Commercial District I, Commercial District III, Commercial District IV, and as provided in Section 402.II.C. below. For the purposes of this section, accessory structures and facilities such as but not limited to sewage and water pumping stations, telephone electronic stations, and electrical transformers, to public utilities are considered to be residential uses. *{Amended, Effective 06/19/12}*
- J. No building or structure which is not a dwelling unit as defined in this Ordinance may be used as a residence.
- K. Public sewer pump stations are exempt from the space standards and landscape setback requirements of this Ordinance.

Public sewer pump stations shall be designed to be as unobtrusive as possible through the use of such measures as landscaping and buffering.

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- L. Dwelling Unit Allowance: Beginning January 1, 2024, except as otherwise authorized pursuant to 30-A M.R.S.A. § 4401 *et seq.* and Chapter 25 (Subdivision Ordinance), the maximum number of Dwelling Units, including Accessory Dwelling Units, allowed on any lot in a zoning district where Single-Family, Duplex, or Multifamily Dwellings are permitted Uses is three (3) if the lot is outside of a Designated Growth Area or four (4) if the lot is within a Designated Growth Area. All Dwelling Units must comply with all applicable requirements of this Ordinance and any other rule or ordinance of the Town of Freeport.
- M. Sanitary and Potable Water Standards. The following standards apply to any Dwelling Unit:
1. The space and bulk standards (including but not limited to the minimum lot area and minimum land area per dwelling unit, if applicable) of the zoning district in which the lot is located apply per dwelling unit. Without limiting the foregoing sentence, if a lot is nonconforming as to minimum lot area or minimum land area per dwelling unit, no additional dwelling units are allowed.
  2. Prior to the issuance of a Certificate of Occupancy, the permit holder must provide written verification to the Codes Enforcement Officer that each additional dwelling unit is connected to adequate water and wastewater services, as follows:
    - a. If a unit is connected to a public, special district, or other Comparable Sewer System, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
    - b. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.A. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.
    - c. If a unit is connected to a public, special district, or other Centrally Managed Water System, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
    - d. If a unit is connected to a well, proof of access to Potable water, including the following standards:
      - i. The well shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other known sources of potential contamination.
      - ii. Site design shall allow for placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal in compliance with 10-144 C.M.R. Ch. 241, the Maine Subsurface Waste Water Disposal Rules.

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- iii. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
- iv. For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.
- v. When a project is to be served by a public water system, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water.
- vi. Any tests of an existing well or proposed well must indicate that the water supply is Potable and acceptable for domestic use.

**Section 406. Medium Density Districts - “MD-A and MD-B”**

*{Amended, Effective 01/07/14}*

A. Purpose:

It is the intent of this District to maintain the present balance between residential and limited business uses in an area which includes some moderately densely developed areas containing structures of historical significance in sections which are more rural in nature. Route 1 is the major roadway in this District and extends from the Village to the Town of Brunswick border. Provisions below are intended to allow a mix of residential and commercial uses while protecting the neighborhoods and residential properties.

B. Permitted Uses: *{Amended, Effective 06/18/13}*

1. Single-Family Dwelling
2. Duplex Dwelling
3. Mobile Home
4. Agriculture *{Amended, Effective 06/18/13}*
5. Agritourism Activity *{Amended, Effective 06/18/13}*
6. Timber Harvesting
7. Peddler on Private Property subject to the requirements of Section 526.

The following uses are subject to subdivision review:

8. Open Space Subdivisions for Single-Family, Duplex dwellings, and Multifamily dwelling,



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9. Expanded Open Space Subdivisions for Single-Family, Duplexes, and Multifamily dwellings,
10. Large Lot Subdivisions for Single-Family, Duplex, and Multifamily dwellings.

The following uses are subject to site plan review regardless of size:

11. Municipal Facility
12. Multifamily Dwelling
13. Hotel/Motel - Maximum of 30 units including retail trade as an accessory use up to 1,000 square feet of gross floor area.
14. Commercial Recreation - Outdoor
15. Commercial Recreation - Indoor
16. Public Utilities
17. Business and Professional Office
18. Hospital
19. Nursing Home and/or Residential Health Care Facility
20. Religious Institution
21. Public or Private School
22. Commercial School
23. Outdoor Recreation School up to 5,000 square feet of gross floor area or up to 5,000 square feet total gross square footage of all buildings on any parcel. The lot area must be at least 100,000 s.f. in MD-A, 80,000 s.f. in MD-B without public water and sewer, and 40,000 s.f. in MD-B with public water and sewer.
24. Cemeteries
25. Private Assembly
26. Bed and Breakfast Inn
27. Convenience Store limited to a maximum of 2500 sq. ft. of gross floor area
28. Junkyard existing as of May 11, 1999
29. Mobile Home Park subject to the requirements of Article V, Sec. 524
30. Day Care Center Facilities
31. Wireless Telecommunication Facility (see Sec 528)
32. Auto Repair Service Garage up to 2,500 square feet of building footprint and up to 5,000 square feet of outdoor vehicle storage area. Auto sales may occur on the premises with no limitation on the percentage of the above building and storage area used as long as an auto repair service garage is operated on the premises within the enclosed building.
33. Construction services
34. Campgrounds
35. Art Gallery/Museum up to 2,500 square feet of building footprint
36. Manufacturing and processing and research and development facilities up to 10,000 square feet of gross floor area of building with up to 5,000 square feet of outdoor storage area. The type of items to be stored outdoors must be approved by the Project Review Board.
37. Restaurant limited to a maximum of fifty (50) seats.
38. Retail trade up to 1,000 square feet of gross floor area
39. Warehouse and Storage Facility, subject to the following limitations:

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(a) On a lot less than three acres, a warehouse and storage facility may contain:

- 1) No more than one principal building
- 2) No more than 2,500 square feet of gross floor area
- 3) No more than 5,000 square feet of outdoor storage area, except that total outdoor storage area may be increased to no more than 10,000 square feet when the storage includes at least 5,000 square feet of lumber and wood products.
- 4) No outdoor storage of any items other than the types of items approved by the Project Review Board.

(b) On a lot of three acres or more, a warehouse and storage facility may contain:

- 1) In the MD-A District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 50,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
- 2) In the MD-B District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 40,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
- 3) No more than 2,500 square feet of gross floor area in any single building.
- 4) No greater than 40 feet of separation between any two buildings on the lot.
- 5) No more than 10,000 square feet of outdoor storage area.
- 6) No outdoor storage of any items other than the types of items approved by the Project Review Board.

40. Parking area for open space *{Amended, Effective 12/02/14}*

41. Artisan Food and Beverage *{Effective 12/17/14}*

a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks

42. Boat Yard *{Effective 03/19/19}*

43. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 03/16/21}*

44. Large Solar Farm, subject to the standards of Section 534 *{Amended, Effective 03/16/21}*

45. Affordable Housing Developments, subject to the standards of Section 536

46. Cannabis Cultivation Facility, subject to the standards of Section 535.

47. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

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

1. Minimum lot area:
  - MD-A - 50,000 s.f.
  - MD-B - 40,000 s.f. without public water & sewer  
20,000 s.f. with public water & sewer
2. Minimum road frontage:
  - Route 1 200 feet
  - All other roads: 100 feet
3. Maximum building height: 35 feet
4. Minimum setbacks: projects that meet the criteria of Sec. 406.G.4 are eligible for 50% reduction of the setbacks listed below: *{Amended, 03/19/19}*
  - Minor Street:
    - front: 60 feet
    - side: 40 feet
    - rear: 40 feet
  - U.S. Route 1:
    - Front: 50 feet
    - Side: 50 feet
    - Rear: 50 feet

From residential buildings: In addition to the setback requirements listed above, new buildings for the uses of auto repair service garage, construction services, manufacturing and processing, and/or warehouse and storage facility that require Site Plan Review approval shall not be located any closer than 100 feet from the closest point of a residential building on an adjacent property. For the purposes of this section, a residential building means a Single-Family, Duplex, Multifamily or mobile home, as well as commercial uses that are either temporary or permanent shelter such as campgrounds, hotels and motels, and nursing homes.

5. Minimum land area per dwelling unit: 20,000 feet
6. Maximum impervious surface to lot area: 50%
7. Minimum lot width: 75 feet
8. Maximum Height B
  - Wireless Telecommunication Facility (single user): 100 feet
  - Wireless Telecommunication Facility, Co-located: 150 feet

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

1. Open Space Subdivisions requirements
  - A. MD-A net residential density, Single-Family: *1 unit per 50,000 square feet of net residential acreage*
  - B. MD-B net residential density without public water and sewer, Single-Family: *1 unit per 40,000 square feet of net residential acreage*

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- C. MD-B net residential density with public water and sewer, Single-Family:  
*1 unit per 20,000 square feet of net residential acreage*
- D. MD-A and MD-B net residential density, per dwelling unit, Duplex and Multifamily:  
*1 unit per 20,000 square feet*
- E. MD-A minimum lot area, Single-Family:  
*25,000 square feet*
- F. MD-B minimum lot area, Single-Family if not connected to public water and sewer:  
*20,000 square feet*
- G. MD-B minimum lot area, Single-Family if connected to public water and sewer:  
*10,000 square feet*
- H. Minimum lot area per dwelling unit, Duplex, and Multifamily dwellings:  
*10,000 square feet*

2. Expanded Open Space Subdivisions requirements

- A. MD-A net residential density, Single-Family:  
*1 unit per 41,500 square feet of net residential acreage*
- B. MD-B net residential density without public water and sewer, Single-Family:  
*1 unit per 33,000 square feet of net residential acreage*
- C. MD-B net residential density with public water and sewer, Single-Family:  
*1 unit per 17,000 square feet of net residential acreage*
- D. MD-A and MD-B net residential density, per dwelling unit, Duplex and Multifamily:  
*1 unit per 17,000 square feet*
- E. MD-A minimum lot area, Single-Family:  
*20,000 square feet*
- F. MD-B minimum lot area, Single-Family if not connected to public water and sewer:  
*20,000 square feet*
- G. MD-B minimum lot area, Single-Family if connected to public water and sewer:  
*7,000 square feet*
- H. Minimum lot area per dwelling unit, Duplex, and Multifamily dwellings:  
*7,000 square feet*

3. Large Lot Subdivisions requirements

- A. MD-A net residential density, Single-Family:  
*1 unit per 100,000 square feet of net residential acreage*
- B. MD-A net residential density, per dwelling unit, Duplex, and Multifamily dwellings:  
*1 unit per 40,000 square feet of net residential acreage*
- C. MD-B net residential density without public water and sewer, Single-Family:  
*1 unit per 80,000 square feet of net residential acreage*
- D. MD-B net residential density without public water and sewer, per dwelling unit, Duplex, and Multifamily dwellings:  
*1 unit per 40,000 square feet of net residential acreage*
- E. MD-B net residential density with public water and sewer, Single-Family and per dwelling unit, Duplex, and Multifamily dwellings:  
*1 unit per 40,000 square feet of net residential acreage*

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- F. MD-A minimum lot area, Single-Family: *100,000 square feet*
- G. MD-B minimum lot area without public water and sewer, Single-Family: *80,000 square feet*
- H. MD-B minimum lot area with public water and sewer, Single-Family: *40,000 square feet*
- I. Minimum land area per dwelling unit, Duplex, and Multifamily dwellings: *40,000 square feet*

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

- 1. Minimum road frontage and lot width, open space and expanded open space subdivisions: 75 feet
- 2. Minimum road frontage, large lot subdivisions: 100 feet
- 3. Minimum lot width, large lot subdivisions: 75 feet
- 4. Minimum setback for open space and expanded open space subdivisions
  - front: 30 feet
  - rear: 25 feet
  - side: 10 feet
  - combined side: 30 feet
- 5. Minimum setback for large lot subdivisions
  - front: 60 feet
  - rear: 40 feet
  - side: 40 feet
- 6. Maximum building height: 35 feet

F. Prohibited Uses:

Specifically include, but are not limited to, the following:

- 1. Manufacture, fabrication, disposal or any use of asbestos products
- 2. Paper Manufacturing
- 3. Petroleum and petrochemical refining and reprocessing
- 4. Production of lubrication oils and grease
- 5. Manufacture of explosives including, but not limited to, ammunition and fireworks
- 6. Offal or dead animal disposal and reprocessing
- 7. Abattoirs and slaughterhouses

G. Other Standards:

- 1. Outdoor storage for home occupation uses is prohibited in the front setback.
- 2. For all lots other than those with Single-Family dwelling and Duplex dwelling uses, the following buffer requirements shall apply:
  - Landscaping is required in all front, side and rear setbacks for a minimum depth of twenty-five (25) feet. The purpose of the landscaping is to provide a buffer between low density residential uses and commercial/industrial uses. The

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Project Review Board shall determine the type of landscaping to be required and may use the applicable standards listed in Section 506 (Buffer Zones) below.

3. Minimum outdoor storage standards for non-residential uses are:
  - a. The storage area shall be fully fenced with an opaque material 5 to 6 feet high.
  - b. Only materials and/or equipment used in the business shall be stored.
  - c. Stored materials shall be no higher than the height of the fence.
  - d. No outdoor storage shall be allowed in any setback areas.
4. A reduction of fifty percent of any setback requirement is allowed if doing so will increase the distance between an existing residential building and a commercial building, if environmentally sensitive areas will be avoided, or if a lot shares access with another commercial building, and /or varying the setback will alter the front lines of the buildings. *{Amended, 03/19/19}*
5. All buildings that are subject to Site Plan Review and that are plainly visible from a public road shall be required to meet the building design standards of this section. For the purposes of this section, buildings that are screened by a depth that is the same or more than the front setback requirement of natural, mature vegetation, and/or another building, and/or a change in elevation or other method as approved by the Project Review Board are not considered to be visible from the road, These building may be seen from the road, but they are not considered to be in plain sight.
  - a. Designs that are characterized by long monotonous unrelieved shape or form or by the unbroken extension of line for any building are not permitted. Wall projections, recesses, windows, roof elevation variations and design features such as moldings, color changes, material changes, signs, awnings, dormers and so on can be used to break up the visual expanse of a building facing a public or private road.
  - ~~a.~~ b. Efforts should be made to vary the setback of the building on a parcel from the setback of adjacent buildings to avoid a monotonous, visual building line along a road. In situations where this is not possible landscaping, parking lot design and building design are some examples of site features which can be used to minimize the uniformity of the setback line.
6. Buildings that are subject to Site Plan Review that are not plainly visible as described in Sec.406.G.5 above shall provide extra attention to the entrance rather than the building. For example, signs for the business or a simple address sign might be made of a distinctive material, or decorative plantings, lighting, or art work may be included. The Project Review Board may base the appropriateness of an entrance design on the amount of customer recognition that is needed for a business.
7. Non-residential uses are allowed one overhead door on a side of the building visible from U.S. Route One. The Project Review Board may approve more than one overhead door on a side of a building visible from Route One if the size and shape of the lot are such that no other feasible alternative exists or if the building is not plainly visible from U.S. Route One as described in Sec. 406.G.5.

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for the 02/06/24 Town Council Public Hearing

(Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

**Section 409. Commercial District I “C-I”**

A. Purpose: *{Amended, Effective 02/04/20}*

It is the intent of this District to provide for suitable locations for commercial uses and mixed use developments which are appropriately situated at highway locations and to encourage an attractive entrance to the Town of Freeport. This District comprises land along the U.S. 1 corridor from Yarmouth to the plaza just north of Desert Road and is the major local connector between Yarmouth and Freeport. This district is intended to be flexible with regard to minimum lot area, road frontage requirement, and setbacks from property lines provided points of access onto U.S. Route One are limited, and design standards are met.

B. Permitted Uses:

1. Single-Family Dwelling
2. Duplex Dwelling
3. Agriculture *{Amended, Effective 06/18/13}*
4. Agritourism Activity *{Amended, Effective 06/18/13}*
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526

The following uses are subject to site plan review regardless of size: *{Amended, 03/19/19}*

7. Public or Private School
8. Commercial School
9. Outdoor Recreation School
10. Auto Repair Service Garage subject to the standards of Sec. 409.D.6 listed below
11. Auto Service Station
12. Retail Trade up to 15,000 s.f. building footprint
13. Commercial Sales and Service - Outdoor
14. Business and Professional Offices
15. Commercial Recreation – Indoor and Outdoor
16. Public Utilities
17. Convenience Store with Gas Pumps
18. Restaurant
19. Restaurant - Drive-Up
20. Restaurant - Carry-Out
21. Bed and Breakfast Inn
22. Hotel/Motel
23. Boatyard
24. Public and Private Assembly Indoor
25. Parking Facility
26. Commercial Sales and Service
27. Manufacturing and Processing
28. Day Care Center Facilities

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29. Auto Sales for up to 30 vehicles stored outdoors
30. Flea Markets
31. Art Gallery and Museum
32. Residential Health Care Facility
33. Nursing Home
34. Construction Services
35. Research and Development Facility
36. Parking area for open space *{Amended, Effective 12/02/14}*
37. Artisan Food and Beverage *{Amended, Effective 02/04/20}*
38. Vehicle wash center *{Amended, 03/19/19}*
39. Mixed Use Development *{Amended, Effective 02/04/20}*
40. Food Truck, as an accessory to any permitted use that is subject to Site Plan Review, and subject to the provisions for Section 526A. – Food Trucks *{Amended, Effective 02/04/20}*
41. Cannabis Cultivation Facility, subject to the standards of Section 535.
42. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

The following uses are permitted 300 feet or more from the easterly edge of the U.S. Route One right-of-way **or if closer than 300 feet from the easterly edge of U.S. Route One the standards of Section 409.D.8 shall be met**, and are subject to site plan review regardless of size: *{Amended, Effective 02/04/20}*

- ~~4143~~. Multifamily Dwelling
- ~~4244~~. Warehouse and Storage Facility
- ~~4345~~. Wireless Telecommunication Facilities
- ~~4446~~. Truck Facilities
- ~~4547~~. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 03/16/21}*
- ~~4648~~. Large Solar Farm, subject to the standards of Section 534 *{Amended, Effective 10/05/21}*
- ~~4749~~. Affordable Housing Developments, subject to the standards of Section 536

### C. Space and Bulk Standards

1. Minimum lot area and road frontage requirement if the building(s) or use(s) is/are connected to the public water and sewer system and if one of the following conditions exists or is provided<sup>1</sup>: *{Amended, Effective 10/03/17}*

---

<sup>1</sup> It is the intent of this section to provide the incentives of reduced minimum lot areas and road frontage requirements for developments that limit or share access points on to U.S. Route One. The limitation of access points on U.S. Route One applies to developments that intend to take advantage of the incentives of reduced minimum lot areas and road frontage requirements when a new lot is created. The limitation of access points does not apply to existing developments, buildings, or uses or to existing developments, buildings, or uses that propose a change of some sort but that are not creating a new lot. For more information on the intent of this section refer to the Comprehensive Plan, Section VI.B – Future Land Use Directions – Commercial.



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- a. there is no more than one access point (existing or proposed) per lot of record as of May 6, 2008 on U.S. Route One, or
- b. the only access point off U.S. Route One is shared with an adjacent lot or lots and the lot or lots sharing the access points don't have other access points on U.S. Route One; or
- c. a lot has more than one existing access point per lot of record as of May 6, 2008; provided, however, that (i) in these situations the Project Review Board may relocate some or all of the access points, (ii) the development shall not have more access points than exist on May 6, 2008, and (iii) the Project Review Board may in its discretion limit access points to a number less than the number existing on May 6, 2008 if the Project Review Board shall determine that the maintenance of the number of access points existing as of May 6, 2008 is likely to<sup>2</sup>:
  - A. detract from public safety considering such factors such as accidents in the area, traffic volumes, road geometrics, types and frequency of traffic moving to and from existing uses within 1,000' of the proposed use; or
  - B. adversely effect the ability of vehicular traffic to maintain the existing speed limit; or
  - C. threaten an environmentally sensitive area,

**West** side of U.S. Route One and lots in the C-1 District just prior to May 6, 2008

Minimum lot area	20,000 s.f.
Minimum land area per dwelling unit if part of a mixed use development	10,000 s.f.
Road frontage requirement	none

**East** side of U.S. Route One other than lots in the C-1 District just prior to May 6, 2008

Minimum lot area	40,000 s.f.
Minimum land area per dwelling unit within 300' of U.S. Route One	40,000 s.f.
Minimum land area per dwelling unit 300' or beyond U.S. Route One	15,000 s.f.
Minimum land area per dwelling unit if part of a mixed use development	10,000 s.f.
Road frontage requirement	none

2. Minimum lot area and road frontage requirements for lots that do not meet the requirements of Section 409.C.1 above

**West** side of U.S. Route One and lots in the C-1 District just prior to May 6, 2008

Minimum lot area	1 acre
------------------	--------

<sup>2</sup> It is the intent of this section to give the Project Review Board the authority to consider allowing two access points if the two access points existed prior to May 6, 2008. This exception was intended for proposed developments that are expected to have a minimal increase in traffic such as small residential developments or commercial uses with limited traffic needs, and for proposed developments that can easily meet the standards of this section.

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Road frontage requirement	300 feet
<b>East</b> side of U.S. Route One other than lots in the C-1 District just prior to May 6, 2008	
Minimum lot area	3 acres
Road frontage requirement	300 feet

3. Maximum building height: *{Amended, 03/19/19}* 35 feet  
Projects that meet the criteria of Sec. 409.D.7 are eligible for a maximum height of 45 feet.

4. Maximum impervious surface to lot area: 70%

5. Minimum setback *{Amended, 03/19/19}*
- |        |         |
|--------|---------|
| front: | 15 feet |
| side:  | 15 feet |
| rear:  | 15 feet |

Projects that meet the criteria of Sec.409.D.5 are eligible for a minimum side and rear setback of 5'.

D. Other Standards: *{Amended, 06/18/19}*

1. Outdoor storage for non-residential uses is prohibited in the front setback. Outdoor storage areas shall be fenced.
2. For all uses subject to Site Plan Review, in the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping is also required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side landscaped setbacks. *{Amended, 03/19/19}*
3. Items for sale are allowed within all of the required setbacks.
4. If existing or proposed parking spaces are eliminated due to the creation of parking lot connectors and/or common driveways for abutting lots, the property shall be credited for each lost space so that no net loss of parking spaces shall occur.
5. The side and rear setback requirements may be reduced to a minimum of 5' if the proposed building is adjacent to an existing building used for commercial purposes, if a lot shares access, parking, and/or other facilities with another lot, or if environmental constraints on the property limit the logical location of buildings to be closer to the property line. *{Amended, 03/19/19}*

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6. Building heights up to 45' are allowed provided the building can be adequately screened from U.S. Route One, I-295, Old South Freeport Road and South Freeport Road as applicable with existing trees and the building is 300' or greater from U.S. Route One. *{Amended, 03/19/19}*
7. The Performance Standards of Section 527 are applicable.
8. For uses that require outdoor storage of materials or the operation/storage of large equipment (other than inventory for sale), or outdoor equipment that is accessory to vehicle wash centers such as vacuuming devices, the Project Review Board shall require screening that visually obscures the storage area(s) or accessory uses to vehicle wash centers and/or reduces the ambient noise level of the use to the greatest extent practicable. Such screening may include plantings, retention of existing vegetation, berms, fences, or other vegetative or constructed barriers to mitigate the visual and auditory impact of the development on the surroundings. *{Amended, 03/19/19}*

The final shape, size and location of all screening shall be determined, at the discretion of the Project Review Board. In determining the shape and size of the screening, the board shall consider the amount of land being used for outdoor storage, the type of screening being used, the amount of noise that may be generated by the outdoor storage, the proximity of the outdoor storage to the road, and the amount of natural vegetation being maintained.

9. A permitted use may have seasonal, accessory, outdoor seating using an area of up to one thousand (1,000) square feet, anytime from May 1<sup>st</sup> through October 31<sup>st</sup>, so long as the seating will be located entirely on private property; no new impervious area will be created; and, egress and accessible features, including parking and access routes, will not be altered. (For this standard, the term accessible refers to features designed to meet the accessible design standards under the Americans with Disabilities Act.) No additional off-street parking will be required for outdoor seating being provided in accordance with this section. Town Planner review will be required for such seasonal, accessory outdoor seating, per Section 602 of this Ordinance. *{Amended, 01/04/22}*
7. Parcels within the Shoreland Zone shall meet the requirements of the Town of Freeport, Maine Chapter 65 Shoreland Zoning Ordinance.

## **Section 411. Commercial District III - "C-III"**

### **A. Purpose:**

It is the intent of this District to create an attractive entrance to the Village. A mix of commercial and residential uses are permitted with restrictions on building size and parking

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locations. Landscaping requirements are mandated in the front setback. In order to limit access points on heavily traveled U.S. Route 1, access on other streets and on service roads is encouraged through decreased road frontage requirements. This District is part of the Design Review District and contains historically and architecturally significant buildings and structures which should influence the design of future development.

B. Permitted Uses:

1. Single-Family Dwelling
2. Duplex Dwelling

The following uses are subject to site plan review regardless of size:

3. Public or Private School
4. Commercial School
5. Outdoor Recreation School
6. Cemeteries
7. Public Utilities excluding commercial communications towers
8. Municipal Use
9. Multifamily Dwelling
  - a. Existing buildings shall not be subject to the provisions of Section 411.D.6 below
10. Restaurant
11. Restaurant - Carry-Out
12. Bed & Breakfast Inn
13. Business and Professional Offices
14. Public Assembly - Indoor
15. Private Assembly
16. Auto Repair Service Garage
17. Religious Institutions
19. Hotel - Motel
20. Commercial Sales and Service, including up to two hundred (200) square feet of incidental, accessory outdoor storage. This outdoor storage is permitted only on a seasonal basis (April to October). Materials such as propane, which must be located outdoors at all times, are exempt from the seasonal restriction, but they must be screened from abutter and street views.
21. Parking Facility
22. Retail Trade
23. Manufacturing and Processing
24. Day Care Center Facilities
25. Commercial Recreation – Indoor
26. Parking area for open space *{Amended, Effective 12/02/14}*
27. Artisan Food and Beverage *{Effective 12/17/14}*
  - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
28. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 12/02/14}*

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29. Cannabis Cultivation Facility, subject to the standards of Section 535.

30. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

C. Prohibited Uses:

Specifically include, but are not limited to, the following:

1. Manufacturing, fabrication, disposal, or any use of asbestos products.
2. Paper manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or deer animal disposal and reprocessing
7. Abattoirs and slaughterhouses

D. Space Standards:

- |  |             |
|--|-------------|
| 1. Minimum lot area:   | 2 acres     |
| 2. Maximum Building Height:  | 35 feet     |
| 3. Minimum Road Frontage   |             |
| U.S. Route 1 and Pine Street:  | 300 feet    |
| Other Streets:   | 150 feet    |
| 4. Maximum Impervious Surface to lot area ratio:   | 70%         |
| 5. Minimum Setback:  |             |
| a. All setbacks except from I-95 boundary:   |             |
| <u>Front:</u> 50 feet, if parking is located between the 25' front landscaped setback and the 50' setback. 25' if parking is located beyond 50' of the front property boundary line.   |             |
| <u>Side:</u> On a lot with two side lot lines, the total combined minimum width of both side setbacks shall be 75' and the minimum side setback shall be 25'. If a parcel has only one side lot line, the minimum side setback shall be 35'.<br><i>{Amended, 03/19/19}</i> |             |
| <u>Rear:</u> 35 feet   |             |
| b. All setbacks from I-95 boundary:  | 25 feet     |
| 6. Minimum Land Area per Dwelling Unit:  | 7,000 s.f.  |
| 7. Maximum Gross Floor Area per lot:   | 40,000 s.f. |

E. Other Standards:

1. Buffer strips, as required by Section 506, shall consist of at least the minimum required setbacks.
2. Landscaping is required in the setback from U.S. Route 1 and in the front setback

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from all other streets for a minimum of twenty-five (25) feet except for driveways. Landscaping is required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural vegetative cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side setback.

3. Outdoor storage is prohibited except as permitted in Section 411 B.17 above.
4. The Performance Standards of Section 527 are applicable. *{Amended, Effective 01/02/18}*
5. If existing or proposed parking spaces are eliminated due to the creation of parking lot connectors and/or common driveways for abutting lots, the property shall be credited for each lost space so that no net loss of parking spaces shall occur.
6. Curb cuts on Route One and Pine Street should be limited, where possible, to one per lot. In addition, because of the limited sight distance at certain parcels containing frontage on Pine Street, if any lot fronting on Pine Street is subdivided after May 1, 1997, one common driveway location which provides access to all existing and new lots shall be provided in the deed. The common driveway location shall meet MDOT requirements for sight distance and all necessary easements shall be included in each deed.
7. A permitted use may have seasonal, accessory, outdoor seating using an area of up to one thousand (1,000) square feet, anytime from May 1<sup>st</sup> through October 31<sup>st</sup>, so long as the seating will be located entirely on private property; no new impervious area will be created; and, egress and accessible features, including parking and access routes, will not be altered. (For this standard, the term accessible refers to features designed to meet the accessible design standards under the Americans with Disabilities Act.) No additional off-street parking will be required for outdoor seating being provided in accordance with this section. Town Planner review will be required for such seasonal, accessory outdoor seating, per Section 602 of this Ordinance. *{Amended, 01/04/22}*

## Section 412. Commercial District IV “C-IV”

*{Amended, Effective 08/06/19}*

### A. Purpose:

~~It is the intern of this This District is intended~~ to provide suitable locations for a variety of higher density residential and commercial uses which benefit from nearby major highway connections and existing public utilities. Open space and/or buffers are required to provide a buffer between higher density development and adjacent lower density residential properties and to protect environmentally sensitive areas.

### B. Permitted Uses:

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(Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

The following uses are subject to site plan review regardless of size:

1. Duplex Dwelling
2. Multifamily Dwelling
3. Public or Private School
4. Commercial School
5. Outdoor Recreation School
6. Local convenience goods stores accommodating local needs such as but not limited to retail bakeries, delicatessens, candy, nut and fish stores, fruit and vegetable stores, grocery and food stores, 5 & 10 stores, hardware stores, auto parts supply, book stores, branch banks, dry goods stores and florist shops;
7. Personal service stores such as but not limited to beauty and barber shops, laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services and alterations services;
8. Supermarket
9. Business and Professional Offices
10. Commercial Recreation - Indoor
11. Commercial Recreation - Outdoor
12. Municipal Facilities
13. Public Utilities
14. Warehouse and Storage Facilities
15. Commercial Sales and Service
16. Truck Facility
17. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
18. Hotel/Motel
19. Day Care Center Facilities
20. Convenience Store with Gas Pumps
21. Auto Service Station
22. Auto Repair Service Garage
23. Restaurant
24. Restaurant - Carry Out
25. Restaurant - Drive-up
26. Construction Services
27. Public Assembly
28. Private Assembly
29. Wireless Telecommunication Facility (See Sec. 528)
30. Parking area for open space *{Amended, Effective 12/02/14}*
31. Artisan Food and Beverage *{Effective 12/17/14}*
  - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
32. Medication Assisted Treatment Facility for Opioid Addiction *{Effective 10/04/16}*
33. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 10/05/21}*
34. Large Solar Farm, subject to the standards of Section 534 *{Amended, Effective 10/05/21}*

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35. Affordable Housing Developments, subject to the standards of Section 536

36. Cannabis Cultivation Facility, subject to the standards of Section 535.

37. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

The following uses are subject to subdivision review:

~~368.~~ Commercial Open Space Subdivision for Duplex and/or Multifamily dwellings.

C. Space Standards for Lots which are Not Within Subdivisions as Listed in Section D below:

1. Minimum Lot Area:

20,000 s.f. provided curb cuts on Hunter Road or Desert Road are at least 300 feet apart on the relevant side of the road; otherwise the minimum lot area is 1 acre. The minimum lot area of lots having frontage on roads other than Hunter Road or Desert Road is 20,000 s.f. provided that access to the lot is on a driveway serving 2 or more lots; otherwise the minimum lot area is 1 acre.

2. Maximum Building Height: 35 feet

3. Minimum Road Frontage:

a. Minimum Road Frontage for Lots that have one or more access(es) that is not shared with other lots: 100 feet

b. No Minimum Road Frontage for lots that share an access with one or more other lots.

4. Maximum Impervious Surface to Lot Area Ratio: 70%

5. Minimum Setback:

front: 25 feet

side: 25 feet

rear: 25 feet

6. Maximum Height - Wireless Telecommunication Facility (single user): 75 feet

Wireless Telecommunication Facility, Co-located: 125 feet

D. Space and Bulk Standards for Lots in Open Space Commercial Subdivisions approved after August 6, 2019

1. Net residential density per dwelling unit; Duplex and Multifamily –

1 unit per 2,904 s.f. (15 units per acre) of net residential acreage

2. Maximum impervious surface to lot area excluding designated open space 90%

3. Allowable number of stories 3 stories

4. Setbacks for developments with property in common ownership front: 25 feet

rear: 50 feet

side: 25 feet

For developments that will be divided into individual lots:

4. Minimum lot area per dwelling unit; Duplex and Multifamily – 4,000 s.f.

5. Minimum road frontage 30 ft.

6. Minimum setback for commercial open space subdivisions front: 10 feet

rear: 10 feet



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side: 5 feet

E. Prohibited Uses:

1. Manufacture, fabrication, disposal or any use of asbestos products
2. Paper Manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or dead animal disposal and reprocessing
7. Abattoirs and slaughterhouses

F. Other Standards:

1. For developments that require open space, the open space shall be delineated by using the following priority system:
  - a. first priority – establish buffer of at least 50 feet where the Commercial District is adjacent to the Rural Residential District.
  - b. second priority – open space includes primary conservation areas to the greatest extent practical
  - c. third priority – at the discretion of the owner
2. If open space is not required, a 25 foot buffer shall be required where the adjacent property within this District is presently used for residential purposes. A 100 foot buffer strip shall be required where it abuts residential districts
3. Landscaping is required in the front setback as per Section 527.E.
4. The Performance Standards of Section 527 are applicable. *{Amended, Effective 01/02/18}*

**Section 415. Village Commercial III “VC-III”**

*{Amended, Effective 04/27/21}*

A. Purpose:

It is the intent of this District to begin the transition from the Village Commercial District to the neighboring districts. This District, which is included in the Design Review District, contains a mixture of residential and commercial uses which are located in structures maintaining a residential design and scale. New construction and renovation shall be compatible with the visual appearance and placement on the parcel of the existing buildings.

B. Permitted Uses:

1. Single-Family Dwelling
2. Duplex Dwelling
3. Peddler on Private Property subject to the requirements of Section 526

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The following uses are subject to subdivision review:

4. Subdivisions for Single-Family, Duplex, or Multifamily dwellings. Any such subdivision must be designed as a Village Open Space Subdivision.
  - a. Buildings in existence prior to January 22, 2013 shall not be subject to the provisions of Section 415.D.2, 4 and 6 below provided the provisions of section 415.F.5 below are met *{Amended, Effective 01/22/13}*

The following uses are subject to site plan review regardless of size:

5. Religious Institution
6. Public or Private School
7. Commercial School
8. Outdoor Recreation School
9. Municipal Facility
10. Multifamily Dwelling
  - a. Buildings in existence prior to January 22, 2013 shall not be subject to the provisions of Section 415.C.5 below provided the provisions of section 415.F.5 below are met *{Amended, Effective 01/22/13}* *{Amended, Effective 10/03/17}*
11. Retail Trade

A minimum of 20,000 sq. ft. lot may contain the following:  
Gross floor area shall not exceed 6,000 s.f.,  
No floor shall exceed a maximum of 3,500 s.f.
12. Public Utilities
13. Business and Professional Offices:

Gross floor area shall not exceed 6,000 s.f. No floor shall exceed a maximum of 3,500 s.f.
14. Public Assembly, Indoor
15. Bed & Breakfast Inn
16. Hotel or Motel not over 20 units
17. Private Assembly
18. Restaurant
19. Manufacturing and Processing which does not involve the basic refinement of bulk raw materials.
20. Parking area for open space *{Amended, Effective 12/02/14}*
21. Artisan Food and Beverage *{Effective 12/17/14}*
22. Mixed Use Development
23. Affordable Housing Developments, subject to the standards of Section 536
24. Cannabis Cultivation Facility, subject to the standards of Section 535.
25. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

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

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(Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

- |   |        |  |
|---|--------|--|
| 1. Minimum lot area:                    |        | 20,000 s.f.  |
| 2. Minimum road frontage:               |        | 100 feet   |
| 3. Maximum building height:             |        | up to three stories, with a<br>maximum height of 45 feet |
| 4. Minimum Setback                      | front: | 25 feet  |
|   | side:  | 15 feet  |
|   | rear:  | 25 feet  |
| 5. Minimum land area per dwelling unit: |        | 5,000 s.f.   |

Please consult the Freeport Village Design Standards for additional standards that may apply.

D. Space Standards for Lots in Village Open Space Subdivisions approved after August 2, 2005

1. Net residential density; Single-Family - 1 unit per 12,000 s.f. of net residential acreage
2. Net residential density per dwelling unit; Duplex and Multifamily –  
1 unit per 3,630 s.f. of net residential acreage
3. Average lot area for Single-Family – not less than 6,000 s.f.
4. Average lot area per dwelling unit; Duplex and Multifamily –  
not less than 1,800 s.f.
5. Minimum lot area; Single-Family 3,000 s.f.
6. Minimum lot area per dwelling unit; Duplex and Multifamily- 600 s.f.
7. Minimum road frontage 30 ft.
8. Maximum impervious surface to lot area ratio 80%

E. Prohibited Uses:

Specifically include but not limited to:

1. Manufacturing, fabrication, disposal, or any use of asbestos products.
2. Paper manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or dead animal disposal and reprocessing
7. Abattoirs and slaughterhouses
8. Drive-up/Drive-through

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F. Other Standards:

1. Peddler trucks are prohibited.
2. The following conditions shall be made for all non-residential uses which are located on parcels having access to Main Street and/ or minor streets as defined in the Street Acceptance and Standards Ordinance of the Town of Freeport
  - a. Parking areas shall not be located within the side and front setbacks. Driveways shall not be located within the side and rear setback.
  - b. Buffering, consisting of natural features, plantings and/or fencing, shall be required to provide an effective visual and physical screen between residential and nonresidential uses at the lot boundaries and surrounding parking areas. During site plan review, the Project Review Board shall review and approve the type, size and quantity of materials which will provide the most harmonious transition between uses.
3. Any new construction, addition, or reconstruction in this District are also subject to the Freeport Village Design Standards as indicated as being applicable in those Standards.
4. Building height requirements and building setback requirements are included in the Freeport Village Design Standards.
5. For Section 415.B.4.a, additions to the building are prohibited. Decks, open air porches, garages used solely for storage and vehicles, and fire escapes necessary to meet the Life Safety Code are not considered to be additions. The parking requirements and maximum impervious surface to lot area ratio must be able to be met on-site. Unless part of an Affordable Housing Development subject to Section 536 of this Ordinance, no building may have more than 8 units unless the land area per dwelling unit requirement can be met. All units must be connected to the public water and sewer system. To encourage the development of affordable housing for every three units that are created at least one of those units must be a one-bedroom or efficiency unit that is no greater than 650 sf. *{Amended, Effective 01/22/13} {Amended, Effective 10/03/17}*
6. To allow for a variety of housing types at a variety of prices, lots that are smaller than the minimum lot area may be created and will be considered conforming lots provided all of the following provisions are met:
  - a. The small lot is no less than 5,000 square feet.
  - b. The remaining lot is no less than 20,000 square feet.
  - c. Only one small lot may be created per lot of record as of January 22, 2013.
  - d. The gross floor area of the house and garage on a small lot can be no more than 1,300 square feet. This does not include covered or uncovered open air porches, decks, basements or outbuildings that are used solely for storage such as sheds. This applies to the lifetime of the structure. This requirement shall be set forth in a deed covenant or other legal instrument that binds the lot owner and that runs with the land so that future lot owners are also bound to the same restriction.
  - e. The house shall meet the minimum front and rear setback requirements as established in the Freeport Village Design Standards.
  - f. The side setback requirements shall be as set forth in this section, not the Freeport Village Design Standards. The side setback requirement that is adjacent

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to the lot from which the small lot was created shall have a minimum setback requirement of 5' and a maximum of 10'. Side lot lines adjacent to lots other than the one that the small lot was created from shall have a minimum setback requirement of 15'.

- g. The road frontage requirement shall be no less than 50'.
- h. Small lots must be connected to the public water and sewer system.
- i. The lot may be used for Single-Family houses only.  
{Amended, Effective 01/22/13}

## Section 421. Industrial District I “I-I”

### A. Purpose:

It is the intent of this District to provide for suitable locations, near major transportation routes, for industrial, office, business, and warehouse uses, including industrial parks, which will be environmentally sound and physically attractive assets to the Town. Off-site utilities are presently or potentially available. In order to assure that developments shall be compatible with adjacent residential districts, all uses are subject to site plan review and shall conform to the appropriate performance standards of Article V. Specific uses which have been determined to be incompatible with residential uses are prohibited.

### B. Permitted Uses:

- 1. Timber Harvesting
- 2. Agriculture {Amended, Effective 06/18/13}
- 3. Agritourism Activity {Amended, Effective 06/18/13}
- 4. Peddler on Private Property subject to the requirements of Section 526

The following uses are subject to site plan review regardless of size:

- 5. Public or Private School
- 6. Commercial School
- 7. Outdoor Recreation School
- 8. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
- 9. Business and Professional Offices
- 10. Warehouse and Storage Facilities
- 11. Commercial Sales and Service
- 12. Public Utilities
- 13. Commercial Recreation - Outdoor
- 14. Truck Facility
- 15. Parking area for open space {Amended, Effective 12/02/14}
- 16. Artisan Food and Beverage {Effective 12/17/14}

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- a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A  
– Food Trucks

17. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 03/16/21}*

18. Cannabis Cultivation Facility, subject to the standards of Section 535.

19. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

C. Space Standards:

- 1. Minimum lot area: 3 acres
- 2. Maximum building height: 35 feet  
Building height may be increased one (1) foot for every five (5) feet that all set-backs are increased to a maximum of 45 feet
- 3. Minimum road frontage: 500 feet
- 4. Maximum impervious surface to lot area: 70%
- 5. Minimum setback -
  - front: 100 feet
  - side: 15 feet
  - rear: 15 feet
- 6. Minimum setback from lot line of a parcel containing a residential use: 100 feet

D. Prohibited Uses:

- 1. Manufacturing, fabrication, disposal, or any use of asbestos products.
- 2. Paper manufacturing
- 3. Petroleum and petrochemical refining and reprocessing
- 4. Production of lubrication oils and grease
- 5. Manufacture of explosives including, but not limited to, ammunition & fireworks
- 6. Offal or dead animal disposal & reprocessing
- 7. Abattoirs and slaughterhouses

E. Other Standards:

- 1. A buffer strip of at least one hundred (100) feet in depth shall be created around the perimeter of the District. It shall meet the requirements of Section 506, B-D. No use other than access roads shall be allowed in the buffer strip. Access roads shall be perpendicular to the road or buffer strip unless specifically waived by the Project Review Board.
- 2. Landscaping is required in the front setback.
- 3. Parking and outdoor storage are prohibited in buffer strip.

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## Section 422. Industrial District II “I-II”

### A. Purpose:

It is the intent of this District to provide for suitable locations, near major transportation routes, for industrial, office, business and warehouse uses, including industrial parks, which will be environmentally sound and physically attractive assets to the Town. Off-street utilities are presently or potentially available. In order to assure that development shall be compatible with adjacent residential districts, all uses are subject to site plan review and shall conform to the appropriate performance standards of Article V. Specific uses which have been determined to be incompatible with residential uses are prohibited.

### B. Permitted Uses:

1. Timber Harvesting
2. Agriculture *{Amended, Effective 06/18/13}*
3. Agritourism Activity *{Amended, Effective 06/18/13}*

The following uses are subject to site plan review regardless of size:

4. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
5. Business and Professional Offices
6. Warehouse and Storage Facilities
7. Commercial Sales and Service
8. Public Utilities
9. Public or Private School
10. Commercial School
11. Outdoor Recreation School
12. Commercial Recreation - Outdoor
13. Truck Facility
14. Wireless Telecommunication Facility (See Sec 528)
15. Parking area for open space *{Amended, Effective 12/02/14}*
16. Artisan Food and Beverage *{Effective 12/17/14}*
  - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
17. Small Solar Farm, subject to the standards of Section 534 *{Amended, Effective 12/02/14}*
18. Large Solar Farm, subject to the standards of Section 534 *{Amended, Effective 12/02/14}*
19. Cannabis Cultivation Facility, subject to the standards of Section 535.
20. Cannabis Manufacturing and Processing Facility, subject to the standards of Section 535.

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C. Space Standards:

1. Maximum building height: 35 feet  
Building height may be increased one (1) foot for every five (5) feet that all setbacks are increased to a total of 45 feet.
2. Maximum impervious surface to lot area: 70%
3. Maximum Height:  
Wireless Telecommunication Facility (single user): 75 feet  
Wireless Telecommunication Facility, Co-located: 125 feet.
4. Minimum setback -  
front 100 feet  
side 15 feet  
rear 15 feet

D. Prohibited Uses:

1. Manufacture, fabrication, disposal or any use of asbestos products
2. Paper manufacturing
3. Petroleum and petrochemical refining and re-processing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or dead animal disposal & reprocessing
7. Abattoirs and slaughterhouses

E. Other Standards:

1. A buffer strip of at least one hundred (100) feet in depth shall be created around the perimeter of the District. It shall meet the requirements of Section 506, B-D. No use other than access roads shall be allowed in the buffer strip. Access roads shall be perpendicular to the road or buffer strip unless specifically waved by the Project Review Board.
2. Parking and outdoor storage are prohibited in the buffer strip.
3. Parcels within the Shoreland Zone shall meet the requirements of the Town of Freeport, Maine Chapter 65 Shoreland Zoning Ordinance.



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### Section 503. Home Occupations

Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit. Home occupations shall conform with the following requirements:

1. With the exception of Medical Cannabis Small-Scale Caregiver Operations, ~~Exterior~~ storage of materials, commercial vehicles used by the home occupation, or other exterior indication of the home occupation shall be permitted, except in the setbacks, provided that it is not incompatible with the residential character of surrounding properties.
2. The performance standards of Article V, where applicable, shall be met. Objectionable conditions such as but not limited to noise, smoke, dust, odors, or glare shall not be generated.
3. No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in the neighborhood.
4. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
5. Except for family and group day care homes ~~and~~ bed and breakfast inns of 3 guest rooms or less, Medical Cannabis Small-Scale Caregiver Operations, and uses approved under the terms of Subsection 503 (~~89~~) below, no home occupation may utilize more than twenty-five percent (25%) of the gross floor area of the dwelling (excluding basement floor areas) or more than 600 square feet of gross floor area in an accessory structure.
6. Additional structures may be used in the case of the raising, breeding or keeping of livestock or fowl.
7. The home occupation shall be carried on exclusively by a resident or resident members of the dwelling unit. In addition to the residents of the dwelling unit, no more than two full-time employees or that number of part-time employees required to do the work of two full-time employees may be employed in the home occupation on the site at any one time.
8. Home occupations that meet the definition of a Medical Cannabis Small-Scale Caregiver Operation must be carried out only by a Medical Cannabis Registered Caregiver who sells or dispenses cannabis solely out of the caregiver's residential dwelling or accessory structure.
89. A home occupation, other than the uses specified in Subsection 5 above which are otherwise exempt from the gross floor area maximums contained therein, may expand

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beyond the ~~six hundred (600)~~ square foot limitation in an accessory structure only if the following conditions are met:

- a. The home occupation is in existence as of July 6, 1993;
- b. The existing home occupation is located in an accessory structure in existence as of July 6, 1993;
- c. The proposed expansion of the existing home occupation will be located within an accessory structure in existence as of July 6, 1993;
- d. The maximum gross floor area of the existing accessory structure used for the expanded home occupation shall be ~~three-thousand (3,000)~~ square feet for all home occupations on the site and a footprint no greater than ~~two-thousand (2,000)~~ square feet or 0.56% of contiguous land area owned by the applicant, whichever is smaller;
- e. An existing accessory structure may be expanded by a maximum of ~~seven hundred fifty (750)~~ square feet only if the total gross floor area of the accessory structure used for the home occupation will not exceed the accessory structure size and land area limitations of Section 503 8.d. above and the expansion is physically attached to the existing accessory structure;
- f. Only one principal use shall occur on land area required for an expanded accessory structure;
- g. No variance shall be granted on the relationship between the size of the accessory structure and the area of the lot or on the permitted size of the accessory structure;
- h. Site plan approval shall be required;
- i. Site plan approval for such permitted expansion shall become void if the required minimum land area is no longer owned by the applicant or subsequent assignees;
- j. An existing home occupation may be replaced by a new home occupation under this Section 503.8 only if the new home occupation is the same or similar in character and impact, or will have less impact, than the existing home occupation.
- k. If a proposed replacement home occupation will not be the same or similar or have less impact than the existing home occupation which received site plan approval under this Section 503.8, it shall not be permitted to expand beyond the space limitations described in Section 503.5 above.

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- l. The expansion of the accessory structure shall be visually compatible with existing buildings and landscape in its vicinity, as further described in Section 602.f.1.b.
- m. Side and front setbacks of any newly constructed accessory area shall be increased by one (1) foot per each fifty (50) square feet in excess of six hundred (600) square feet;
- n. Notice of decision of site plan approval shall be recorded in the Registry of Deeds on a form provided by the Town

## **Section 535. Cannabis Establishments**

### **A. Purpose**

The purpose of this Section 535 is to regulate the location, and operation of Cannabis Establishments as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S. Chapter 1, and the Maine Medical Use of Marijuana Act, 22 M.R.S. Chapter 558-C, as may be amended. These regulations are intended to promote the health, safety, and general welfare of the residents of Freeport.

### **B. General Standards.**

- 1. State Authorization Required.** Cannabis Cultivation facilities and Cannabis Manufacturing and Processing facilities shall follow and be in compliance with the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, and with the Maine Medical Use of Marijuana Act, 22 M.R.S., Chapter 558-C.
- 2. Licenses Required.** Persons or entities wishing to establish a Cannabis Establishment within the Town of Freeport shall also obtain a license from the Freeport Town Council and shall be subject to the provisions of this Ordinance and the Town of Freeport Cannabis Establishment Licensing Ordinance. In addition, prior to the issuing of a license from the Town of Freeport, the applicant must be able to demonstrate that they will be able to obtain a license from the State.
- 3. Site Plan Review.** Cannabis Cultivation Facilities and Cannabis Manufacturing and Processing Facilities are subject to Site Plan Review by the Freeport Project Review Board, per Section 602 of this Ordinance, except that lawfully existing Cannabis Establishments with operations in a building previously approved for commercial use, shall be exempt from Site Plan Review but only to the extent of their existing operations as of February 6, 2024. Any further changes requiring Site Plan Review under Section 602 shall be reviewed by the Project Review Board.

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**4. Standards Not Exclusive.** In addition to these standards contained in Section 535 and the Site Plan Review Standards contained in Section 602 of this Ordinance, Cannabis Establishments shall be subject to any other applicable ordinance provision(s) that govern uses in an applicable zone.

**5. Other Cannabis Uses Prohibited.** Other cannabis uses, as defined in Section 104 Definitions, including but not limited to Adult Use Cannabis Retail Stores and Medical Cannabis Caregiver Retail Stores, and Adult Use Cannabis Testing Facilities and Medical Cannabis Testing Facilities, are prohibited in all districts.

### **C. Performance Standards for Cannabis Establishments**

In addition to the requirements for each zoning district, cannabis establishment must also meet the following requirements:

#### **1. Separation (buffering) requirements.**

**(a) Setbacks from schools and child care facilities.** No Cannabis Establishment shall be proposed as of the date the Cannabis Establishment's Site Plan Review application is deemed complete, within one thousand (1,000) feet of the lot lines of a public or private school or licensed child care facility measured as the shortest straight line from the property boundary.

For purposes of this section, the term "school" means a "public school" as that term is defined in 20-A M.R.S. § 1(24), as may be amended; a "private school" as that term is defined in 20-A M.R.S. § 1(22), as may be amended; and/or a "public preschool program" as that term is defined in 20-A M.R.S. § 1(23-A), as may be amended.

For purposes of this section, the term "child care facility" means a "child care facility" as that term is defined in 22- M.R.S. § 8301-A (1-A) (B), as may be amended, and/or a "family child care provider" as that term is defined in 22- M.R.S. § 8301-A (1-A) (C), as may be amended.

**(b) Setbacks from residential uses.** No structure(s) used as a Cannabis Establishment shall be proposed as of the date the Cannabis Establishment's Site Plan Review application is deemed complete, within one hundred (100) feet of a residential structure located on an a separate parcel measured as the shortest straight line from the structure(s).

For purposes of this section, the term "residential structure" means a structure(s) used as a single family, two-family, multiple family, accessory apartment, and/or mobile home. This does not include accessory structures that do not contain a dwelling unit and/or an accessory apartment. For the purposes of this standard, a

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Mixed-Use Development as defined in Section 104 of this Ordinance is not considered a “residential structure”.

**(c) Subsequent Placement of schools, child care facilities and residential uses as defined in this Section 535.(c).1.** A Cannabis Establishment’s conformity with the buffer requirements of this section shall be determined as of the date the Cannabis Establishment’s Site Plan Review application is deemed complete by the Town Planner in accordance with Section 602.C.1.c.3 of this Ordinance, except that the change from one type of Cannabis Establishment to another which may trigger further Site Plan Review under Section 602 of this Ordinance shall not be deemed to establish a new date for purposes of determining conformity with the buffer requirements contained herein. A school, child care facility, or a residential use established within the applicable buffer area after this date shall not render the Cannabis Establishment either nonconforming or out of compliance with the above buffer requirements.

## **2. Signage.**

**(a)** All signage and advertising for any Cannabis Establishment shall comply with the signage, advertising, and marketing provisions in 22- M.R.S. § 2429-B and 28-B M.R.S. § 702, as may be amended, in addition to all applicable provisions of the Freeport Sign Ordinance (Chapter 23) and the Freeport Design Review Ordinance (Chapter 22), as applicable. No interior signage shall be visible from the exterior of the building in which the Cannabis Establishment is located.

**(b)** There may be no display of cannabis and/or paraphernalia visible from the exterior of a facility.

**3. Odor management.** In addition to Section 516. Odorous and Toxic Matter of this Ordinance, for all Cannabis Establishments, the odor of cannabis must not be readily detected offsite, i.e., must not be detected beyond the property line on which the use is located. To prevent and control cannabis odors, an odor control plan prepared by a qualified professional shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:

**(a)** A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, heating, ventilation and air conditioning (HVAC) systems, odor control systems and other relevant information.

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(b) A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.

(c) For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.

(i) Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.

(ii) Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with cannabis industry best practices for control technologies designed to effectively mitigate odors.

Cannabis Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Cannabis Manufacturing and Processing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town of Freeport does not mandate any particular equipment specifications with regard to filtration, all Cannabis Establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating cannabis odor, such as air scrubbers and charcoal filtration systems.

**4. Noxious gases and substances.** In addition to Section 518. Smoke and Particulate Matter of this Ordinance, Cannabis Manufacturing and Processing facilities shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of their operation process. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a cannabis establishment must be provided at all times.

**5. Safety.** All Cannabis Establishments shall comply with all applicable codes and ordinances, including but not limited to, the Town of Freeport Building Code Ordinance, the Town of Freeport Electrical Code Ordinance and the Town of Freeport Fire Protection Code Ordinance.

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**6. Security.** All Cannabis Establishments shall comply with the applicable security standards in the Code of Maine Rules C.M.R. Chapter 1, 18-691, Section 3.3.

**7. Lighting.**

**(a) Exterior Lighting.** Any gate or perimeter entry point of a Cannabis Establishment must have lighting sufficient for observers to see, and cameras to record, any activity within 10 feet of the gate or entry. A motion detection lighting system may be employed to light required areas in low-light conditions. In addition, the lighting must comply with Section 521.A Exterior Lighting of this Ordinance.

**(b) Interior lighting:** Grow lamps and lighting may not be visible from the exterior of the building.

**8. Waste Disposal.** All Cannabis Establishments and shall have in place an operational plan for proper disposal of cannabis and related byproducts in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view and comply with the Town of Freeport Solid Waste Disposal Ordinance (Chapter 28). All trash receptacles on the premises used to discard cannabis products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles.

**9. Size Limitation in the Medium Density Districts (MD-A and MD-B).**

Notwithstanding any other provision, Cannabis Establishments in the Medium Density Districts (MD-A and MD-B) shall occupy no greater than ten thousand (10,000) square feet of indoor gross floor area and no more than five thousand (5,000) square feet of outdoor storage area. The type of items to be stored outdoors must be approved by the Project Review Board.

**D. Additional Standards for Cannabis Cultivation Facilities**

**1. Outdoor cultivation prohibited.** All activity related to cannabis cultivation must be conducted indoors.

**2. Site Plan.** In addition to the requirements under Section 602 of this Ordinance, the Site Plan shall include the facility's cultivation area allowance and show or list the square footage of the proposed cultivation area.



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### **E. Additional Standards for Cannabis Manufacturing and Processing Facilities**

- 1. Cannabis extraction. Subject to the requirements and restrictions of this subsection E, a Cannabis Manufacturing and Processing facility licensee may manufacture cannabis concentrate in accordance with 28-B M.R.S. §502.**
- 2. Inherently hazardous extractions methods prohibited. Notwithstanding Section 520. Fire and Explosive Hazards of this Ordinance, the extraction of cannabis using inherently hazardous substances is prohibited.**

### **F. Inspections**

The Codes Enforcement Officer or their designee will inspect all Cannabis Establishments prior to issuance of a Certificate of Occupancy, to verify that the facilities are constructed and can be operated in accordance with the application submitted, the land use approval(s) issued and the requirements of this Ordinance, local codes. The Fire/Rescue Chief or their designee will inspect all Cannabis Establishments prior to issuance of a Certificate of Occupancy, to verify that the facilities are constructed and can be operated in accordance with all applicable fire codes. The initial inspection shall occur after the establishment is ready for operation. No cannabis products will be allowed on the premises until the inspection is complete and a Certificate of Occupancy has been issued by the Codes Enforcement Officer. Nothing herein shall prevent the Fire/Rescue Chief or their designee from inspecting cannabis establishments at random intervals and without advance notice provided that the inspection is during normal business hours of the establishment.

### **G. Other laws remain applicable**

A Cannabis Establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Cannabis and/or Cannabis Establishments, the stricter law or regulation shall control.

### **~~Section 535. [reserved]~~**

### **Section 602. Site Plan Review** *{Amended, Effective 02/28/23}*

#### **A. Purpose**

The purpose and objectives of the Site Plan Review requirements are to conserve the Town's natural beauty and visual character and to provide for public safety and environmental stewardship of the immediate neighborhood including light and noise and by ensuring that



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structures, signs and other improvements are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearance of structures, signs and other improvements harmoniously relates to their environment.

B. Applicability

1. **Site Plan Review** is required for all development proposals as outlined in Article IV of this Ordinance. In addition, Site Plan Review is required for a change of use when the new use is subject to Site Plan Review, unless otherwise exempted under Section 602.C. Nothing in this Section 602 shall be construed to prevent the ordinary repair and/or maintenance of existing structures and/or existing site improvements.
2. **Build according to plan.** Construction, site development and landscaping shall be carried out in accordance with the plans, drawings, sketches, and other documents approved by the required reviewing authority, unless altered with approval.
3. **Multiple Reviews.** When a development is subject to multiple reviews such as Site Plan Review, Design Review, and/or Subdivision Review, the Project Review Board shall conduct a concurrent review; the project is required to meet the criteria and standards of all ordinances under review. If Subdivision Review is required, the procedures of Subdivision Ordinance shall be used. If the development requires action by the Board of Appeals, Project Review Board review shall not commence until the Board of Appeals has made a decision.

C. Administration

The following procedures and requirements shall apply to all applications for Site Plan Review:

1. **Pre-Application Conference.** Prior to submitting a formal application for a project requiring Site Plan Review, the owner of the property or agent, as designated in writing by the owner, should schedule a pre-application meeting with the Town Planner. The purpose of this meeting is to familiarize the applicant with the review procedures, submission requirements and the approval criteria and to familiarize the Town Planner and other relevant Town staff with the project. The Town Planner shall determine who has the authority to review the project: the Town Planner, the Staff Review Board, or the Project Review Board.
2. **Classification of Site Plans:**
  - a. **Town Planner Review.** The Town Planner has the authority to review and take action on proposed changes that do not modify the intent of the previously approved site plan. The proposed changes shall be shown on a plan submitted by the applicant to the Town Planner and the Town Planner shall sign and date the

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plan to record agreement that the change does not modify the intent of the approved site plan. Examples of such changes include, but are not limited to:

- i. Minimal lighting
- ii. Landscaping
- iii. Recalculations of parking requirements
- iv. Changes to previously approved signage and/or any new signage on a site that has received Site Plan Review provided that in either case, the signs meet the standards of the Freeport Sign Ordinance
- v. Modifications including expansions of structures and impervious surfaces up to one-thousand (1,000) square feet within a three-year period
- vi. A change of use of an existing building in the Village Commercial I (VC-I) District from a restaurant/restaurant carry-out to retail trade or from retail trade to a restaurant/restaurant carry-out provided the building is located on a lot which does not abut a lot in a residential use
- vii. A change of use from retail trade to business and professional office or business and professional office to retail trade when no site changes are proposed, the space occupied by the use does not exceed one-thousand five hundred (1,500) square feet of gross floor area, the applicant can demonstrate that the parking requirement of the zoning district has been met and that any public utilities serving the property have the capacity to serve the new use
- viii. Seasonal accessory outdoor seating as permitted in the Village Commercial I, Village Commercial II, Commercial I and Commercial III Zoning Districts

Notwithstanding the above, either the Town Planner or the applicant may request a hearing by the Project Review Board.

- b. **Staff Review Board.** Projects that meet the criteria of this Section shall be eligible for review by the Staff Review Board. Municipal projects and projects that also require a Design Review Certificate or Subdivision approval are not eligible for review by Staff Review Board and shall require review by the Project Review Board. The Staff Review Board shall consist of the Town Planner, the Fire/Rescue Chief, the Police Chief, the Codes Enforcement Officer, the Town Engineer and the Public Works Superintendent, or the designee of any of them, with input from other Town departments as needed. The Staff Review Board shall have the same powers and duties as the Project Review Board. A public hearing shall not be required.

A quorum of the Staff Review Board necessary to conduct an official Board meeting shall consist of at least three (3) members. Action on any application by the Staff Review Board shall require a majority of those members present and voting. An audio recording of each meeting shall be made and retained by the

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Town. The following projects shall be eligible for review by the Staff Review Board:

- i. Change of use from one permitted use to another permitted use provided any expansions do not exceed the limits stated in this Section 602.C.2.b
- ii. Modifications including expansions of structures and/or impervious surfaces greater than one-thousand (1,000) square feet but less than two-thousand (2,000) square feet within a three-year period.
- iii. Filling of lands or creation of ponds on properties where the primary use is residential.
- iv. Filling of lands or creation of ponds where the primary use of the property is commercial which are greater than two-hundred (200) cubic yards but less than six-hundred (600) cubic yards of material.
- v. Renewal of gravel pit operations that do not include an expansion or other modification.
- vi. Any increase in height of a wireless telecommunication tower that is more than twenty (20) feet or 10% (ten percent), whichever is greater; any appurtenance to the tower that protrudes out from the edge of the tower more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater; the installation of more than four (4) cabinets per carrier for the technology involved; any excavation or deployment outside of the limits of the approved site plan; changes around the base of the tower structure that reduces the concealment elements of the support structure; amendments that alter the approved site plan.
- vii. Construction of ground-mounted Accessory Solar Energy Generation Systems for uses other than single and/or Duplex dwellings.

If the Town Planner or the applicant determines that a project appears to be complicated or disputed, the Town Planner may refer the application to the Project Review Board for their review at the next available meeting.

- c. **Project Review Board.** Projects that do not meet the criteria for review and action by either the Town Planner or the Staff Review Board shall require review and action by the Project Review Board.

Notwithstanding a project's eligibility for Site Plan Review under Sections 602.C.2.a and 602.C.2.b above, all Cannabis Cultivation Facilities and Cannabis Manufacturing and Processing Facilities regulated under Section 535 of this Ordinance, including all changes in use between one type of Cannabis Establishment and another and all site plan amendments to a Cannabis Establishment requiring further municipal approval, shall be subject to Site Plan

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Review by the Freeport Project Review Board, following a determination by the Town Planner that the submission for Site Plan Review is complete. If the submission is not complete, the Town Planner shall notify the applicant of the specific additional material needed to complete the submission and that the submission will not be considered by the Project Review Board until the additional information is provided. Appeals shall lie from the completeness determination of the Town Planner to the Project Review Board.

- i) The Project Review Board shall accept public comments on any item at any stage of the review process and in accordance with the Rules of Order and Procedure of the Freeport Project Review Board. A public hearing shall not be required, but the Project Review Board may decide to schedule a public hearing in accordance with Section 602.C.9 if the size and/or nature of the development is perceived to have a significant impact on the community, not just the nearby properties.
  - ii) Projects that amend previously approved site plans, and that have sufficient information to be considered complete by the Town Planner, may be reviewed and have action taken in a single meeting of the Project Review Board.
  - iii) Projects that are proposed on undeveloped land, that include the demolition of buildings, or that include a building and/or parking area is more than two-thousand (2,000) square feet should first submit a conceptual plan. A conceptual plan should include environmentally sensitive areas such as wetlands, water bodies, streams, and steep slopes, locations of passing test pits if a subsurface sewage disposal system is proposed, the location of buildings and parking areas, and building elevations if a building is proposed. Conceptual plans should not be engineered plans. The purpose of the conceptual plan is to introduce the project to the Board and to contact property owners near the project. This portion of the review gives the Board and nearby property owners an opportunity to comment on the project before any engineering is done for the project. This phase of the review process is to direct the applicant as to what changes should be made and what information should be included in the final plan.
3. **Timing of review.** For projects that are eligible to be reviewed by the Staff Review Board, the Town Planner shall make an initial review of the application to determine if it is complete and upon being deemed complete, shall be placed on the Staff Review Board's agenda for consideration within twenty-one (21) days.

For projects that are eligible to be reviewed by the Project Review Board, the completed application for Site Plan Review, together with the documentation required in these

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regulations, shall be placed on the Project Review Board's agenda for consideration within thirty (30) days of its receipt review unless the Project Review Board and applicant agree to a continuance; however, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Town Planner with an indication of the additional information required. Within sixty (60) days of the receipt of a Site Plan submission which is determined by the Project Review Board to be complete, the Project Review Board shall act.

4. **Notification of Meetings.** All agendas of the Project Review Board and the Staff Review Board shall be posted at the Freeport Town Office and the Freeport Community Library for inspection during normal business hours. The notice shall also be placed on Freeport's local municipal cable channel and the Town's website.

a. For meetings of the **Staff Review Board**, notification of the nature of the application and the time and place of the meeting shall be given by mail to the applicant and the owners of all property within two-hundred (200) feet of the property involved at least five (5) days in advance of the meeting. The Staff Review Board shall accept public comment for all applications.

b. For meetings of the **Project Review Board**, notification of the nature of the application and the time and place of the meeting shall be given by mail to the applicant and the owners of all property within five-hundred (500) feet of the property involved at least seven (7) days in advance of the meeting.

The owners of all property shall be considered to be those against whom taxes are assessed as of April 1 of each calendar year. Failure of any property owner to receive a notice of a meeting shall not necessitate another meeting or invalidate any action by the Staff Review Board and/or the Project Review Board.

5. **Possible action.** Action may include approval, approval with conditions, or disapproval of the site plan as submitted or amended. If the Project Review Board or Staff Review Board votes on an application, the owner or authorized agent shall be notified in writing of the action with any conditions of approval being noted.

6. **Site walk.** The Project Review Board or Staff Review Board may schedule a site walk of the property before making a final decision on the application. Notice of the site walk shall be given to the applicant and all abutting property owners per Section 602.C.1.b. and such notice shall include, at minimum, the date, time and location of the site visit. The Board will report on its findings at its next scheduled meeting where the application for the project is discussed.

7. **Conditions of approval.** The Project Review Board or Staff Review Board may attach such condition(s) as it finds necessary to ensure compliance with the purpose and standards of Site Plan Review and all other applicable sections of this Ordinance.

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Requests for changes in the conditions of approval require review under the provisions of this Section and by the Board that granted the approval with conditions.

8. **Review by an expert.** The Project Review Board and/or Staff Review Board may require that the Town Engineer or other expert consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and, advise if necessary, of procedures which will result in compliance. The Town Engineer and/or other expert consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account prior to the start of the review. Any costs for engineering review and/or review by other expert consultant(s) shall be paid from the escrow account and if funds remain after payments are completed, any remaining balance shall be returned to the applicant. If the actual cost is more than the estimated cost, the applicant shall pay any overages before the Notice of Decision of the Board is issued to the applicant. The consultants shall be fully qualified to provide the required information as determined by the Staff Review Board and/or Project Review Board in its sole discretion. The Project Review Board may require the applicant to undertake any study which it deems reasonable and necessary to ensure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
9. **Public Hearing.** If the Project Review Board decides to hold a public hearing a notice of the nature of the application and of the time and place of the public hearing shall be published at least seven (7) days in advance in a newspaper of general circulation in the area.
10. **Performance Guarantee:** The Staff Review Board and/or Project Review Board, with the advice of Town Staff, Municipal Officers, and/or the Town Attorney may as a condition of approval require the applicant to post a performance guarantee to ensure the completion of site improvements associated with the project. The performance guarantee may be in the form of an escrow agreement, irrevocable letter of credit, or any other form reviewed and approved by the Town Manager, upon review by the Town Attorney in such amount as is approved by the Staff Review Board and/or Project Review Board as being reasonably necessary to ensure completion of all site improvements, for example, but not limited to erosion control, drainage, stormwater management facilities, parking areas, landscaping, walkways, retaining walls, lighting and any off-site improvements that were required as a condition of approval.

The Town of Freeport shall have access to the site at all times to review the progress of the work and shall have the authority to review the field logs maintained by the construction monitor. Any deficiencies noted by the Town representative shall be brought to the attention of the construction monitor who shall see that remedial measures are taken. If the Town Engineer or their designee shall find, upon inspection of the improvements performed before expiration date of the performance guarantee, that required improvements have not been constructed in accordance with plans and specifications approved by the Board, they shall so report to the Town Planner and/or

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Municipal Officers or their appointed designee. The Town Planner and/or Municipal Officers shall then notify the applicant and, if necessary, the issuer of the performance guarantee, and take necessary steps to preserve the municipality's rights.

11. **Payment of fees.** At the time of application for a building permit, the applicant shall pay to the Town Treasurer any fees that were required as a condition of the approval. Fees such as an inspection fee to cover ensure that the project is constructed as approved, impact fees, and the administrative fee on the performance guarantee.
12. **Pre-construction meeting.** The applicant shall notify the Town Planner or their appointed designee when construction of such improvements shall commence so that the Town Planner or their appointed designee can cause inspection to be made to ensure that all municipal specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Staff Review Board and/or Project Review Board.
13. **As-built plans.** The Project Review Board, Staff Review Board, Town Planner, Town Engineer or Codes Enforcement Officer may require that as a condition of approval, or for a Certificate of Occupancy, that upon completion of construction, the owner shall present to the Town a set of as-built plans indicating the location of underground utilities on the developed site and in all abutting roads and easements/right of ways. These "as-built" plans shall be submitted in both paper and electronic copies (including a PDF copy) prior to the issuance of a Certificate of Occupancy for the project or occupancy of the building.
14. **Review of future plans.** No new plan by the applicant shall be approved by the Town under this Section 602 as long as the applicant is in default on a previously approved site plan.
15. **Certificate of occupancy.** A certificate of occupancy shall not be granted until the Codes Enforcement Officer determines that the completed project meets all of the requirements of the site plan as approved by the Town.  
  
Nothing contained in this section shall prevent the Town from pursuing any other action.
16. **Existing development.** Nothing herein contained shall require any change in plans, construction or structure, the construction of which shall have been diligently prosecuted previous to the date of enactment or amendment of this Ordinance, provided plans for such building or structure shall have been timely filed with and approved by the Codes Enforcement Officer.
17. **State and federal permits.** The applicant shall comply with all State and Federal requirements and receive all relevant approvals before application is made for a building permit and/or any development activities may begin. The Codes Enforcement Officer

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shall issue a building permit after a determination that the application complies with the site plan(s) approved by the Town.

18. **Approval duration.** The approval of a site plan shall become void if construction of site improvements is not initiated within two (2) years of the date of such approval unless such time limit is extended by the Board that granted the original approval. The site may be developed and used only as shown on the approved site plan. All elements and features of the site plan are conditions of the approval and no change from the approved site plan is permitted unless an amended plan is first submitted to and approved by the Board that granted the original approval and following the procedures of this Section 602. Such extension may only be granted for one additional two-year period.
19. **Violations.** Failure to comply with any conditions of the Site Plan approval, subsequent to approval of the site plan, shall be construed to be a violation of this Ordinance and shall be the grounds for revoking the approval, initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or imposing such fines as the Town Council shall have established for violations of this Ordinance, for each day that the violation continues to exist after official notification by the Codes Enforcement Officer.

#### **D. Submission Requirements**

When the owner of the property or authorized agent makes formal application for Site Plan Review to the Staff Review Board and/or the Project Review Board, the application for the Site Plan or an amendment to an approved site plan shall contain at least an application, a deed for the property, plans, building elevations, and a cover letter. In addition to the paper copies required below, all application materials must be submitted in digital PDF form. More details on each of these items are listed below. The Town Planner shall make an initial review of the application to determine if it is complete.

1. **Application:** A fully executed and signed copy of the application for Site Plan Review. The application form will be provided by the Planning Department.
2. **Proof of right, title and/or interest in the property:** A copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be omitted.
3. **Cover letter:** A cover letter explaining the project should include details on any proposed construction or change of use that can't be explained by the plans. The cover letter should also list other local, state, or federal permits or licenses that will be required.
4. **Plans:** Two (2) sets of the full-size plan set drawn at a scale sufficient to allow review under the Criteria and Standards of Section (F) of this Section, but at not more than forty (40) feet to the inch for that portion of the total tract of land being proposed for



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development and ten (10) copies for the Project Review Board, or seven (7) copies for the Staff Review Board of the plan set on 11" X 17" size sheets. All plans shall include the following information:

- a. Owner's name and address and applicant's name and address;
- b. Assigned address and Tax Assessor Map and Lot(s) of each parcel(s)- existing at the time the application is submitted;
- c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- d. The bearings and distances of all property lines, and easements and the location of the adjacent right-of-way.. A formal survey is recommended for new developments; however, the Project Review Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries;
- e. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts;
- f. The lot area of the parcel and the road frontage;
- g. The location, size, and type of all existing and proposed buildings and structures (including size and height) and the setbacks from property lines, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements and landscaping;

Developments proposed on land that hasn't been previously developed, redevelopment of property, and or significant expansion shall also include the following additional information. The Town Planner may determine what additional information will need to be submitted. The Project Review Board may require additional information or may waive the additional submission requirements required by the Town Planner.

- h. Sketch map showing general location of the site within the town;
- i. The location of all buildings within 150 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel;
- j. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposes;
- k. A stormwater drainage plan showing:
  - (1) the existing and proposed method of handling stormwater run-off;
  - (2) the direction of flow of the run-off through the use of arrows;

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- (3) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
  - (4) engineering calculations used to determine the increased rate of drainage based upon the pre and post development conditions of a two year, ten (10) year and twenty-five (25) year storm frequency. The drainage plan shall result in no increase to the rate of off site-drainage from the pre-development rate.
  - (5) Plan for maintaining and/or improving stormwater quality. Retention of the first one-half inch of run-off from a storm event for twenty-four (24) hours may be required.
  - (6) Compliance with Section 529.4 of this Ordinance, if applicable.
- l. A utility plan showing provisions for water supply and wastewater disposal, including the size and location of all piping, holding tanks, leach fields, etc., and showing the location and nature of any solid waste collection facility and all electrical, telephone and any other utility services to be installed on the site. Impact on groundwater shall be evaluated. All utilities shall be underground whenever feasible as determined by the Project Review Board.
  - m. Lighting showing the location, type, radius and intensity in foot candles of all exterior lighting, including sidewalk lighting in the Village Commercial 1 and 2 Districts.
  - n. A landscaping schedule keyed to the site plan and indicating the varieties, sizes, and the locations of trees, shrubs, plants and any other landscaping elements to be retained or to be planted or placed on the site. It should include proposed methods of protecting existing trees and growth during and after construction.
  - o. If a new entrance is proposed; sight distances at the entrance is required in both directions
  - p. Building elevations: For new building construction, building elevation drawings of all sides of the building including the description of type, color, and texture of all buildings.
  - q. Estimated peak-hour traffic to be generated by the proposal.
  - r. The type and size of all permanent machinery likely to generate appreciable noise at the lot lines.
  - s. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if applicable.

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- t. A list of construction items that will be included in the performance guarantee and the estimated or actual cost of completing those items.
- u. Provisions for maintenance agreements of all common areas, if applicable.
- v. Condominium declarations, if applicable, including, but not limited to, organization of the homeowners' association and provisions for maintenance of common areas.
- w. An Erosion and Sediment Control Plan, as applicable:
  - (1) For sites that disturb between 5,000 and 43,559 square feet of land, an erosion and sediment control plan prepared in accordance with the *Maine Erosion and Sediment Control Practices Field Guide for Contractors* published by the Maine Department of Environmental Protection, dated 2014 or most recent revision and approved by the Town Engineer, or their designee.
  - (2) For a sites that disturb one or more acres of land, including phased site plans where all disturbance exceeds one or more acres even if no single phase will disturb one or more acres of land, the Erosion and Sediment Control Plan associated with the Maine Department of Environmental Protection Chapter 500 application or Maine Construction General Permit Application.

The Project Review Board may waive any of these submission requirements if it determines that the scale of the project is of such size as to make the information unnecessary. The Project Review Board may require other pertinent information necessary to determine if the planned use meets the provisions of this Ordinance.

E. All applications for Site Plan Review shall meet all applicable provisions of Section 602.F, Criteria and Standards.

F. Criteria and Standards

1. The following criteria and standards shall be utilized by the staff and the Project Review Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Project Review Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The Project Review Board may waive the criteria presented in this section upon a determination by the Project Review Board that the criteria are not applicable to the proposed action or upon a determination by the Project Review Board that the application of this criteria are not necessary to carry out the intent of this Ordinance. The Project Review Board shall approve the site plan unless the plan does not reasonably

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meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Project Review Board.

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.
- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to any applicable State or municipal standards.
- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation,

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separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 of this Ordinance. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.
- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians.
- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare

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and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.
- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
  - (1) Will maintain safe and healthful conditions;
  - (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
  - (3) Will adequately provide for the disposal of all wastewater;
  - (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
  - (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
  - (6) Will protect archaeological and historic resources as designated in the Comprehensive Plan;
  - (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
  - (8) Will avoid problems associated with floodplain development and use; and
  - (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.
- m. **Erosion and Sedimentation.** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection's Best

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Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

**G. Project Review Board, Staff Review Board and Town Planner Appeals.**

Any appeal from a final decision of the Town Planner shall be taken to the Board of Appeals. Any appeals from a final decision of the Project Review Board and/or Staff Review Board shall be taken only ~~directly~~ to Superior Court.