

Item2 – C-1 allow car wash, clarify setback reductions, C-3 clarify combined setback requirement

ITEM # 45-19 CARWASH
ZONING AMENDMENT

Section 104. Definitions

Add definition for

Vehicle wash center – A structure containing facilities for washing vehicles, boats and other equipment. Facilities may be automated and/or non-automated washing, cleaning and/or drying and/or automated washing and drying. A wash center may also include a bay or bays for washing pets and indoor and outdoor vehicle vacuuming.

Section 409. Commercial District I “C-I”

A. Purpose:

It is the intent of this District to provide for suitable locations for commercial uses 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 size, 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. Two Family 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:

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

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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
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 *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks

38. Vehicle wash center

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.9 shall be met**, and are subject to site review regardless of size:

38. Multiple Family Dwelling
39. Warehouse and Storage Facility
40. Wireless Telecommunication Facilities
41. Truck Facilities

C. Space and Bulk Standards

1. Minimum lot size 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 provided¹: *{Amended, Effective 10/03/17}*

¹ It is the intent of this section to provide the incentives of reduced minimum lot sizes 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 sizes 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

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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 to²:
 - 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 size	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 size	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

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 Freeport Comprehensive Plan, Section VI.B – Future Land Use Directions – Commercial.

² 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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2. Minimum lot size 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 size	1 acre
Road frontage requirement	300 feet

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

Minimum lot size	3 acres
Road frontage requirement	300 feet

- 3 Maximum building height: 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
- | | |
|--------|---------|
| 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:

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.
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 ~~Project Review Board may reduce 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

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facilities with another lot, or if environmental constraints on the property limit the logical location of buildings to be closer to the property line.

6. Non-residential uses are allowed one overhead door that will be used for boats, vehicles of all types and/or storage 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 the building visible from U.S. Route One if the size and shape of the lot are such that no other reasonable alternatives exist, that adequate screening is provided, and that the doors are designed to not visually stand out from the overall facade. Overhead doors that are used by retail and restaurants may have more than one overhead doors that is/are visible from US Route One, provided the doors include architectural details. *{Amended, Effective 01/02/18}*
7. ~~The Project Review Board may allow building~~ 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.
8. The Performance Standards of Section 527 are applicable.
9. 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.

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.

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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 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. Two Family Dwelling

The following uses are subject to site 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. Multiple-family Dwelling
 - a. Existing buildings shall not be subject to the provisions of Section 411.D.6 below
10. PUD (Subject to the provisions of Article V, Section 504)
11. Restaurant
12. Restaurant - Carry-Out
13. Bed & Breakfast Inn
14. Business and Professional Offices
15. Public Assembly - Indoor
16. Private Assembly
17. Auto Repair Service Garage
18. Religious Institutions
19. Hotel - Motel
20. Commercial Sales and Service, including up to 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 abuttor and street views.
21. Parking Facility
22. Retail Trade

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- 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

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 size: 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:
 - Front: 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.
 - Side: 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 ~~from one of the side lot lines~~ shall be 25'. If a parcel has only one side lot line, the minimum side setback shall be 35'.
 - Rear: 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.

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E. Other Standards:

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