



**TOWN OF FREEPORT, MAINE**

Planning Department

30 Main Street

Freeport, ME 04032

Phone: 207-865-4743

[www.freeportmaine.com](http://www.freeportmaine.com)

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**TO: FREEPORT TOWN COUNCIL**  
**FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER**  
**RE: ITEM # 67-23 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE FREEPORT ZONING ORDINANCE. PUBLIC HEARING**  
**DATE: TUESDAY, APRIL 25<sup>TH</sup>, 2023**

**NOTE REGARDING PROPOSED AMENDMENTS TO SECTION 413. VILLAGE COMMERCIAL 1 (VC-1), SECTION 414. VILLAGE COMMERCIAL 2 (VC-2), AND SECTION 514. OFF STREET PARKING AND LOADING OF THE FREEPORT ZONING ORDINANCE**

Please note that it has come to our attention that there are two cross-referencing errors in Section 514. Off-Street Parking and Loading proposed amendments. The cross-referencing errors are in the draft Section 514.B.2.b and on the table in 514.B.8.d. as shown highlighted below.

**Proposed Amendments in the Public Hearing Document:**

**Section 514. Off-Street Parking and Loading**

**B. Off-Street Parking**

**2. Multiple uses or spaces:** Where more than one use occupies a single structure or lot or where one structure has more than one leasable space the total required parking shall be the sum of the requirements of the individual uses and/or spaces.

- a. **VMU 1 and VMU 2** - Notwithstanding Sec. 514.B.2 above in the Village Mixed Use Districts (VMU-1 and VMU-2) Districts the requirement shall be ninety percent (90%) of the sum of the requirements of the individual uses if the parking is restricted, for shared parking the requirement shall be seventy-five percent (75%) and may be reduced to 70% if parking lots on adjacent properties are connected.
- b. The Project Review Board may reduce the required parking if the applicant can demonstrate that the variety of uses have different peak parking demands. This section **(514.B.2.cb)** does not apply to the Village Commercial 1 District.

**Proposed Correction to the Amendments in the Public Hearing Document:**

**Section 514. Off-Street Parking and Loading**

**B. Off-Street Parking**

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where one structure has more than one leasable space the total required parking shall be the sum of the requirements of the individual uses and/or spaces.

- a. **VMU 1 and VMU 2** - Notwithstanding Sec. 514.B.2 above in the Village Mixed Use Districts (VMU-1 and VMU-2) Districts the requirement shall be ninety percent (90%) of the sum of the requirements of the individual uses if the parking is restricted, for shared parking the requirement shall be seventy-five percent (75%) and may be reduced to 70% if parking lots on adjacent properties are connected.
- b. The Project Review Board may reduce the required parking if the applicant can demonstrate that the variety of uses have different peak parking demands. This section (514.B.2.b) does not apply to the Village Commercial 1 District.

**Proposed Amendments in the Public Hearing Document:**

**Section 514. Off-Street Parking and Loading**

**B. Off-Street Parking**

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

Public utilities, Bed and Breakfast Inns, Inn, Public and Private Schools, Day care Facilities, Commercial Schools, Open Spaces	Use the parking requirements in Sec. 514.B.8.de below.
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**Section 514. Off-Street Parking and Loading**

**B. Off-Street Parking**

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Public utilities, Bed and Breakfast Inns, Inn, Public and Private Schools, Day care Facilities, Commercial Schools, Open Spaces	Use the parking requirements in Sec. 514.B.8.dee below.
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page 1 & 2 replaces/fixes misreferences  
in this memo.

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**FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER**  
**RE: PROPOSED AMENDMENTS TO SECTION 413. VILLAGE COMMERCIAL 1 (VC-1), SECTION 414. VILLAGE COMMERCIAL 2 (VC-2), AND SECTION 514. OFF STREET PARKING AND LOADING OF THE FREEPORT ZONING ORDINANCE**  
**DATE: TUESDAY, MARCH 28<sup>TH</sup>, 2023**

**Background:** The Planning Board was asked to consider amending the standards in the Village Commercial 1 District (VC-1) to make standalone parking lots a permitted use, subject to site plan review. Standalone (surface) parking lots are not currently permitted in the Village Commercial 1 (VC-1) district with the unique exception of standalone parking lots serving buildings classified as A or B per the Design Review Ordinance that are located in the Village Commercial 2 (VC-2) district. Currently, there are several properties consisting of standalone parking lots in the VC-1 district. Because such use is not allowed, these properties fall into the category of non-conforming. The Planning Board was asked to consider allowing standalone parking lots in this district because, in specific situations, it may be difficult to redevelop properties consisting of standalone parking lots given this non-conforming status.

The Planning Board discussed this topic in 01/10/23 and held a public hearing on 3/01/23. The agenda item was as follows:

**“ITEM III: PUBLIC HEARING – Proposed amendments to Section 413. Village Commercial 1 (VC-1), Section 414. Village Commercial 2 (VC-2), and Section 514. Off Street Parking and Loading of the Freeport Zoning Ordinance.**

This will be a public hearing to discuss potential amendments to add “parking lots” as a permitted use, subject to site plan review, in the Village Commercial 1 (VC-1) Zoning District (Section 413). Other related proposed amendments are minor changes to clarify language regarding setbacks in Section 413. Village Commercial District 1 (VC-1), correcting a cross-referencing error in Section 414. Village Commercial District 2 (VC-2), and amending Section 514. Off-Street Parking and Loading to clarify conflicts that were identified in this process.”

**General Background:** The Village Commercial 1 (VC-1) district is located at the heart of Freeport’s downtown. Currently, there are several properties consisting of standalone parking lots in the VC-1 district. Because a standalone parking lot is not a permitted use, these properties fall into the category of non-conforming. This issue was identified by planning staff after a property owner contacted staff about potentially splitting a lot that included the use of a parking lot. Planning staff then suggested that the Planning Board consider allowing standalone parking lots in this district because, in specific situations, it may be difficult to redevelop properties consisting of standalone parking lots given this

non-conforming status. By removing the non-conformity encumbrance on properties consisting of standalone parking lots planning staff hopes that properties with standalone parking lots can potentially be redeveloped to accommodate other uses that better align with the priorities identified in the Freeport Downtown Vision Plan 2022.

**Proposed Uses:** The new use to be added to the list of Permitted Uses, subject to site plan review regardless of size in the Village Commercial 1 (VC-1) district is “Parking lots.”

Please note that additional proposed amendments include clean up of ordinance language that was identified throughout this process. The clean up involves:

1. A clarification to setbacks standards in Section 413.D.4.  
The Planning Board requested clarifying the confusing language regarding the minimum setbacks standards in Section 413.D.4 (concerning additions to existing structures where sidewalks exist). Given a recent zoning amendment clarifying that non-conforming buildings may expand as long as they don’t go any closer to the property line than they already are, staff concluded that Section 413.D.4 (a) (ii) and its supporting diagram could be removed without changing any substantive standard.
2. Correcting a cross reference in Section 414. Village Commercial 2 (VC-2).  
This was to correct an incorrect cross reference in Section 414.B.22.
3. Amendments to Section 514. Off-Street Parking and Loading to clarify ordinance language conflicts.  
Standards related to parking in the Village Commercial 2 (VC-2) were removed from the Village Commercial 1 (VC-1) district language and added to Section 514. Off Street Parking and Loading. In addition, a clarification was made in Section 514. Off-Street Parking and Loading regarding off street parking lots as accessory uses that conflicted with the definition of *Accessory Use or Structure* in Section 104. Definitions.

**Process:** The Planning Board previous discussed this item in 01/10/23 and a public hearing was held on 03/01/23. Notice was circulated to abutters as required per the Planning Board’s notification policy. Approximately 220 property owners were notified. Legal ads ran in the Times Record on 2/16/23 and 2/21/23. The text for the legal ad was as follows:

## Public Notices

### TOWN OF FREEPORT PLANNING BOARD– PUBLIC HEARING

The Freeport Planning Board will hold a public hearing on Wednesday, March 1st, 2023 at 6:00pm in the Freeport Town Hall Council Chambers at 30 Main Street Freeport, Maine to discuss proposed text amendments to the following sections of Chapter 21 – Town of Freeport Zoning Ordinance:

1) **Proposed Amendments to Section 413. Village Commercial 1 (VC-1), Section 414. Village Commercial 2 (VC-2), and Section 514. Off-Street Parking and Loading of the Freeport Zoning Ordinance**

This will be a public hearing to discuss potential amendments to add “parking lots” as a permitted use, subject to site plan review, in the Village Commercial 1 (VC-1) Zoning District (Section 413). Other related proposed amendments are minor changes to clarify language regarding setbacks in Section 413. Village Commercial District 1 (VC-1), correcting a cross-referencing error in Section 414. Village Commercial District 2 (VC-2), and amending Section 514. Off-Street Parking and Loading to clarify conflicts that were identified in this process.

The public is welcome to attend and may choose to attend in person or on Zoom. Information on how to participate (including information on how to join on Zoom) can be found on the meeting agenda posted on the meeting calendar of the Town’s website at [www.freeportmaine.com](http://www.freeportmaine.com). Meeting materials will be available for viewing on the Town’s website or by contacting the Planning Office at the Freeport Town Hall at (207) 865-4743 option 5.

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

**BE IT ORDERED:** That the Freeport Planning Board recommend to the Freeport Town Council the proposed amendments to Section 413. Village Commercial 1 (VC-1), Section 414. Village Commercial 2 (VC-2), and Section 514. Off-Street Parking and Loading of the Freeport Zoning Ordinance: add “parking lots” as a permitted use, subject to site plan review, in the Village Commercial 1 (VC-1) Zoning District (Section 413). We also recommend adding other related amendments to clarify confusing language regarding setbacks in Section 413. Village Commercial District 1 (VC-1), correcting a cross referencing error in Section 414. Village Commercial District 2 (VC2) and amending Section 514. Off Street Parking and Loading to clarify conflicts that were identified in this process. The Planning Board finds that while the Town does not want to incentivize the development of new stand-alone surface parking lots in the Village Commercial 1 (VC-1) district, these changes are necessary to remove potential legal barriers in the form of non-conforming uses to existing properties that can potentially prevent the desired redevelopments identified in the Freeport Downtown Vision Plan 2022. The Planning Board also finds that the recommended amendments are in general harmony with the Freeport Comprehensive Plan’s Vision that the Town remove unnecessary barriers that might exist in local regulations. (Rouda & Arsenault) VOTE: (6 Ayes) (1 Excused-Ball)

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**Section 413. Village Commercial “VC-I”** *{Amended, Effective 04/27/21}*

A. Purpose:

It is the intent of this District to concentrate commercial activity within the Village Center:

B. Permitted Use

1. Single Family Dwelling (existing as of October 20, 2020) *{Amended, Effective 10/20/20}*

C. Permitted Uses subject to site plan review regardless of size: *{Amended, Effective 04/27/21}*

2. Retail Trade
3. Commercial Recreation, Indoor
4. Business and Professional Offices
5. Arts Center – Indoor and/or Outdoor with or without permanent structures
6. Municipal Facility
7. Private Assembly
8. Public Assembly - Indoor
9. Public Utilities
10. Public or Private School
11. Commercial School
12. Outdoor Recreation School
13. Religious Institution
14. Peddler on Private Property subject to the requirements of Section 526
15. Multiple Family Dwelling
16. Restaurant
17. Restaurant - Carry-Out
18. Visitors’ Center
19. Manufacturing accessory to or associated with a retail trade located in this District
20. Bed and Breakfast Inn
21. Day Care Center Facilities
22. Convenience Store
23. ~~Parking lots to serve A & B buildings, as defined in the Freeport Design Review Ordinance in the VC-II District, which meet the requirements of Section 413.D.2.~~
24. Personal Services
25. Parking Structure subject to the standards of Sec. 413.~~D.7~~ E.4 below
26. Inn – not over 25 rooms and shall be at least two stories high
27. Parking area for open space *{Amended, Effective 12/02/14}*
28. Artisan Food and Beverage *{Effective 12/17/14}*
29. Community Centers and Services *{Amended, Effective 12/18/18}*
30. Mixed Use Development

D. Space Standards:

1. Minimum lot area: 8,000 s.f.

- 2. Minimum road frontage: None
- 3. Maximum building height: up to three stories,  
with a  
45 feet maximum height of

4. Minimum setback/front:

a. Where a sidewalk exists:

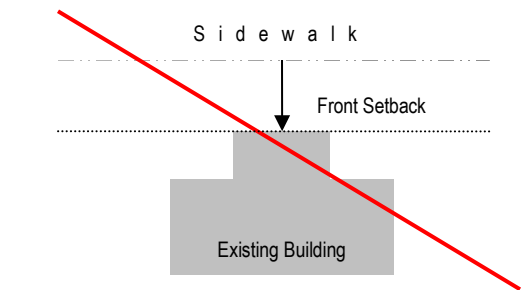
~~i. New Structures~~

~~i.- 10 feet from the property line if roof pitches toward the sidewalk;~~

~~ii.- 5 feet from the property line if roof pitches away from the sidewalk;~~

~~ii. Additions to existing structures: the distance between the closest point of the existing building and the edge of the sidewalk closest to the building. In no instance shall the addition encroach into the public right of way;~~

~~Example:~~



**NOTE: Visual representation to be deleted**

b. Where no sidewalk exists: 15 feet from property line;

c. Landscaping or other amenities such as planters, benches or expanded sidewalk shall be required within the front setback.

- 5. Minimum setback side and rear: None if non-combustible construction is used and roof does not pitch in that direction. Five (5) feet if non-combustible construction is used and roof pitches in that direction. Fifteen (15) feet for combustible construction or walls with points of ingress or egress in them. *{Amended, 12/01/2020}*
- 6. Minimum land area per dwelling unit: 0 s.f.
- 7. Maximum impervious surface to lot area ratio 90%

E. Other Standards: *{Amended, Effective 12/18/18}*

- 1. Parking in the VC-I District is further subject to the provisions of Section 514 as applicable of this Ordinance.

2. A Buffer Zone as required by Article V, Section 506 shall be at least 20 feet in depth, and shall be required whenever new construction or renovation requiring a building permit is applied for. Where existing structures are within the 20-foot area, no further encroachment shall be permitted.
3. Peddler trucks are prohibited.
4. Parking structures shall meet the following design standards:
  - a. Active uses such as retail, display windows, or other Permitted Uses shall be incorporated into a parking structure. At least 50% of the total pedestrian-level frontage facing streets or other pedestrian areas shall incorporate retail, display windows, or other Permitted Uses. For the purposes of this section, pedestrian areas shall mean existing or proposed sidewalks, walkways, or plazas. The required frontage incorporating retail, display windows or other Permitted Uses may be included in another structure that is physically separate from the parking structure provided that such other structure is separated by no more than 10 feet from the parking structure. If the space between such separate structures abuts a public street, other pedestrian area or parking lot, such space shall be integrated into the building design as a sidewalk or it shall be concealed from view from such street, pedestrian area or parking lot in a manner consistent with this Ordinance. Neither vehicular access to parking structures nor the parking portion of the structure shall be permitted on the street level of Main and Bow Streets. Upper levels of parking structures on these streets shall be designed to be compatible with the street level structure.
  - b. The retail, display windows or other Permitted Uses meeting the 50% frontage requirement described above may be allocated across different elevations of the structure in any manner, provided that the result of such allocations in conjunction with other adjacent uses is not to cause any street upon which the parking structure has frontage to be significantly lacking in pedestrian destinations with the result that the street is inconsistent with the character of the District.
  - c. The parking space dimension and aisle width of Section 514 of this Ordinance may be reduced to maximize the efficiency of the parking structure provided the safety of the structure is not reduced.
  - d. Parking structures may exceed the maximum impervious surface to lot area requirement; provided the required pervious land area is met on another property in the VC-1, VC-2, or VC-4 Districts provided a permanent agreement is documented publicly in a format approved by the Town Attorney.
  - e. At least 75% of the street level of the parking structure that does not include retail, display windows or other Permitted Uses shall be screened with landscaping, art work, plants that grow on vines, or other material that softens the appearance of the parking structure. The 75% does not include entrances and exits or commercial uses. Street trees shall be provided at 1 tree for every 30' feet of parking garage clearly visible from a public street or a parking lot. If the Project Review Board determines that street trees are not



- appropriate in the sidewalk along the parking structure, the standard may be met at another location in the VC-1 District or at the village gateways at exit 20 and/or 21 provided a permanent agreement is documented publicly in a format approved by the Town Attorney.
- f. The façade of the parking structure along the street or sides of the structure that are clearly visible from a road, other pedestrian area or parking lot shall consist of materials found on nearby buildings such as brick, stone, or wood-like material; or shall have a functional use such as a climbing wall.
  - g. The façade of the structure along sides other than those described in paragraph f. above shall be treated to soften the stark appearance of concrete, for example red sand mixed with the concrete provides a brick-like color and texture to the minimally visible walls.
  - h. On the side of the structure facing the street or sides of the structure that are clearly visible from a road, other pedestrian area or parking lot, the façade shall have vertical elements that cover support columns and shall be done in such a way to mimic window openings similar to nearby buildings, while providing proper ventilation, such as grill work, window boxes or other types of adornment that soften the look of the structure. The sides of the structure along other buildings shall maximize the openings between floors to improve ventilation.
  - i. Pedestrian access is required on all sides of a parking structure that run along a public street, sidewalk, other pedestrian area or parking lot and shall be clearly marked.
  - j. At no point shall a parking structure exceed 40 feet in height.
  - k. A plan for providing security to parking structures is required. This plan shall include provisions for interior lighting and provisions for protecting the public such as but not limited to: surveillance cameras, regular patrol, etc.
  - l. The Project Review Board may allow minor reductions to any of the standards listed above if strict compliance with the standard would result in the need for a mechanically ventilated parking structure. The Board may only allow a reduction up to the point where the standards of an open parking structure are in accordance with the current building code being enforced by the Town of Freeport. *{Amended, Effective 10/03/17}*
5. 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 414. Village Commercial II “VC-II”** *{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 residential districts.

B. Permitted Uses:

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

The following uses are subject to subdivision review

4. Subdivisions for one-family, two-family, or multiple family 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 414.D.2, 4 and 6 below provided the provisions of section 414.E.6 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. Multiple Family Dwelling
  - a. Buildings in existence prior to January 22, 2013 shall not be subject to the provisions of Section 414.C.5 below provided the provisions of section 414.E.6 below are met *{Amended, Effective 01/22/13}* *{Amended, Effective 10/03/17}*

11. Retail Trade

A minimum 20,000 sq. ft. lot may contain one of the following:

- (a) New Structure: Gross floor area of a new structure shall not exceed 5,000 s.f. No floor shall exceed a maximum of 2,500 s.f. A maximum of 5,000 s.f. of floor area may be used for retail trade; or
- (b) Existing Structure: A maximum of 6,000 s.f. of gross floor area in an existing building may be used for retail trade; or

(c) Combined New and Existing Structure: Total gross floor area shall not exceed 5,000 sq. ft.

12. Public Utilities
13. Business and Professional Offices New, existing or combined new and existing structures: total gross floor area shall not exceed 10,000 square feet. No floor shall exceed a maximum of 5,000 square feet.
14. Public Assembly, Indoor
15. Bed & Breakfast Inn
16. Hotel or Motel - not over 10 units
17. Private Assembly
18. Restaurant
19. Restaurant - Carry-Out
20. Restaurant Drive-Up, provided there is no vehicle access to Main Street, provided that the restaurant contains a minimum of 75 indoor seats, an outdoor intercom system shall use the lowest volume level necessary to service the intended user but to not be audible at the property line. Outdoor broadcast systems are prohibited.  
*{Amended, Effective 12/07/10}*
21. Arts Center – Indoor and/or Outdoor with or without permanent structures
22. Parking lots serving A & B buildings, as defined in the Freeport Design Review Ordinance, located in the VC-II District, when such parking is provided pursuant to Section ~~413.D.2.~~ 414.E.3.
23. Parking area for open space *{Amended, Effective 12/02/14}*
24. Artisan Food and Beverage *{Effective 12/17/14}*
25. Mixed Use Development

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

1. Minimum lot area, except for lots that meet all of the standards in Sec. 414.E.6 below: *{Amended, Effective 01/22/13}* 20,000 s.f.
2. Minimum road frontage: 100 feet
3. Maximum building height: up to three stories, with a maximum height of 45 feet
4. Minimum Setback front: 25 feet, except for the east side of Main Street and the north side of Davis Avenue where it shall be 10 feet from the interior edge of any sidewalk or 15 feet from lot line if no sidewalk.  
Side: 15 feet  
Rear: 25 feet
5. Minimum land area per dwelling unit: 5,000 s.f.
6. Maximum impervious surface to lot area ratio 90%

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; two family and multiple family –  
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; two family and multiple family –  
not less than 1,800 s.f.
5. Minimum lot area; single family 3,000 s.f.
  
6. Minimum lot area per dwelling unit; two family and multiple family - 600 s.f.
7. Minimum road frontage 30 ft.
8. Maximum impervious surface to lot area ratio 80%

E. Other Standards:

1. Peddler trucks are prohibited.
2. The following conditions shall be met for all non-residential uses which are located on parcels having access to Main Street or Mallett Drive as well as minor streets as defined in the Street Acceptance and Standards Ordinance of the Town of Freeport:
  - a. Access to Map 12, Lots 7, 30A, 30D, 31A and 33A shall be from Mallett Drive only. Lots on Davis Avenue shall not provide access directly to Main Street. Wherever possible, common access ways shall be created for adjacent lots.
  - b. Parking areas shall not be located within the side and rear setback. Driveways and drive-throughs shall not be located within the side and rear setback.
  - c. 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. If an existing building, which is classified A or B in the Freeport Design Review Ordinance and is going to be converted to non-residential use, does not have sufficient space on site or within 300' to meet the existing parking requirements, and municipal parking spaces are unavailable, the parking requirements may be satisfied by permitting spaces to be owned and developed within the VC-I and/or

VC-II Districts. The purpose of this provision is to encourage the preservation of historically significant structures.

4. 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.
5. Building height requirements and building setback requirements are included in the Freeport Village Design Standards.
6. For Section 414.B.10.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. 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}*
7. 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 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 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}*
5. 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 514. Off-Street Parking and Loading

### A. Purpose

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

### B. Off-Street Parking

1. ~~**General. Accessory Use:** Off-street parking shall be considered an accessory use when required or provided to serve permitted uses located in any district.~~ Off-street parking may be provided in either a surface parking lot or a parking structure. For residential uses, a garage space(s) is considered a parking space.
2. **Multiple uses or spaces:** Where more than one use occupies a single structure or lot or where one structure has more than one leasable space the total required parking shall be the sum of the requirements of the individual uses and/or spaces.
  - a. **VMU 1 and VMU 2** - Notwithstanding Sec. 514.B.2 above in the Village Mixed Use Districts (VMU-1 and VMU-2) Districts the requirement shall be ninety percent (90%) of the sum of the requirements of the individual uses if the parking is restricted, for shared parking the requirement shall be seventy-five percent (75%) and may be reduced to 70% if parking lots on adjacent properties are connected.
  - b. The Project Review Board may reduce the required parking if the applicant can demonstrate that the variety of uses have different peak parking demands. This section (514.B.2.~~cb~~) does not apply to the Village Commercial 1 District.
3. **When a parking requirement isn't listed for a specific use:** In the event a particular building or use does not fit exactly into any of the categories listed in the Section, the Codes Enforcement Officer shall apply the requirements of the category which he deems to be most closely analogous.
4. **Use of parking spaces:** Required parking spaces shall be available for the parking of vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials (unless required in the provisions below), and shall not be used for sale, repair or servicing of any vehicle(s).
5. **Measuring the building area:** In all Districts, to determine the building area (in square feet) for meeting the parking requirement, all measurements are taken from the interior walls of each floor of the building. The following spaces are not included in the area for

meeting the parking requirement~~;~~:

- Stairways and hallways that are not used by customers,
- restrooms that are open to the public not just customers of the business and that are clearly marked for public use,
- unused attic or basement space,
- areas with less than 6 feet of floor to ceiling height,
- elevators,
- rooms for HVAC equipment or other utility equipment, and
- loading docks.

6. **Reductions allowed** - In all Districts except the VC-~~1~~ District, the Project Review Board may allow a reduction up to fifty (50) percent in the number of spaces constructed provided the required number of spaces can be constructed on the property while meeting all other space and bulk requirements of that District. The applicant must demonstrate that the additional spaces are not necessary, and the Project Review Board shall attach a condition of approval stating that the town may require that the spaces be constructed if additional parking is needed to correct a parking problem on the site. In considering a reduction, the Board may consider the typical hours of operation of the uses, seasonal fluctuations, the amount of parking needed for customers versus employees, and so on.
7. **On-site and off-site** – Notwithstanding Sections ~~514.B.8.b (Village Commercial 1)~~ 514.B.8.(b) and (c) district parking requirements below, the Project Review Board may approve off-site parking if the entrance to the off- site parking is within 300 linear feet of the entrance to the on-site parking. The owner, as defined by this Ordinance, of the off-site parking must be the same as the owner of the on-site parking. Evidence of legal use of the off-site parking spaces for the duration of the use must be submitted and that the use of the off-site parking spaces of the spaces will not create a shortage of parking spaces for any uses on the property which the off-site parking spaces are located.
8. **District Parking requirements** - Off-street parking in compliance with the following minimum requirements shall be provided and maintained for all uses, new construction, expansion of existing uses or structures, and changes of use in all districts.
  - a. Commercial Districts ~~1~~, ~~3~~, and ~~4~~ (C-1, C-3, C-4) and Nature-Based and Art Overlay District (NBAOD) *{Amended, 12/15/20}*  
Where construction of new buildings or additions to existing buildings or a change of use or new use is proposed, the Project Review Board shall establish the parking requirement for such structures or uses. The established parking requirement shall be based upon a parking analysis submitted by the applicant. In making a decision, the Project Review Board may require a peer review of the parking analysis.
  - b. Village Commercial 2 District (VC-2). Off-street parking requirements for permitted uses located in Class A or B buildings as defined in the Design Review Ordinance in the VC-2 District may be provided in a parking lot in the Village



Commercial 1 District (VC-1).

~~b.c.~~ Village Commercial 1 District (VC-1) – **for shared parking** {Amended, Effective 09/20/22}

1. Off-street parking requirements for permitted uses in the VC-1 District shall be located in the VC-1 District. Parking spaces may be provided on the same parcel as the use they serve, and/or on another lot held under the same ownership, and/or with a credit pursuant to the Freeport Traffic and Parking Ordinance, Chapter 48, Article VI Parking Credits and/or they may be leased from the municipality or other entity as per the Freeport Traffic and Parking Ordinance, Chapter 48, Article V Leased Parking Standards. All parking spaces shall be paved, striped, plowed, lighted and maintained so that they are useable.
2. Multiple Family Dwellings and/or Mixed Use Developments are allowed to use a combination of shared and non-shared parking to meet the parking requirement for a property, using the standards of Section 514.B.8.~~de~~ and Section 514.B.8.~~ed~~ below.

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

Restaurant, Retail	3 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514. <u>B.5</u> above  Outdoor seating - parking must be provided based on the building area as defined in Sec. 514. <u>B.5</u> for outdoor seating using the standard above for this category of use. If the outdoors seating is seasonal, meaning that it is not enclosed with walls and/or a roof of any material and/or no sources of heat are provided the area of the outdoor seating is eligible for a reduction of 65% of the parking requirement for that seasonal use area.  <i>Effective date: March 18, 2019</i>
For all other uses permitted in the VC-1 District, but not specifically listed in this section	2.5 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514. <u>B.5</u> above  <i>Effective date: March 18, 2019</i>

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<p>Notwithstanding the standards of this section, any use in a commercial space that is on a floor other than the ground floor and that is not connected to the ground level space</p>	<p>2 parking spaces for every 1,000 square feet of building area using the standards of Sec. 514B.5 above</p> <p><i>Effective date: March 18, 2019</i></p>
<p>Religious institutions, visitors centers, outdoor arts center with no permanent structures and indoor and outdoor arts center connected to a parking structure</p>	<p>No parking requirement</p>
<p>Public utilities, Bed and Breakfast Inns, Inn, Public and Private Schools, Day care Facilities, Commercial Schools, Open Spaces</p>	<p>Use the parking requirements in Sec. 514.B.8.<del>de</del> below.</p>
<p>Peddler carts on private property</p>	<p>Per Sec 526.D.3</p>
<p>Dwellings</p>	<p>Single family and two family dwellings: 1 bedroom unit – 1 parking space, 2 bedroom unit – 1.75 parking spaces, 3 bedroom unit – 2 spaces for the first three bedroom and .5 spaces per bedroom beyond 3 bedrooms, units restricted to senior housing – 1 space per unit.</p> <p>For multiple family dwellings: 0.75 parking space per residential unit.</p> <p>Every garage space counts as a parking space</p> <p><i>{Amended, Effective 09/20/22}</i></p>

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

<p>Dwellings:</p>	<p>In the V-1, VC-2, VC-3, VC-4, and MDR-2 Districts the following shall apply: Single family – 2 spaces, two-family and multi-family: 1 bedroom unit – 1.25 spaces per unit or major fraction thereof, 2 bedroom unit -1.75 spaces per unit or major fraction thereof, 3 bedroom unit- 2 spaces for the first three bedrooms with .5 spaces per bedroom beyond 3 bedrooms; units restricted to senior housing – 1 space per unit, multi-family units shall provide 1 space per 5 units for guest parking.</p> <p>In the VC-1, Single family and two family dwellings: two parking spaces per unit.</p> <p>In the VC-1, multiple family dwellings: 1.0 parking space per residential unit.</p> <p>All other districts: 2 parking spaces per dwelling unit.</p> <p>In all cases, a garage may be counted as a parking space.  <i>{Amended, Effective 09/17/13}{Amended, Effective 09/20/22}</i></p>
<p>Motels, Tourist Homes, Rooming Houses, Hotels, Bed and Breakfast Inns, Inns:</p>	<p>1 parking space for each guest room; plus 1 parking space for each overnight employee based on the expected average overnight employee occupancy and, in addition, adequate parking based on the standards supplied in this section, shall be provided for restaurant, meeting rooms, auditoriums and other activities which are accessory to the principal use.</p>
<p>Schools:</p>	
<p>Nursery School &amp; Day Care Home &amp; Center:</p>	<p>1 parking space for each teacher &amp; aide;</p>
<p>Elementary Schools:</p>	<p>1 parking space for each adult employee plus 10 parking spaces;</p>
<p>Junior High Schools:</p>	<p>1 parking space for each adult employee plus 6 parking spaces;</p>
<p>Senior High Schools:</p>	<p>1 parking space for each adult employee plus 25 parking spaces for each 100 students or major fraction there of total enrollment.</p>
<p>Commercial Schools:</p>	<p>1 parking space for each .75 students at maximum enrollment plus one space for each instructor</p>

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Hospitals, Nursing Homes:	1 parking space per 3 beds and 1 for each employee based on the expected average employee occupancy.
Public Assembly-Indoor, Private Assembly, Commercial Recreation-Indoor, Outdoor Recreation School:	1 parking space for each 3 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats;
Marina	Minimum of 30 parking spaces <i>{Corrected, Dec 2008}</i>
Community Centers and Services	In designated growth areas, 1 parking space for each 235 square feet of building area as defined in Sec. 514.B.5 above and excluding area designated for storage when bicycle racks are provided; on-street parking spaces created for this use within 700’ of the parcel can be counted toward meeting this standard, provided at least one third of the total required parking spaces are provided on the site. Outside of designated growth areas, 1 space per 300 square feet of building
Retail Trade, Commercial Sales and Service, Commercial Fishery:	In the Village Commercial 1 District buildings not using shared parking, 1 parking space for each 150 square feet of building area as defined in Sec. 514.B.5 above. In addition, parking for employees shall be provided and shall be calculated using the formula of minimum of one parking space per 1,000 square feet or major fraction thereof of Sec. 514.B.5 of building. For uses with less than 1,000 square feet of Sec. 514.B.5 of buildings, a minimum of one employee parking space is required. <i>{Amended, Effective 01/02/18}</i>
Furniture/Large Appliance Showroom, Art Galleries, Museums: <i>{Amended, Effective 01/02/18}</i>	1 parking space for each 500 square feet or major fraction thereof of building area as defined in Sec. 514.B.5 above.
Bowling Alley:	4 parking spaces for each bowling lane.
Restaurants, Snack Bars, Eating and Drinking Establishments:	<p>In the Village Commercial I District (VC-I) for buildings not using shared parking, 1 customer parking space for each 150 square feet or major fraction thereof of building area as defined in Sec. 514.B.5 above plus the greater of 1 employee parking space for each employee based on the highest expected average employment or 1 employee parking space for each 1,000 square feet or major fraction there of building area as defined in Sec. 514.B.5 above.</p> <p>In all other zoning districts, 1 parking space for every 2 seats or stools (indoor &amp; outdoor), and 1 space for each 50 square feet of dining or drinking area where there are no fixed seats with a minimum of 10 spaces.</p> <p>In any District, customer parking space for outdoor seating must be provided based on the building area as defined in</p>

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

<b>Open Space</b> <i>{Amended, Effective 12/02/14}</i>	<p>The number of spaces for any open space shall be based on a recommendation by the owner of the open space. The Project Review Board may make a recommendation on the number of spaces needed for a project under their review that includes open space.</p> <p>These parking spaces are subject to the dimensional standards of Section 514.B.9.b of this Ordinance.</p>
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**9. Parking Space Dimensions**

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

NOTE: d= Dimensions in feet    Stall Dimensions Standard 9.0'x18.5'  
Parallel stall Dimension Standard 9.0' x 22'

- a. Aisle and stall dimensions shall be measured as shown in 514.B.9; except that the Project Review Board may approve an aisle width of 22' for 90 degree parking stalls in parking lots in the Village Mixed Use Districts 1, and 2. Dimensions specified for one-way aisles apply only when diagonal parking is provided from each side of the aisle and all such aisles are designated as "One Way" with adequate signage and marking to direct the traffic movement.
- b. Parking areas for open spaces are exempt from the parking space dimensional standards of this section. Instead, the design of all parking areas must be reviewed and approved by the Freeport Town Engineer. In the case of parking areas that are owned by the Town of Freeport, the Town Engineer may also design the parking area. In addition, if parking spaces are proposed in a public right-of-way, the Freeport Traffic and Parking Committee must review and endorse the proposed parking plan. *{Amended, Effective 12/02/14}*
- c. Angle, interlock parking shall only be used when a sufficient physical barrier is provided to prevent vehicular contact across the interlock.

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

Total number of parking spaces provided in a parking facility	Minimum number of accessible parking spaces (car and van)	Minimum number of van accessible parking spaces (1 for every 6 accessible spaces)
1 – 25	1	1
26 – 50	2	1
51 – 75	3	1
76 – 100	4	1
101 – 150	5	1
151 – 200	6	1
201 – 300	7	2
301 – 400	8	2
401 – 500	9	2
500 – 1,000	2% of total parking provided in each lot or structure	1/6 of the previous column

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

### C. VC-1 Conformance

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

### D. Enforcement

1. Enforcement. If the parking requirements of this Section 514 are not met or if they lapse, the Certificate of Occupancy shall be revoked and it shall be the responsibility of the Codes Enforcement Officer to invoke the requirements of Section 601 of this Ordinance.