



TOWN OF FREEPORT, MAINE  
 Planning Department  
 30 Main Street  
 Freeport, ME 04032  
 Phone: 207-865-4743  
[www.freeportmaine.com](http://www.freeportmaine.com)

**TO: SOPHIA WILSON, TOWN MANAGER**  
**CC: FREEPORT TOWN COUNCIL**  
**FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER**  
**RE: STAFF MEMO: PROPOSED AMENDMENTS TO SECTION 501. TEMPORARY ACTIVITY AND SECTION 526.A FOOD TRUCKS OF CHAPTER 21 FREEPORT ZONING ORDINANCE**  
**DATE: TUESDAY, MARCH 19TH, 2024**

**Background:** The Town Council has given direction to the Planning Board to consider amendments to the existing food trucks standards in order to allow for the creation of a temporary food truck area. The Planning Board had a discussion on this item on February 7<sup>th</sup> and held a public hearing on March 6<sup>th</sup> 2024. The agenda item was as follows:

**ITEM II: PUBLIC HEARING- Proposed amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of the Freeport Zoning Ordinance.**

The Planning Board will hold a Public Hearing to discuss proposed text amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of Chapter 21 Freeport Zoning Ordinance to increase the number of food trucks allowed as an Accessory Use up to eight (8) food trucks, for a maximum of six (6) months contingent upon securing a Temporary Activity Permit.

**General Background:** Currently, food trucks are allowed in Freeport under the following conditions:

- 1) As an accessory use to any permitted use in the Commercial 1 (C-1) and Nature-Based and Art Overlay District (NBAOD), subject to the standards of Section 526.A;
- 2) As an accessory use to Artisan Food and Beverage in the following districts: Medium Density Residential A or B (MDA/B); Commercial 3 (C-3); Commercial 4 (C-4); Local Business (LB); and Industrial 1 and 2 (I-1 and I-2) districts., subject to the standards of Section 526.A;
- 3) As part of a Temporary Activity with a Temporary Activity permit in any district;
- 4) Food trucks are allowed in any district and exempt from Town permitting requirements if the food truck is being used at a private event on private property where the food truck is serving food to guests and the food has already been paid for (such as a private catering event).

In addition to the Town's land-use requirements, food trucks must secure a license from the Town and must be licensed by the State.

**Current Standard and Proposed Changes:**

Section 526.A.1.C specifies that only one food truck per property is allowed as an Accessory Use at any given time, but there is an exception that allows up to three food trucks for no more than three days, no more than three times a calendar year. The proposed draft amendments presented by staff on March 6<sup>th</sup>, 2024 were meant to add another exception to allow up to eight food trucks. However, upon discussion at the public hearing, the Planning Board concurred that the maximum number of food trucks should be five (5) instead of eight (8). Thus, the Planning Board’s recommended amendments would allow up to five (5) food trucks at a time in a property for up to six (6) months with the issuance of a Temporary Activity Permit.

Please note that this exemption would only be allowed in areas that already allow food trucks as an Accessory Use and only one Temporary Activity Permit per property per year would be issued for this purpose. All other performance standards related to food trucks (under Section 526.A) and Temporary Activity (under Section 501) would still apply. Please see the enclosed proposed amendments and, for information purposes, a map of zoning districts that allow food trucks as an Accessory Use.

**Process:** The Planning Board held a discussion on February 7<sup>th</sup> on this topic and a public hearing was held on March 6<sup>th</sup>, 2024. Required legal notice was published in the Times Record on 2/23/24 and 2/28/24. The text for the legal ad was as follows:



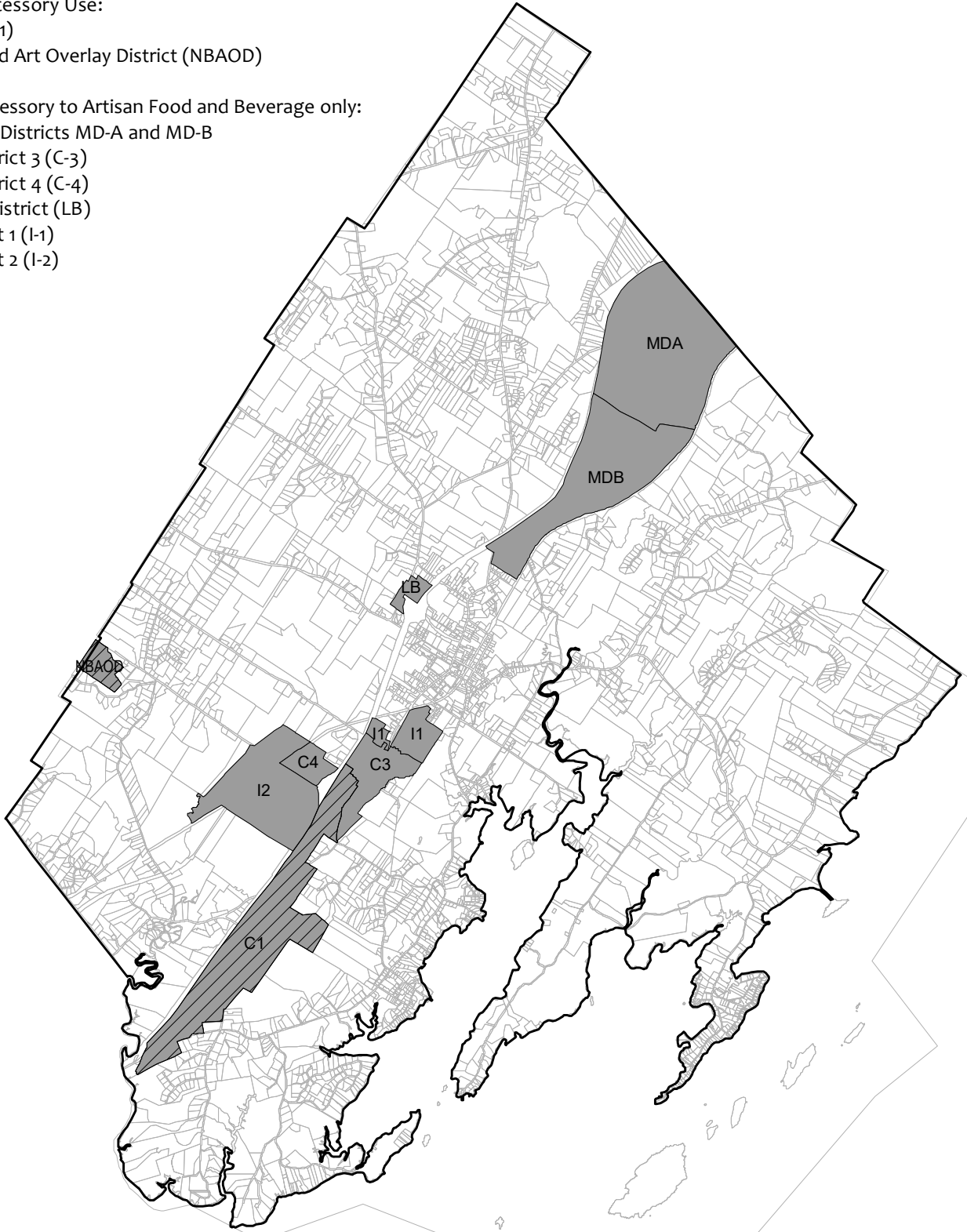
**Recommendations from the Planning Board:** The Planning Board made the following recommendations:




**BE IT ORDERED:** That the Planning Board recommends to the Town Council adopting the proposed changes to Section 501 Temporary Activity and Section 526. A Food Trucks with changes to Section 526.A.1.C.2 from 8 to 5 food trucks. It is in compatibility to the Comp Plan in that it supports local business. (Burwell & Spiers) **VOTE:** (6 Ayes) (0 Nays)

# Freeport Zones for Food Trucks 2021

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

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



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



Proposed amendments to Section 501. Temporary Activity and Section 526.A Food Trucks of Chapter 21 – Town of Freeport Zoning Ordinance as Recommended at the 03/06/24 Planning Board Public Hearing  
(Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

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**Section 501. Temporary Activity** *{Amended, 01/06/15, 10/03/17, & 01/04/22}*

- A. An activity that is of a decidedly temporary nature and which can meet the minimum requirements of the performance standards below Sec. 501.A.2-~~54~~, may be allowed under the provisions of a Temporary Activity Permit issued by the municipal Codes Enforcement Officer. The conditions of issuance or of renewal for any such permit are:
1. The proposed activity or use will not continue beyond a maximum time period of one (1) week for no more than three times per year per property except as allowed in 501.C, ~~and 501.D, and 501.E~~ below or as allowed in this section. If additional time beyond one week is requested by the applicant, the Codes Enforcement Officer must obtain the concurrence of the ~~municipal~~ Project Review Board before such an extension is granted. Upon expiration of the Temporary Activity Permit granted by the Codes Enforcement Officer~~Special Permit~~, the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be in violation of this Ordinance.
  2. The proposed activity will not create, cause or increase any health, safety or public nuisance problems.
  3. The proposed activity will not cause immediate or future damage to adjacent properties.
  4. Reasonable provision is made to prevent or minimize harmful environmental impacts of the proposed activity.
  5. The proposed activity will not displace any required accessible parking spaces unless such accessible parking space(s) are temporarily relocated, as close as possible to the existing parking spaces and providing access to an accessible route. The temporarily relocated space(s) must comply with the dimensional and signage requirements Section 514.B.10 of the Freeport Zoning Ordinance. In addition, if needed to connect to an accessible route, a modification may be provided. If this standard of Item 5 is applicable, a sketch demonstrating that this standard has been met must be included with the application form for a Temporary Activity Permit. For this standard of ~~Item 5~~five, the term “accessible” shall refer to parking spaces, building entrances, and access routes that were designed with the intent to meet the Americans with Disabilities Act standards for Accessible Design.
- B. This section is not intended to permit uses which do not conform to the use requirements of the District in which the temporary activity is planned.

- C. Temporary Activity Permits issued annually for outdoor retail sales, including but not limited to, rack and container sales and farmers’ markets, in the Village Commercial 1-4 and Commercial 1-4 Districts issued by the Codes Enforcement Officer, shall be unlimited provided all of the sales are conducted outside of the public right-of-way and on the same property that the business requesting a temporary activity permit is located. If the applicant is not the property owner, and is located in a multi-tenant building, written authorization from the property owner will be required for the applicant to obtain a Temporary Activity Permit.
- D. Peddler activities and food trucks during special events such as concerts, festivals, and holiday festivities on private property are considered a temporary activity subject to the requirements of Subsections A.2-5 and Section 526 or Section 526.A.
- E. In Zoning Districts where food trucks are allowed as an Accessory Use per Section 526.A.1.C.2 of this Ordinance one (1) Temporary Activity Permit from the Codes Enforcement Officer can be issued per parcel per calendar year.
- F. All temporary activities require a Temporary Activity Permit from the Codes Enforcement Officer. Fees for Temporary Activity permits are established by order of the Town Council.

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**Section 526.A Food Trucks** *{Effective 12/17/14, amended 01/04/22}*

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

- 1. For Permitted Uses that allow the use of a food truck as an Accessory Use:
  - A. The food truck must be located on the same property as the permitted use or on an adjacent property if the owner of the land on which the permitted use is located has a legal agreement with the property owner and
  - B. Customers of the food truck must have access to restrooms on the same property that are connected to the public sewer system or a sub-surface wastewater disposal system. An agreement with the host permitting the use of restrooms on the site must be submitted.

C. One food truck is allowed at any given time, except that the host permitted use may have:

1) Up to three (3) trucks, for no more than three (3) days, no more than three (3) times in any calendar year;

2) Up to five (5) trucks, for no more than six (6) consecutive months in any calendar year contingent upon securing a Temporary Activity Permit from the Codes Enforcement Officer.

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

E. Food trucks may only be open for business during the host Permitted Use businesses hours of operation; however, the hours of operation cannot be earlier or later than those included in Sec. 526A.2.~~KL~~. below.

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

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

2. All food trucks must:

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

B. Be located on private property unless approval to locate in the right-of-way or town property is granted by the Freeport Town Council.

C. Have a valid Food Truck License issued by the Town Clerk of the Town of Freeport.

D. Not verbally solicit business from pedestrians or persons in vehicles and no sales to persons in vehicles.

E. Not have lighting except localized lighting that is used on or in the food truck for the purpose of food preparation and menu illumination.

F. Be allowed signage to identify the name of the truck and may have a menu board.

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

- H. Collect and dispose of all litter or debris within a 25-foot radius of the food truck.
- I. Contain all equipment needed for the preparation of food within the food truck, except for trash and recycling receptacles.
- J. Notwithstanding food trucks permitted per Section 526.A.1.C.2 all food trucks must contain any furniture, umbrellas, generators, or other objects or structures outside of the food truck, within a 25-foot radius of the food truck and must be removed from the premises with the food truck. No appurtenances related to the food truck may be left at the property once the food truck closes. In addition, no required parking shall be displaced by such objects and/or structures, and vehicular and pedestrian access must not be obstructed.
- K. Limit operation between 8am and 10pm Sunday through Thursday and 8am and 11pm Friday and Saturday, however, in no case shall a food truck operating under a Temporary Activity Permit operate beyond the hours of operation of the permitted temporary activity.
- L. Not use any amplified customer notification system or amplified music.
- M. Meet the setback requirements of the district in which they are located and adhere to any buffer requirements of the underlying zoning district(s) and/or any overlay district(s). This includes food trucks and any appurtenances, such as furniture or other objects.
- N. Operate as an Accessory Use to businesses ~~in~~ Zoning Districts that specifically allow food trucks as an Accessory Use and/or operate any an event for which a Temporary Activity Permit has been issued.

### 3. Licensing:

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

- A. An application for a Food Truck License must be filed with the Town Clerk's Office and such license must be issued by the Town Clerk prior to any food truck operating in the Town of Freeport.
- B. Food truck licenses may be issued in two ways:
  - 1) A license to operate for up to three consecutive days, for a maximum of six (6) of this license type per food truck per calendar year.
  - 2) An annual license to be issued by the Town Clerk.

### 4. Exceptions:

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

– END OF SECTION –