



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PLANNING BOARD

FROM: CAROLINE PELLETIER, TOWN PLANNER

RE: AGENDA ITEM IV: Workshop Discussion with Freeport Economic Development Corporation

DATE: WEDNESDAY, JANUARY 6, 2021

Background: At the December 2, 2020 Planning Board meeting, the Board had an initial discussion with representatives from Freeport Economic Development Corporation regarding some potential changes that could be made to existing land use regulations to encourage new housing units in the Downtown area. These discussion points were based upon feedback FEDC had gotten from developers (see original memorandum from FEDC to the Planning Board, attached). Although the primary focus is for the Village Commercial I District (which is the area in which some of these same concepts were previously discussed by the Board), the ideas were presented as something that may appropriate to consider for all of the Village Commercial Zoning Districts; VC-1, VC-2, VC-3 & VC-4. (A link to the Official Zoning Map can be found here: [Charter, Ordinances and Codes | Freeport ME \(freeportmaine.com\)](http://www.freeportmaine.com), however for the purposes of this discussion, the locations of the Village Commercial Zoning Districts are as shown on the following page).

The specific standards discussed at the last meeting were:

- 1) Adding the use of “mixed-use development” to the list(s) of permitted uses subject to Site Plan Review;
- 2) Increasing the building height to “up to three stories, with a maximum height of 45 feet” and to consider re-defining “height; and,
- 3) Change the land per dwelling unit requirement from 2,000 square feet of land area per dwelling unit to 0 square feet of land area per dwelling unit (the current minimum lot size of the Zoning District(s) would remain unchanged).

Zoning Ordinance text for the four Village Commercial Zoning Districts is included on the following pages. For the Village Commercial I (VC-1), track changes have been made to reflect the three items discussed at the last meeting. Something the Planning Board may want to consider: would a new height standard of three stories, up to 45 feet in height, be appropriate for all portions of the Village Commercial I Zoning District? Does the setback need to be adjusted if a new height is allowed?

The text for the other zoning districts (VC-2, VC-3, & VC-4) includes the addition of the use of mixed-use development. It was unclear from the last meeting, how the Board felt about possibly increasing the height in the other Districts to a height standard of three stories, up to 45 feet; what are the Board’s thoughts on this?

The suggestion at the last meeting was to eliminate the land per dwelling unit requirement in the Village Commercial I District. The VC-1 District is different from the other Village Commercial Districts in that it is the only Village Commercial District that does not include Village Open Space Subdivision standards as a permitted use. How does the Board feel about lowering this standard outside of VC-1? This will warrant additional discussion as other standards may come in to play here as there are additional standards beyond just the land per dwelling unit.

Other standards to consider: Most of the area within all four of the Village Commercial Zoning Districts is within one of Freeport's Design Review Districts. Village Commercial 2, Village Commercial 3 and Village Commercial 4 are also within the Freeport Village Overlay District. Re-engaging the working group that was looking at the Design Review Districts and Freeport Village Overlay Districts was also a suggestion. For now, the current standards in place will have some additional standards with regards to details such as building design and scale.



Comprehensive Plan: Since this is a Zoning Amendment discussion, the Board should keep in mind whether or not the possible amendments would be in harmony with the Comprehensive Plan. The complete Comprehensive Plan can be viewed here: [Microsoft Word - CompPlanAdopted2-8-11.doc \(freeportmaine.com\)](http://freeportmaine.com/Microsoft Word - CompPlanAdopted2-8-11.doc)

Page 29 of the Comprehensive Plan addressed mixed use and growth areas:

“Mixed Use and Growth Areas

The ultimate “concentrated” development model is **mixed use development**. Mixed use development allows residential and commercial development to exist on the same parcel, adjacent to each other, or in the same building. The best examples of mixed use development can be found in any New England village; with houses, businesses, and factories all close by. In this case, the past is our best model. Zoning separated these uses. In retrospect, it may have separated them too much.

Mixed use areas were desirable places to live. They can, once again, be desirable places to live as long as open spaces are intertwined with developed areas, goods and services are within walking distance, and safe and well maintained facilities for bicyclists and pedestrians are provided. Creating places for people to live, work, and play provides opportunities to reduce gasoline consumption, to reduce traffic congestion, to improve air quality, and to provide a mix of housing units in size and price. Mixed use areas should be in areas serviced by public water and sewer, or at least in areas that require minimal extensions to those utilities.

In 2007, the first mixed use districts were approved. In Freeport, the **growth areas** are the Medium Density Districts along Route One North, the Village 1, Village Commercial Districts, the Village Mixed Use Districts, and the Commercial 1 and 3 Districts. Since 2005, the allowable densities in those districts (with the exception of the Medium Density districts) have been increased while the size of the Districts remains the same. All of the Districts allow a wide variety of housing types and commercial uses. All of these areas are serviced by public water and sewer.

In 2008, the allowable residential density was increased in the Route One South area. This area could be a “receiving” area for a transfer of development rights (TDR) program (see recommendation for developing such a program in the Open Space and Recreation section of this Plan). The program works like this; development rights that are preserved in rural areas (the sending area) are traded for higher development in the Route One South corridor (the receiving area). This would provide another option for housing growth and simultaneously preserves rural areas. The TDR program will provide additional incentives to preserve types of rural land, active farmland, woodlots, or open spaces.

Freeport currently has a “Retirement Community Overlay District”. Any parcel over 30 acres having access to public water and sewer is eligible for this designation, no matter where it is in town. During the course of the review of these projects, it was suggested that these types of developments should only be allowed in certain districts, ideally those near other development. One “retirement community” has been approved. Another is proposed as of the end of 2009. These “communities” provide a variety of housing types, sizes, and prices, and varying levels of services. A zoning amendment is required for a retirement community.

Allowing higher density also has an impact on the town’s tax base. The average assessed value of a single-family home is close to \$48,000 per acre. Most of these homes are on lots 2.5 acres or larger. The assessed value per acre of a condominium complex is \$538,500 (see Table 14 –FDFTM)”

Table 14. Assessed Value and Land Used per Housing Type

Housing type	Number of Units	Total Acreage	Average Acres per Unit	Assessed Value	Assessed Value per Acre
Single-family	2,566	12,048	4.7	\$574,809,300	\$47,710
Duplex	88	86	0.9	\$7,383,300	\$88,423
Multi-family	30 buildings	68 acres	Unknown	\$115,113,600	\$222,259
Condominium	188	78	.4	\$42,003,000	\$538,500

Source: Freeport Assessing data and Freeport GIS data

Section 413. Village Commercial “VC-I”

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}*

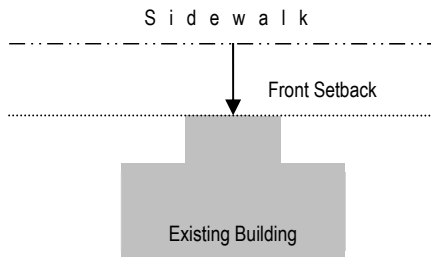
C. Permitted Uses subject to site review regardless of size:

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. One or two dwelling units on other than the first floor~~
- ~~16~~15. Multiple Family Dwelling
- ~~17~~16. Restaurant
- ~~18~~17. Restaurant - Carry-Out
- ~~19~~18. Visitors’ Center
- ~~20~~19. Manufacturing accessory to or associated with a retail trade located in this District
- ~~21~~20. Bed and Breakfast Inn
- ~~22~~21. Day Care Center Facilities
- ~~23~~22. Convenience Store
- ~~24~~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.
- ~~25~~24. Personal Services
- ~~26~~25. Parking Structure subject to the standards of Sec. 413.D.7 below
- ~~27~~26. Inn – not over 25 rooms and shall be at least two stories high
- ~~28~~27. Parking area for open space *{Amended, Effective 12/02/14}*
- ~~29~~28. Artisan Food and Beverage *{Effective 12/17/14}*
- ~~30~~29. Community Centers and Services *{Amended, Effective 12/18/18}*
30. Mixed Use Development

D. Space Standards:

- | | |
|--|------------------------------|
| 1. Minimum lot size: | 8,000 s.f. |
| 2. Minimum road frontage: | None |
| 3. Maximum building height: | 35 <u>45</u> feet |
| 4. Minimum setback/front: | |
| a. Where a sidewalk exists: | |
| i. New Structures | |
| - 10 feet from the property line if roof pitches toward the sidewalk; | |
| - 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:



- 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: | 2,000 <u>0</u> 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}*

Section 414. Village Commercial II “VC-II”

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 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.
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 size, 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: 35 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 size for single family – not less than 6,000 s.f.
4. Average lot size area per dwelling unit; two family and multiple family –
not less than 1,800 s.f.
5. Minimum lot size; 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 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 size 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}

Section 415. Village Commercial III “VC-III”

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. One- 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 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 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 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

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

- | | | |
|---|--------|-------------|
| 1. Minimum lot size: | | 20,000 s.f. |
| 2. Minimum road frontage: | | 100 feet |
| 3. Maximum building height: | | 35 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; one 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 size for one family – not less than 6,000 s.f.
- 4. Average lot size area per dwelling unit; two family and multiple family –
not less than 1,800 s.f.
- 5. Minimum lot size; one 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. 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

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 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. 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 size 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 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 416. Village Commercial IV “VC-IV”

A. Purpose:

It is the intent of this District to mix commercial and residential activity within the Village Center, and by offering flexibility of use, encourage the preservation of existing buildings, in particular, the old Town Hall.

B. Permitted Uses:

1. One Family Dwelling
2. Two Family Dwelling

The following uses are subject to subdivision review:

3. Subdivisions for one-family, two-family, or multiple-family dwellings. Any such subdivision must be designed as a Village Open Space Subdivision.

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

4. Business and Professional Offices
5. Municipal Facility
6. Public Assembly - Indoor
7. Public Utilities
8. Multiple Family Dwelling
9. Hotel/Motel
 - a. New structures shall not exceed 65,000 sq.ft., measured from the exterior face of exterior walls, grade level and above.
10. Religious Institution
11. Public or Private School
12. Commercial School
13. Outdoor Recreation School
14. Private Assembly
15. Bed and Breakfast Inn
16. Day Care Center Facility
17. Nursing homes
18. Buildings in existence prior to (date of acceptance) within the VC-IV District may contain one or more of the following uses;
 - (a) restaurant
 - (b) restaurant carry-out
 - (c) personal service store such as but not limited to beauty and barber shops, Laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services, and alteration services

- (d) meeting space accessory to a hotel
- 19. Local convenience goods stores accommodating local needs, such as but not limited to, retail bakeries, delicatessens, fish stores, meat markets, farmers' markets, grocery and food stores, florist shops and combinations thereof.
- 20. Parking area for open space *{Amended, Effective 12/02/14}*
- 21. Artisan Food and Beverage *{Effective 12/17/14}*
- 22. Mixed Use Development

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

- 1. Minimum lot size:
10,000 ft.
- 2. Minimum road frontage: 50 feet
- 3. Maximum building height: 35 feet
- 4. Minimum setback/front: 10 feet, except (see additions to or enlargement of existing structures below)

Additions to or enlargement of existing structures - the interior edge of sidewalk or the existing building line, whichever produces the greater setback ("building line" means a line parallel to the property line or edge of sidewalk from which the setback is being measured and which touches the existing building at the point nearest to that property line or edge of sidewalk);

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

- 5. Minimum setback side and rear: 25 feet, and the minimum rear setback adjacent to a railroad right-of-way shall be 5 feet.
- 6. Minimum land area per dwelling unit: 5,000 square feet.
- 7. Maximum impervious surface to lot area ratio: 80%
- 8. Maximum gross floor area per lot: 30,000 s.ft., except where otherwise noted
- 9. Buildings greater than 20,000 s.ft. gross floor area shall not be located east of Park Street.

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; one family - | 1 unit per 10,000 s.f. of net residential acreage |
| 2. Net residential density per dwelling unit; two family and multiple-family – | 1 unit per 5,000 s.f. of net residential acreage |
| 3. Average lot size for one family – | not less than 5,000 s.f. |
| 4. Average lot size area per dwelling unit; two-family and multiple-family – | not less than 5,000 s.f. |
| 5. Minimum lot size; one family | 3,000 s.f. |
| 6. Minimum lot area per dwelling unit; two family and multiple family - | 2,000 s.f. |
| 7. Minimum road frontage | 30 ft. |
| 8. Maximum impervious surface to lot area ratio | 80% |

E. Other Standards:

1. A buffer zone shall be at least 10 feet in depth when a commercial property abuts the V-I District, and 5 feet in depth when a commercial use abuts a property within the VC-IV District that is currently used for residential purposes. The buffer zone shall maintain the natural features of the land when possible, or, if necessary, fencing or screening may be used and shall be located and constructed in such a manner that it can be maintained from the developer's property except that where a commercial property abuts a residential use, the screening shall be vegetated in nature.
2. Overnight parking is allowed in VC-IV.
3. Peddler trucks and/or peddler carts are prohibited.
4. Offsite parking is allowed provided the parking area is within the VC-IV District.
5. 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.
6. Building height requirements and building setback requirements are included in the Freeport Village Design Standards.