

Proposed Desert of Maine Overlay District Amendments to the Zoning Ordinance of the Town of Freeport, Maine

The Town of Freeport Zoning Ordinance is amended as follows:

Section 1. Article I is amended at Section 104 by the amendment of the following definition to read:

Campgrounds: A parcel which is used as a recreational site for tents, trailers, or recreational vehicles or other forms of temporary shelters and/or for permanent structures, which shall not be residential dwelling units, used seasonally (between May 1 and November 1 each year), and for which use a fee is charged.

Section 2. Article I is amended at Section 104 by the addition of the following term and definition to read:

Tourist Destination: A place of interest where tourists visit, typically for its inherent or an exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement.

Section 3. Article IV is amended by enactment of Section 428 to read:

Section 428 - Desert of Maine Overlay District - "DMOD"

A. Purpose and Applicability:

1. Purpose

It is the intent of this District to allow commercial uses that have been carried out on the Desert of Maine property since before the Town's enactment of a zoning ordinance to continue as permitted uses although this property now is in a residential district, and to allow indoor art center uses, subject to site plan review, on this same property. Recognizing the unique history of the Desert of Maine property, this overlay district creates a positive framework for investment and responsible development on this property. The creation by the Town Council of a Desert of Maine Overlay District shall not change the existing underlying zoning district of this property and the uses allowed thereunder. The regulations of the DMOD shall be in addition to and shall apply concurrently with the regulations of the underlying zoning district to ensure consistency with the surrounding neighborhood.

2. Applicability

The DMOD is defined on a map titled Desert of Maine Overlay District, found in the Freeport Zoning Ordinance. This map is reproduced in this document for reference purposes only.

B. Permitted Uses:

In addition to the uses permitted in the RR-I District, the following uses shall also be permitted in the DMOD:

1. Tourist Destination, subject to site plan review regardless of size
2. Art Center-Indoor, subject to site plan review regardless of size
3. Uses Accessory to the Above, including but not limited to:
 - a. Food trucks, subject to the provisions of Sec. 526A—Food Trucks
 - b. Local Retail Trade
 - c. Art Gallery/Museum
 - d. Village Café
 - e. Outdoor Recreation accessory to the Tourist Destination or to any Campground in the DMOD

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

1. For a Tourist Destination, Art Center-Indoor, or Campground the minimum lot size shall be ten (10) acres.
2. All other space standards pursuant to Section 402(C) applicable to the RR-I District shall apply in the DMOD.

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

1. The space standards pursuant to Section 402(D) applicable to the RR-I District shall apply to the DMOD.

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

1. The bulk standards pursuant to Section 402(E) applicable to the RR-I District shall apply to the DMOD.

F. Other Standards

1. All lots within the DMOD that abut a residential district shall maintain a fifty (50) foot buffer boundary in its natural state. When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape, or where not feasible, provide fencing or screening. A buffer shall not be required for any curb-cuts, trails or road ways existing as of the Effective Date of the DMOD, or overflow parking.

2. The noise standards pursuant to Section 515 applicable to the RR-I District shall apply to the DMOD.

3. The lighting standards pursuant to Section 521.A shall apply to the DMOD.

4. Except as otherwise described below, the off-street parking standards pursuant to Section 514 shall apply to the DMOD.

a. The requirement for shared parking in the DMOD shall be fifty percent (50%) of the sum of the requirements of the individual uses.

b. The Project Review Board may reduce the required parking in the DMOD if the applicant can demonstrate that the variety of uses have different peak parking demands.

c. The Code Enforcement Officer shall apply the parking standard for Public Assembly-Indoor to calculate the required parking for the Art Center-Indoor use.

d. A Tourist Destination shall be required to have 22 parking spaces if not using shared parking.

(New language is underlined.)