

ITEM IV: Discussion of possible amendments to Section 201. General Restrictions of Chapter 21 – Town of Freeport Zoning Ordinance regarding lots transected by zoning district boundaries (Text to be deleted is shown with a strikethrough, text to be added is shown with an underline)

## ARTICLE II – GENERAL USE REGULATIONS

### Section 201. General Restrictions

- A. No building or land shall hereafter be used or occupied, no new lot shall be created, and no building or part thereof shall be erected, moved or structurally altered, as defined in the current building code adopted by the Town of Freeport, except in conformity with the regulations herein specified for the district within which it is located and in conformity with the regulations contained within the definitions set forth in Section 104 of this Ordinance. Except as otherwise provided in the District Regulations, accessory uses and structures, home occupations; a lemonade stand operated by a minor on the parent’s property; agricultural farm stands; peddler trucks; peddler activities including the sale of goods, as well as the preparation, sale and service of food, conducted by Freeport-based religious, charitable, educational and other non-profit institutions; forest management activities, state granted snowmobile trails; open space uses; and Cannabis Home Cultivation are permitted in every district. *{Amended, Effective 10/03/17}*

The operation of a lemonade stand, an agricultural farm stand, a peddler truck or a peddler activity pursuant to this Section 201.A shall not be considered a permanent use of the property and shall not acquire the status of a lawful non-conforming use in the event of subsequent changes to this Ordinance.

- B. No part of a yard or other open space around any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building, and no lot shall be changed in area after the enactment of this Ordinance so as to reduce the dimensions of any lot below the minimum herein required; except that a single lot of record containing more than one principal structure that was in existence prior to February 20, 1976 and used as dwelling units may be divided so that each structure is contained on a separate lot, if the following conditions are met:
1. The principal structures were in existence and functioning as a year round dwelling unit prior to February 20, 1976 and there are no records in the Town’s possession indicating that the structures were unlawful when originally constructed.
  2. Each structure is a year round dwelling. As used in this section, the term “year round dwelling” means a structure that is (i) constructed on a permanent foundation; (ii) capable as being used as a permanent residence for one or more persons; (iii) serviced by utilities (including but not limited to, heating, water supply, sewage treatment, electricity and cooking facilities) which are functional during the full calendar year.
  3. Each new lot complies individually to the fullest extent possible with the dimensional requirements of this Ordinance.
  4. Each lot is serviced by public sewer or a subsurface wastewater disposal system in accordance with Maine law. Each lot is served by public water or a well.

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5. A plot plan, drawn to scale, showing the dimensions of the new lots and the locations of structures is submitted to the Codes Enforcement Officer.
  6. The Codes Enforcement Officer determines that the division of land complies with all of the requirements of this section and approves the plot plan.  
*{Amended, Effective 02/07/12}*
- C. Reserved.
- D. Lots which abut more than one street shall provide the required front setbacks along every street except as specifically provided for in the Freeport Subdivision Ordinance.
- E. The use of any building, structure or land shall comply with the performance standards of this Ordinance. The Codes Enforcement Officer, when reviewing an application for any permit required by law, shall determine that a use complies with all performance standards applicable.
- F. When a lot is transected by a zoning district boundary, the regulations set forth in this Ordinance for ~~each district shall apply to the area of the lot in each district except as permitted by Section 201.H below.~~ space standards of the stricter zoning district shall apply.
- G. Excavation or filling and earthmoving as described in Section 509 D.2. shall be permitted in any district unless otherwise regulated by this Ordinance. Ponds, as regulated in Section 525, and short term excavations, as regulated in Section 509, are permitted in any district unless otherwise regulated by this Ordinance.
- H. ~~Reserved. When part of a lot is in a Resource Protection District RPI, that area in the Resource Protection I District shall be counted toward the required minimum lot area of the other District only if all other applicable space standards can be satisfied within that part of the lot which is in the other district.~~
- I. If residential and non-residential uses are located on the same lot, the area of the lot must equal or exceed the sum of the minimum lot areas required for each use, except in the Village District I (V-I), Village Commercial District I (VC-I), Village Commercial District II (VC-II), Village Commercial District III (VC-III), Village Commercial District IV (VCIV), Medium Density Residential District II (MDR II), Village Mixed Use District 1 (VMU1), Village Mixed Use District 2 (VMU-2), ~~Village Mixed Use District 3 (VMU-3)~~, Commercial District I, Commercial District III, Commercial District IV, and as provided in Section 402.II.C. below. For the purposes of this section, accessory structures and facilities such as but not limited to sewage and water pumping stations, telephone electronic stations, and electrical transformers, to public utilities are considered to be residential uses. *{Amended, Effective 06/19/12}*

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- J. No building or structure which is not a dwelling unit as defined in this Ordinance may be used as a residence.
- K. Public sewer pump stations are exempt from the space standards and landscape setback requirements of this Ordinance.

Public sewer pump stations shall be designed to be as unobtrusive as possible through the use of such measures as landscaping and buffering.

- L. Dwelling Unit Allowance: Beginning January 1, 2024, except as otherwise authorized pursuant to 30-A M.R.S.A. § 4401 *et seq.* and Chapter 25 (Subdivision Ordinance), the maximum number of Dwelling Units, including Accessory Dwelling Units, allowed on any lot in a zoning district where Single-Family, Duplex, or Multifamily Dwellings are permitted Uses is three (3) if the lot is outside of a Designated Growth Area or four (4) if the lot is within a Designated Growth Area. All Dwelling Units must comply with all applicable requirements of this Ordinance and any other rule or ordinance of the Town of Freeport.

- M. Sanitary and Potable Water Standards. The following standards apply to any Dwelling Unit:

1. The space and bulk standards (including but not limited to the minimum lot area and minimum land area per dwelling unit, if applicable) of the zoning district in which the lot is located apply per dwelling unit. Without limiting the foregoing sentence, if a lot is nonconforming as to minimum lot area or minimum land area per dwelling unit, no additional dwelling units are allowed.
2. Prior to the issuance of a Certificate of Occupancy, the permit holder must provide written verification to the Codes Enforcement Officer that each additional dwelling unit is connected to adequate water and wastewater services, as follows:
  - a. If a unit is connected to a public, special district, or other Comparable Sewer System, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
  - b. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.A. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.
  - c. If a unit is connected to a public, special district, or other Centrally Managed Water System, proof of adequate service to support any additional flow created by the unit,

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proof of payment for the connection and the volume and supply of water required for the unit.

- d. If a unit is connected to a well, proof of access to Potable water, including the following standards:
  - i. The well shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other known sources of potential contamination.
  - ii. Site design shall allow for placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal in compliance with 10-144 C.M.R. Ch. 241, the Maine Subsurface Waste Water Disposal Rules.
  - iii. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
  - iv. For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.
  - v. When a project is to be served by a public water system, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water.
  - vi. Any tests of an existing well or proposed well must indicate that the water supply is Potable and acceptable for domestic use.