



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PLANNING BOARD
FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER
RE: STAFF MEMO ITEM III: PROPOSED AMENDMENTS TO SECTION 413. VILLAGE COMMERCIAL 1 DISTRICTS REGARDING MAXIMUM BUILDING HEIGHT STANDARDS
DATE: WEDNESDAY, APRIL 3RD, 2024

ITEM III: Public Hearing – Proposed amendments to Section 413. Village Commercial I (VC-1) of the Freeport Zoning Ordinance regarding maximum building height standards

The Freeport Planning Board will hold a public hearing to discuss a proposed amendment to Section 413. Village Commercial I (VC-1) of Chapter 21 – Freeport Zoning Ordinance that would change the maximum building height standard for buildings in this district. The specific change would be to remove the limitation on the number of stories, which is currently limited to three stories. The maximum height, which is currently 45 feet, would remain unchanged.

Background: The current standard for maximum building height in the Village Commercial 1 (VC-1) district is that buildings may be *up to three stories* high with a *maximum height of 45 feet*. As discussed at the last Planning Board meeting, the limitation on the number of stories may prevent desirable development as identified in the Downtown Vision Plan, such as housing, parking lot redevelopment, and/or the development of buildings with ground floor or underground parking because those floors would be counted towards the maximum number of stories (three). The Planning Board thus concluded that it would be advisable to strike out the standard limiting the number of building stories. This would provide flexibility in terms of building design while the maximum building height of 45 feet would remain unchanged. Please keep in mind that, due to the way we define height, when measured from the ground up, buildings could be taller than 45 feet where the grade is sloped because building height is calculated based on average elevation. (See height definitions in Section 104 of the Zoning Ordinance).

Process: The Planning Board discussed this topic at the March 6th meeting. Since this item is for a zoning amendment, a public hearing is required and will be held at this meeting. Required legal notice was published in the Times Record on 3/21/24 and 3/26/24 and approximately 200 notices were mailed as required per the Planning Board’s notification policy. If the Board wishes to take action on the proposed amendments, they may do so at this meeting. It is important to keep in mind that any recommendation that the Planning Board makes to the Town Council for a Zoning Ordinance amendment must be found to be in harmony with the Freeport Comprehensive Plan (see, for instance, Freeport’s Vision for the future on page 3-4, and a discussion of taller buildings on page 9).