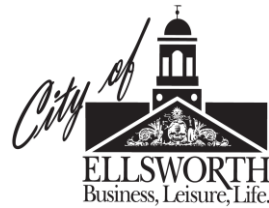


City of Ellsworth
Chapter 56
Unified Development Ordinance

Article 3
Zoning Districts

DRAFT

~~Amended April 20, 2020~~
Amended August 20, 2012
Amended January 14, 2013
Amended April 21, 2014
Amended May 21, 2018
Amended April 20, 2020
Amended X X, 2022



ARTICLE 3 ZONING DISTRICTS

301 GENERAL

301.1 District Classification. In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards and other open spaces within or surrounding such buildings, property is hereby classified into districts.

301.2 Establishment of Zoning Districts. For the purpose of this Ordinance, the City is hereby divided into General Land Use [Zoning Districts](#) including overlays and Shoreland Zoning Districts.

A. General Land Use Zoning Districts. These districts are regulated per this Article.

- Downtown (DT)
- Urban (U)
- Neighborhood (N)
- Commercial (C)
- Commerce Park (CP)
- Industrial (I)
- Business Park (BP)
- Rural (R)
- Drinking Water (DW)
- Well Overlay

B. Shoreland Zoning Districts. These districts are defined and regulated in Article 4 Shoreland Zoning.

- Limited Commercial (LC)
- General Development (GD)
- Limited Residential (LR)
- Resources Protection (RP)
- Drinking [W](#)ater Protection (DP)
- Stream Protection (SP)

302 OFFICIAL LAND USE MAP.

The boundaries of each zoning districts are to be indicated upon the official Land Use Map, which, together with all notations and explanatory material thereon, is hereby adopted by reference and made a part of this ordinance, said map being entitled "Land Use Map, City of Ellsworth". The official Land Use Map shall be certified by the attested signature of the City Clerk and shall be located in the City Clerk's office. Any alteration in the location of the boundaries of a zoning district hereafter approved by the City Council, and by the Maine Department of Environmental Protection for the shoreland areas, shall be reflected in a corresponding alteration of the Map (including addendum).

The official Land Use Map shall be located in the City Clerk's office and shall be the final authority as to the current zoning status of the land and water area, buildings, and other structures in the city.

Commented [EP1]: Repetitive, stated in previous paragraph

303 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

303.1 Where uncertainty exists as to the boundaries of districts as shown on the official Land Use Map, the following shall apply:

- A. Where boundaries are shown as approximately following the centerlines of streets or railroad right-of-ways, they shall be construed to follow such centerlines;
- B. Boundaries shown as approximately following the location of property, lot lines, or the municipal boundary shall be construed as following such lines;
- C. Boundaries shown as following shore lines or the center lines of streams, rivers, or water bodies shall be construed to follow such lines;
- D. Boundaries shown as parallel to or extensions of the features listed in section A through C above, shall be so construed and distances not specifically indicated shall be determined by the scale of the map;
- E. Where physical or cultural features existing on the ground differ from those shown on the official Land Use Map, or uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret said map.

304 ZONING AFFECTS ALL STRUCTURES AND LAND.

Except as hereinafter specified, no structures or land hereafter shall be used or occupied and no structure or part thereof shall be erected, constructed, reconstructed, moved, or altered unless in conformity with all the regulations herein specified for the district in which it is located.

Commented [EP2]: Missing word

305 USE REGULATIONS

305.1 **Generally.** Those uses permitted as principal uses or building within each zoning district are those uses listed in the Table of Land Use Regulations presented below. Permitted accessory uses and structures and home occupations shall be allowed only if the use is permitted as a principal uses in with the zone and shall meet the performance standards for such use.

305.2 **Interpretation – Materially Similar Uses.** The Administrator shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where

similar uses are described. The Administrator shall only grant approval of a similar use after having found that the impact of the use will not be any greater than the impact of the use to which it is being compared. It is the intent of the [matrix-Table of Use Regulations](#) to group similar or compatible land uses into specific zoning districts as permitted uses. Uses not listed as a permitted use are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the [use matrix-Table of Use Regulations](#), and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this section.

Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Administrator's decision shall be recorded in writing.

305.3 Dimensional ~~Regulations~~Requirements. The lot design (frontage, setback, coverage, etc.) and building design ([setback, coverage, height, etc.](#)) requirements are established for each zoning district in the [Table of Dimensional Requirements](#) below. Additional dimensional [regulations-requirements](#) may apply as presented in Article 8 Performance Standards.

Commented [EP3]: Better wording, more consistent

305. 4 More ~~T~~han ~~O~~ne ~~P~~rincipal ~~B~~uilding on a ~~L~~ot. Except for cluster subdivisions, if there is more than one principal building on a lot, the area, yard, height and density requirements of the applicable district shall apply separately to each building, but the combined area occupied by the total number of buildings on the lot shall not exceed the maximum lot coverage requirement of the district.

306. ZONE PURPOSE.

Commented [EP4]: The below are edited only for clarity.

306.1 Through the establishment of ~~the~~ zoning districts, the City seeks to encourage development; safeguard quality of life; encourage density in the growth area including networking, walkability, and enhanc[ing the](#) business climate; foster creativity in development; support sustainability including long-~~term~~ economic prosperity; protect natural resources; ~~an~~—d protect neighborhoods ~~from~~ incompatible uses.

A. **Downtown (DT).** The heart of this zone is Main Street. It is what is special about Ellsworth. This zone allows a mixture of uses. Uses in this zone are concentrated, making it highly walkable [and](#) steering away from single-purpose automobile trips. Off-street parking requirements are flexible. It is the intent of this zone to provide for a mixture of uses such as commerce, culture, and residential.

B. **Urban (U).** The purpose of this zone is to provide for a mix of commercial uses including retail business, professional offices, and dense residential.

C. **Neighborhood (N).** The purpose of this zone is to recognize ~~those~~-transitional areas and provide for a well-planned compatible mixed-~~use~~ environment. It encourages a combination of land uses which might normally be regarded as

incompatible. Uses locating in this zone shall be landscaped to ensure compatibility and screening. This purpose of this zone is to protect existing and attract new residential neighborhoods. It is either served or has the potential to be served by public water and sewer.

- D. **Commercial (C).** This is a high-traffic, automobile-oriented zone designed specifically to serve as an attractive retail trade area for the region. This zone will allow for dense residential.
- E. **Commerce Park (CP).** The purpose of this zone is to attract service businesses and light manufacturing. It aims to present an attractive environment for new employees in a business park-type setting.
- F. **Industrial (I).** The purpose of this zone is to provide for business, professional offices, and light and heavy industries with appropriate site design. Uses locating in this zone shall be landscaped to ensure compatibility and screening. The purpose of this zone is to provide space for existing industries, their expansion, and future industrial development, and to prevent conflicts with residential and business uses.
- G. **Business Park (BP).** The purpose is to accommodate a mix of uses including concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation and public services and facilities. It is the intent to provide an environment for industries that is unencumbered by nearby residential and commercial development.
- H. **Rural (R).** This zone offers a low-density rural area that is primarily for single family-homes, traditional rural occupations, agricultural activities, and forestry. Significant incentives are provided for the creation of cluster developments.
- I. **Drinking Water (DW).** The purpose of this zone is to protect the Branch Lake Watershed area from development that may threaten drinking water quality. It aims to protect areas with high natural resource value from incompatible development. The development that does occur in this area is intended to have a low environmental impact. In lieu of the creation of cluster development fees will be imposed.

307. Table of Use Regulations.		GROWTH AREAS						RURAL AREAS		
		DT Downtown	U Urban	N Neighborhood	C Commercial	CP Commerce Park	I Industrial	BP Business Park	R Rural	DW Drinking Water
RESIDENTIAL/LODGING										
Accessory Dwelling		Y	Y	Y	Y	N	N	Y	Y	Y
Boarding House/Congregate Housing/Assisted Living Facility		Y	Y	Y	N	N	N	N	Y	N
Campground		N	Y	N	N	N	N	N	Y	N
Campsite		N	Y	Y	Y	N	N	N	Y	Y
Dwelling	Single Family Detached/Attached	Y	Y	Y	N	N	N	N	Y	Y
	Multi-Family - 3 to 6 units	Y	Y	Y	Y	N	N	N	Y	Y
	Multi-Family - 7 or more units	Y	Y	Y	Y	N	N	N	N	N
Homeless Shelter		Y	Y	Y	N	N	N	N	Y	N
Mobile Home		N	Y	Y	Y	N	N	N	Y	Y
Mobile Home Park		N	Y	N	N	N	N	N	Y	N
Lodging	Bed and Breakfast	Y	Y	Y	Y	N	N	N	Y	Y
	Hotel/motel	Y	Y	N	Y	N	N	N	Y	Y
INSTITUTIONAL, SOCIAL & PUBLIC SERVICES/FACILITIES										
Business and Trade School		Y	Y	Y	N	Y	Y	Y	Y	Y
Cemetery, private		N	Y	Y	N	N	N	N	Y	Y
Day Care		Y	Y	Y	Y	N	Y	N	Y	Y
Educational Institution		Y	Y	Y	N	N	Y	N	Y	Y
Religious Institution		Y	Y	Y	N	N	N	N	Y	Y
Special Uses		Y	Y	Y	Y	Y	Y	Y	Y	Y
Telecommunication Tower		N	Y	Y	Y	N	Y	Y	Y	Y

307. Table of Use Regulations - continued	GROWTH AREAS							RURAL AREAS		Shoreland Zones 408.8	
	DT Down- town	U Urban	N Neighborhood	C Commercial	CP Commerce Park	I Industrial	BP Business Park	R Rural	DW Drinking Water	RP OR SP	ALL OTHER SZ
RURAL/RECREATION											
Agricultural Activity	N	Y	Y	N	N	N	N	Y	Y		
Boat Launch, Private and/or Commercial	N	N	N	N	N	N	N	N	N		
Boat Launch, Public	Y	N	Y	N	N	N	N	Y	Y		
Feedlot, Agricultural	N	N	Y	N	N	N	N	Y	N		
Golf Course	N	N	Y	N	N	N	N	Y	N		
Junkyard	N	N	N	N	N	Y	N	Y	N		
Landing Area	N	N	N	N	N	N	N	Y	Y		
Marina	Y	N	Y	N	N	N	N	Y	N		
Mineral Extraction	N	N	N	N	N	Y	N	Y	N		
Sawmill	N	N	N	N	N	Y	Y	Y	N		
Stable	N	N	Y	N	N	N	N	Y	Y		
Timber Harvesting	N	Y	Y	Y	Y	Y	Y	Y	Y		
COMMERCIAL/INDUSTRIAL USES											
Agriculture and Processing, Commercial	Y	N	N	N	Y	Y	Y	Y	Y		
Animal Hospital	N	Y	N	Y	N	Y	N	Y	N		
Automobile Sales, Repair, and Leasing - Major	N	Y	N	Y	N	Y	Y	N	N		
Automobile Sales, Repair, and Leasing - Minor	Y	Y	N	Y	N	Y	Y	Y	Y		
Bulk Storage	N	N	N	N	N	Y	Y	Y	Y		
Bulk Tank Facility	N	N	N	Y	N	Y	Y	N	N		
Commercial Use	Y	Y	N	Y	N	Y	Y	Y	Y	NO	CEO/NO
Convenience Store	Y	Y	Y	Y	N	N	N	Y	Y		
Custom Manufacturing	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Equipment Sales and Rental	N	Y	N	Y	N	Y	Y	Y	Y		
Gas Station	Y	Y	N	Y	N	Y	N	Y	N		
Energy storage Systems, Stand-alone*	N	N	N	N	N	Y	Y	N	N		
Essential Services	Distribution	Y	Y	Y	Y	Y	Y	Y	Y	CEO	YES
	Transmission	Y	Y	Y	Y	Y	Y	Y	Y	PB	PB

	Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	PB	PB/NO
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307. Table of Use Regulations - continued		GROWTH AREAS						RURAL AREAS		Shoreland Zones 408.8		
		DT Downtown	U urban	N Neighborhood	C Commercial	CP Commerce Park	I Industrial	BP Business Park	R Rural	DW Drinking Water	RP OR SP	ALL OTHER SZ
Industrial Service		Y	Y	N	Y	N	Y	Y	Y	Y	NO	CEO/NO
Industry, Heavy		N	N	N	N	N	Y	Y	N	N	NO	CEO/NO
Industry, Light		N	Y	N	Y	Y	Y	Y	Y	Y	NO	CEO/NO
Laboratory, Research, and Development Facility		Y	Y	N	Y	Y	Y	Y	Y	N		
Personal Service Establishment		Y	Y	Y	Y	Y	Y	Y	Y	Y		
Medical Marijuana Primary Caregiver Operation (cultivation, production, dispensing, and all related activities) Outside the Primary Residence and collectives		N	N	N	N	N	N	N	N	N		
Processing, Fish Wholesale		Y	N	N	N	Y	Y	Y	Y	Y		
Professional Establishment		Y	Y	Y	Y	Y	Y	Y	Y	Y		
Restaurant/Bar and/or Cocktail Lounge		Y	Y	N	Y	N	N	N	Y	Y		
Shopping Center	Small	N	Y	N	Y	N	N	N	Y	N		
	Community	N	Y	N	Y	N	N	N	N	N		
	Big Box	N	N	N	Y	N	N	N	N	N		
<u>Solar Energy System, Stand-alone*</u>		<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>		
Solar Energy System, Stand-alone*	Small-Scale	Y	Y	Y	Y	N	Y	Y	Y	Y		
	Medium-Scale	N	Y	N	Y	N	Y	Y	Y	Y		
	Large-Scale	N	Y	N	Y	N	Y	Y	Y	Y		
Warehouse		N	Y	N	Y	N	Y	Y	Y	Y		

Commented [EP5]: Categories of small, medium, and large are condensed into one category covering all Stand-Alone Solar Energy Systems. There are no changes in where “medium” and “large” solar is allowed. “Small-scale” is so small that it is unlikely to ever be a “stand-alone” system (meaning one which serves an offsite user). Refer to Articles 6, 8, and 14 as well as staff explanation for additional context for this change.

* Accessory Uses are considered as part of the principal use for zoning purposes including allowable locations.

308. **DIMENSIONAL REQUIREMENTS.** The following table shall govern dimensional requirements in the various zoning districts:

Table of Dimensional Requirements									
Zoning Districts	Minimum Lot Size (square feet)	Minimum Road Frontage (feet)	Minimum Lot Width (feet)	Minimum Building Setback			Maximum Height (feet)	Units per Acre	Other Requirements
				Front (feet)	Side (feet)	Back (feet)			
Downtown (DT)	NA	NA	NA	*No front setback requirements except buildings fronting on Main Street between the Union River and High Street shall have a minimum building height of 25 ft with 0 ft front setback (built at the property line) and a maximum building height of 60 ft. Building with a height greater than 25 ft shall benefit from an enclosure ratio of 1:1.5	0	0	*Maximum height of 48 ft except for buildings Main Street between the Union River and High Street shall have a minimum building height of 25 ft with 0 ft front setback (built at the property line) and a maximum building height of 60 ft. Building with a height greater than 25 ft shall benefit from an enclosure ratio of 1:1.5.	NA	1. Lot Landscaping 2. Focus on parking lot location Ch. 56 section 1102.5 and on Cross Access Ch. 56 Section 910.4. 3. Drive-in facilities shall be located behind the building and pedestrian circulation shall be protected from auto traffic.
Urban (U)	10,000	18	100	20	5	5	60	NA	
Neighborhood (N)	20,000	50	100	20	10	20	NA	10	
Industrial (I)	0	0	100	0	0	0	65	NA	
Business Park (BP)	0	0	100	0	0	0	65	NA	
Rural (R)	40,000	50	100	20	15	15	35	6	
Drinking Water (DW)	80,000	50	100	50	15	20	48 feet except that there is a side and rear setback enclosure ratio of 10:1 for every foot of height over 35 feet.	0.5	
Commerce Park (CP)	40,000	100	100	40	20	20	65	NA	
Commercial (C)	20,000	100	100	0	10	10	65	NA	75 % maximum impervious surface

Commented [EP6]: For clarity at request of CEO.

*Exempts single family attached and detached
 Projects shall meet State law for minimum lot size or requirements for smaller lots, and for subsurface wastewater disposal
 Setbacks apply to structures, ~~accessways excluding driveways~~, parking lots, and stormwater retention facilities, ~~and accessways, excluding driveways~~.
 The minimum frontage for a lot serviced by a subsurface wastewater disposal system is 100 feet.
 An accessway serving two houses or ~~less~~ fewer is referred to as a residential driveway and minimum road frontage does not apply.
 Special Uses have to meet setbacks but do not have to meet the lot size.
 Enclosure Ratio is the ratio of building height to the distance between building and the center of the right-of-way; for every foot of height you get 1.5 foot of setback.

Commented [EP7]: Revise sentence structure for clarity

309. WELL OVERLAY ZONE

309.1 Description and Purpose. The Well Overlay Zone encompasses properties having bedrock drinking water wells which have been demonstrated by the Maine Department of Environmental Protection to be impacted by hazardous substances. The intent of this overlay zone is to restrict bedrock ground water use and land use per the July 10, 2009, Portland-Bangor Waste Oil Company Site agreement between the City of Ellsworth and the Maine Department of Environmental Protection. The Well Overlay Zone consists of two separate and distinct areas referred to as Well Area A: Bedrock Well Restricted Area and Well Area B: Bedrock Well Treatment Area.

309.2 Uses in **Well Area A: Bedrock Well Restricted Area** shall be regulated as follows:

- A. Bedrock water users are required to connect to the Ellsworth public water system.
- B. Drilling for, or use of, bedrock ground water for any means, including residential wells is prohibited.
- C. Commercial blasting as part of any quarrying or mining operation is prohibited
- D. Bedrock ground water may be withdrawn for sampling to assess water quality by scientific analysis only from wells still in existence prior to July 10, 2009.
- E. Bedrock ground water may be withdrawn from wells installed on or after July 10, 2009, as part of a Maine Department of Environmental Protection hydrogeologic study or a City of Ellsworth approved hydrogeologic study.

309.3 Uses in **Well Area B: Bedrock Well Treatment Area** shall be regulated as follows: drilling for, or use of, bedrock groundwater for any means including residential wells is allowed but:

- A. All bedrock wells, both commercial and residential, must install a Point-of-Entry Treatment Systems(POETS) such as an activated carbon filter to ensure water-born, site-related contaminants are not ingested, discharged to a septic system, or otherwise discharged to the ground.
- B. The City of Ellsworth shall provide on a “first come, first serve basis” one (1) POETS per lot in existence as of April 1, 2009 unless such lot is required by another Ordinance of the City of Ellsworth to connect to the Ellsworth public water system. Any additional POETS shall be the responsibility of the property owner(s).
- C. Water extracted from any bedrock wells on any one parcel shall be limited to a maximum usage rate of 500 gallons per day.
- D. Water extraction from any bedrock well on any one parcel with a usage to exceed 500 gallons per day requires review by the Planning Board. The Planning Board shall determine whether the applicant has adequately

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demonstrated that the increased usage will not cause contaminated ground water to spread beyond Well Areas A and B.

- E. Commercial blasting as part of any quarrying or mining operation is prohibited.