

City of Ellsworth Ordinance ReCode Joint City Council – Planning Board Workshop

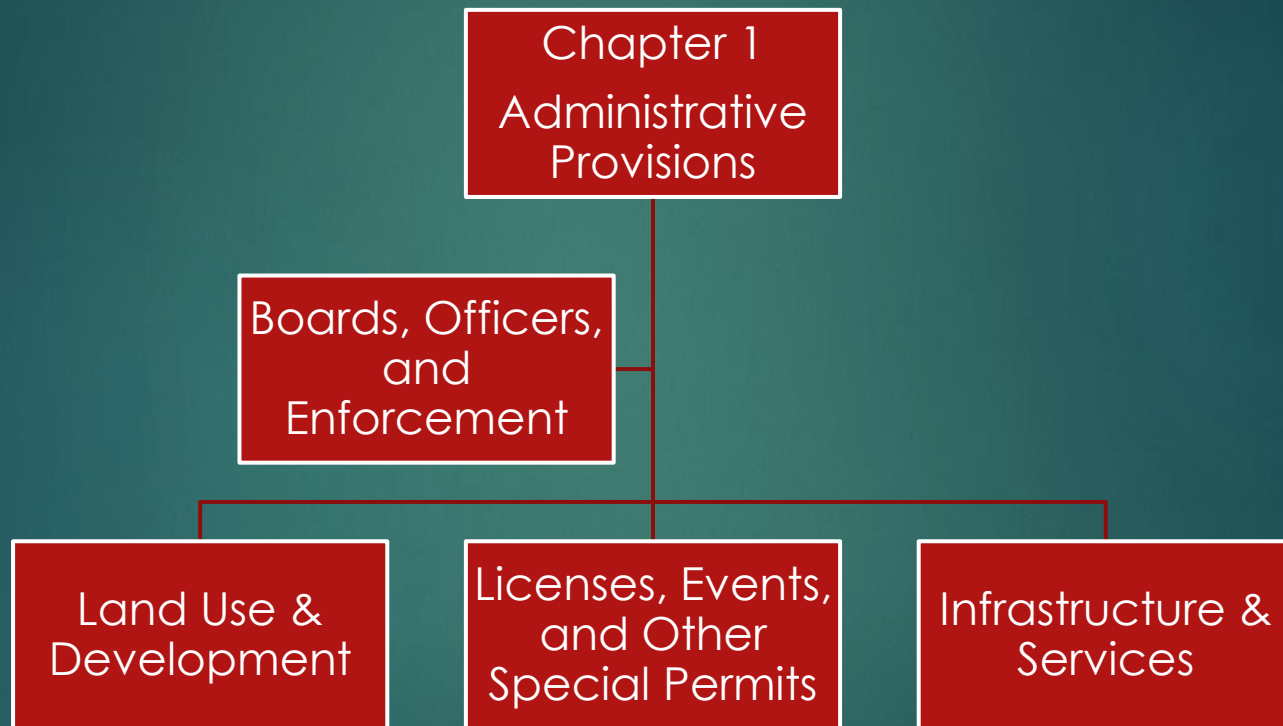
ORGANIZATIONAL FRAMEWORK AND LEGAL UPDATES

FEBRUARY 2, 2026

Purpose of Presentation

- ▶ Provide an organizational roadmap for proposed housekeeping amendments to the City's ordinances
- ▶ Give an overview of LD1829 and its impacts on the City's ordinances
- ▶ Review chapter-by-chapter summaries of proposed housekeeping amendments
- ▶ Answer questions and solicit preliminary feedback from the City Council and Planning Board
- ▶ Describe anticipated timeline and next steps

Organizational Roadmap



Administrative Provisions

- ▶ General Provisions and Authority
 - ▶ Code Interpretation
 - ▶ Applicability
 - ▶ Framework for License and Permit Administration
 - ▶ City Administrators: Authority and Responsibility
 - ▶ Procedures & Notice Requirements
 - ▶ Appeals & Variances
 - ▶ Fees
 - ▶ Performance Guarantees
 - ▶ Legal Clauses

Boards, Officers, and Enforcement

- ▶ Clarify division of labor among City Administrators.
- ▶ Standardize appeals procedures, streamline administrative appeals to City Council and Board of Appeals, and direct most appeals to Superior Court.
- ▶ Update provisions to comply with state law (e.g., training requirement for Planning Board)
- ▶ Clarify and streamline enforcement authority of City Administrators (e.g., City Police vs. Code Enforcement); standardize enforcement procedures.

Land Use & Development



- ▶ Streamline LUO to reduce duplicative language and standardize procedures.
- ▶ Provide clarity on levels of review and which projects require what type of review, including a new section dedicated to Building Permits.
- ▶ Update to comply with recently passed state laws, including LD 1829.
- ▶ Bring Shoreland Zoning into compliance with DEP requirements.
- ▶ Clarify site development plan review process.
- ▶ Clarify subdivision review process and bring into state law compliance.
- ▶ Update performance standards for ease of use.

LD 1829 – Overview

- ▶ Purpose: Expand housing supply and reduce regulatory barriers by increasing allowable residential density statewide.
- ▶ Key Components:
 - a) Increased density and smaller minimum lot sizes;
 - b) Broader allowance of accessory dwelling units;
 - c) Additional bonuses for affordable housing projects;
 - d) Changes to subdivision law; and
 - e) Restrictions on onerous review processes and rate of growth caps.

Key Policy Implications of LD 1829 for Ellsworth

- ▶ How does the City allow smaller lot sizes across the growth area where required, but still encourage growth in areas with public infrastructure?
- ▶ Does the City need to rethink certain zones that were designed as areas of potential development and thus left in the growth area even if they were not necessarily primed for as much development as LD 1829 would allow?

Infrastructure & Services

- ▶ Update when projects need to connect to nearby public water and sewer (600 ft.).
- ▶ Reorganize connection/service fees into one location.
- ▶ Bring Harbor Management chapter into compliance with state law and reorganize for better flow.

Chapter 1 Summary – Administration

- ▶ Identifies purposes of the Code, to which activities the Code applies, which activities require a permit or other approval, the boards and officers who administer the Code, and general administrative procedures—including notice to abutter requirements, reconsideration requests, appeals procedures, and the process for seeking a variance.
- ▶ Consolidates all existing permit, license, and application fees into a uniform fee schedule and allows certain City administrators to designate special applications and assess special fees.
- ▶ Absorbs many procedural or fee sections from other chapters (Chpts. 4, 5, 14, 18, 37, 38, 39, 41, 42, 43, 48, 55, 56).

Chapter 3 Summary – Harbor Management

- ▶ Clarifies administration authority of Harbormaster and Harbor Commission.
- ▶ Clarifies appointment and removal powers and procedures.
- ▶ Clarifies powers, duties, and liabilities of Harbormaster.
- ▶ Specifies that Harbormaster is prohibited from making arrests or carrying a firearm.
- ▶ Sets forth training requirements for Harbormaster.
- ▶ Establishes Harbor Commission and clarifies the qualifications, appointment, term, rules of procedure, meetings, and requirements for alternate members.
- ▶ Specifies what permits and approvals are required from the Harbormaster and establishes procedures for administering permits.
- ▶ Enumerates state law requirements for establishing waiting lists for mooring spaces and allocations to nonresidents.

Chapter 14 Summary- Licensing and Permits

- ▶ Reorganizes sections for better flow (e.g., relocates definitions to the last article, explains procedures for administering licenses first, and then sets out the license review criteria).
- ▶ Strikes redundant provisions that are now in Chapter 1 (Administration) – e.g., licensing authority, enforcement, and license suspension and revocation provisions.
- ▶ Clarifies review procedures and criteria for specific license categories consistent with state law. For each license category, identifies whether a hearing is required.
- ▶ Strikes the flow chart, as this information will be incorporated into a new “road map.”

Chapter 56 Summary- Land Use and Development

- ▶ Strikes redundant provisions that are now in Chapter 1 (Administration) and inserts clarifying provisions regarding applicability, types of permits or approvals required under the UDO.
- ▶ Establishes a new Article 2 (Building Permits) that specifies the administrative and enforcement provisions applicable to building permits and certificates of occupancy by the CEO.
- ▶ Amends dimensional and zoning provisions to comply with state laws.
- ▶ Brings shoreland zoning provisions into compliance with state law.
- ▶ Streamlines administrative permit review procedures.

Chapter 56 Summary (cont.)

- ▶ Clarifies and streamlines site development plan review process.
- ▶ Incorporates subdivision procedures into Chapter 56 (Article 7), updates review criteria to conform with state subdivision law, and clarifies and streamlines subdivision review process.
- ▶ General review of performance standards and simplifying prescriptive standards.
- ▶ Steers toward more science-based or engineering-based standards (e.g. stormwater, sight distance).

Chapters to be Repealed/Re-incorporated

- ▶ Chapter 13 - Office of Code Enforcement
- ▶ Chapter 20 - Miscellaneous
- ▶ Chapter 26 - Plumbing and Septic System Permit Fees
- ▶ Chapter 28 - Subdivision Ordinance
- ▶ Chapter 56, Article 13 - Board of Appeals
- ▶ Chapter 65 - Overnight Mooring and Anchorage Control
- ▶ Chapter 67 - Unified Building Ordinance

Anticipated Timeline

- ▶ **February 2026:** Continued refinement of proposed housekeeping amendments based on City staff / department head feedback.
- ▶ **March 4, 2026:** Planning Board Public Hearing, including comprehensive review of proposed land use changes and discussion of Planning Board recommendation to City Council.
- ▶ **March 2026:** Citywide notice.
- ▶ **April/May 2026:** City Council review of all proposed amendments at public hearing in April (possibly an additional meeting in May if City Council needs more time to work through new structure).

Q&A



Thank you!

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