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 Chapter 56, the City is hereby divided into General Land Use Zoning Districts including overlay districts and shoreland zoning districts.

A. General Land Use Zoning Districts. These districts are regulated per this Article 3.

Downtown (DT)

Urban (U)

Neighborhood (N)

Commercial (C)

Commerce Park (CP)

Industrial (I)

Business Park (BP)

Rural (R)

Drinking Water (DW)

Well Overlay (WO)

Adult Use Cannabis Overlay (AUC)

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

General Development (GD)

Limited Residential (LR)

Resources Protection (RP)

Drinking Water Protection (DP)

Stream Protection (SP)

302 OFFICIAL LAND USE MAP

The boundaries of each zoning district 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 the final authority as to the current zoning status of the land and water area, buildings, and other structures in the City.

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 rights-of-way, 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 shorelines 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 subsection 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.

305 USE REGULATIONS

305.1 **Generally.** Those uses permitted as principal uses within each zoning district are those uses listed in the Table of Use Regulations presented below. Permitted accessory uses and structures and home occupations shall be allowed only if the use is permitted as a principal use in 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 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 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 Requirements.** The lot dimension (frontage, setback, coverage, etc.) and building dimension (footprint square footage, height, etc.) requirements are established for each zoning district in the Table of Dimensional Requirements below. Additional dimensional requirements may apply as set forth in Article 8 (Performance Standards).

305.4 **More Than One Principal Building On A Lot.** 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

306.1 Through the establishment of zoning districts, the City seeks to encourage development; safeguard quality of life; encourage density in the growth area including networking, walkability, and enhancing the business climate; foster creativity in development; support sustainability including long-term economic prosperity; protect natural resources; and 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 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. The 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 industrial uses including concentrated fabrication, manufacturing, and light/heavy 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		SHORELAND ZONE 408.8	
		DT Downtown	**U** Urban	**N** Neighborhood	**C** Commercial	**CP** Commerce Park[1]	**I** Industrial	**BP** Business Park	**R** Rural	**DW** Drinking Water	**RP** or **SP**	**ALL OTHER SZ**
RESIDENTIAL/LODGING												
Accessory Dwelling		Y	Y	Y	Y	Y	N	N	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	Y	N	N	Y	Y		
	Multi-Family - 3 to 6 units	Y	Y	Y	Y	Y	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		Y	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	Y	N	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		
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		

[1] The ground floor of a building in the Commerce Park Zone is restricted to commercial use.

		GROWTH AREAS							RURAL AREAS		SHORELAND ZONE 408.8	
		DT Downtown	**U** Urban	**N** Neighborhood	**C** Commercial	**CP** Commerce Park[1]	**I** Industrial	**BP** Business Park	**R** Rural	**DW** Drinking Water	**RP** or **SP**	**ALL OTHER SZ**
RURAL/RECREATION (cont.)												
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												
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 System, Stand-alone*		N	N	N	N	N	Y	Y	N	N		
Essential Services	Distribution	Y	Y	Y	Y	Y	Y	Y	Y	Y	CEO	YES
	Transmission	Y	Y	Y	Y	Y	Y	Y	Y	Y	PB	PB
	Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	PB	PB/NO
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

		GROWTH AREAS							RURAL AREAS		SHORELAND ZONE 408.8	
		DT Downtown	**U** Urban	**N** Neighborhood	**C** Commercial	**CP** Commerce Park[1]	**I** Industrial	**BP** Business Park	**R** Rural	**DW** Drinking Water	**RP** or **SP**	**ALL OTHER SZ**
COMMERCIAL /INDUSTRIAL (cont.)												
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 Cannabis 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		
Solar Energy System, Stand-alone*		N	Y	N	Y	N	Y	Y	Y	Y		
Warehouse		N	Y	N	Y	N	Y	Y	Y	Y		

* 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 District	**Minimum Lot Size**[2] (square feet)	**Minimum Road Frontage**[3] (feet)	**Minimum Lot Width** (feet)	**Minimum Building Setback**[4] (feet)			**Maximum Height** (feet)	**Units per Acre**	**Other Requirements**
				Front	**Side**	**Back**			
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	48[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)	5,000	18	100	0	5	5	60	NA	

[2] Notwithstanding the minimum lot size requirements in the Table of Dimensional Requirements, development must comply with the minimum lot size requirements of 12 M.R.S.A. ch. 423-A, as applicable.

[3] The minimum frontage for a lot serviced by a subsurface wastewater disposal system is 100 feet. An accessway serving two houses or fewer is referred to as a residential driveway and minimum road frontage does not apply.

[4] Setbacks apply to structures, parking lots, stormwater retention facilities, and accessways, excluding driveways.

[5] Maximum height of 48 ft except for buildings 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.

Table of Dimensional Requirements

Zoning District	Minimum Lot Size[2] (square feet)	Minimum Road Frontage[3] (feet)	Minimum Lot Width (feet)	Minimum Building Setback[4] (feet)			Maximum Height (feet)	Units per Acre	Other Requirements
				Front	Side	Back			
Neighborhood (N)	20,000 / 5,000[6]	50	100	20	10	20	NA	10[7]	
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 / 5,000[8]	50	100	20	15	15	35	6 / 9[9]	
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 / 5,000[10]	100	100	40	20	20	65	NA	
Commercial (C)	20,000 / 5,000[11]	100	100	0	10	10	65	NA	75% maximum impervious surface

Special Uses must 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 there is 1.5 foot of setback.

[6] 20,000 if not served by a public water source (as defined in 22 M.R.S.A. § 2641) and a public sewer system (as defined in 30-A M.R.S.A. § 4351-A); 5,000 if served by a public water source and a public sewer system.
[7] 10 if not served by a public water source (as defined in 22 M.R.S.A. § 2641) and a public sewer system (as defined in 30-A M.R.S.A. § 4351-A). If served by a public water source and a public sewer system, NA for the first four units and 10 for each unit thereafter.
[8] 40,000 if not served by a public water source (as defined in 22 M.R.S.A. § 2641) and a public sewer system (as defined in 30-A M.R.S.A. § 4351-A); 5,000 if served by a public water source and a public sewer system.
[9] 6 units if not if not served by a public water source (as defined in 22 M.R.S.A. § 2641) and a public sewer system (as defined in 30-A M.R.S.A. § 4351-A). If served by a public water source and a public sewer system, 9 units.
[10] 40,000 if primary use is commercial; 5,000 if primary use is residential.
[11] 20,000 if not served by a public water source (as defined in 22 M.R.S.A. § 2641) and a public sewer system (as defined in 30-A M.R.S.A. § 4351-A); 5,000 if served by a public water source and a public sewer system.

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 System (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 served 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 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.

310 ADULT USE CANNABIS OVERLAY ZONE

309.3 Description and Purpose. The Adult Use Cannabis Overlay Zone encompasses properties where an adult use cannabis store can operate. The intent of this overlay

is to limit the operation of stores outside of the designated overlay zone. An adult use cannabis store is strictly prohibited from all other zoning districts.