ARTICLE 8 PERFORMANCE STANDARDS

801 GENERAL PERFORMANCE STANDARDS

801.1 Applicability. Notwithstanding any other requirements, all development must meet the minimum performance standards set forth in this section.

801.2 Site Conditions.

A. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury, or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity.

B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.

C. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site development plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval of the Code Enforcement Officer.

801.3 Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials.

A. Emission of dust, dirt, fly ash, fumes, vapors or gases, which could damage human health, animals, vegetation or property or which could soil or stain person or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.

B. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevation.

801.4 Oil and Chemical Storage. All above ground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 50-year storm event, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel shall be exempted from this requirement.

801.5 Buffers and Screening Standards.

A. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.

B. Buffers shall be considered in the following areas and for the following purposes:

i. Along property lines, to shield various uses from each other;

ii. Along service or site roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;

iii. Parking lot, garbage collection areas, and loading and unloading areas; and

iv. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.

C. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public roadways, and to otherwise prevent any nuisances.

D. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge 6 feet or more in height.

E. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

F. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.

G. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires 3 rows of staggered plantings. The rows should be 5 feet apart and the evergreens planted 4 feet on center.

H. Fencing and screening shall be durable and properly maintained at all times by the owner.

I. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

J. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

K. Buffers shall not obstruct or conceal Fire Department access to sprinkler and/or standpipe connections for fire protection.

802 BACKYARD LIVESTOCK

802.1 Purpose. Ensure that non-commercial housing of livestock in urban backyards and on small lots does not create a nuisance to neighbors and the animals remain healthy, while respecting the statutory right of persons to keep chickens on residential property. Livestock are generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats and dogs, and other house pets.

802.2 Applicability. As defined for each type of animal. All housing of animals is prohibited from the Business Park and the Commerce Park zoning districts.

802.3 General.

A. No owner shall allow or permit livestock to be at large meaning to be found in any place other than the property of the owner of the animals.

B. Removal of feces should be hygienic and prompt.

C. All animal open enclosure must be at least 75 feet from water bodies.

802.4 Standards for Chickens and Other Poultry.

A. Roosters are prohibited from the Ellsworth Urban Core Area.

B. Within the Downtown Zoning Districts chickens must be kept in a chicken coop and/or run.

C. All chicken coops and runs shall be located at least 20 feet from any side and rear lot line of the lot on which it is located, and 50 feet from all windows and doors of dwellings that are located on an abutting property.

802.5 Standards for Pigs, Horses, Cows, and Others.

A. It shall be unlawful for any person to keep or maintain any horse, cow, goat, sheep, or other livestock unless such animal is kept within an enclosure located within a minimum of 200 feet of any dwelling, except the dwelling of the owner of such animals.

B. All livestock pens, stables, and enclosures shall be kept in a clean and sanitary condition, shall provide enough space for the number of animals in houses and shall be open to inspection by the Code Enforcement Officer.

C. No person shall allow the livestock to run at large.

STATE LAW REFERENCE—7 M.R.S.A. § 219-D (KEEPING CHICKENS ON RESIDENTIAL PROPERTY).

803 SHOPPING CENTER - BIG BOX

803. 1 Applicability. This section shall apply to Big Box Stores as defined.

802.5 Facade. Developments with facades over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 3-foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length and shall extend over 20% of the facade. Display windows, entry areas, awning, etc. shall be used along at least 60% for the facade.

802.6 Roof. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, dormers, etc. shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable.

802.7 Pedestrian flows.

A. Walkways shall be provided from the public sidewalk or right-of-way to the principal entrance(s) of all principal buildings on the site.

B. At a minimum, walkways shall connect focal point of pedestrian activity such as, but not limited to, street crossing, building and store entry points.

C. Walkways shall be provided along the full length of the building along any facade featuring a customer entrance.

804 ACCESSORY DWELLING UNIT

804.1 Purpose. To provide the community with expanded and more diverse year-round housing options and to provide an opportunity for owners of single-family detached dwellings to develop an accessory dwelling unit without having to meet the minimum lot area or density requirements of the applicable zone

804.2 Applicability. This Article applies to any accessory dwelling unit.:

804.3 Number Permitted. Only one accessory dwelling unit is permitted per lot.

804.4 Size.

A. The gross floor areas of an accessory dwelling unit shall not exceed 50% of the principal building's floor area or be no larger than 750 sq. ft., whichever is more restrictive.

B. Each accessory dwelling unit shall have a minimum size of 190 square feet.

804.5 Types of Accessory Dwelling Units. An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit;

B. Attached to a single-family or multi-family dwelling unit; or

C. As a new structure on the lot or the conversion of an existing accessory structure for the primary purpose of creating an accessory dwelling unit. An accessory dwelling unit may be constructed or established within an accessory structure (e.g. a garage), subject to accessory structure setbacks.

804.6 Accessory Dwelling Unit Requirements and Exemptions.

This section applies to an accessory dwelling unit that:

A. Is constructed on a lot where single-family or multi-family dwelling units are allowed, a single-family or multi-family dwelling unit structure exists, and no other accessory dwelling unit currently exists; and

B. Would not be allowed to be constructed on the lot due to dimensional or density requirements of the applicable zone.

If the above criteria are met the accessory dwelling unit is exempt from the following:

A. **Density and Lot Size**. An accessory dwelling unit is exempt from the applicable zoning density and lot size requirements that are in addition to the requirements for the single-family dwelling on the lot.

B. **Parking**. An accessory dwelling unit shall not be subject to any additional automobile parking requirements beyond those required for the single-family dwelling unit on the same lot.

C. **Setbacks**. An accessory dwelling unit that is built within the same structure as the single-family dwelling unit or attached to a single-family dwelling unit shall have the same setback requirements and dimensional requirements of the single-family dwelling unit.

For an accessory dwelling unit constructed within an existing accessory structure, existing as of January 1, 2024, the required setback requirements for an accessory structure shall apply.

804.7 Short Term Rental Restrictions

An accessory dwelling unit constructed using the density or lot size exemptions of this Article shall not be used for a Short-Term Rental for ten years after the date of the Certificate of Occupancy. As part of the Certificate of Occupancy, the landowner shall indicate their agreement to these terms.

STATE LAW REFERENCE—30-A M.R.S.A. § 4364-B (ACCESSORY DWELLING UNITS).

805 RESERVED

806 CAMPGROUNDS

806.1 Purpose and Applicability. This Section establishes standards for campground construction and maintenance that promote public health, safety and welfare and shall apply to all campground construction in the City of Ellsworth.

806.2 All Other Codes Apply. Campgrounds must comply with all applicable provisions of the UDO and Chapter 4 (Fire Protection and Prevention).

806.3 Date. This Section shall be effective immediately after passage by the City Council.

806.4 Management. The owner or manager of the campground shall be responsible for operating the premises in accordance with all applicable City Code provisions and State regulations. The maintenance of all open space areas, roads, and utilities in a campground shall be the responsibility of its owner or manager.

806.5 Occupancy No campsite shall be used as a permanent dwelling place. Permanent occupancy of a dwelling in the campground shall only be allowed for the purpose of housing the owner and/or caretaker of the campground.

806.6 General Design Standards. Campgrounds shall conform to the minimum requirements imposed under State licensing regulations and this Section 806. In cases of conflict, the stricter rules shall apply.

806.7 Location and Size. All campgrounds shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water. Campgrounds shall be located on a parcel not less than 2 acres in size.

806.8 Recreation Area. No less than 10% of the total developed area of any campground shall be devoted to common recreational areas with facilities, such as playgrounds, trails, swimming pools or community buildings on suitable land for the stated purpose. Areas designated as vegetated buffers do not count toward the minimum recreation area.

806.9 Landscaping. Wooded areas and individual trees shall be preserved where practical. Vegetative cover such as grass shall be provided for land area not paved, graveled or occupied by a structure. Other planting shall be established to create an attractive setting for campsites, promote privacy, minimize glare, and provide shade.

806.10 Buffer Strips. Campgrounds shall be designed to provide a vegetated buffer of at least 50 feet deep between the front boundary of the park and campsites and 25 feet deep between campsites and the side and rear boundaries of the park.

806.11 Utilities. All utilities shall be designed by a licensed civil engineer in the State of Maine to applicable state and local codes, installed and maintained by the campground owner.

806.12 Water Supply. Water supply to campgrounds shall conform to the rules of the Department of Human Services, relating to tent and recreational vehicle parks and wilderness recreational parks. A Campground with any property line located within 600 feet of a public water main shall provide a water system connected into the public system.

806.13 Toilet Facilities. Campgrounds serving primitive campsites (those without self-contained camper units with sanitary hook-ups) shall have adequate toilet facilities in compliance with the Maine Subsurface Wastewater Rules, codified at 10-144 C.M.R. ch. 241.

806.14 Wastewater Disposal. Sewage disposal plans shall be designed by a licensed civil engineer in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules, codified at 10-144 C.M.R. ch. 241. A campground with any property line located within 600 feet of a public sewer system shall connect to the public sewer system, per Chapter 5 (Public and Private Sewers).

806.15 Campfires. Open fires shall be permitted only in areas designated on the plan of said park as cooking areas. Facilities for such fires must meet the approval of the City Fire Chief with respect to their location and construction.

806.16 Rubbish Disposal. Adequate containers with tight fitting covers shall be provided by the campground operator or other means approved by the Code Enforcement Officer.

STATE LAW REFERENCE—22 M.R.S.A. CH. 562 (EATING ESTABLISHMENTS, LODGING PLACES, CAMPGROUNDS, RECREATIONAL AND SPORTING CAMPS, YOUTH CAMPS, PUBLIC POOLS AND PUBLIC SPAS).

807 SITING FACILITIES POSING RISKS TO DRINKING WATER

Siting of aboveground and underground oil storage tanks and other facilities that pose a significant risk to drinking water shall comply with 38 M.R.S.A. § 1391 *et seq.* and Maine DEP Chapter 692 (Siting of Oil Storage Facilities) and Chapter 700 (Siting of Facilities that Poses a Significant Threat to Drinking Water).

808 SEWER AND WATER CONNECTIONS

808.1 Sewer. Sewer connections shall comply with Chapter 5 (Public and Private Sewers).

808.2 Water. After the effective date of adoption of this ordinance, any property which is developed for commercial, institutional or industrial use or any existing commercial, institutional or industrial building which is enlarged more than fifty percent (50%) and which contains any plumbing fixtures, as that term is defined in the Maine State Plumbing Rules, is required to connect all such fixtures to the public supply, provided that said public supply is located within 600 feet of the developed property. All properties which connect to a public system pursuant to this section shall within thirty (30) days of said connection be disconnected from any private system, and no subsequent connection to a private system shall be made.

809 ESSENTIAL SERVICES FACILITIES

The following standards apply to essential services facilities:

809.1 Setbacks: Minimum building setback is 50 feet.

809.2 Outdoor storage. Prohibited in the Downtown (D) and Neighborhood (N) zoning districts.

809.3 Landscaping Buffer. The lot is suitably landscaped to provide an adequate buffer and soften the appearance. The landscape buffer may be comprised in all or in part of natural vegetation. This section applies to all zoning districts with the exception of the Industrial (I) zoning district.

810 RESERVED

811 HEIGHT LIMITS

811.1 The height limits required by this Article 8 shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy.

811.2 Affordable housing projects shall be granted an additional 14 ft. height bonus, in addition to the base height maximum, but only up to a total building height of 55 feet. To be eligible for the additional height bonus pursuant to this Section, an affordable housing project:

A. Must be approved by the Fire Chief or their designee. The approval will be based on the capabilities of current fire safety apparatus to respond to an emergency at a structure of that height.

B. Must be (i) in a designated growth area, or (ii) served by a water system delivering water drawn from 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.

STATE LAW REFERENCE—30-A M.R.S.A. § 4364(2-A) (ADDITIONAL HEIGHT ALLOWANCE).

812 EXTERIOR LIGHTING

812.1 Purpose. The purpose of this Section is to provide for outdoor lighting that will:

A. Allow appropriate outdoor lighting levels for nighttime safety, security, productivity, and enjoyment of property; and

B. Control glare, promote dark sky initiatives, and reduce light trespass by limiting outdoor lighting that is misdirected, excessive or unnecessary.

812.2 Applicability. Except where exempt, all new outdoor lighting fixtures shall meet the requirements of this Article with the exception of maintenance work.

812.3 Lighting Plan Submittal Contents. When outdoor lighting is part of an application to the Ellsworth Planning Board or part of a project located within the Business and Technology Park Zone, the applicant shall submit a Lighting Plan for all proposed outdoor lighting to include the following items:

A. General information including: title block; north arrow; area in square footage specified for each lot, structure and large feature; property lines; scale; topography; and types of abutting uses.

B. The location of all existing and proposed outdoor lighting fixtures.

C. The location of all proposed outdoor lighting fixtures in relation to other existing or proposed site features to include, but not limited to, parking lots, walkways, buildings and structures, signs, trees and shrubbery.

D. Lighting details for each style of lighting fixture including full model number, reflectors, poles, lamp type, optics selected and mounting shown on the side of the Lighting Plan or submitted as separate narrative documents.

E. A photometric plan that indicates the initial light intensity in foot-candles every 5 feet minimum for the site property out to 10 feet beyond the property line for operational hours and in contour lines showing the contribution of light fixtures. Other information, as deemed necessary by the Administrator.

812.4 Lighting Standards

A. Light Nuisance. All outdoor lighting shall be located, shielded, and maintained so as not to constitute a hazard or nuisance to the traveling public or neighbors. Glare shall be avoided and light trespass minimized to less than 0.1 foot-candles.

B. Contrast. Employ evenly distributed transitional light levels which are consistent with the surrounding area to minimize contrast between lit areas and dark surroundings.

C. Fixture Cut-Off. Full cut-off lighting fixtures are required for all outdoor walkways, parking lots, canopy and building/wall mounted lighting, and all lighting fixtures located within those portions of structures which contain exterior walls that are not fully enclosed between the floor and ceiling. Full cut-off lighting fixtures emit no light at or above the horizontal plane as measured at the light source. Fixtures meeting the full cutoff requirement, as defined by the Illumination Engineering Society (IES), shall be indicated on the cut sheet or lighting plan submitted.

D. Maintained Illumination Levels. All non-exempt lighting shall meet Dark Sky Society compliance to the greatest extent practical for individual fixtures (capped at 1,000 lumens per fixture). Where Dark Sky compliance is not practical, all lighting shall still be downward facing and shielded to reduce light pollution from leaving the property.

812.5 Height Limits

A. Pole-Mounting Limit

Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed the following height as measured from the finish grade:

i. 35 feet for driveways, parking and transit areas.

ii. 20 feet for walkways, plazas, and other pedestrian areas.

iii. 15 feet for all other lighting.

B. Building/Structure-Mounted Limit

Light mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed. With the following exceptions:

i. Lighting for facades may be mounted at any height equal to, or less than the total height of the structure being illuminated.

ii. For buildings, canopies, or overhang located less than 40 feet from the property line or the sidewalk or public right-of-way, outdoor lighting fixtures shall be mounted to the vertical façade or underside of canopies at 16 feet or less.

812.6 Exempt Lighting. The following types of outdoor lighting are exempt from the provisions of this Article.

A. Internally illuminated signs. However, it is required that all such signs should have "dark" backgrounds (opaque or colored) and "light" lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

B. Temporary lighting. Includes, but is not limited to, temporary lighting for theatrical, television, and performance areas; temporary holiday lighting provided that individual lamps are 10 watts or less; and temporary construction lighting used by government-funded projects to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares. Temporary lighting per the National Electric Code shall not be in place for greater than 90 days otherwise is to be considered permanent and therefore meet the code requirements as set forth herein.

C. Safety. Exit signs, and lighting for egress pathway stairs and ramps.

D. Federal/State Required Lighting. Lighting required and regulated by the Federal Aviation Administration, U. S. Coast Guard, or other federal or state agency.

E. Street and Sidewalk Lights. Streetlights within the public right-of-way and bridges.

F. Single-Family Residential Properties (Attached and Detached). Obtrusive light (spill light) that creates glare, annoyance or obstructs visual ability is prohibited. There shall be no light trespass beyond the property line.

812.7 Special Lighting. Upon review and determination by the Administrator that the proposed outdoor lighting will not create unwarranted glare, glow, or light trespass, outdoor lighting not complying with the technical requirements of this Article 8 may be installed for the following applications:

A. Recreation. Sport fields, stadiums, and specialized theme parks.

B. Water Features. Lighting in swimming pools, fountains, and other water features.

C. Church and Government. Public monuments, public buildings, and houses of worship.

D. Pole Mounting Height. Industrial areas where higher pole heights are required to avoid interference of vehicle with the pole assembly.

E. National and State Flags. The type of lighting fixture to illuminate National and State flags should be a narrow beam focused. Flag lighting within the Growth Area should be done with spotlights greater than 70 watts but less than 250 watts and within the Rural Area flag with a spotlight greater than 40 watts but less than 100 watts.

F. Confinement of Light to Object. Outdoor lighting used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, must use fully shielded or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.

812.8 Prohibited Lighting

A. Mercury-Vapor Fixture and Lamps. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

B. Laser Source Light. The operation of laser source light or any similar high-intensity light for outdoor advertising is prohibited.

C. Searchlights. The operation of searchlights for advertising purposes is prohibited.

813 BUFFERS, SCREENING, AND LANDSCAPING STANDARDS

813.1 Purpose.

A. Protect existing trees, natural areas and features.

B. Support visual screening and creation of privacy.

813.2 Applicability. In general, this section applies to any of the following activities:

A. The construction or erection of any new building or structure for which a development approval (building permit, Planning Board approval, etc.) is required.

B. The enlargement of the exterior dimensions of an existing building or structure for which a development approval is required.

C. The construction of a new parking lot or expansion of an existing parking lot.

D. Unless otherwise stipulated the landscaping standards are not cumulative. For example, if both the yard buffer and parking buffer apply then the more stringent of the two shall apply.

813.3 Expansion. When a building, structure, or parking lot is enlarged, the buffer and landscape requirements apply on an incremental basis. This means that landscaping is required in the same proportion that the enlarged building area or off-street parking area has to the existing development (e.g., a 10% increase requires 10% of the required landscaping).

813.4 Exemptions. Unless otherwise specified, this section does not apply to the following uses:

A. Single-family attached or detached dwelling units.

B. Agricultural and forestry uses taking place in the Industrial (I), Rural (R), and Drinking Water (DW) zoning districts.

C. Commercial and industrial uses that abut other similar uses, respectively.

D. Contiguous commercial or industrial parcels or land areas under common ownership.

813.5 Acceptable Landscape Materials.

A. Plant materials shall comply with the minimum size requirements at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting.

B. Planting areas should consist of permeable surface areas only.

C. Each tree or shrub shall be planted at least 30 inches from the edge of any paved or impervious surface.

813.6 Minimum Planting Specifications Unless Otherwise Specified.

A. Minimum Planting Specifications. Unless otherwise specified, the minimum planting specifications in Table 813.6 shall apply.

Table 813.6 Minimum Planting Specifications	
Landscape Features	**Minimum Caliper/Height at the Time of Planting**
Deciduous Trees	▪ Single-trunk trees: minimum of 1.5 inches measured at 6 inches above grade. ▪ Multi-trunk trees: minimum of 6 feet in height at the time of planting.
Coniferous trees	Minimum of 6 feet in height at the time of planting.
Shrubs	1 foot

B. Design. Plant materials may be arranged in a way to simulate natural growth pattern rather than spaced at regular intervals.

813.7 Fire Suppression.

A. Landscaping, including but not limited to fences, screenings berms, trees, shrubs, and other plantings shall not visually or physically obstruct emergency equipment and personnel access to any sprinkler and standpipe connections and control valves, public and private fire hydrants and Knox Boxes.

B. Landscaping shall be kept off to a minimum of 10 feet from compressed gas containers, cylinders, tanks, and systems.

813.8 Permitted Uses Within the Buffers. No active recreation area, storage of materials, parking or structure, except for necessary utility boxes and equipment, shall be located within the side and rear buffer yards. The buffer yard may be included in the required setback. For the purpose of this Article 8 berms are not structures.

813.9 Maintenance. Landscaping shall be maintained intensively for a minimum of two years to ensure the survival and establishment of all plant materials. The applicant will continue to maintain all landscaping in accordance with the approved plan for the life of the project. Dead and dying plantings shall be replaced as needed.

813.10 Waivers. The administrator may reduce or waive the standards, require keeping an existing stand of trees and/or require a fence, wall, or berm or any combination thereof, if the administrator finds that there would be no adverse impacts upon the neighboring properties resulting from the reduction of substitution.

813.11 Line of Sight. Landscaping shall not obstruct drivers' line of sight.

813.12 Lot Landscaping Standard – DT And U Zoning Districts

A. Applicability. This section applies to all commercial, industrial, and multi-family buildings and structures within the Downtown (DT) and the Urban (U) zoning districts. Lot landscaping should provide screening to mechanical equipment and stormwater relief, and complement streetscape design.

B. Exempt from this Standard.

i. Buildings fronting on Main Street between the Union River and High Street.

ii. If the total footprint of the building is less than 1,000 square feet.

iii. If the front setback is less than 20 feet for buildings in the Downtown (DT) zoning district.

iv. If the front setback is less than 30 feet for buildings in the Urban (U) zoning district.

C. Standard.

i. The percentage of required landscaping area is calculated based on the size of the lot or parcel.

ii. Downtown (DT) zoning district – if the front setback is more than 20 feet then the developer shall provide a minimum of 15% of landscaping area and/or low impact development cover excluding green roofs.

iii. Urban (U) zoning district – if the front setback is more than 30 feet then the developer shall provide a minimum of 20% of landscaping area and/or low impact development cover excluding green roofs.

813.13 Parking Area Buffer – Road, Residential Use and Loading Areas

A. Applicability.

i. For any parking lot located within the front yard and having 20 parking spaces or more.

ii. For any parking lot abutting an existing residential use and having 20 parking spaces or more.

iii. For any area used exclusively for the display of 20 or more motor vehicles for sale as part of an automobile dealership having a side or rear property line directly abutting an existing residential use.

iv. For any type of vehicle fleet, automobile service establishment, vehicle storage, etc., having the ability to accommodate 20 cars or more and directly abutting an existing residential use.

v. Loading areas abutting a road or an existing residential use.

B. Exemptions.

i. Downtown (DT) zoning district.

ii. For uses within the Industrial (I) zoning district except when having a side or rear property line directly abutting an existing residential use.

iii. For any area used exclusively for the display of motor vehicles for sale as part of an automobile dealership fronting the road.

C. Standard. Between the street and existing residential uses and parking areas meeting the applicability threshold, the applicant shall have the following options:

i. A 10-foot-wide minimum landscaped strip between a street and the parking lot, planted with a minimum of three trees and 25 shrubs for every 100 feet of road frontage, excluding driveway openings;

ii. A berm that is at least two-and–a-half feet higher than the finished elevation of the parking lot with a maximum of a 3:1 slope planted with a minimum of 15 shrubs for every 100 linear feet of frontage; or

iii. If existing woodlands are available, the applicant can preserve a 20-foot-wide strip in lieu of the landscaping requirement along the frontage.

813.14 Interior Parking Lot.

A. Applicability. To provide visual breaks, shade, and stormwater management (low impact design) to parking lots with more than 25 parking spaces, as well as assist in defining circulation.

B. Standard.

i. Interior islands shall contain shade trees based on a minimum ratio 1 tree and 3 shrubs for every 5,000 square feet of parking area. A minimum of 100 square feet of planting area shall be provided per every tree and three shrubs.

ii. Parking lot island curbing shall have cuts to facilitate stormwater infiltration.

iii. These landscape islands should be used to assist in defining circulation routes and separating traffic on site for safety as well as for aesthetic purposes.

813.15 Rear and Side Buffer – Between Residential and Non-Residential Uses.

A. Applicability Rear and Side Buffers. To provide landscaped and screening separation between existing residential and non-residential uses along the side or rear lot lines.

B. Standard. Existing trees and shrubs may contribute to achieving compliance with this standard when their existing locations, species, and sizes are indicated on the site plan, demonstrating that the minimum planting specifications of this Section are met.

i. Within the Urban Core:

a. Minimum buffer width of 10 feet.

b. Minimum of 8 trees per 100 linear feet of buffer.

c. Minimum of 13 shrubs per 100 linear feet of buffer

ii. Outside of the Urban Core:

a. Minimum buffer width of 50 feet.

b. Minimum of 20 trees per 100 linear feet of buffer.

c. Minimum of 20 shrubs per 100 linear feet of buffer.

813.16 Road Buffer – Manufacturing, Industrial, and Heavy Commercial.

A. Applicability. To provide landscaped and screening separation between the road and heavy manufacturing, industrial, and heavy commercial uses as deemed needed by the Administrator for uses such as, but not limited to the manufacturing of asphalt, petroleum or lubricants; chemical products or hazardous substances; glass, clay, cement, concrete or gypsum products; rubber or plastic; leather, textiles or fabric; timber of wood products; fueling and maintenance facilities; road salt storage and

loading area, large vehicle fleet storage; auto salvage or recycling; electricity generation or storage; hazardous waste treatment, storage or disposal; landfill; recycling facility; sewage treatment works; warehousing and mineral extraction.

B. Standard. Existing trees and shrubs may contribute to achieving compliance with this standard when their existing locations, species, and sizes are indicated on the site plan, demonstrating that the minimum planting specifications of this Section are met. The developer may use plantings, fences/wall, berms or a combination thereof.

i. Plantings.

a. Minimum buffer width of 50 feet.

b. Minimum of 20 trees per 100 linear feet of buffer.

c. Minimum of 20 shrubs per 100 linear feet of buffer.

ii. Fences and Walls.

a. Fences or walls may only be used outside the Ellsworth Urban Core Area.

b. Fences or walls shall be 6 feet high when used to meet the buffer yard requirements.

c. No fence or wall is required if an existing fence or wall on an abutting property meets the requirements of this section.

d. The fence or wall shall be solid and 100% opaque. Corrugated and galvanized steel or metal sheets are not permitted.

e. Walls may be concrete, concrete blocks, masonry, stone or a combination of these materials. The support posts shall be placed on and faced toward the inside of the developing property so that the surface of the wall or fence is smooth on the abutting property side.

iii. Berms.

a. Berms shall have a slope not greater than the slope created in 3 horizontal feet with 1-foot vertical rise (3:1 slope).

b. The berm shall be no greater than 6 feet in height above natural grade.

c. Berms shall be constructed solely of soil, and shall not contain concrete, brick, tires, or other similar materials.

d. To provide visual relief, any berms exceeding 10 feet in length shall be curvilinear and shall vary in height.

e. For every 100 linear feet, there shall be planted at least three trees and 30 shrubs. Required trees and shrubs may be exchanged for one another with one tree equaling five shrubs.

f. The surface of the berm that is not planted with trees and shrubs shall be covered with grass, perennial ground cover, vines, and woody and herbaceous perennial, with mulch.

813.17 Screening of Trash Receptacles.

Trash receptacles should be enclosed on all four sides by a continuous visual screen that matches or complements the principal use and surroundings. The screening shall be a minimum of 6 feet or the height of the receptacle, whichever is greater.

814 PUBLIC AND QUASI-GOVERNMENTAL TRAILER-ABLE BOAT LAUNCHING FACILITIES FOR THE DRINKING WATER ZONING DISTRICT

814.1 All public and quasi-governmental trailer-able boat launching facilities providing access to Branch Lake shall comply with the following requirements:

A. The facility shall be gated and locked during off-hours.

B. The facility shall be supervised by an attendant during hours of operation.

C. The facility shall be equipped with a boat wash-down facility for the sole purpose of washing down boats.

D. The facility attendant shall conduct a boat inspection on all watercraft prior to entering Branch Lake.

E. A boat inspection includes: (a) a visual inspection of a boat, motor vehicle, trailer, marine engine, live well, bilge, bait bucket and all other related equipment to ensure that no aquatic invasive plants or animals are introduced into Branch Lake; and (b) a boat wash down.

815 STREET NAMING AND PROPERTY NUMBERING

815.1 Purpose. The Assessor shall establish and maintain a street naming and property numbering system. This is intended to minimize problems of identification for emergency management services and other public services and shall be subject to the requirements set forth in this section.

A. All streets and properties shall bear a distinctive name and number in accordance with and as designated upon a Street Name and Property Number Designation Map on file with the City's Assessing Office. The Assessor or designee shall establish, maintain and keep current said map.

B. The Assessor shall assign all such names and numbers as are necessary to maintain the system.

C. In naming streets, the Assessor should avoid the use of the following:

i. Duplicate and similar-sounding names.

ii. Alphabetical letters.

D. The Assessor shall assign numbers that are consistent with the United States Postal Services practices (i.e., even numbers on the left and odd numbers on the right).

E. Numbers shall be affixed to the principal structures.

F. Numbers shall be located on structures so as to be readily visible from and oriented toward the street from which the address is taken.

G. For principal structures more than 50 feet from the street or otherwise not readily visible from the street due to trees, fences or other similar obstructions, there shall

be placed and maintained a secure post at the structure's entrance upon which shall be affixed the designated number. Said post must also be readily visible but must not be placed in the right-of-way, and said post must be at least 4 feet in height. In lieu of said post, the number may be affixed to a mailbox.

H. For multi-family or apartment complexes, the number shall be consistent with and displayed as outlined in sections E through G above. Each individual unit will be identified by a sub-letter (i.e., Apartment A).

I. Numbers shall be no less than 3 inches in height. Standard numbers shall be provided by the City upon the request of the homeowner.

J. No person shall erect any street name sign or affix any street number different than those approved by the Assessor's Office.

816 WASTE MATERIAL ACCUMULATIONS REGULATED.

Deposits or accumulations of rubbish, junk, junk automobiles and parts thereof, discarded articles of any kind, household, industrial or commercial wastes shall not be made in any zoning district except at a dumping place or places designated as such by the City Council, provided, however, that nothing in this Article shall be construed to prohibit the establishment or operation of commercial junk yards and automobile graveyards as permitted under the terms of this ordinance

817 MEDICAL CANNABIS DISPENSARY

Purpose and Applicability. The purpose of this Section 817 is to establish standards for a medical cannabis dispensary and to regulate the retailing of medical cannabis in a manner that protects the health, safety and welfare of the residents, merchants, and customers.

817.2 Compliance with All Applicable Laws. A medical cannabis dispensary shall comply with all operating and other requirements of the City Code, including Chapter 14, Article 214, and state law and regulation. To the extent the State of Maine has adopted, or adopts in the future, any stricter law or regulation, the stricter provision shall control.

817.3 Limit on Number of Dispensaries. There shall only be one (1) medical cannabis dispensary within the City of Ellsworth, and it shall operate from only one physical location.

817.4 Location.

A. All licensed premises shall be a fixed permanent location. Licensees shall not be permitted to operate a medical cannabis dispensary in a temporary location such as, but not limited to, a mall kiosk, a readily removal structure, or a farm stand.

B. A medical cannabis dispensary shall only be located within an allowed zoning district per 817.5 of this section, and shall not be located within five hundred (500) feet of the property line of a preexisting public or private school and/ or within one thousand (1,000) feet of the boundary of a drug-free zone designated by the City under 30-A M.R.S. § 3253.

For the purposes of this paragraph, “school” includes a public school, as defined in 20-A M.R.S. § 1 (24), a private school, as defined in 20-A M.R.S. § 1 (22), a public preschool program, as defined in 20-A M.R.S. § 1 (23-A), or any other educational facility that serves children from prekindergarten to grade 12.

C. It is prohibited to co-locate an office that can issue a physician's written certification from the same premises as a dispensary.

817.5 Zone. A medical cannabis dispensary is allowed only within the Urban (U), Industrial (I), and Commercial (C), zoning districts. A dispensary is strictly prohibited from all other zoning districts.

817.6 Parking and Circulation. Operators/owners of a medical cannabis dispensary shall work with City staff to determine what use best fits their establishment and ensure compliance with Article 11 of this chapter. In addition:

A. Off-site or satellite parking is prohibited greater than 0.25 miles from the entrance of the use.

B. Drive-thru sales are prohibited.

817.7 Security.

A. A medical cannabis dispensary shall comply with any and all security and deterrent measures, as required for registered dispensaries per 22 M.R.S. § 2428.

817.8 Signage.

A. Signage shall comply with the standards of Article 12 (Sign Standards) of this Chapter and all requirements of 22 M.R.S. § 2429-B, including the limitations on advertising and marketing.

B. Any freestanding sign or sign attached to the building in which a medical cannabis dispensary is located shall clearly state that it is a medical cannabis dispensary.

C. There shall be no advertising or marketing signage in or on any window or door. Hours of operation and contact information are allowed.

D. No signage shall include cannabis imagery or graphics.

817.9 Hours of Operation. A medical cannabis dispensary shall only be open for business between the hours of 7:00 a.m. and 10:00 p.m. daily.

817.10 Visibility of activities; operating, odor, and waste documents and plans.

A. All glass windows and doors shall be opaque, tinted, or otherwise obscure view from outside the premises.

B. All operating documents provided to the State shall be submitted as part of a new or renewal license application.

C. In addition to the provisions set forth in Section 801.3, Chapter 66 (Odor Ordinance for Commercial and Industrial Uses), and any other applicable City code provision, a dispensary shall not adversely affect the health and safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products, or wastes.

D. **Odor.** An odor control plan shall be submitted as part of a new or renewal license application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s).

E. **Waste Management.**

i. An operation plan for proper disposal of cannabis-related byproducts shall be submitted as part of a new or renewal license application.

ii. Cannabis waste shall be stored in secured, labeled containers and disposed of in compliance with State regulations.

iii. Waste storage areas shall be locked and screened from public view.

817.11 Right of Access, Safety, and Inspections. A medical cannabis dispensary shall allow Code Enforcement Officers, Life and Safety Officers, and Police Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and local ordinances.

STATE LAW REFERENCE—22 M.R.S.A. CH. 558-C (MAINE MEDICAL USE OF CANNABIS ACT); 18-691 C.M.R. CH. 2 (MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE).

818. MEDICAL CANNABIS PRIMARY CAREGIVER OPERATIONS

818.1 Applicability.

A. Medical cannabis registered caregiver operations (including cultivation, manufacture, dispensing, and all related activities) outside the primary residence of the primary caregiver and collectives are prohibited in all zoning districts.

B. Medical cannabis registered caregiver operations (including cultivation, manufacture, dispensing, and all related activities) at the primary residence of the primary caregiver are allowed in all zoning districts as long as the operations shall comply with the requirements of Section 819 (Home Occupations).

818.2 Definitions. This section and the terms used herein shall have the same meanings as in 22 M.R.S. § 2421-A and the Maine Medical Use of Marijuana Program Rule, codified in 18-691 CMR Ch. 2.

STATE LAW REFERENCE—22 M.R.S.A. CH. 558-C (MAINE MEDICAL USE OF CANNABIS ACT); 18-691 C.M.R. CH. 2 (MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE).

819 HOME OCCUPATIONS

81.1 Purpose and Findings. The purpose of this Section 819 is to:

A. Establish criteria for operation of home occupations in dwelling units;

B. Ensure that such home occupations are compatible with adjacent and nearby residential properties and uses; and

C. Allow residents of Ellsworth to use their residences as places to enhance or fulfill personal economic goals.

819.2 Applicability.

A. This Section applies to any occupation, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation, profession, or business is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.

B. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in a dwelling unit except in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes.

C. In addition to the requirements in this Section, a home occupation shall comply with all applicable provisions of the City Code, including Chapter 4 (Fire Protection and Prevention).

819.3 Exempt Home Occupations. The following activities are not subject to this section, provided that all persons engaged in such activities reside on the premises:

A. Artists, sculptors, and composers not selling their artistic product to the public on the premises.

B. Craft work, such as, but not limited to, jewelry-making and pottery, with no sales permitted on the premises.

C. Home offices with no client visits to the home permitted.

D. Telephone answering and message services.

81.4 Permitted Home Occupations in the Downtown, Industrial, Urban Neighborhood, and Commercial Zoning Districts. The following home occupations are permitted subject to the performance standards established in Section 819.7:

A. Accounting, tax preparations, bookkeeping, and payroll services.

B. Baking and cooking.

C. Catering.

D. Childcare.

E. Computer repair, systems design, and related services.

F. Drafting services.

G. Engineering, architecture, and landscape architecture.

H. Financial planning and investment services.

I. Fine arts studios.

J. Hair salon, barbering, hairdressing, and other personal care services.

K. Legal services.

L. Musical instruction.

M. Offices for professional, scientific, or technical services or administrative services.

N. Photographic services.

O. Professional services including the practice of law.

P. Real estate services and appraisal.

Q. Teaching of crafts.

R. Tutoring.

81.5 Permitted Home Occupations in the Drinking Water and Rural zoning Districts. The following home occupations are permitted subject to the performance standards established in Section 819.7:

A. Accounting, tax preparations, bookkeeping, and payroll services.

B. Baking and cooking.

C. Catering.

D. Childcare.

E. Computer repair, systems design, and related services.

F. Drafting services.

G. Engineering, architecture, and landscape architecture.

H. Financial planning and investment services.

I. Fine arts studios.

J. Hair salon, barbering, hairdressing, and other personal care services.

K. Legal services.

L. Musical instruction.

M. Offices for professional, scientific, or technical services or administrative services.

N. Photographic services.

O. Professional services including the practice of law.

P. Real estate services and appraisal.

Q. Teaching of crafts.

R. Tutoring.

S. Medical/dental offices.

T. Motor vehicle and engine repair.

U. Furniture refinishing.

V. Recording studios.

W. Animal grooming.

X. Machine shop/metal working.

Y. Retail sales.

Z. Contractor and trade shops.

819.6 Permitted Home Occupations in All Zoning Districts. The following home occupations are permitted, subject to the performance standards established in Section 819:

A. Medical cannabis primary caregiver operations (including cultivation, manufacture, dispensing, and all related activities).

819.7 Performance Standards. All permitted home occupations shall comply with the criteria set forth in Table 819.7.

Table 819.7 Applicable Home Occupation Performance Standards by Zoning Districts and for Medical Cannabis (MC) Primary Caregiver Operations*

Performance Standards	DW and R	All Other zoning districts	MC Primary Caregiver Operations
The use shall be clearly incidental and secondary to residential occupancy.	✓	✓	✓
The use shall be conducted entirely within the interior of the residence.	✓	✓	NA
Not more than 6 clients per day. Hours for visits shall be between 8:00 AM and 8:00 PM.	✓	✓	✓
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.	✓	✓	✓
Music, art, craft, or similar lessons are permitted (12 or few clients per day).	✓	✓	NA
Childcare (maximum of 6 children) is permitted.	✓	✓	NA
Storage of goods and materials shall be inside and shall not include flammable, combustible, or explosive materials.	✓	✓	✓
Off-street parking shall be provided.	✓	✓	✓
Outside storage of heavy equipment or material shall be prohibited.		✓	✓
Mechanized equipment shall be used only in a completely enclosed building.		✓	✓
Electronically amplified sounds shall not be audible from adjacent properties or public streets.	✓	✓	✓
No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.	✓	✓	✓
Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation, and shall occur between 8:00AM and 8:00 PM.	✓	✓	✓

*Medical cannabis primary caregiver operations are allowed, as home occupations, in all zoning districts.

819.8 Outdoor Storage

A. Storage shall be limited to materials related to the business.

B. Materials shall not be stacked to a height exceeding 4 feet and shall not be visible from the public right-of-way or adjacent lot or parcel occupied by a residence. Any screening required to comply with this subsection shall use wood or masonry fencing or a vegetative hedge;

C. The storage shall not create any smoke, odors, dust, or noise at a level discernible at any of its lot lines; and

D. The minimum lot size for outdoor storage shall be 2 acres. In no event shall a home occupation be established on a lot that is nonconforming as to the minimum lot size.

819.9 Accessory Buildings. Where a home occupation is conducted in an accessory building, such accessory building shall not exceed the square footage of the footprint of the dwelling.

819.10 Employees. The family member conducting the home occupation may employ at the dwelling a maximum of two nonresident employees to assist in the home occupation. There shall be a maximum of 5 workers including family members.

819.11 Unsafe Home Occupations; Enforcement Action. If any home occupation is in violation of the requirements of this section; has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Code Enforcement Office or Police Chief shall issue an order to the dwelling owner or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or suspended or terminated, in accordance with Chapter 1, Section 510.6, and may take further enforcement action pursuant to Chapter 1, Section 510.

820 MOBILE HOME PARK STANDARDS

820.1 Purpose. This Section 820 is intended to promote public health, safety and welfare; to establish standards for Mobile Home Park construction and maintenance; to create construction standards and other regulations of Emergency Mobile Home Parks; and to provide a wholesome community environment.

820.2 Applicability. This Section shall apply to all Mobile Home Parks. The term “Park” when used in this Section refers to a Mobile Home Park, as defined. The term “Site” when used in this Section refers to a Mobile Home Site, as defined.

820.3 Additional Requirements. Except as expressly set forth in this Section, Mobile Home Parks must comply with all applicable requirements for a residential subdivision set forth in Article 7 (Subdivision Regulations) and must conform to all applicable state laws and other provisions of the City Code. Where a provision of this Section conflicts with a provision of Article 7, the provision of this Section shall control. In particular, subdivision “lot” design requirements do not directly apply as Mobile Home “Site” design requirements, which are specified herein, and Mobile Home Parks are not reviewed as “cluster” subdivisions.

820.4 Planning Board Review. Proposed Mobile Home Parks, expansions of the number of home sites within a Park or any proposal classified as a major use site development must first be reviewed and approved by the Planning Board in accordance with this Section, Article 7, and any other applicable City Code provision.

820.5 Final Plan. The Final Plan shall be certified by a design professional registered in the State of Maine and shall comply with all applicable provisions of the City Code. The approved, signed park plan must be filed with the City and recorded at the Registry of Deeds within 90 days of signing. It must include notes or conditions of approval as well as a description of the type of ownership and provisions for management and maintenance of the Park.

820.6 Conversion. No Mobile Home Park may be converted to another use without the approval of the Planning Board.

820.7 Mobile Home Park Management.

A. Compliance. A Mobile Home Park shall conform to the City Code and applicable state laws and regulations relating to mobile homes.

B. Registration. Mobile Home Park management shall maintain a register of Park occupants containing names, site numbers, and E-911 street numbers. The register shall be available for inspection by City authorities upon request during normal business hours.

C. Utilities. Park management shall supply utility connections to mobile home sites. Homes shall be hooked up by professionals with proper City permitting.

820.8 Mobile Home Park General Design Standards.

A. Applicability. The construction or expansion of a Mobile Home Park and its facilities shall conform to the design standards of this section and other applicable regulations.

B. State Regulations. A Mobile Home Park shall conform to 30-A M.R.S.A. § 4358.

C. Park Boundaries. A Park shall consist of a single parcel of land meeting the minimum lot size requirements in the Rural (R) or Urban (U) zoning district as applicable and all standards set forth in this section.

D. Site Layout. Each mobile home shall be placed on its own site with accessways and other amenities shown on the approved Mobile Home Park Plan meeting all standards to follow in this section. Mobile home sites shall be oriented in regard to natural features where practical.

E. Site Identification. Each mobile home site shall prominently display a street number supplied by the City's E-911 Coordinator.

F. Density. Mobile Home Park shall be allowed to exceed the maximum Net Residential Density permitted in its zoning district per Article 3 Zoning Districts as long as the provisions of this Section are met.

G. Landscaping. Wooded areas and individual trees shall be preserved where practical. Vegetative cover such as grass shall be provided for land area not paved, graveled or occupied by a structure. Other planting shall be established to create an attractive setting for mobile home, promote privacy, minimize glare, and provide shade.

H. Buffering. Vegetative screen shall be used to create a dense visual barrier around the park perimeter and around areas such as refuse storage enclosures and non-residential areas. Screens should be coniferous trees or shrubs such as white cedar, balsam fir and spruce, since these provide a year-round buffer. If conditions are not suitable for planting coniferous screens, solid fencing not less than 6 feet high may be used.

I. Buffer Strip. A fifty-foot-wide vegetated buffer strip (minimum) shall be provided along all property boundaries that abut residential land with a zoned density of less than half of the proposed Mobile Home Park density. No structures, buildings or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a Mobile Home Park.

J. Open Space. Mobile Home Parks shall provide a suitable, accessible common space for recreation equal to 10% of the total space for individual sites. The area required for a common wastewater disposal system may be counted only if it will be suitably landscaped for recreational purposes.

K. Infrastructure. See 820.11 Mobile Home Park Infrastructure Standards.

820.9 Mobile Home Site Standards

A. Dimensions. Mobile Home Sites shall meet the minimum requirements as described in Table 820.9A.

820.9A Mobile Home Site Standards

Type of Mobile Home Site	Minimum Area*	Minimum Width
Site connected to public sewer	5,000 square feet	50 feet
Site contains central on-site wastewater disposal system	12,000 square feet	75 feet
Site contains individual septic system	20,000 square feet	100 feet
Note: To be included in a Mobile Home Park, a Mobile Home Site shall be served by either a centralized domestic water system or a centralized wastewater system or by both. * Land within wetlands, flood plains or easements shall not count toward the Minimum Area of a Mobile Home Site.		

B. Site coverage. Enclosed buildings on a site shall not exceed 30% of the site area.

C. Depth. A home site shall be deep enough to provide for minimum structure setbacks and for minimum area requirements in this Section.

D. Structure Setbacks. Minimum setback distances for structures within Mobile Home Parks shall comply with the requirements in Table 820.9D.

Table 820.9D Mobile Home Park Structure Setbacks

Location	Structure Setback Minimum Distance
Park accessway right-of-way line	20 feet (front yard setback)
Side or rear Mobile Home Site line	15 feet (side or rear yard setback)
Mobile Home Park boundary line or street right-of-way line	Refer to the applicable zone in Article 3.

820.10 Mobile Home and Accessory Structure Standards.

A. Tax Certificates. A mobile home shall not be removed from a site until a written certificate is obtained from the tax collector of the City of Ellsworth identifying the mobile home and stating that all property taxes applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxation.

B. Home Standards. At a minimum, homes shall conform to the Mobile Home Standards of the State of Maine. Mobile homes shall have a minimum living space of 400 square feet.

C. Home Pads. A mobile home shall be set upon a mobile home pad consisting of at least a 12-inch thickness of gravel base material. Concrete or other durable pads approved by the Planning Board may be used. The width and length of the mobile home pad shall at least match the dimensions of the mobile home placed upon it.

D. Skirting. The vertical space from the mobile home pad to the mobile home frame shall be enclosed with a durable material.

E. Accessory Structures. Accessory structures such as a garage shall be allowed upon mobile home sites provided the structure meets the provisions of the City Code and all other applicable regulations.

F. Utility Buildings. Each occupied mobile home site shall be provided with an accessory building with a minimum size of 64 square feet.

G. Screening. Fuel tanks, bottled gas, dumpsters and other utility structures shall be placed in such a way that they are screened and protected from roadways.

H. Ruins. Ruins caused by fire or other causes are not allowed within a Mobile Home Park. If ruins are created, such ruins shall be removed within 60 consecutive calendar days from the time of their creation.

820.11 Mobile Home Park Infrastructure Standards.

A. Accessways.

i. Responsibility. Accessways within the Park shall be constructed, maintained and serviced by the Mobile Home Park management, including snow removal.

ii. Design Standards. Accessways serving home sites within the Park shall, at a minimum, conform to Site Road provisions of City of Ellsworth Chapter 56, Article 9 Street Design and Construction Standards. Accessways serving other uses shall conform to the appropriate Street Type classification in Article 9.

iii. Connections. Any park proposed to generate average daily traffic of 200 trips per day or more must have at least two emergency access connections to public streets.

B. Electric Supply

i. Design. A Mobile Home Park shall contain an electrical system designed by an Electrical Engineer registered in the State of Maine. The system shall be installed and maintained in accordance with applicable State and City regulations. Electric substations, transformers, transmission lines, distribution

lines and meters shall be located or screened in such manner that they are not unsightly or hazardous.

ii. Distribution. Electrical distribution lines within the Mobile Home Park may be installed overhead or underground. All underground lines shall be protected by a rigid conduit or encased in concrete.

iii. Services. Electric service lines to each mobile home, accessory buildings, and Mobile Home Park service buildings shall be underground. The service lines shall be enclosed in a rigid conduit or encased in concrete.

C. Fire Protection. Water supplies for firefighting shall comply with Chapter 4 (Fire Prevention and Protection).

D. Parking. At least one off-street parking spaces shall be provided for each mobile home site at a distance less than 100 feet from the home it serves. Off-street parking spaces shall be constructed with a minimum thickness of six inches of gravel base material. Such parking space shall have a minimum dimension of 9 feet in width by 20 feet in length.

E. Refuse.

i. The park management shall provide occupied mobile home sites with a conveniently located, watertight, vermin-resistant enclosure for refuse storage.

ii. Storage of refuse shall be enclosed to prohibit access by animals and to minimize health hazards, rodent harborage, insect breeding areas, accidents, wildfire, obnoxious odors or air pollution.

iii. Collection of refuse at regular intervals shall be the responsibility of the park management and shall be according to State of Maine and City regulations.

F. Signs. Signs shall comply with Article 12(Sign Standards).

G. Wastewater Disposal.

i. Wastewater disposal systems shall comply with the Maine Subsurface Wastewater Rules, codified at 10-144 C.M.R. Ch. 241, and be designed and installed under the direction of a Maine licensed professional.

ii. A Mobile Home Park located within 600 feet of a public sewer system shall provide an internal sewer system connected into the public system, per Chapter 5 (Public and Private Sewers). Any and all expenses incurred will be borne by the developer.

iii. Where public sewer is not available, a sanitary sewer system designed by an engineer or subsurface wastewater disposal systems designed by a Licensed Site Evaluator shall be provided.

iv. Wastewater disposal systems serving the Mobile Home Park shall be constructed and maintained under the responsibility of the park management.

H. Water Supply.

i. Each mobile home shall be provided with an adequate, safe, potable water supply of at least 90 gallons per day per bedroom.

ii. Water supply systems shall be installed and maintained in accordance with applicable state laws and regulations.

iii. The Administrator may require a hydrogeologic assessment in cases where site considerations or development design indicate potential of adverse impacts on groundwater quality or supply.

iv. A Mobile Home Park located within 600 feet of a public water main shall provide a water system connected into the public system. Any and all expenses incurred will be borne by the developer.

820.12 Emergency Mobile Home Parks.

A. Purpose. Emergency Mobile Home Parks may be constructed for mass emergency housing in the event of a natural or man-made disaster.

B. Permitting. An Emergency Mobile Home Park construction permit shall be issued for one year and may be extended for terms of six months as needed. The Code Enforcement Officer shall be responsible for granting or denying the permit.

C. Plan Submittal. A plan drawing showing the Emergency Mobile Home Park shall be submitted to the Planning Board within 60 calendar days after issuance of the Emergency Mobile Home Park Construction Permit.

D. Standards. Maximum effort must be made to adhere to all design standards of this Section and all City Code provisions. However, since time is important in establishing an Emergency Mobile Home Park, facilities may be installed in a temporary manner provided that the public health and safety is not imperiled.

E. Location. Emergency Mobile Home Parks are allowed within any zoning district other than districts within the Shoreland Zone (see Article 4).

F. Temporary Use. An Emergency Mobile Home Park shall not be converted to a permanent Mobile Home Park unless all provisions of this Chapter are met.

STATE LAW REFERENCE—30-A M.R.S.A. § 4358 (REGULATION OF MANUFACTURED HOUSING).

821 YARD SALES

For purposes of this section, a yard sale means a public sale at a dwelling at which personal items belonging to the residents of the dwelling are sold. Yard sale includes garage sales, porch sales, tag sales, and the like. Items purchased elsewhere expressly for resale at a yard sale are prohibited. Commercial outdoor sales activities are prohibited. Yard sales exceeding three consecutive days or held more frequently than three times in a calendar year will be considered a commercial use and require a Site Development Plan review.

822 VISIBILITY TRIANGLE

822.1 Visibility Triangle. In all zoning districts, with the exception of Downtown, no obstruction taller than 3 feet which obscure the view of automobile drivers shall be placed on any corner lot within a visibility triangle area as defined below in section 822.2.

822.2 Measuring the Visibility Triangle. The visibility Triangle is a triangular area of land on a lot formed by drawing from the edge of the travel way one line perpendicular to and one line parallel to the property line or accessway for a specified length and one line diagonally joining the other two lines per the illustration below using as an example the intersection of a residential street with

a commercial road. The specified length of the perpendicular and parallel lines is dependent on the types of intersecting accessways as shown in Table 822.2 below.

Table 822.2 Length of Visibility Triangle Perpendicular and Parallel lines in feet per intersecting Accessway Types
(per Article 9 Street Design and Construction Standards)

	Transit and Regional	Rural	Retail	Mixed Use & In town	Commercial	Alley	Residential	Private Residential	Site	Commercial driveway	Residential driveway
Transit and Regional	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Rural	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Retail	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Mixed Use and In-town	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Commercial	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Alley	10	10	10	10	10	10	10	10	10	10	10
Residential	25*	25*	25*	25*	25*	10	25*	10	10	10	10
Private Residential	10	10	10	10	10	10	10	10	10	10	10
Site Road	10	10	10	10	10	10	10	10	10	10	10
Commercial Driveway	10	10	10	10	10	10	10	10	10	10	10
Residential Driveway	10	10	10	10	10	10	10	10	10	10	10

*In the Urban, Industrial, Business Park, and Commercial zoning districts, that measurement is 15 feet.

822.3 **Exception.** In certain situations such as, but not limited to, a signalized intersection or if the slope allows for adequate visibility, the administrator may allow an obstruction taller than three feet to be located within the visibility triangle if it is demonstrated that safety is not impacted.

823 SOLAR ENERGY SYSTEMS (SES)

Solar Energy Systems (SES), whether stand-alone or accessory, are energy-collecting structures composed of impervious components and are subject to all applicable regulations as such, except as otherwise provided for below. Applicants shall describe how their systems are designed to perform in order to satisfy the intent of applicable regulations.

823.1 Level of Review, Application, and Fees.

A. Level of Review. Classification of projects and level of review shall be as required by Article 6 (Site Plan Review). The amount of impervious surface created by a SES shall be determined as described in this section.

B. Application and Submission Requirements. Applications for SES shall follow the procedures for site development plan review. All information required to ensure the performance standards of this section are met shall be depicted on the plan, supported with plan notes or narrative materials as needed.

823.2 Dimensional Requirements. Dimensional requirements, including but not limited to front, rear, and side property line setbacks, apply to all structural components of SES.

A. **Height.** For the purposes of determining building height when SES are mounted on a building roof, the first three feet of additional height contributed by the SES shall be excluded.

B. **Lot Coverage.** Portions of SES may be exempted from lot coverage standards as follows. If SES are located over live ground cover with sufficient space between the panels and above the ground to allow sunlight for vegetation to grow, half the area of the panels shall be considered structure area for the purpose of calculating lot coverage.

823.3 Buffers, Screening, and Landscaping. Buffer, screening, and landscaping standards of Sections 801 and 813 apply. Existing vegetation shall be preserved to meet buffering, screening, and landscaping standards insofar as is practicable. SES components shall be located far enough from all buffers, screening, and landscaping to ensure that existing and/or proposed trees and shrubs will not shade the SES upon reaching maturity.

A. Fencing. Where fencing is desired or required by other codes, fences shall maximize the ability of small wildlife to pass through. At a minimum, this shall mean that perimeter fencing is elevated at least five inches above the ground, and in at least two corners of the enclosed area, wooden poles of at least five inches in diameter will be installed to provide a means for wildlife to escape the enclosed area.

823.4 Establishment and Maintenance of Vegetation. The establishment and maintenance of new vegetation is of particular concern where SES are proposed on previously undeveloped land or in close proximity to a waterbody. SES proposed to be located entirely over existing impervious surface shall be exempt from the below standards. Those to be located over new impervious surface, or proposed to share space in conjunction with an agricultural use, may be found exempt from some or all of the below standards at the discretion of the Administrator.

A. All disturbed areas that are not developed with impervious surfaces or planted to meet buffer, screening, and landscaping standards shall be revegetated with seed mixes or plantings appropriate to the soil types and environments found throughout the site, emphasizing a range of native perennial grasses, sedges, legumes, and/or wildflowers, and providing for erosion and sedimentation control as well as heat/drought tolerance and wildlife habitat value. If vegetation requires fertilizing at the time of seeding or at any time thereafter, only non-phosphorous fertilizers shall be used.

B. Applicants shall consult with the City of Ellsworth Watershed Steward and Code Enforcement Officer during the Technical Review process to establish a timeline of inspections to ensure proper grading, erosion and sedimentation, and seeding

procedures as well as the successful establishment of vegetation. The agreed-upon inspection timeline shall cover a period of no fewer than two years post-construction and shall be noted on the final site plan.

C. Vegetation management, if necessary, shall be accomplished only by mechanical means. The application of herbicides is prohibited, and may be subject to additional penalties if occurring within the Public Water Supply Protection Area.

823.5 Stormwater. Article 10 (Stormwater Management Design and Construction Standards) may apply. If SES are constructed over a pervious surface with sufficient space between the panels to allow rainwater to flow through with provision for dispersion of the water on the ground without channeling, only the surface area of racking foundations, roads, and other non-SES structures will be considered impervious for stormwater calculations.

823.6 Safety. Solar Energy System installations are regulated through the National Fire Protection Association NFPA 850 and NFPA 70 Electrical Code. For example, fencing is required for larger ground systems and dead load structural analysis is required for rooftop systems. The locations of emergency access ways and of all means of shutting down the system shall be clearly marked on the site plan.

823.7 Signage. Stand-alone SES shall provide signage identifying the system's owner and a 24-hour emergency contact phone number.

823.8 Operations, Maintenance, and Decommissioning Plan. Applicants for stand-alone SES requiring major use site development plan review shall submit a plan pursuant to Section 823.

824 ENERGY STORAGE SYSTEM (ESS)

There are many types of ESS technologies, which may be accessory or stand-alone installations. They are regulated by State and Federal authorities. For example; batteries, which are filled with hazardous materials are regulated through NFPA 111, NFPA 855, NFPA 1 Fire Code Chapters 11 and 52, and NFPA 70 Electrical Code. Site plans shall clearly indicate locations of ESS, access ways and signage identifying the owner and a 24-hour emergency contact phone number. Applications shall include all means of disabling the system in the event of an emergency. Stand-alone systems shall submit an Operations, Maintenance and Decommissioning Plan per Section 824.

825 FACILITY OPERATIONS, MAINTENANCE, DECOMMISSIONING, AND ABANDONMENT

825.1 Applicability: This section outlines plans for facility operations, maintenance and decommissioning. These plans shall be provided for all SES requiring major use site development plan review. The Administrator may also require these plans to be provided for approval of facilities serving specialized industries with limited re-use potential for improvements, those with known substantial obsolescence, and/or those where significant amounts of hazardous materials will be present. Abandonment procedures are activated by conditions described below.

825.2 Operations, Maintenance and Decommissioning Plans shall include:

A. 24-hour emergency contact name, title, and phone number.

B. Procedures for safe access and shut down by emergency responders.

C. General maintenance schedule for the facility, including a removal/replacement plan for major components during the lifespan of the facility.

D. **Decommissioning Plan.** All SES or ESS requiring major use site development plan review, except for SES subject to the solar energy development decommissioning requirements of Title 35-A MRSA Chapter 34-D, shall submit a decommissioning plan that includes the following elements. SES subject to the solar energy development decommissioning requirements of Title 35-A MRSA Chapter 34-D shall provide copies of the decommissioning plan submitted to the environmental permitting agency. For those projects not subject to the requirements of Chapter 34-D, a decommissioning plan following the best practices for solar decommissioning as set forth by the U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy, with respect to scope of work and cost estimates shall be considered sufficient to meet the requirements of items ii through v below.

i. An estimated date of decommissioning of the proposed facility based on the average life span of the major components that would need to be removed per below.

ii. Provisions for the removal from the site of all structures, equipment and systems that are not demonstrated to have potential continued use.

iii. Provisions for the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

iv. Provisions for the stabilization and re-vegetation of the site as necessary to minimize erosion.

v. An estimated cost to implement the decommissioning plan at the estimated date of decommissioning, along with narrative explanation of the methods used to calculate all estimates.

vi. Financial Assurance of Performance. Based on the estimated cost to implement the decommissioning plan at the estimated date of decommissioning, the Applicant shall demonstrate in the form of a performance bond, surety bond, letter of credit, parent company guarantee or other form of financial assurance as may be acceptable to the Administrator that upon the end of the useful life of the facility, the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning. The funds for decommissioning must also be securely made available for use by the City of Ellsworth in the event of abandonment per below. Financial assurance provisions must be noted on the final site plan and must be transferred with the development if it is sold.

825.3 Abandonment Provisions:

A. A facility subject to the decommissioning plan requirement shall be considered abandoned after it ceases to function according to its intended use for more than one year. Determination of abandonment shall be made in writing by the Code Enforcement Officer.

B. If the owner or operator of the Facility fails to carry out the decommissioning plan within one year of a written determination of abandonment or the proposed date of decommissioning, whichever occurs first, the City retains the right to use any and all

legal and available means necessary to decommission the system(s) at the owner/operator's expense.

826 AFFORDABLE HOUSING DEVELOPMENT BONUSES

826.1 Description and Purpose. The purpose of this section is to promote the development of safe, sanitary, and high-quality Affordable Housing, as defined in Article 14. The intent is to allow for greater density bonuses and lower parking requirements to assist in achieving high quality, yet affordable dwelling units within the development. Developments constructed pursuant to this Section must comply with all other City Code provisions and State regulations.

826.2 Applicability.

A. The provisions set forth in this Section shall apply to Affordable Housing projects in designated growth areas as identified in the most recently adopted City of Ellsworth Comprehensive Plan, or an area that is served by public water system (as that term is defined in 22 M.R.S.A. § 2641) and a public sewer system (as that term is defined in 30-A M.R.S.A. § 4351-A).

B. These provisions are only applicable to Affordable Housing projects that:

i. Are approved on or after January 1, 2024;

ii. Designate 51% of units or more within the development as Affordable Housing;

iii. Provide that affordable units within the development are restricted by covenant, properly recorded in the Hancock County Registry of Deeds, to remain Affordable Housing for at least 30 years from the date of completed construction;

iv. Are within designated growth areas where multifamily housing is an allowed use; and

v. Meet shoreland zoning requirements, meet minimum lot sizes if using subsurface waste disposal, and prove that water and sewer capacity is adequate for the development.

826.3 Development Bonuses. If applicability requirements are determined to be met by the Planning Board, the affordable housing development qualifies for the following exceptions to zoning requirements:

A. **Density Bonus.** The number of units will be 2.5 times greater than the base density allowed for a development not designated as Affordable Housing within the same zone.

B. **Parking Bonus.** See Chapter 56, Article 11, Section 1107, for Affordable Housing parking bonuses.

C. **Height Bonus.** Affordable Housing developments are afforded a height bonus to structures as outlined in Section 811 of this Article.

STATE LAW REFERENCE—30-A M.R.S.A. § 4364-A (AFFORDABLE HOUSING DENSITY).

827 ADULT USE CANNABIS STORES

827.1 Purpose and Applicability. The purpose of this Section 827 is to establish standards for adult use cannabis stores and to regulate the retailing of adult use cannabis in a manner that protects the health, safety, and welfare of the residents, merchants, and customers.

827.2 Compliance with All Applicable Laws. Adult use cannabis stores shall comply with all operating and other requirements of the City Code, including Chapter 14, Article 201, and state law and regulation. To the extent the State of Maine has adopted, or adopts in the future, any stricter law or regulation, the stricter provision shall control.

827.3 Limit to the Number of Adult Use Cannabis Stores. The number of adult use cannabis store local licenses issued pursuant to Chapter 14, Article 201, shall be limited to three (3). A one-time conversion of an existing medical cannabis dispensary or a portion of an existing medical cannabis dispensary (such that the existing medical cannabis dispensary may continue operations within the same building as the adult use cannabis store), within an allowed zoning district per 827.5 of this section, to an adult use cannabis store is allowed within the first year of the adoption of this Section, allowing for a one-time maximum of four (4) adult use cannabis store licenses. If the number of stores drops below three (3) and there are multiple applicants for each available license, a lottery using the lottery procedures set forth in Chapter 14, Appendix 14-B, will be held to bring the number to no more than three (3).

827.4 Location.

A. All licensed premises shall be a fixed permanent location. Licensees shall not be permitted to operate an adult use cannabis store in a temporary location, such as, but not limited to, a mall kiosk, a readily removal structure, or a farm stand.

B. An adult use cannabis store shall only be located within an allowed zoning district per 827.5 of this section, and shall not be located within five hundred (500) feet from the property line of a preexisting public or private school or within one thousand (1,000) feet of the boundary of a drug-free zone designated by the City under 30-A M.R.S.A. § 3253.

   For the purposes of this paragraph, “school” includes a public school, as defined in 20-A M.R.S.A. §1(24), a private school, as defined in 20-A M.R.S.A. § 1(22), a public preschool program, as defined in 20-A M.R.S.A. § 1(23-A) or any other educational facility that serves children from prekindergarten to grade 12.

827.5 Zone. An adult use cannabis store may only operate within the Adult Use Cannabis Overlay Zone. An adult use cannabis store is strictly prohibited from all other zoning districts.

827.6 Parking and Circulation. Operators/owners of an adult use cannabis store shall work with City staff to determine what use best fits their establishment and ensure compliance with Article 11 (Parking Standards) of this chapter. In addition:

A. Off-site or satellite parking is prohibited greater than 0.25 miles from the entrance of the use.

B. Drive-thru sales are prohibited.

827.7 Security.

A. An adult use cannabis store shall comply with any and all security measures as required by the OCP Compliance Rules for Adult Use Cannabis Establishments, codified at 18-691 C.M.R. Ch. 30.

B. Operators shall employ security systems utilizing devices or a series of devices, including a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device, to detect unauthorized intrusions. Cameras shall not be directed into private residential areas.

827.8 Signage.

A. Signage shall comply with the standards of Article 12 (Sign Standards) of this Chapter and all requirements of 28-B M.R.S.A. § 702, including the limitations on advertising and marketing.

B. Any freestanding sign or sign attached to the building in which an adult use cannabis store is located shall clearly state that it is an adult use cannabis store.

C. There shall be no advertising or marketing signage in or on any window and/ or door. Hours of operation and contact information are allowed.

D. No signage shall include cannabis imagery or graphics.

827.9 Hours of Operation. An adult use cannabis store shall only be open for business between the hours of 7:00 a.m. and 10:00 p.m. daily.

827.10 Visibility of activities; operating, odor, and waste documents and plans.

A. All glass windows and doors shall be opaque, tinted, or otherwise obscure the view from outside the premises.

B. In addition to the provisions set forth in Section 801.3, Chapter 66 (Odor Ordinance for Commercial and Industrial Uses), and any other applicable City Code provisions, an adult use cannabis store shall not adversely affect the health and safety of the nearby residents or businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products, or wastes.

C. **Odor.** An odor control plan shall be submitted as part of a new or renewal license application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s).

D. **Waste Management.**

i. An operation plan for proper disposal of cannabis-related byproducts shall be submitted as part of a new or renewal license application.

ii. Cannabis waste shall be stored in secured, labeled containers and disposed of in compliance with State regulations.

iii. Waste storage areas shall be locked and screened from public view.

827.11 Right of Access, Safety, and Inspections. An adult use cannabis store shall allow Code Enforcement Officers, Life and Safety Officers, and Police Officers to enter the premises

at reasonable times for the purpose of checking compliance with all applicable State laws and the City Code.

STATE LAW REFERENCE—28-B M.R.S.A. § 401 (MUNICIPAL REGULATION OF CANNABIS ESTABLISHMENTS GENERALLY); 18-691 C.M.R. CH. 30 (COMPLIANCE RULES FOR ADULT USE CANNABIS ESTABLISHMENTS).