PLANNING BOARD

PACKET OF MATERIALS

MEETING FEBRUARY 3, 2016

___X___ Cover page with date

___X___ Agenda

___X___ Minutes for approval (January 20, 2016)

_____ Applications

___X___ Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, February 3, 2016
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. APPROVAL OF MINUTES (January 20, 2016)

V. REGULAR BUSINESS

a. Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments – Update.–
Article III Land Use Activities and Standards draft amendments in the form of draft warrants: Town Council Certification of Ordinances and set for Public Hearing

b. Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Update. –Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review draft amendments in the form of draft warrants. Town Council Certification of Ordinances and set for Public Hearing. Revised illustration for sign types.

c. Land Use Ordinance Discussion of Parking.

d. Land Use Ordinance Discussion of Housing.

VI. OTHER BUSINESS

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

Minutes
Bar Harbor Planning Board
Wednesday, January 20, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; Basil Eleftheriou, Jr., Secretary; John Fitzpatrick, Member and Joseph Cough, Member.

Also present: Robert Osborne, Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as presented. Mr. Eleftheriou, Jr. seconded the motion and the Board voted five in favor and none against the motion.

III. EXCUSED ABSENCES

None.

IV. APPROVAL OF THE MINUTES

a. January 6, 2016

Mr. Eleftheriou, Jr. made a motion to approve the minutes as presented. Mr. St. Germain seconded the motion and the Board voted five in favor and none against the motion.

V. REGULAR BUSINESS

a. Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments – Followup discussion.– Article III Land Use Activities and Standards draft amendments in the form of draft warrants:

Planning Director, Bob Osborne stated that the Town Council, at their January 19, 2016 meeting had received the Land Use Ordinance amendments for "consideration of any appropriate action following the Planning Director update from the Planning Board public hearing. The action that the Council took was to call for staff to develop a Certificate of Ordinances for the February 2, 2016 Council agenda at which the Council will call for a Land Use Ordinance final public hearing on this item. He noted that there was no questions or comments from the Council on this item and inferred that the current language will go to final public hearing.

b. Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Followup discussion. –Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review draft amendments in the form of draft warrants. Discussion of illustration for sign types.

Mr. Osborne indicated that like the first item the action that the Council took was to call for staff to develop a Certificate of Ordinances for the February 2, 2016 Council agenda at which the Council will call for a Land Use Ordinance final public hearing on this item. He noted that there was no questions or comments from the Council on this item and inferred that the current language will go to final public hearing.

Mr. Osborne noted that at the Planning Board public hearing on this item there was the comment that a graphic illustration of these newly defined illuminated sign types would be helpful to citizens to understand what is being proposed. In the Planning Board packet photos and definitions of the internally illuminated sign types were provided for the Board to make comment. Pending comment from the Planning Board and Design Review Board Staff will put this document online and otherwise make it available to the public.

Mr. Cough suggested that a photo of the Type 1 translucent face sign also be at night to demonstrate better the impact of translucent face vs. light limiting face.

Mr. Eleftheriou, Jr. suggested that a staff memorandum that outlines the Planning Board and Design Review Board process as the draft ordinance language developed could also be posted online. Also create a graphic showing the timeline for adoption of changes to the LUO.

c. Land Use Ordinance Discussion of Parking, Article III Districts, Article V Site Plan Review-General Review Standards - D. Parking regulations and Article XII Definitions.

Mr. Osborne stated that this is an ongoing item on the agenda. He indicated that elements for this are currently under development but not ready for this meeting. He noted he had reviewed gross leasable area and how it related to restaurant use. He noted that he has gathered parking standards from other municipal ordinances for review and comparison. He indicated that by the next meeting there will be materials that include: A memorandum discussing the items that the Board previously indicated they wish to review on parking; examples of parking regulations from other municipalities that might be instructive to this effort; draft language of parking items that are suggested by staff.

Mr. St. Germain asked do we have enough time to make a full effort on all of the items on the agenda? Are some items from the list of potential November 2016 topics for Land Use Ordinance amendments too much time or of a low priority that should be deferred? He noted that both the parking and the minimum area per family are complex topics and will take time.

Chair Rasmussen indicated that the consolidation of districts will be a distraction. Mr. Eleftheriou, Jr. agreed that the value of consolidating four districts into two is of questionable value unless it is part of a larger long-term plan to simplify the LUO.

Member Fitzpatrick indicated that setting goals is the first step. Lets understand what it is going to take to accomplish any of these tasks. If we do not know what our goal is for going through and making these

changes what is our end game? Is it for solving a problem? Influencing development policy over time? He reiterated the thought that consolidation of districts was not in itself useful. Parking has a number of possible end goals including ordinance correction, parking shortages and equity, facilitate institutions and downtown developments with structured parking. He suggested starting with the structured parking issues. The consolidation of districts is a complex issue complicated by years of modifications. What do we want for downtown? Affordable housing comes up, lot standards comes up, suggested that this should all start with goal setting so that the time is well used toward accomplishing those goals.

Member St. Germain suggested that a step toward goal setting would be to revisit the comprehensive plan and distilling basic goals upon which this work can be based. This was for the agenda items.

d. Land Use Ordinance Discussion of Appendix A and B

Member Cough cited the LUO language concerning modifications to Appendix A and B and noted that the 125 112 Db states that Appendix A and B is amended at Town Meeting. He suggested that the Board not spend time on those because there is another process for that type of modification. Mr. Osborne indicated that he would contact the Town Attorney to ask if that is his understanding regarding this language.

Member St. Germain noted the Route 3 project and the ferry terminal project and suggested there is a role for the Board to do consideration of those things given the timely nature of those projects. He generally supports consolidation of districts but supports working on timely projects first.

Member Cough recommended that item d (Appendix A and B) be taken off future agendas. Suggested that parking is a top priority as well as e (minimum are per family) and f (consolidation of districts) if given time.

Member St. Germain suggested that consolidation of Village I and Village II and perhaps including the Gateway were reasonable goals.

Mr. Cough raised the possibility that the Board might have subcommittees or a blended task force with the mission of moving the process along in a timely manner? Mr. Osborne indicated that he would seek legal advice and get back to the Board. If it is determined to be an official meeting of the Board it would be posted and open to the public. (Mr. Bearor indicated that two Planning Board members have no official standing and are free to meet with the Planning Director).

Member Fitzpatrick suggested that a useful purpose of a task force would be to get direct feedback from affected parties who have experienced parking issues and have ideas for changes.

e. Land Use Ordinance Discussion of Minimum area per family

Mr. Osborne provided a chart of the districts of the town applying the minimum area per family to single-family, two-family, four-family and ten-family dwelling scenarios. The chart indicated the lot area required in each case and what percent over the minimum lot area that number represents. In some cases only single-family and two-family dwellings are contemplated. In other cases single, two and multi-family I only. His observation is that there are districts that may contemplate multi-family II but as a practical matter if a ten-unit building requires as much as 9 acres the use is clearly not really feasible

because it is inappropriate that the ten-unit dwelling use tie up 9 acres of land with urban services, such a parcel is rare if at all available and the cost would be prohibitive in the extreme. The application of the minimum area standard is not evenly applied across districts, and it does not appear to be based on a model that would look at the actual area that a two-family, four-family and ten-family dwelling would physically require. He suggested that models could be developed to work through what is truly needed to accommodate the uses for both sewer and water and well and septic lots.

Member Fitzpatrick raised the possibility of looking at expansion of existing districts to locations beyond their current locations to also allow the higher housing density standard that the Downtown Residential district contemplate rather than reviewing a broad range of districts.

Member St. Germain raised the possibility of looking at the Downtown Village districts for changes that would accommodate a density bonus for employee housing to reduce the stress on single family houses being used as boarding houses.

Chair Rasmussen noted that the chart demonstrates the built in issues that the Land Use Ordinance has created over many years of modification and no major rewrites.

Member Eleftheriou, Jr. suggested that the sewered portion of the town would be a more manageable task.

Member Cough indicated that the chart points out that district consolidation/dimensional consolidation is also a way to fix some of these issues given that many districts share the same dimensional standards.

Member St. Germain noted that the comprehensive plan calls for growth in some of these areas. The parking issues are generally limited to downtown. Area per family is a more diverse issue but the minimum area question could be limited to the growth area for now and learn from that if the voters approve the limited changes in the downtown area generally.

Member Eleftheriou, Jr. suggested that the analysis could go from Hulls Cove to Jackson Lab.

Exceptions to parking requirement were noted.

Member Fitzpatrick indicated that the empirical issues with parking are leading to deficits that are related to exceptions. Cited parking study that identifies where deficits are located.

Chair Rasmussen noted that he does not want green spaces to be replaced with parking lots and that really means that structures will be necessary.

The Board identified that Mr. Fitzpatrick and Mr. Eleftheriou, Jr. will meet with the Planning Director on Tuesday at 4:00 pm to get the process underway for parking. Mr. Cough and Mr. Rasmussen will meet with the Planning Director on housing at a time and day to be determined.

I. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

None.

II. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 7:32 pm. Mr. Fitzpatrick seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:

Basil Eleftheriou, Jr., Secretary **Date**
Planning Board, Town of Bar Harbor

DRAFT LUO DEFINITION LANGUAGE
INTERNALLY ILLUMINATED SIGN TYPES
WITH PHOTO EXAMPLES

Item V b,

SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:

TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

A. 20% (or less) translucent face/ 80% (or greater) opaque background field.

B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

Parking Outline

Item V C.

These are notes from the Town Council discussion on the warrant articles that concerned parking lot and parking garage. The lead of the discussion was Councilor David Bowden. He suggested the Planning Board take a look at where parking is allowed and where it is not. He noted specific examples of the hospital and the bio lab. He said that there is need of a comprehensive plan for parking for the entire town. Look at parking issues as a whole. Definitions need to match the uses. Off-premise parking should be addressed. He noted specific examples of the schools and the college. Repeated that we should look at a comprehensive parking plan. Remove c1 through c5 from the draft warrant. Definitions at issue. Possible legal challenges should be worked through.

There was no dissent among the Council during this discussion.

The Planning Director's take on the discussion is that most everything parking is on the table. The emphasis was on parking lots, parking garage, off-premise parking and definitions but other items such as minimum parking requirements and locational requirements are not off the table. The call was for a comprehensive look at parking.

Topics to review:

Location: Look at where parking is allowed and not. Include districts and setbacks and other issues. Accessory use parking is allowed in most districts.

Type of parking allowed: Accessory parking, Principal use parking,

Form factor that parking takes: Parking lot, parking structure, parking garage, shared parking, off-premise parking.

Definitions: Definitions need to match uses. Municipal use? Commercial garage, other?

Organizational issues with parking regulations.

a. **Discussion of Parking Updates for the Land Use Ordinance.** The purpose of this item is to set the scope of what changes are under consideration for the parking lot and parking garage question.

Mr. Osborne started this item with an overview of references to parking in the Land Use Ordinance. He identified two general categories of parking: accessory use parking that is in association with a principal use and principal use parking which is like a municipal lot where the only use on the parcel is parking. He also noted that automobile sales lot looks a bit like parking but is actually outdoor display and storage area.

Mr. Osborne discussed a number of (parking-related) terms found in the ordinance: Parking area; parking; parking space; parking lot; parking requirements; off-street parking; parking aisle; parked vehicles; loading and screening.

The following are the defined terms: Parking area (Shoreland) is an open area used for parking one or more vehicles. Parking demand is the amount of parking spaces needed as driven by the use of a parcel. Parking lot is an open area used for parking four or more vehicles (public or private, free or paid). Finally, parking space is the building block of the concept with space requirements and setbacks, etc.

Parking requirements is a term that is used in some district standards to specify parking requirements that are different from the general review standards. Parking requirements is also used in the general review standards to specify the full range of requirements for "off-street parking".

Off-street parking is an undefined term that appears to differentiate it from on-street parking. It would generally appear that the Land Use Ordinance only regulates "off-street parking".

Parking aisle is a term used that is the access aisle behind a parking space and it's configuration and size is dependent on parking angle and one-way vs. two-way travel.

Parked automobile or parked vehicle is a term that is generally used to discuss the location of the vehicle and its proximity to a building or walkway.

Loading is a term that is joined with loading space, loading zone, loading berth and loading demand. Generally loading space is connected to temporary parking of a commercial vehicle (truck) near a building of a certain size.

Screening is related to parking because it is a required site improvement.

Minimum parking standards, also known as parking requirements include the space and dimensions of individual stalls, the required number of spaces, the dimensions and angles of spaces and the design of the aisle behind the parking space.
The Downtown Residential district and Town Hill Business district are the only two districts that expressly allow parking lot and parking garage by Planning Board Site Plan review.

The Board went on to discuss waived parking requirements in certain districts that are required in others. The briefly discussed the Backyard Parking Garage study with regard to where parking deficits were identified. They noted that impact fees could be used when waiving parking spaces to help fund creation of municipal spaces. They also identified the possibility of a tax increment district that might accomplish the funding. The Board talked about the need to review shared parking as a possible mechanism for allowing spaces to serve double duty.

The Board discussed that off-site, off-street parking is desirable to be allowed in more districts.

The Board moved on to a discussion of the document that the planner provided that identified Land Use Ordinance references to parking. Generally they discussed if they should look at the locations or the definitions first. They opted to start with definitions that should have further review.

Footprint area: Where is this used and how might it be changed?

Garage, Commercial is not used anywhere in the ordinance and should be dropped.

Garage Residential has what appears to be a typo with the phrase "... a person not resident on the premises."

Gross Leasable Area was raised as an issue to be looked at in the context of parking.

Loading Space was identified as something that might merit more review.

Lot was identified as a term that has parking implications for off-site applications and should be reviewed.

Off-street Parking was a term that was questioned regarding it's usefulness given that the ordinance only regulates off-street parking.
Parking Area was identified as a term to be reviewed further.

Parking lot was identified as a term to be reviewed further.

Parking Garage was identified as a term that should be defined.

Parking Structure or Parking Deck was identified as a term that should be defined.

Setback was a term and practice identified to be reviewed further. Parking might be augmented if setbacks were adjusted is some way. It was suggested that alternative ordinances should be reviewed.

Structure, Accessory is a term identified for further review.

Storage Garage might be a term that could benefit from review.

Transportation Facility is a term identified for further review.

Storage or Warehouse Storage are terms identified for further review.

Parking requirements where found in the district standards and primarily noting exemptions should also direct the reader to the requirements found in 125-67B(4).

Goals and timelines were suggested for the parking questions discussed.

It was noted that there was a 2012 parking report that might be of use to the Planning Board and it was requested the Planning Director provide it to the Board.

PARKING REFERENCES IN THE BAR HARBOR LAND USE ORDINANCE

§ 125-109 Definitions.

Chapter 125: Land Use Article XII: Construction and definitions.

ACCESSORY PROJECT A change to an appendage of a structure that includes signage, awnings, canopies, umbrellas, outdoor displays, lighting, or landscaping. [Added 11-2-1999]

ACCESSORY STRUCTURE See "structure."

ACCESSORY USE See "use."

AUTOMOBILE SALES LOT A lot arranged, designed, or used for the storage and display for sale of any motor vehicle or any type of trailer provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

BOAT LAUNCHING FACILITY A facility designed primarily for the launching and landing of watercraft and which may include an access ramp, docking area, and parking spaces for vehicles and trailers. [Added 11-5-1991]

BUFFERS Fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance of the site on adjacent areas.

CAMPSITE, PRIVATE An area of land which is not associated with a campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform. [Added 11-5-1991; amended 11-3-2009]

DEVELOPED AREA Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

DRAINAGE The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation and prevention or alleviation of flooding.

DRIVEWAY A vehicular accessway of any length constructed in accordance with the standards set forth is this chapter, serving two single-family dwellings or one two-family dwelling or less.
[Amended 5-6-1996; 11-3-2009; 6-8-2010]

DRIVEWAY, ONE-WAY A driveway on which vehicles are allowed to travel in only one direction and which has two separate connections to a street. [Added 5-6-1996]

DRIVEWAY, TWO-WAY A driveway on which vehicles are allowed to travel in two directions. [Added 5-6-1996]

EXTRACTION [Amended 11-5-1991]

A. The excavation, processing, storage or removal from its natural location of soil, sand, gravel, rock, topsoil, loam, clay, peat or other mineral deposits, not including:

(1) The excavation of material incidental to approved construction of buildings, driveways or parking areas;

(2) The excavation of material incidental to and at the site of construction or repair of streets; or

(3) The excavation, processing or storage of less than 10 cubic yards of material on a lot within a one-year period.

B. The stripping of loam, topsoil and peat from a lot is expressly prohibited by this chapter.

FENCE A structure commonly made of wooden or metal posts, boards, rails, bricks, stones, PVC, wire mesh, masonry or similar materials, erected for the purpose of enclosing a yard or portion thereof, for screening or decoration, or for marking the general location of a lot boundary. A fence, for purposes of this definition, includes all posts or other supports as well as all ornamentation, decorations and finials. [Added 5-7-1991; amended 11-2-1999]

FILLING Depositing or dumping any matter on or into the ground or water.

FOOTPRINT AREA The total area, calculated in square feet, of a site, if viewed from above, covered by structures or improvements, including areas under roof overhangs and under decks. [Added 5-6-1996]

GARAGE, COMMERCIAL A structure used for parking or storage of automobiles, generally available to the public, and involving payment of a charge for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a commercial garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

GARAGE, RESIDENTIAL An accessory building or a portion of the principal dwelling unit(s) used for parking or temporary storage of automobiles of residential occupants of the premises. Not more than one space may regularly be used by the private passenger automobile of a person not resident on the premises. [Amended 11-4-2008]

GOVERNMENT FACILITY/USE A governmental or public service use for the general benefit of the citizens funded in whole or in part by the state, federal government, Town of Bar Harbor or a quasi-public organization, including, by way of illustration and without limitation, public parks and recreational facilities, visitor information offices. [Amended 6-8-2010]

GROSS LEASABLE AREA (GLA) The total area, in square feet, of a building or structure, measured from the interior faces of exterior walls and, in shared buildings or structures, from the center line of each interior wall dividing separately leased or separately owned space. For the sole purpose of calculating required parking spaces, GLA shall include only the area used for, or in support of, the principal use. [Amended 11-4-2003; 11-4-2008]

HANDICAPPED ACCESS A ramp or other method of access that is accessible to the handicapped (a maximum pitch of 8.33% is often specified for a ramp). [Added 11-2-1999]

LOADING SPACE An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT A contiguous area of land undivided by any street or private road, in one ownership or leasehold, with ascertainable boundaries established by deed or some other instrument of record. An area of land undivided by any street or private road and which is owned in common by members of a condominium shall be considered one lot notwithstanding the fact that each member may be entitled under the declaration to an exclusive area of occupation. A dwelling unit within a condominium development shall not be deemed a lot unless individual members of the condominium shall individually own in fee an area of the land that meets the minimum lot size requirements of this chapter. [Amended 5-6-1996; 6-9-2009]

LOT AREA The area contained within the boundary lines of a lot minus:
[Amended 11-5-1991; 11-7-2006; 11-4-2008

A. Land below the normal high water line of a water body or upland edge of a wetland;
B. Sustained slopes greater than 20%.
C. Land held in a conservation easement that limits the use of the land to activities that are no more intense than passive recreation; and
D. Areas beneath roads serving more than two lots.

LOT, CORNER A lot abutting two or more streets at their intersection.

LOT COVERAGE Except as otherwise provided in § 125-67B(8), the footprint area of all structures and improvements calculated as a percentage of the area of the lot shall be considered to be lot coverage, including but not limited to principal and accessory buildings; all improved vehicular and pedestrian surfaces, such as parking lots, roads, driveways, maneuvering spaces, and pedestrian walkways, regardless of the construction material employed; or graveled areas. Unimproved natural surfaces of a site shall not constitute lot coverage, regardless of whether they are vegetated. Boats stored in cradles above an unimproved natural surface shall not constitute lot coverage. However, in the case of lumber yards, areas of stored lumber shall constitute lot coverage. [Amended 5-6-1996; 11-4-2003; 11-7-2006; 6-8-2010]

LOT DEPTH The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

LOT FRONTAGE See "frontage, road." When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided, at each such line.

LOT LINE A line bounding a lot which divides one lot from another or from a street or any other public or private space, as defined below: [Amended 11-2-2004]

A. LOT LINE, FRONT In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line. In the case of a lot with no road frontage, the front lot line shall be considered to be the line parallel to the front of the building.

B. LOT LINE, REAR That lot line which is parallel to and most distant from the front lot line of a lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line. In the case of corner lots there shall be no rear lot lines.

C. LOT LINE, SIDE Any lot line other than a front or rear lot line.

LOT, NONCONFORMING A single lot of record which, at the effective date of adoption or amendment of this chapter, does not comply with the minimum lot size, minimum area per family, minimum road frontage, shore frontage, minimum lot width or maximum lot coverage requirements of the district in which it is located.
[Amended 5-2-1994; 6-13-2006[13]; 11-7-2006; 11-3-2009]

LOT OF RECORD Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS Numerical standards relating to spatial relationships, including but not limited to setback, lot area, shore frontage, height, coverage, road frontage and density.

LOT WIDTH The closest distance between the side lot lines of a lot or the width of an imaginary square that will fit entirely within the lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.
[Amended 11-5-1991; 5-6-1996; 11-3-2009]

PARKING AREA (SHORELAND DISTRICT) An open area used for parking one or more vehicles, excluding an area associated with a driveway used for parking two vehicles or fewer.
[Added 6-8-2010]

PARKING DEMAND The amount of parking spaces needed by the users of a particular structure or tract of land.

PARKING LOT An open area other than a street used for the parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE A surfaced area, enclosed or unenclosed, meeting the size requirements of § 125-67E, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

RENOVATION A modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including the kind and texture of the building materials and the type and style of all windows, doors, light fixtures, other appurtenant fixtures and other features, such as landscaping, i.e., walks, fences, trees, driveways and parking areas. In addition, all activities that affect the exterior and which require a building permit are also included in this definition. [Added 11-2-1999]

SCREENING A hedge or buffer strip at least five feet wide consisting of densely planted shrubs or trees at least four feet in height at time of planting and eventually reaching a mature height of at least six feet in height, but not exceeding eight feet, which provides an effective visual barrier.

SETBACK The horizontal distance from a lot line or normal high water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object, activity or area. [Amended 11-5-1991; 11-4-2008]

SETBACK, FRONT Setback between the front lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area. [Amended 11-5-1991]

SETBACK, REAR Setback between the rear lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area. [Amended 11-5-1991]

SETBACK, SIDE Setback between a side lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area. [Amended 11-5-1991]

STREET, MINOR A street servicing fewer than 25 lots or dwelling units. [Amended 5-6-1996]

STREET, PRIVATE RIGHT-OF-WAY A street servicing fewer than 15 lots or dwelling units which is not intended to be dedicated as a public way and which will be maintained by a developer, property owner or group of property owners or a street which is not intended to be dedicated as a pubic way but which is constructed in accordance with the standards for a minor or collector street, depending on the number of lots or dwelling units served. [Amended 5-6-1996]

STRUCTURE Anything constructed or erected, the use of which requires location on, above or below the surface of the land or water. [Amended 5-3-1999]

STRUCTURE, ACCESSORY

A. A structure which is:

(1) Subordinate to and serves a principal structure or a principal use;

(2) Subordinate in area, extent and purpose to the principal structure or use served;

(3) Located on the same lot as the principal structure or use served, except as otherwise expressly authorized by the provisions of this chapter; and

(4) Customarily incidental to the principal structure or use.

B. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

TRANSPORTATION FACILITIES Structures and grounds used for transportation service activities, such as ticket booths and waiting shelters for bus, taxi, touring van or ferry passengers. The term does not include parking lots or major ferry terminal facilities such as the one for the Bluenose.

USE, ACCESSORY

A. A use which is:

(1) Subordinate to and serves a principal use;

(2) Subordinate in area, extent and purpose to the principal use served;

(3) Located on the same lot as the principal use served, except as otherwise expressly authorized by this chapter; and

(4) Customarily incidental to the principal use.

B. An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

YARD The area of land on a lot not occupied by buildings.

YARD, FRONT The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot and extending the entire width of the lot.

YARD, REAR The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot and extending the entire width of the lot.

YARD, SIDE The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line or a front line shall be deemed a side line.

[1] Editor's Note: The former definition of "church," which immediately followed this definition, was repealed 5-2-2005. For current provisions, see the definition of "place of worship."
[2] Editor's Note: The former definition of "cluster development," which immediately followed this definition, was repealed 6-13-2006.
[3] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[4] Editor's Note: See 33 M.R.S.A. § 1601-101 et seq.
[5] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[6] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[7] Editor's Note: An amendment enacted 11-4-2008 provided that this definition is repealed on the date established under 38 M.R.S.A. 438-B, Subdivision 5.
[8] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[9] Editor's Note: The former definition of "grocery store," which immediately followed this definition, was repealed 6-8-2010.
[10] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[11] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[12] Editor's Note: The former definitions of "kennel, commercial" and "kennel, noncommercial," which immediately followed this definition were repealed 6-14-2011; see now the definitions of "kennel" and "kennel, boarding."
[13] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[14] Editor's Note: See now the definition of "lakes and ponds."
[15] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[16] Editor's Note: The former definition of "use, water-dependent," as amended 11-5-1991, which immediately followed this definition, was repealed 6-8-2010.
[17] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[18] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[19] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.
[20] Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.

§ 125-21.1 Downtown Village II.
[Added 11-4-2003; amended 5-2-2005; 6-8-2010[1]]
A. Purpose. The purpose of the Downtown Village II Zone is to provide a commercial and visual transition between the core business district to the scenic byway of Route 3.
B. Dimensional standards.

(5) Minimum rear setback: 20 feet for buildings on any yard that abuts a residential district; 10 feet for accessory structures and parking on any yard that abuts a residential district; five feet elsewhere.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements.
(a) Transient accommodations shall provide one space per room.
(b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees.
(c) Professional offices, medical clinics and hospitals shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board.
(d) Other uses shall not be required to provide parking.

§ 125-17 Bar Harbor Gateway. [Amended 11-2-2010]

A. Purpose. The Bar Harbor Gateway District largely consists of a mix of historically significant properties, various transient accommodations, and commercial uses, including a ferry terminal. It is situated along Route 3 and represents the primary point of access for visitors to downtown Bar Harbor and Acadia National Park. New development, redevelopment, and infill development shall respect the following standards to assure that the design and use of properties within this district are compatible to nearby properties.

F. Other requirements.
(1) Parking lots shall require buffering and vegetative screening if visible from Route 3.

§ 125-18 Village Historic. [Amended 6-13-2006; 6-8-2010]

A. Purpose. The Village Historic District consists of mostly single-family homes and historically significant estates. New development, redevelopment, and infill development shall respect and reflect the following standards to assure that the design and use of properties within this district are compatible with any nearby properties.

F. Other requirements. [Amended 11-2-2010]

(1) All new construction and/or changes to facades and signs shall require Design Review Board approval if visible from a public way. Single-family homes are exempt from this provision unless otherwise included in Appendix A or B of this chapter.

(2) The Planning Board shall ensure that parking for bed-and-breakfast I shall be shielded from the view of neighboring properties located to the side and rear of the property where the bed-and-breakfast is located. Shielding shall consist of vegetative screening.

§ 125-20 Village Residential. [Added 6-8-2010; amended 11-2-2010[1]]

A. Purpose. The Village Residential District encompasses the well-established residential neighborhoods that surround the traditional downtown area of Bar Harbor. It consists mostly of single-family homes, but also includes condominium, multifamily, and nonintensive commercial uses. New development, redevelopment, and infill development shall respect and reflect standards to assure the uses are compatible with any nearby properties.

G. Other requirements:
(1) Accessory structures shall be located in the side and rear yard of the property.

(2) The Planning Board shall ensure that parking lots are shielded from the view of neighboring properties by requiring parking lots to provide buffering and vegetative screening.

§ 125-21 Downtown Village I. [Amended 11-4-2003; 5-2-2005; 6-8-2010[1]]

A. Purpose. The Downtown Village I District is the primary growth area for commercial development and is part of the defining character of the central business district. It is also the center for social and cultural activity for both the visitor and the resident. Mixed use developments that encourage commercial activity at the street level are desired. New development, redevelopment and infill development shall respect and reflect standards to assure that the uses are compatible with any nearby properties.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements.
(a) All transient accommodations shall provide one space per room.
(b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees.
(c) Other uses shall not be required to provide parking.

§ 125-21.1 Downtown Village II. [Added 11-4-2003; amended 5-2-2005; 6-8-2010[1]]

A. Purpose. The purpose of the Downtown Village II Zone is to provide a commercial and visual transition between the core business district to the scenic byway of Route 3.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements.
(a) Transient accommodations shall provide one space per room.
(b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees.
(c) Professional offices, medical clinics and hospitals shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board.
(d) Other uses shall not be required to provide parking.

§ 125-21.2 Downtown Village Transitional. [Added 6-8-2010[1]]

A. Purpose. The Downtown Transitional Zone is to govern areas that are adjacent to Downtown Village Districts to give a transition from the commercial cores to the residential neighborhoods.

E. Other requirements.
(1) All changes to facades and signs require Design Review Board approval.
(2) Parking requirements:
(a) Transient accommodations shall provide one space per room.
(b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees.
(c) Professional offices, medical clinics shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board.
(d) Other uses shall not be required to provide parking.

§ 125-49.1 Shoreland General Development III. [Added 11-2-2010]

A. Purpose. The Shoreland General Development III District seeks to allow for corridor development that provides transient services and other commercial services along the Town's prominent entry corridor. Care in screening, landscaping, and building design should be taken to respect the National Scenic Byway (Eden Street) as well as the historic waterfront.

F. Other requirements.
(1) Parking lots shall require buffering and vegetative screening if visible from Route 3.
(2) Lots with road frontage on Route 3 may be required to provide streetscape improvements, such as trees, sidewalks, bike paths, benches, and/or other related improvements as deemed appropriate by the Planning Board in the case of major site plan, or the Planning Department in the case of a minor site plan. Such improvements shall be exempt from setback requirements.

§ 125-67 General review standards.

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, and the shoreland zone lot standards in § 125-68B as determined by reference to Article III for each district in which it is proposed subject to the following: [Amended 5-7-1991; 11-5-1991; 5-1-1995; 5-6-1996; 11-2-1999; 11-4-2003; 5-3-2004; 11-2-2004; 5-2-2005; 6-13-2006; 11-7-2006; 11-4-2008; 6-8-2010]

(4) Off-street parking.
(a) No off-street parking or loading or maneuvering space for off-street parking shall be located within the front or side setbacks of any district. This requirement shall not be construed to prohibit parking in any area of any driveway associated with single-family dwellings; provided, however, that in no event

may a vehicle, in any district, be parked within five feet of a residential structure located on an abutting property in different ownership.

D. Parking requirements. Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.
[Amended 11-5-1991; 5-2-1994; 11-4-1997; 3-24-1998; 5-5-2003; 11-4-2003; 5-3-2004; 5-2-2005; 6-13-2006; 6-8-2010; 11-2-2010]

(1) Off-street parking shall always be considered a permitted accessory use when required or provided to serve a conforming use in any district.

(2) Required off-street parking shall be located on the same lot as the principal building or use that it serves, except that in the Downtown Village and Shoreland General Development Districts, with site plan approval and subject to such conditions as the Planning Board may impose, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for free public parking and is located anywhere within the aforesaid districts.

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(a) Dwellings: one parking space for each dwelling unit.

(b) Transient accommodations:

[1] TA-1, bed-and-breakfast I and TA-3: one parking space plus one parking space for each guest room.

[2] Hotels, motels and conference centers: one parking space for each guest room.

(c) Schools: one parking space for each classroom plus one space for each four employees.

(d) Health institutions (bed facilities only): one parking space for every three beds, plus one space for each employee, based on the expected average employee occupancy.

(e) Theaters, churches and other places of public assembly: one parking space for every four seats or 10 spaces for every 1,000 square feet of assemblage space if no fixed seats.

(f) Retail stores: two parking spaces for every 1,000 square feet of gross leasable area.

(g) Restaurants, eating and drinking establishments: four spaces per 1,000 square feet of gross leasable area.

(h) Restaurants, eating and drinking establishments - take out: two parking spaces per 1,000 square feet of gross leasable area.

(i) Professional offices and public buildings: two parking spaces per 1,000 square feet of gross leasable area.

(j) Marinas and nonresidential piers, docks and wharves: minimum of 30 parking spaces plus one parking space for each docking and mooring space.

(k) Other commercial recreation establishments (mini golf courses, touring/sightseeing buses or boats, etc.): minimum of 15 parking spaces or the number deemed appropriate by the Planning Board in site plan review.

(l) Industrial: one parking space per each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

(m) Clubs (private). Any club organized after May 2, 1988, and any club in existence and operating on May 2, 1988, which plans an extension of its current operations shall provide off-street parking for a minimum of 10 vehicles and such additional number of off-street parking spaces as the Planning Board shall deem necessary after considering the evidence presented at site plan review.

(n) Campgrounds: 200 square feet plus maneuvering space per recreational vehicle, tent or shelter site.

(o) Cabins and cottages: 200 square feet plus maneuvering space for each cabin or cottage.

(p) Museums and art galleries: one parking space per each two employees.

(q) Farmers' market: minimum of 1.5 parking spaces per number of vendors for which the farmers' market is approved, rounded to the next highest whole number.

(r) Eleemosynary, educational or scientific institution, research facility, or research production facility: one parking space per each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

(s) Automobile repair garage and automobile service station: one space for each service bay and each mechanic.

(t) Wholesale business establishment: one space per 1,000 square feet of gross leasable area.

(u) (Reserved)

(v) Medical clinics: four parking spaces per 1,000 square feet of gross leasable area, plus a designated loading zone for ambulance and bus dropoff and pickup.

(w) Nursing/convalescent homes: one parking space per employee on the largest work shift plus a designated loading zone for ambulance and bus dropoff and pickup.

(4) The minimum number of off-street parking spaces shall not be required of nonconforming structures or uses in the case of alterations or changes of use which would not increase the generation of parking demand by the structure or use. The Code Enforcement Officer, when reviewing permit and site plan review applications involving alterations or change of nonconforming structures or uses, shall make a determination whether such alterations or changes increase parking demand above existing use, with reference to the minimum parking requirements as set forth above. Such a determination shall be made notwithstanding any previous waivers of parking or loading requirements granted by the Bar Harbor Appeals or Planning Board prior to May 1, 1989.

(5) Calculations of the number of parking spaces to meet the requirements of Subsection D(3) above shall be performed in the following manner: Area of proposed development in square feet times the number of units required per 1,000 square feet divided by 1,000. The result should be rounded up to the next whole number. Example: Proposed retail store of 1,896 square feet: 1,896 x 3 / 1,000 = 5.688 which is rounded up to 6.

(6) Shared parking. Applicants may request Planning Board approval for shared parking to meet their off-street parking requirements, provided that the times of usage do not conflict.

(a) Applicants must demonstrate that demands for parking are at different times of day (e.g., daytime vs. evening), different days (weekdays vs. weekends), or different seasons of the year; and that proposed uses will not occupy spaces at the same time. The Planning Board shall review requests to share parking on a case-by-case basis, using the following criteria:

[1] The type of business activity and size of business;

[2] The anticipated demand for parking spaces and peak requirements as recommended by the Institute of Transportation Engineers;

[3] The composition of tenants or customers; and

[4] The turnover rate of shared spaces.

(b) If shared parking spaces are on an off-site parking lot, such parking lot may not be farther than 300 feet from each business requesting to share those spaces. This distance shall be measured following a reasonable, safe walking route between the main entrance of each business and the parking lot being shared.

(c) A shared parking agreement shall be filed with the Planning Department of the Town of Bar Harbor. This agreement must specify the party or parties responsible for operating and maintaining the parking area, and for maintaining liability coverage for personal injury and/or property damage. The agreement must be approved by the Town Attorney prior to Planning Board approval.

E. Parking areas and driveways. All site plans shall comply with the following standards for parking areas and driveways:

(1) There shall be adequate provision for ingress and egress from all parking spaces with the width of access drives or driveways determined as part of site plan review, based on the proposed use of the property, topography, and similar considerations.

(2) To the greatest extent possible, access to parking stalls should not be from major interior travel lanes or from public ways.

(3) Parking areas shall be designed to permit each vehicle to proceed to and from any parking stall without requiring the moving of any other vehicle.

(4) Parking stalls and aisle layout shall comply with the following standards. Universally accessible or handicapped stalls and pedestrian aisles are exempted from the dimensional requirements of this subsection but shall comply with the current standards of Americans with Disabilities Act requirements for parking stalls and access aisles.
[Amended 11-6-2001]

Only one-way traffic shall be permitted in aisles serving single-row parking stalls placed at an angle of other than 90°.

(6) Parking stalls, driveways, aisles and direction of traffic flow shall be clearly marked and delineated by arrows and lines painted on the pavement or otherwise. The Planning Board may require that certain areas be designated, marked and maintained for fire-fighting equipment or other emergency vehicles or purposes.

(7) Major interior travel lanes shall be designed to allow for continuous and uninterrupted traffic movement.

(8) Devices such as guardrails, curbs, fences, walls and landscaping shall be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles but shall not reduce the visibility of oncoming pedestrians or vehicles.

(9) Sidewalks shall be provided between parking areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur. Such sidewalks shall have a minimum of four feet of passable area and shall be raised six inches or more above the parking area except where the sidewalks cross streets or driveways. Guardrails or wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalks unless an additional 2 1/2 feet of sidewalk is provided to accommodate such overhang.
[Amended 5-4-1992]

(10) To the greatest extent possible, parking areas should be arranged so that it is not necessary for vehicles to back into any street.

(11) Bumpers or wheel stops shall be provided where the overhangs of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscaping, buildings or other structures.

(12) In addition to the requirements of Subsection H(1)(f), any parking lot with an area over one acre shall be provided with shade trees planted at representative points throughout the lot. There shall be at least one tree planted for every 35 parking spaces. All such trees shall, when placed, be at least four inches in diameter at a height of four feet from the ground.

(13) Parking space allocations shall be oriented to specific buildings or structures or uses.

(14) Parking areas should be designed to focus on major walkways, which should be fenced or marked.

(15) Where pedestrians must cross service or access roads to reach parking areas, crosswalks shall be clearly designated by pavement markings or signs and shall be lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result.

(16) Driveways should approach pedestrian exit areas from the right to permit passengers to alight to the sidewalk.

(17) To the greatest extent possible, one-way traffic should be established at building entrances.

(18) Where bus traffic is expected, bus shelters and bus indentation slots, off the roadway, shall be provided.

(19) All entrance and exit driveways shall be located to afford maximum safety to traffic, to provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.

(20) Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder.

(21) Where a lot occupies a corner of two intersecting roads, no driveway entrance or exit shall be located within 50 feet of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

(22) No part of any driveway shall be located within 10 feet of a side property line, except in the following districts: Downtown Village, Shoreland General Development I and II, Hulls Cove Business, Town Hill Business and Downtown Residential. However, in any district the Planning Board shall permit a driveway serving two or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites.
[Amended 5-6-1996; 6-8-2010]

(23) Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services as approved by the Fire Chief or when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

(24) Where two or more two-way driveways connect a single site to any one road, a minimum clear distance of 100 feet measured along the right-of-way line shall separate the closest edges of any two such driveways. If one driveway is two-way and one is a one-way driveway, the minimum distance shall be 75 feet.

(25) Driveways used for two-way operation shall intersect the road at an angle of as near to 90° as site conditions will permit and in no case less than 60°. Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than 45° with a road unless acceleration and deceleration lanes are provided.

(26) Driveways shall be designed and constructed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily to the development for which a site plan is prepared, subject to the following minimums, provided that the maximum width of any driveway shall not exceed double the minimum required width:
[Amended 5-7-1991; 5-6-1996; 5-1-2000; 6-8-2010]

*All driveways, except for those serving one or two dwelling units within 75 feet of their frontage road, shall be five feet wider at the curbline, and this additional width may taper down until the minimum width is reached at a distance of at least 10 feet into the site. Overhanging branches shall be pruned to maintain a twelve-foot vertical clearance above the entire driveway surface.

(27) At each driveway curb cut, no visual obstructions higher than three feet above street level shall be allowed closer than 10 feet to the traveled way for a distance of 25 feet from the intersection, measured along both the street and the driveway.
(28) Entrances and exits shall be clearly identified by the use of signs, curb cuts, and landscaping and shall comply with the Bar Harbor policy on curb cuts and street entrances.

(29) Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

(30) Notwithstanding the lesser requirements of this Subsection E, any driveway that serves more than two dwelling units or that is more than 500 in length shall, with respect to minimum grade, maximum grade, crushed aggregate subbase course and crushed aggregate base course, be constructed in accordance with the standards for a private right-of-way as set forth in Subsection G(3)(a) and also the requirements of Subsection G(3)(f), (g) and (h).
[Amended 5-6-1996]

(31) Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb driveway as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

(32) Driveways shall not have a grade in excess of 15% over the entire length. On arterials, the grade shall not be more than 5% for the first 25 feet from the road unless otherwise approved by the Planning Board. Driveways shall not be located where visibility is limited because of curves or topography.

(33) Where a driveway serves right-turning traffic from a parking area providing 200 or more parking spaces and the road has an average daily traffic (ADT) volume exceeding 7,500 vehicles, an acceleration lane shall be provided which is at least 200 feet long and at least 10 feet wide measured from the road curbline. A minimum thirty-five-foot curb return radius shall be used from the driveway to the acceleration lane.

(34) Where the same conditions exist as in the previous subsection and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least 200 feet long and at least 10 feet wide measured from the road curbline. A minimum thirty-five-foot curb return radius shall be used from the deceleration lane into the driveway.

F. Loading requirements. In connection with every building or group of buildings which is to be occupied by industrial, office, laboratory or commercial uses, or by uses involving distribution of material or merchandise by vehicles, there shall be provided and maintained off-street loading berths in accordance with the requirements set forth below.

(1) Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers for loading or storage shall not be located upon any Town way.

(2) Each loading berth shall be at least 12 feet wide, 50 feet long, and 14 feet high, and no loading berth may occupy any part of any required front, side or rear setback.

(3) The following minimum off-street loading berths shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the loading demand according to the standards set forth below, or any increase in the area used which increases such loading demand. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements:

(a) Health institutions: in addition to ambulance spaces, one berth for the first 10,000 to 30,000 square feet of gross floor space plus one additional berth for each additional 30,000 square feet of gross floor space or portion thereof.

(b) Hotels and offices: one berth if over 10,000 square feet of gross floor area.

(c) Retail, commercial, planned commercial and industrial groups, wholesaling, manufacturing and industrial uses: one berth if between 5,000 and 29,999 square feet of gross floor area; two berths if between 30,000 and 50,000; four berths if between 50,000 and 75,000; plus one additional berth for each additional 30,000 square feet of gross floor area.
[Amended 6-8-2010]

(d) Schools: one berth if over 15,000 square feet of gross floor area.

(e) Undertakers and funeral homes: one berth plus one additional berth for each 5,000 square feet of gross floor space or portion thereof in excess of 5,000 square feet of gross floor area.

[Added 5-6-1996]

H. Buffering and screening. All site plans shall provide for buffering or screening in accordance with the following standards:

(1) Buffers. Buffers shall be provided and maintained:

(a) At least 75 feet in width along any line of any lot in a nonresidential district containing a nonresidential structure or use if said line abuts a residential district, provided that this requirement shall not apply to the Downtown Village District;
[Amended 6-8-2010]

(b) Along property lines to shield varying uses from one another;

(c) Along property lines when necessary to block prevailing winds to stop wind-borne debris from leaving the site;

(d) Along interior roads running parallel to roads exterior to the site in order to prevent driver confusion, particularly at night;

(e) Along property lines when necessary to prevent any proposed lighting from interfering with residential property or with safe driving;

(f) For all sites located within a two-hundred-foot corridor of Routes 3, 102 and 233 in accordance with Table 1.[2]

[2] Editor's Note: Table 1 is included at the end of this chapter.

(g) Along all parking areas to minimize their visual impact on adjoining traveled ways and properties.

(2) Screening. Screening shall be provided and maintained:

(a) To block from view from adjoining traveled ways and properties all loading areas, waste collection and disposal areas, parking areas for commercial vehicles and outdoor storage areas;

(b) Consisting of barriers sufficient to deter entry to the site where a potential safety hazard to children exists on the site.

(3) All buffers and screening shall be durable and properly maintained at all times by the owner in a neat and sanitary manner and shall be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.

(4) Natural features shall be maintained wherever possible to provide a buffer between the proposed development and noncompatible abutting properties and public roadways. When natural features such as

topography, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be provided to satisfy the purposes stated above. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center. All plantings required under this chapter shall be of a type and species appropriate for the soil types and climatic conditions in Bar Harbor.

(5) Unless otherwise specifically indicated by the Planning Board, all plant materials used in any buffer or screening required under this chapter shall meet the following minimum size standards:

P. Landscaping. All site plans shall provide for the landscape to be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and grade changes. Landscaping shall be designed to soften, buffer, screen or enhance the physical design of structures and parking areas to minimize the encroachment of the proposed use on abutting uses. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.
[Amended 11-2-1999]

Item # d.

"Mansion Style Apartments"

So called "mansion style apartments" are found in numerous cities in the country. The definition might be: MANSION STYLE APARTMENT-An apartment building that takes on the form and appearance of a large house or mansion utilizing design elements to avoid the appearance of an apartment house or townhouse". A distinguishing feature of a mansion style apartment building would be architectural details on the building that are highly consistent with older houses in the neighborhood including roof pitch, siding style, window sizing, trim details and door openings. Mansion style apartments could either be conversions or new construction. Generally the idea would be that such a building would have Design Review and be appropriate for the neighborhood in which it is proposed. This could be a reasonable compromise in the Village Historic District rather than requiring acres of land area. An appropriately designed mansion style apartment would utilize yards similar to those of neighboring houses and would be sited in a way that would not differentiate itself from other residences in the neighborhood.

The photo below is a multi-family building that has a lot of architectural details that would be consistent with an old single-family dwelling but in fact is an apartment conversion that was done some time in the past.