

PLANNING BOARD
PACKET OF MATERIALS
MEETING MARCH 2, 2016

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

**Agenda
Bar Harbor Planning Board
Wednesday, March 2, 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 (February 24, 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: Planning Board set for March 16, 2016 Recommendation.
- 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. Planning Board set for March 16, 2016 Recommendation.
- 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, February 24, 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 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. St. Germain seconded the motion and the Board voted three in favor and none against the motion.

III. EXCUSED ABSENCES

John Fitzpatrick and Basil Eleftheriou, Jr.

IV. APPROVAL OF THE MINUTES

a. February 3, 2016

Mr. St. Germain made a motion to approve the minutes as presented. Mr. Cough seconded the motion and the Board voted three in favor and none against the motion.

V. REGULAR BUSINESS

a. Completeness Review – SP-2016-01– Mount Desert Biological Laboratory

Project Location: Bio Lab Road, Bar Harbor Tax Map 208, Lot 003-000

Applicant: Mount Desert Biological Laboratory

Application: The applicant is proposing to demolish an existing building and construct a 6,720 sq. ft. training facility in a Marine Research district.

Chair Rasmussen opened the item and asked for representatives of the lab to speak. Sam Coplon, along with Carla Haskell and Mark Hanscome represented the application for the completeness review. Mr. Hanscome described the project and Mr. Coplon provided details on the plans.

Chair Rasmussen went through the waiver requests with the applicant. There was some discussion about 9II (Parking location) but it was determined that no substantive change was proposed to parking. After a considerable amount of discussion Mr. St. Germain made a motion to accept the waiver request with the following conditions: Addition of waivers for 3B (Purchase and Sales Agreement) and 22 (Signs) and request for documents for 9HH (Lot coverage calculations) and 23 (Traffic impact). It was determined that the traffic information was already included in Exhibit 7. Mr. Cough seconded the motion which passed unanimously.

Chair Rasmussen went through the completeness review with the Board. After some discussion Mr. St. Germain made a motion that the application was incomplete but that it would be set for public hearing for March 16, 2016 pending receipt of final items 9HH and 23 by February 29, 2016. Mr. Cough seconded the motion which was passed unanimously.

- b. 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

Planning Director, Bob Osborne stated that the Town Council has set the Land Use Ordinance amendments for final public hearing on March 1, 2016. He urged Planning Board members to attend.

- c. 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.

Planning Director, Bob Osborne stated that the Town Council has set the Land Use Ordinance amendments for final public hearing on March 1, 2016. He urged Planning Board members to attend.

d. Land Use Ordinance Discussion of Parking.

Mr. Osborne provided the Board with a first draft of potential amended language for the LUO regarding parking. He noted that it was apparent that parking is generally regarded as an accessory use but that in several districts there was no language allowing accessory uses. He suggested some changes with accessory use in definition and in district language. He also noted that parking as a use is treated inconsistently in districts and suggested some changes.

e. Land Use Ordinance Discussion of Housing.

Mr. Osborne noted that the housing recommendations were not available for this meeting but would become available at a subsequent meeting.

I. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. St. Germain suggested that an effort should be done to merge Downtown Village I and II districts into one district and Gateway and Mount Desert districts into one district.

II. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 7:30 pm. Mr. St. Germain seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:

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

Date

MEMORANDUM

DATE: FEBRUARY 29, 2016
TO: BAR HARBOR PLANNING BOARD
FROM: ROBERT OSBORNE, PLANNING DIRECTOR
RE: DRAFT CHANGES TO LUO PARKING REGULATIONS

[Amended 11-4-2003]

§ 125-109 Definitions.

The following terms shall have the following meanings:

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 DECK

A structure used for parking or storage of automobiles parked at grade and a second level of automobiles parked on a deck supported above grade. Parking decks may utilize site grade differential to access both levels of parking without need for ramps. Parking decks may be public or private. A parking deck used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a parking deck but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

PARKING DEMAND

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

GARAGE, COMMERCIAL PARKING GARAGE

A multi-story 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 parking garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

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.

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.

C. Off-street parking shall always be considered a permitted accessory use when required or provided to serve a legally constituted use in any district.

§ 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.

B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 feet with sewer; 150 feet elsewhere.
- (3) Minimum front setback: 50 feet on Route 3; 25 feet elsewhere.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 50%.
- (7) Maximum height: 40 feet.
- (8) Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

[Amended 6-14-2011]

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking deck; parking garage; parking lot; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

E. Allowed activities.

(1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; forest management activities except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation/essential services.

(2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 16 cubic yards or more.

F. Other requirements.

(1) Parking lots shall require buffering and vegetative screening if visible from Route 3. (Also see parking requirements found in 125-67B(4) Off-street parking.)

(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.

§ 125-18 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.

B. Dimensional standards.

(1) Minimum lot size: 40,000 square feet.

(2) Minimum road frontage and lot width: 100 feet with sewers; 150 feet without sewers.

[Amended 11-2-2010]

(3) Minimum front setback: 30 feet.

(4) Minimum side setback: 25 feet.

- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 feet.
- (8) Minimum area per family: 40,000 square feet.

C. Allowed uses.

[Amended 11-2-2010]

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

[Amended 6-14-2011]

(a) In addition to the above uses, the following uses are allowed for properties with lot frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only:

[1] Agricultural homesteads.

[2] Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

[Added 11-2-2010]

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums, multifamily I, two-family dwellings.

(3) In addition to the above-noted uses, road construction shall be permitted anywhere in the district.

E. Allowed activities.

[Amended 11-2-2010]

(1) Activities allowed without a building permit: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; forest management activities except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation and essential services.

(2) Activities allowed by building permit and which require approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 16 cubic yards or more.

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. (Also see parking requirements found in 125-67B(4)).

(3) Accessory structures shall be located in the side and rear yard of the property.

§ 125-19 Mount Desert Street Corridor District.

[Added 11-2-2010[1]]

A. Purpose. The Mount Desert Street Corridor District is part of an important historic entry corridor into the village business district. Existing developments of bed-and-breakfasts should be encouraged to remain, whereas property that is redeveloped and/or infill development should be reviewed carefully to retain the historic character of this corridor.

B. Dimensional standards.

(1) Minimum lot size: 20,000 square feet.

(2) Minimum road frontage and lot width: 100 feet.

(3) Minimum front setback: 25 feet.

(4) Minimum side setback: 25 feet.

(5) Minimum rear setback: 25 feet.

(6) Minimum side and rear setback for accessory structures: 10 feet.

(7) Maximum lot coverage: 35%.

(8) Maximum height: 40 feet.

(9) Minimum area per family: 10,000 square feet.

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed.

Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; parking lot; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

E. Allowed activities.

(1) Activities allowed without a permit, provided that the activity complies with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic

yards; forest management activities except timber harvesting; nonintensive recreation uses not requiring structures; public utility installations/essential services.

(2) Activities allowed by a building permit and which require approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 16 cubic yards or more.

F. Other requirements.

(1) Design Review Board approval shall be required for all changes to existing or new facades if the subject property is listed in Appendix A or B of this chapter. (Also see parking requirements found in 125-67B(4)).

(2) Design Review Board approval shall be required for all signage as stipulated in § 125-67BB.

[1]Editor's Note: This ordinance also repealed former § 125-19, Bar Harbor Historic Corridor, as amended.

§ 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.

B. Dimensional standards.

(1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.

(2) Minimum road frontage and lot width: 100 feet.

(3) Minimum front setback for structures: 20 feet.

(4) Minimum side setback for principal structures: 10 feet.

(5) Minimum side setback for accessory, nonresidential structures: five feet.

(6) Minimum rear setback for principal structures: 10 feet.

(7) Minimum rear setback for accessory, nonresidential structures: five feet.

(8) Maximum lot coverage: 50% with sewers; 25% without sewers.

(9) Maximum height: 40 feet.

(10) Minimum area per family: 10,000 square feet with sewers; or 20,000 square feet without sewers.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; roadside stand; vacation rentals.

[Amended 6-14-2011]

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed.

Accessory uses are allowed by review of the same permitting authority that approved the principal use.

D. Uses allowed by site plan.

- (1) The following uses shall be permitted by site plan review in any part of this district: multifamily I; nursing/convalescent home in a building constructed before June 8, 2010, road construction.
- (2) Uses allowed by conditional use permit for properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

E. Uses allowed by planned use development.

- (1) Multifamily II.

F. Allowed activities.

- (1) Activities allowed without a permit, provided that it complies with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; forest management activities except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation.
- (2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 16 cubic yards or more; noncommercial greenhouse; and wind turbine.

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. (Also see parking requirements found in 125-67B(4)).

[1]Editor's Note: This ordinance also repealed former § 125-20, Bar Harbor Residential, as amended, and renumbered former § 125-20.1, Village Residential, as § 125-20.

§ 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.

B. Dimensional standards.

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 feet.
- (3) Minimum front setback: zero feet.
- (4) Minimum side setback: 25 feet on any side yard that abuts a residential or historic district; zero feet elsewhere.
- (5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.
- (6) Maximum allowable lot coverage: 100%, exclusive of setbacks.

(7) Maximum height: 45 feet and within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:

- (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
- (b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
- (c) The building must provide a minimum number of dwelling units (See Table 3.[2]) which qualify as affordable housing as defined or otherwise provided.

[2]Editor's Note: Table 3 is included at the end of this chapter.

(8)

Minimum lot area per family: 750 square feet.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship.

[Amended 11-5-2013]

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking deck; parking garage; parking lot; road construction.

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Allowed activities.

(1) Activities allowed without a permit, provided that they comply with all provisions of the Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; forest management activities, except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation/essential services.

(2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 10 cubic yards or more.

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements. (Also see parking requirements found in 125-67B(4)).

(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.

[1]Editor's Note: This ordinance also provided that it shall not apply to any proceedings or applications approved prior to the effective date of 7-8-2010, or to any proceedings or applications deemed to be "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010 It also provided that it shall not apply to any application for construction or development-related permits for any project that received final subdivision and/or site plan approval from the Town prior to 7-8-2010 or for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010.

§ 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.

(1) Minimum lot size: 1,000 square feet.

(2) Minimum road frontage and lot width: 20 feet.

(3) Minimum front setback:

(a) Ten feet for buildings up to 30 feet in height.

(b) Twenty feet for buildings over 30 feet and up to 45 feet in height.

(c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following conditions:

[1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;

[2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and

[3] The building must provide a minimum number of residential units (See Table 3.[2]) which qualify as affordable housing as defined or as otherwise provided.

[2]Editor's Note: Table 3 is included at the end of this chapter.

(4) Minimum side setback: zero feet.

(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.

(6) Maximum lot coverage:

(a) Ninety percent for buildings up to 30 feet in height.

(b) Eighty percent for buildings over 30 feet and up to 35 feet in height.

(c) Seventy percent for buildings over 35 feet and up to 45 feet in height.

(7) Maximum height: 45 feet and: within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:

(a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;

(b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and

(c) The building must provide a minimum number of dwelling units (See Table 3.[3]) which qualify as affordable housing as defined or otherwise provided.

[3]Editor's Note: Table 3 is included at the end of this chapter.

(8) Minimum lot area per family: 750 square feet.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking deck; parking garage; parking lot; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers.

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Allowed activities:

(1) Activities allowed without a permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; forest management activities, except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation.

(2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; road construction (after subdivision approval has been granted); filling/earthmoving activity of 10 cubic yards or more; essential services.

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements. (Also see parking requirements found in 125-67B(4)).

(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.

[1]Editor's Note: This ordinance also provided that it shall not apply to any proceedings or applications approved prior to the effective date of 7-8-2010, or to any proceedings or applications deemed to be "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010 It also provided that it shall not apply to any application for construction or development-related permits for any project that received final subdivision and/or site plan approval from the Town prior to 7-8-2010 or for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010.

§ 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.

B. Dimensional standards:

- (1) Minimum lot size: 2,500 square feet.
- (2) Minimum road frontage and lot width: 30 feet.
- (3) Minimum front side and rear setback: five feet.
- (4) Maximum allowable lot coverage: 80% exclusive of setbacks.
- (5) Maximum height: 35 feet and three habitable floors of space.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio.

(2) Uses allowed by site plan review: multifamily dwelling I and II; **parking lot**; all other types of child-care facilities; medical clinics.

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Allowed activities.

(1) Activities allowed without a permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; forest management activities, except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation.

(2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; road construction; filling/earthmoving activity of 10 cubic yards or more.

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements: (Also see parking requirements found in 125-67B(4)).

(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.

[1]Editor's Note: This ordinance also provided that it shall not apply to any proceedings or applications approved prior to the effective date of 7-8-2010, or to any proceedings or applications deemed to be "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010 It also provided that it shall not apply to any application for construction or development-related permits for any project that received final

subdivision and/or site plan approval from the Town prior to 7-8-2010 or for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010.

§ 125-22 Downtown Residential.

- A. Minimum lot size: 5,000 square feet.
- B. Minimum road frontage and lot width: 50 [feet].
- C. Minimum front setback: 15 [feet].
- D. Minimum side setback: five [feet].
- E. Minimum side setback for accessory, nonresidential structures: five [feet].
- F. Minimum rear setback for principal structures: 15 [feet].
- G. Minimum rear setback for accessory, nonresidential structures: five [feet].
- H. Maximum lot coverage: 75%.
- I. Maximum height: 40 [feet].
- J. Minimum area per family: 2,500 square feet.

[Amended 6-13-2006[1]]

[1]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.

K. Maximum floor area ratio: the greater of either the median or the mean value of the FARs for all of the lots within the district within 300 feet of the subject property.

[Added 6-13-2006[2]]

[2]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.

(REMOVE PARKING GARAGE)

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: $1,896 \times 3 / 1,000 = 5.688$ 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]

[Amended 11-6-2001]

Parking Angle Stall Width Skew Width Stall Depth Aisle Width

90°	9' 0"	9' 0"	18' 5"	25' 0"
60°	8' 6"	10' 5"	18' 0"	18' 0"
45°	8' 6"	12' 9"	17' 5"	13' 0"
30°	8' 6"	17' 0"	17' 0"	12' 0"
0°				12' 0"

(5) 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.

Allowable Speed on Road To Be Entered Required Sight Distance

(miles per hour)	(feet)
25	160
40	275
45	325
50	350
55	425

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]

	One-Way Up to 500 Feet (feet)	One-Way More Than 500 Feet (feet)	Two-Way Up to 500 Feet (feet)	Two-Way More Than 500 Feet (feet)
1 or 2 dwelling units or bed-and-breakfast I through IV	12	16	12	16
3 to 8 dwelling units or hotels; motels; conference centers	12*	16*	16*	18*
More than 8 dwelling units	15*	18*	18*	20*
All other commercial or industrial	18*	18*	18*	18*

NOTES:

*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.

Downtown Village I

and

Downtown Village II

Side by Side Comparison

<p>§ 125-21.1 Downtown Village I. [Amended 11-4-2003; 5-2-2005; 6-8-2010][1]</p>	<p>§ 125-21.1 Downtown Village II. [Added 11-4-2003; amended 5-2-2005; 6-8-2010][1]</p>
<p>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.</p>	<p>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.</p>
<p>B. Dimensional standards.</p>	<p>B. Dimensional standards.</p>
<p>(1) Minimum lot size: 1,000 square feet.</p>	<p>(1) Minimum lot size: 1,000 square feet.</p>
<p>(2) Minimum road frontage and lot width: 20 feet.</p>	<p>(2) Minimum road frontage and lot width: 20 feet.</p>
<p>(3) Minimum front setback:</p>	<p>(3) Minimum front setback:</p>
<p>(a) Ten feet for buildings up to 30 feet in height.</p>	<p>(a) Ten feet for buildings up to 30 feet in height.</p>
<p>(b) Twenty feet for buildings over 30 feet and up to 45 feet in height.</p>	<p>(b) Twenty feet for buildings over 30 feet and up to 45 feet in height.</p>
<p>(c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following conditions:</p>	<p>(c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following conditions:</p>
<p>[1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;</p>	<p>[1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;</p>
<p>[2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and</p>	<p>[2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and</p>
<p>[3] The building must provide a minimum number of residential units (See Table 3.[2]) which qualify as affordable housing as defined or as otherwise provided.</p>	<p>[3] The building must provide a minimum number of residential units (See Table 3.[2]) which qualify as affordable housing as defined or as otherwise provided.</p>
<p>[2]Editor's Note: Table 3 is included at the end of this chapter.</p>	<p>[2]Editor's Note: Table 3 is included at the end of this chapter.</p>
<p>(4) Minimum side setback: zero feet.</p>	<p>(4) Minimum side setback: zero feet.</p>
<p>(5) Minimum rear setback: 25 feet on any side yard that abuts a residential or historic district; zero feet elsewhere.</p>	<p>(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.</p>
<p>(5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.</p>	<p>(5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.</p>
<p>(6) Maximum allowable lot coverage: 100%, exclusive of setbacks.</p>	<p>(6) Maximum lot coverage:</p>
<p>(a) Ninety percent for buildings up to 30 feet in height.</p>	<p>(a) Ninety percent for buildings up to 30 feet in height.</p>
<p>(b) Eighty percent for buildings over 30 feet and up to 35 feet in height.</p>	<p>(b) Eighty percent for buildings over 30 feet and up to 35 feet in height.</p>
<p>(c) Seventy percent for buildings over 35 feet and up to 45 feet in height.</p>	<p>(c) Seventy percent for buildings over 35 feet and up to 45 feet in height.</p>
<p>(7) Maximum height: 45 feet and within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:</p>	<p>(7) Maximum height: 45 feet and: within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:</p>
<p>(a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;</p>	<p>(a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;</p>
<p>(b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and</p>	<p>(b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and</p>
<p>(c) The building must provide a minimum number of dwelling units (See Table 3.[2]) which qualify as affordable housing as defined or otherwise provided.</p>	<p>(c) The building must provide a minimum number of dwelling units (See Table 3.[3]) which qualify as affordable housing as defined or otherwise provided.</p>
<p>[2]Editor's Note: Table 3 is included at the end of this chapter.</p>	<p>[3]Editor's Note: Table 3 is included at the end of this chapter.</p>

<p>§ 125-21.1 Downtown Village I. [Amended 11-4-2003; 5-2-2005; 6-8-2010[1]]</p>	<p>§ 125-21.1 Downtown Village II. [Added 11-4-2003; amended 5-2-2005; 6-8-2010[1]]</p>
<p>(8) Minimum lot area per family: 750 square feet.</p>	<p>(8) Minimum lot area per family: 750 square feet.</p>
<p>C. Allowed uses:</p>	<p>C. Allowed uses.</p>
<p>(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer:</p>	<p>(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer:</p>
<p>[Amended 11-5-2013]</p>	
<p>all bed-and-breakfasts</p>	<p>all bed-and-breakfasts</p>
<p>all retail</p>	<p>all retail</p>
<p>artist studio</p>	<p>artist studio</p>
<p>banks</p>	<p>banks</p>
<p>eleemosynary institution</p>	
<p>food-processing establishment</p>	<p>food-processing establishment</p>
<p>galleries; services</p>	<p>galleries</p>
<p>laundry and dry cleaning</p>	<p>laundry and dry cleaning</p>
<p>municipal and government uses</p>	<p>municipal and government uses</p>
<p>professional offices</p>	<p>professional office buildings</p>
<p>public information</p>	<p>public information</p>
<p>restaurants and bars</p>	<p>restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street;</p>
<p>single- and two-family dwelling units</p>	<p>services</p>
<p>theaters</p>	<p>theaters</p>
<p>vacation rentals</p>	<p>vacation rentals</p>
<p>place of worship</p>	
<p>(2) Uses allowed by site plan review:</p>	<p>(2) Uses allowed by site plan review:</p>
<p>all types of child-care facilities</p>	<p>all types of child-care facilities</p>
<p>all types of schools</p>	<p>all types of schools</p>
<p>automobile service stations</p>	<p>automobile service stations</p>
<p>banks</p>	
<p>conference centers</p>	
<p>medical and dental clinics</p>	<p>hospitals, medical and dental clinics</p>
<p>hospitals</p>	
<p>Hotel</p>	<p>Hotel</p>
<p>Motel</p>	<p>Motel</p>
<p>multifamily dwelling I and II</p>	<p>multifamily dwelling I and II</p>
<p>road construction</p>	<p>redemption centers.</p>
<p>(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.</p>	<p>(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.</p>

<p>§ 125-21 Downtown Village I. [Amended 11-4-2003; 5-2-2005; 6-8-2010[1]]</p>	<p>§ 125-21.1 Downtown Village II. [Added 11-4-2003; amended 5-2-2005; 6-8-2010[1]]</p>
<p>D. Allowed activities. (1) Activities allowed without a permit, provided that they comply with all provisions of the Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; forest management activities, except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation/essential services. (2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; filling/earthmoving activity of 10 cubic yards or more.</p>	<p>D. Allowed activities: (1) Activities allowed without a permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; forest management activities, except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation. (2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; road construction (after subdivision approval has been granted); filling/earthmoving activity of 10 cubic yards or more; essential services.</p>
<p>E. Other requirements. (1) All changes to facades and signs require Design Review Board approval. (2) Parking requirements. (Also see parking requirements found in 125-67B(4)). (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.</p>	<p>E. Other requirements. (1) All changes to facades and signs require Design Review Board approval. (2) Parking requirements. (Also see parking requirements found in 125-67B(4)). (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.</p>
<p>[1]Editor's Note: This ordinance also provided that it shall not apply to any proceedings or applications approved prior to the effective date of 7-8-2010, or to any proceedings or applications deemed to be "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010 It also provided that it shall not apply to any application for construction or development-related permits for any project that received final subdivision and/or site plan approval from the Town prior to 7-8-2010 or for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010.</p>	<p>[1]Editor's Note: This ordinance also provided that it shall not apply to any proceedings or applications approved prior to the effective date of 7-8-2010, or to any proceedings or applications deemed to be "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010 It also provided that it shall not apply to any application for construction or development-related permits for any project that received final subdivision and/or site plan approval from the Town prior to 7-8-2010 or for which an application or proceeding for subdivision and/or site plan approval was deemed "pending" within the meaning of 1 M.R.S.A. § 302 as of 7-8-2010.</p>

Bar Harbor Gateway
and
Mount Desert St. Corridor
Side by Side
Comparison

<p>§ 125-17 Bar Harbor Gateway. [Amended 11-2-2010]</p>	<p>§ 125-19 Mount Desert Street Corridor District. [Added 11-2-2010[1]]</p>
<p>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.</p>	<p>A. Purpose. The Mount Desert Street Corridor District is part of an important historic entry corridor into the village business district. Existing developments of bed-and-breakfasts should be encouraged to remain, whereas property that is redeveloped and/or infill development should be reviewed carefully to retain the historic character of this corridor.</p>
<p>B. Dimensional standards. (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers. (2) Minimum road frontage and lot width: 100 feet with sewer; 150 feet elsewhere. (3) Minimum front setback: 50 feet on Route 3; 25 feet elsewhere. (4) Minimum side setback: 25 feet. (5) Minimum rear setback: 25 feet. (6) Maximum lot coverage: 50%. (7) Maximum height: 40 feet. (8) Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.</p>	<p>B. Dimensional standards. (1) Minimum lot size: 20,000 square feet. (2) Minimum road frontage and lot width: 100 feet. (3) Minimum front setback: 25 feet. (4) Minimum side setback: 25 feet. (5) Minimum rear setback: 25 feet. (6) Minimum side and rear setback for accessory structures: 10 feet. (7) Maximum lot coverage: 35%. (8) Maximum height: 40 feet. (9) Minimum area per family: 10,000 square feet.</p>
<p>C. Allowed uses. (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio child care family gallery government facility home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility municipal school public or private park with minimal structural development vacation rentals single-family dwelling two-family dwelling.</p>	<p>C. Allowed uses. (1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery home occupation museum place of worship public or private park vacation rentals. single- or two-family dwelling</p>
<p>(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.</p>	<p>(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.</p>
<p>D. Uses allowed by site plan.</p>	<p>D. Uses allowed by site plan.</p>
<p>(1) The following uses shall be permitted by site plan review in any part of this district: Bank</p>	<p>(1) Principal uses allowed by minor site plan approval:</p>

<p>§ 125-17 Bar Harbor Gateway. [Amended 11-2-2010]</p>		<p>§ 125-19 Mount Desert Street Corridor District. [Added 11-2-2010[1]]</p>
<p>(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.</p>		<p>(2) Design Review Board approval shall be required for all signage as stipulated in § 125-67BB.</p>
		<p>[1]Editor's Note: This ordinance also repealed former § 125-19, Bar Harbor Historic Corridor, as amended.</p>